

**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, July 18, 2017  
1:00 p.m.**

**239 Causeway Street ~ Floor ~ Room 418  
Boston, Massachusetts 02114**

**Agenda**

<b>Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibits</b>	<b>Staff Contact</b>
<b>1:00 p.m.</b>	<b>I</b>	<b>Call to Order Determination of Quorum Notice of electronic recording</b>		
	<b>II</b>	<b>Approval of Agenda &amp; Conflict of Interest</b>	Draft Agenda	Chair
	<b>III</b>	<b>Approval of Minutes</b> A. June 20, 2017 Board Meeting	Draft Minutes	Chair
	<b>IV</b>	<b>Board Inquiries</b> A. Board of Registration of Perfusionist RT's Performing ECMO: Training Guidelines	BORPF Inquiry Letter ELSO Guidelines	RC
	<b>V</b>	<b>Board Advisory</b> A. Change to Respiratory Care Law (Chapter 185) B. PICC Line	Draft Policy Draft Memo	MS
	<b>VI</b>	<b>Licensing Application:</b> A. Process Recommendations	Draft Memo	RC
	<b>VII</b>	<b>BORRC Web Page:</b> A. Update on status of revisions	Draft Policy	PB
	<b>VIII</b>	<b>Flex Session</b> A. Announcements B. Topics for next agenda		Chair

2:00 p.m.	IX	<p><b>Executive Session (Roll call vote): N/A</b>  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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. c.30A, § 22(f) for sessions held during for previous executive sessions of the Board.</li> </ol> <p><b>The Board will not reconvene in open session subsequent to the executive session.</b></p>	Closed Session	Chair
3:00 p.m.	X	<p><b>Adjournment-next Board meeting scheduled for August 15, 2017</b></p>		

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

Tuesday, June 20, 2017

239 Causeway Street  
Room 418  
Boston, MA 02114

**MINUTES**

Board Members Present: Paul Nuccio, RT, Respiratory Therapist 1  
Phillip Bort, Consumer 2  
Jordan Sage Rettig, M.D., Physician 1  
Martha DeSilva, RT, Respiratory Therapist 2  
Molly Cavallaro, RN, Nurse

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL  
Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL  
Mary Strachan, Board Counsel, Office of the General Counsel, DPH  
Anson Chu, Office Support Specialist, Multi-Boards, BHPL

Guests: Donna Sullivan

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Nuccio, Board Chair, called the meeting to order at 1:08 p.m.

II. Review of the Agenda & Conflict of Interest

The Meeting Agenda was reviewed.

DISCUSSION: Mr. Nuccio asked the Board members to review the agenda and disclose if there are any conflicts of interest regarding the items on the agenda.

No member noted any conflict with the agenda items.

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

Document: June 20, 2017 Board Meeting Agenda

III. Approval of Minutes

A. May 16, 2017 Regularly Scheduled Board Meeting

The minutes of the May 16, 2017 regularly scheduled board meeting were reviewed.

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

[Mr. Paul Nuccio recuses himself and step out of the room at 1:10 p.m.]

IV. Board Inquiries

CEU Approval

A. Brigham and Women's Faulkner Hospital: AMA PRA Category 1 Credit offered by Harvard Medical School

COI: Deferred From 11/15/16 Meeting due to COI for Paul Nuccio, Board Chair

DISCUSSION: Ms. Cherfils informed the Board this CEU request was deferred back on November as there were not enough Board members to maintain a quorum for this agenda item. As Ms. Cherfils pointed out, the date of the actual course has already passed since then. The recommendation is on behalf of the Board, Ms. Cherfils will reach out to this group and ask if there's a 2017 session for them to resubmit who the presenter will be and review for approval.

ACTION: Mr. Bort made a motion to accept the recommendation; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: None

[Mr. Paul Nuccio returns to the room at 1:12 p.m.]

V. Regulatory Updates

A. Legislative Update: Criteria for Review Change to Respiratory Care Law (Chapter 185)

DISCUSSION: Ms. Strachan informed the Board that this advisory was reviewed last month and is brought before the Board again for the additional revisions and language that were incorporated in. However, after discussion with Ms. Cherfils, Ms. Strachan addressed some concerns regarding this advisory as it might not be under the Board's authority/jurisdiction. Ms. Strachan reminded the Board about the North Carolina Dental Board case where they overstepped their boundaries and it was illegal under the federal law. Ms. Strachan stressed that this is tricky as they need to make sure they are staying within the Board's purview while still able to without the Bureau's mission statement to protect the public. Also as a reminder to ask the Board to look at the Respiratory Therapist's perspective as that is the only profession that this Board have jurisdiction over. Dr. Rettig expressed that this advisory is meaningless if it will not be enforced and does not think the Board should have a recommendation. Ms. Strachan agrees with the Board that this statute is very vague and not clear enough. Mr. Bort remembers that before this was signed into law, it was brought before the Board in the past and the Board's stand on it was to not recommend it. Ms. Cherfils agrees with the Board that at a minimum, there should be an alert to all the Respiratory Therapists about this new law, effect date, etc on our website.

ACTION: Dr. Rettig made a motion to post an alert on the Board regarding this and that the Board does not have a recommendation for this; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

B. Regulations: Temporary License Expiration Period

DISCUSSION: Mr. Strachan informed the Board that with the old regulations, it is difficult to figure out the expiration date for Limited Permit license. With the updated regulations, it is less confusing and more

streamlined. Ms. Strachan distributed the memo and asked the Board if there are any other changes they want to make if it is still not clear enough. The Board informed Ms. Strachan that the updated language is clearer.

ACTION: Ms. DeSilva made a motion to accept the language of the Limited Permit expiration on the new regulations; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Memo

## VI. Board Advisory:

### A. Continuing Education Requirements

DISCUSSION: Ms. Strachan brought this advisory back to the Board after adding the information on how to calculate the contact hours chart on it. The chart was pulled directly from the regulations. Ms. DeSilva revised the language at the beginning of the advisory to state effective January 2018.

ACTION: Ms. DeSilva made a motion to accept the advisory with the revision; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Mr. Nuccio had some thoughts and concerns about the 1 contact hour for the 8 subject requirement. He mentioned that it might be hard to find some of the specific courses.

Document: Draft Advisory

## VII. Staff Action Policy:

### A. License Reinstatement After License Discipline

DISCUSSION: Ms. Strachan informed the Board that this policy was adopted in 2010 and is asking the Board to rescind this policy. This policy is redundant in terms of what the Board is doing already. All the terms on this policy are listed in the Consent Agreement or Board Order already as a standard.

ACTION: Ms. DeSilva made a motion to rescind the policy; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

## VIII. Flex Session

### A. Announcements

1. Ms. Cherfils introduced MultiBoard's newly hired investigator, Kimberly Jones, to the Board. Ms. Cherfils also want to introduce and recognize Ellen Sandler, a contract investigator who been helping out with the cases so there will be no backlog.

### B. Topics for next agenda

1. Updates on the process of application to streamline them

IX. Executive Session (Roll call vote)

At 2:11 p.m., Mr. Nuccio 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. Bort made a motion to enter into Executive session at 2:11 p.m.; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Ms. Cavallaro-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 2:30 p.m. and resumed its Regularly Scheduled Board Meeting.

X. Adjudicatory Session

Ms. DeSilva made a motion to enter into Adjudicatory session at 2:30 p.m.; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously

XI. Adjournment

There being no other business before the Board, Ms. DeSilva 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 2:40 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, July 18, 2017, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date