

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

**THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF RESPIRATORY CARE
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20**

**Tuesday, February 16, 2016
1:00 p.m.**

**239 Causeway Street ~ 4th Floor ~ Room 417
Boston, Massachusetts 02114**

Agenda

Time	Item #	Item	Exhibits	Staff Contact
1:00 p.m.	I.	Call to Order Determination of Quorum Notice of electronic recording		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. December 15, 2015 Board Meeting	Draft Minutes	
	IV.	Full License Applications None	None	
	V.	Review Reactivation Applications None	None	
	VI.	Staff Assignments None	None	
	VII.	Complaints None	None	
	VIII.	Inquiries A. Request for Respiratory Care CEU Approval B. Respiratory Therapist Home Visit inquiry C. Patient Education inquiry	Supporting Documentations and Email Inquiries	PB

	IX.	Policy A. Proposed Unlicensed Practice Policy B. Proposed Probation Policy C. Staff Action Policy-Renewal Policy	Draft Unlicensed Policy Draft Probation Policy	MS MS
	X.	Other Business/Announcements None	None	
	XI.	Flex Session A. Topics for next agenda	Verbal	
2:00 p.m.	XII.	Executive Session (Roll call vote) The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, individuals, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. 1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants. 2. In addition, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change. 3. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during for previous executive sessions of the Board. The Board will not reconvene in open session subsequent to the executive session.	Closed Session	
2:30 p.m.	XIII.	G.L. c. 112, § 65C Session	Closed Session	
3:00 p.m.	XIV.	Adjournment-next Board meeting scheduled for [March 15, 2016]		

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING**

Tuesday, February 16, 2016

239 Causeway Street
Room 417
Boston, MA 02114

MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair
Phillip Bort, Consumer 2
Paul Nuccio, RT, Respiratory Therapist 1
Jordan Sage Rettig, M.D., Physician 1

Board Members Not Present: Leslie Shaff, M.D., Physician 2, Board Vice-Chair

Staff Present: Philip Beattie, Interim Executive Director, Multi-Boards, DHPL
Anson Chu, Office Support Specialist, Multi-Boards, DHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public Protection, DHPL

Guest: Donna Sullivan from Massasoit Community College

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:04 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Mr. Bort made a motion to approve the agenda as presented; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: February 16, 2016 Board Meeting Agenda

III. Approval of Minutes

A. December 15, 2015 Regularly Scheduled Board Meeting

The minutes of the December 15, 2015 regularly scheduled board meeting were reviewed.

DISCUSSION: Mr. Nuccio wants to inform the Board that after reviewing his own motion and decision on one of the two renewal cases (Chagnon, D.) from last month, he came to a different conclusion. Mr. Nuccio wants to know if his decision can be changed. According to Ms. Strachan, it cannot but can reflect this discussion in the Minutes.

ACTION: Mr. Bort made a motion to approve minutes as presented; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: December 15, 2015 Regularly Scheduled Board Meeting Minutes

- IV. Full License Applications
None
- V. Review Renewal Applications
None
- VI. Staff Assignments
None
- VII. Complaints
None
- VIII. Inquiries
 - B. Request for Respiratory Care CEU Approval

DISCUSSION: The Board reviewed the document for the CEU request based on the continuing education the Licensee took. The Board also discussed how many credits will be granted.

ACTION: Mr. Polanik made a motion to grant the Licensee full credit toward her renewal based on this request; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry and Supporting Documentation

C. Respiratory Therapist Home Visit inquiry

DISCUSSION: The Board reviewed the email inquiry regarding home visit. Specifically, a person from Inogen asked if the Board's regulations allow a patient who has already had a in-home set up of CPAP or BiPAP equipment and received patient education, to purchase supplies from Inogen.

ACTION: Mr. Polanik made a motion to inform the individual that the Board's regulations allow for this provided the initial set up is performed by a licensed RT.; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry

D. Patient Education inquiry

DISCUSSION: The Board reviewed the inquiry regarding patient education. The Board has questions on the regulations that the inquiry is referring to and Ms. Strachan looked up the sections of the regulation the Board has questions on. Specifically, a person from a law firm asked if her interpretation of M.G.L.c. 112 § 23V(a) comports with the Board's. After a RT sets up CPAP or BiPAP equipment in a patient's home, may another person provide patient and family education by phone or video.

ACTION: Mr. Bort made a motion to let the individual know that her interpretation is correct.; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry

IX. Policy

A. Proposed Unlicensed Practice Policy

DISCUSSION: Ms. Strachan reviewed the proposed policy to the Board in regards to unlicensed practice. Ms. Strachan reminded Board members that they voted on a Board policy regarding disposition and sanction of licensees who practice respiratory care after license expiration. This new policy delegates to Board staff the authority to implement the Board's policy and report back to the Board on a regular basis the number of times it is used. The Board hesitated as they want to review cases that have been over 30 days. After discussion, the Board members decided to request for the Board staff to provide a monthly report of all opened complaint based on this policy.

ACTION: Mr. Bort made a motion to adopt the proposed policy with the monthly report; Mr. Polanik seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Probation Staff Action Policy

B. Probation Policy

DISCUSSION: Ms. Strachan reviewed the proposed probation policy to the Board. Specifically, this is a division wide policy regarding the monitoring of licensees on Probation. By adopting this policy, the board is delegating limited authority to the Division's designated Probation Monitor by stating the scope of authority of the probation department. The Policy contains a definition of terms, specifies when the Probation Monitor must report to the Board and seek authority for specific actions. The Probation Monitor (PM) does not have the authority to change the terms of a Probation Agreement, rather the PM maintains a record of compliance, prepares reports, etc.

ACTION: Mr. Nuccio made a motion to adopt the proposed policy with the updates to the dates

of the other Boards' adoption; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Probation Policy

C. Staff Action Policy – Proposed Amendments to Renewal Policy

DISCUSSION: Ms. Strachan reviewed the renewal policy to the Board. Ms. Strachan also mentioned to the Board that she changed the term “reactivation” to “renewal” to maintain consistency among the Boards within the Division. This policy was revised to reflect the requirements of the Valor Act pertaining to licensure and license renewal fees.

ACTION: Mr. Nuccio made a motion to adopt the draft policy; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Staff Action License Renewal Policy

X. Other Business/Announcements

None

XI. Flex Session

None

[Break time: 2:07 p.m. – 2:10 p.m.]

XII. Executive Session (Roll call vote)

At 2:10 p.m., Mr. Polanik announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants. In addition, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change.

Mr. Nuccio made a motion to enter into Executive session at 2:10 p.m.; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 2:31 p.m. and resumed its Regularly Scheduled Board Meeting.

XIII. G.L. c. 112, § 65C Session

At 2:33 a.m., the Board made a motion to enter the 65C Session

XIV. Adjournment

There being no other business before the Board, Mr. Bort made a motion to adjourn the meeting; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:19 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, March 15, 2016, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date