

**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**

**Friday, March 4, 2016  
1:00 p.m.**

**239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 417  
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</b>	Draft Agenda	
	<b>III.</b>	<b>Approval of Minutes</b> A. February 16, 2016 Board Meeting	Draft Minutes	
	<b>IV.</b>	<b>Full License Applications</b> None	None	
	<b>V.</b>	<b>Review Renewal Applications</b> None	None	
	<b>VI.</b>	<b>Staff Assignments</b> None	None	
	<b>VII.</b>	<b>Complaints</b> None	None	
	<b>VIII.</b>	<b>Inquiries</b> A. Verbal Orders from Physicians B. CPAP instruction by an RT without MA license	Email Inquiries	PB
	<b>IX.</b>	<b>Probation Monitor Report</b> None	None	

	<b>X.</b>	<b>Policies</b> A. Probation Policy B. Board Staff Authority to Reactivate/Renew Expired Licenses C. Approved-Staff Action Policy -Unlicensed Practice	Draft Policies	MS
	<b>XI.</b>	<b>Other Business/Announcements</b> A. CEU Request for completion of ACLS	RC-08-01 Policy and Supporting Documentations	PB
	<b>XII.</b>	<b>Flex Session</b> A. Topics for next agenda	Verbal	
<b>2:00 p.m.</b>	<b>XIII.</b>	<b>Executive Session (Roll call vote)</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.  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.  <b>The Board will not reconvene in open session subsequent to the executive session.</b>	Closed Session	
<b>2:30 p.m.</b>	<b>XIV.</b>	<b>G.L. c. 112, § 65C Session</b>	Closed Session	
<b>3:00 p.m.</b>	<b>XV.</b>	<b>Adjournment-next Board meeting scheduled for [April 19, 2016]</b>		

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

Friday, March 4, 2016

239 Causeway Street  
Room 417  
Boston, MA 02114

**MINUTES**

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

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: Members from Boston's Children Hospital  
Members from Massachusetts General Hospital  
Members 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 1:08 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; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: March 4, 2016 Board Meeting Agenda

III. Approval of Minutes

A. February 16, 2016 Regularly Scheduled Board Meeting

The minutes of the February 16, 2016 regularly scheduled board meeting were reviewed.

DISCUSSION: Ms. Strachan mentioned a few typos on the Minutes which will be fixed.

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

Documents: February 16, 2016 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications

None

V. Review Renewal Applications

None

VI. Staff Assignments

None

VII. Complaints

None

VIII. Inquiries

C. Verbal Orders from Physicians

DISCUSSION: The Board reviewed the email inquiry and the Board discussed among each other. Specifically, a RRT posed the question “Can a licensed Respiratory Therapist accept a verbal/telephone order from a physician?” After discussion, the Board decided that yes, the Respiratory Therapist can accept a verbal or telephone order but, the physician must sign the order within 24 – 48 hours. The order is active before the signature anyways. One caveat, if the physician fails to sign the order, the respiratory therapist may be held accountable. The Board also requests the individual to refer to their company’s policy.

ACTION: None

Documents: Email Inquiries

D. CPAP instruction by an RT without MA license

DISCUSSION: The Board reviewed the email inquiry and the Board discussed among each other. Specifically the Board received an email asking: “Can a RRT instruct a patient on a CPAP setup living in the state of MA by way of telemedicine? The RRT does not hold a state license for MA.” Ms. Strachan informed the Board that the statute, M.G.L.c. 112 § 23AA, states that no person may call him or herself a respiratory therapist if the Board has not issued him or her a license; however, the Board’s regulation at 261 CMR 2.05 “Respiratory Care Services Not Requiring a License” section (6) states that a person does not need a RT license if the “services performed in association with a respiratory therapist in the course of interstate transport of a patient” if the person is employed in respiratory care outside the state, provided such service are rendered for 2 calendar days or less.. After discussion, the Board wants

the Board staff to inform the individual that the setup needs to be done in person with a RT license and any follow up education can be done without one through the phone/internet.

ACTION: Mr. Bort made a motion to approve the Board staff to answer the individual; Dr. Shaff seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry

IX. Probation Monitor Report  
None

X. Policy  
A. Probation Policy

DISCUSSION: Ms. Strachan reviewed the probation policy to the Board. This policy had been adopted by all the Boards within the Division. Ms. Strachan explained to the Board members that they can delegate authority to the ED or his or her designee to review and authorize routine matters without having to bring the case to the full board. Ms. Strachan gave several examples. The Board members asked for clarification of section 11 of the Policy: “The ED is authorized to determine whether a continuing education course identified or completed by the Monitored Licensee meets the topic and hours requirements set forth in the Licensure Conditions.” Ms. Strachan explained that this occurs when the Board requires that a Licensee complete CEUs in a very specific topic, for exam[ple, sepsis control for RCs and the Licensee is unable to locate a course with exactly that title. The policy authorizes the ED to review a course that has a different name but covers the same or similar subject matter and substitute it...

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

Documents: Draft Policies

B. Board Staff Authority to Reactivate/Renew Expired Licenses

DISCUSSION: Ms. Strachan reviewed the policy to the Board and informed the Board that this was brought before them to revise the term “reactivation/reactivate” to “renew” to keep it consistent throughout the Boards within the Division. All the other information in the policy will remain the same.

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

Documents: Draft Policies

C. Approved-Staff Action Policy -Unlicensed Practice

DISCUSSION: Ms. Strachan reviewed the policy to the Board. Per the Board’s discussion,

members asked that instead of a monthly report, on the policy implementation (number of licensees disciplined for unlicensed practice) staff should report the numbers in the general statement section.

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

Documents: Draft Policies

XI. Other Business/Announcements

A. CEU Request for completion of ACLS

DISCUSSION: Two licensees asked to receive CEU credit towards license renewal for completion of the American Heart Association Advanced Cardiovascular Life Support (ACLS). The Board reviewed the policy regarding the initial approval of the ACLS (Policy #08-01) and the regulation (261 CMR 5.05 (3) (b) ) to determine the number of CE units the licensees will obtain. Some of the audience also gave their input on how long the course usually goes for.

ACTION1: Mr. Polanik made a motion to approve the first request (Kathleen Ferrecchia): the 16 hour program was awarded 13 CEUs; Dr. Shaff seconded the motion; In favor: Mr. David Polanik, Dr. Leslie Shaff, Mr. Phillip Bort, Dr. Jordan Rettig; Opposed: Mr. Paul Nuccio

ACTION2: Mr. Nuccio made a motion to request the Board members and staff to conduct a survey of the other RT Boards in the US and see how many CEUs they grant to their licensees for completion of ACLS, if any; Dr. Shaff seconded the motion; In favor: Mr. David Polanik, Dr. Leslie Shaff, Mr. Paul Nuccio, Dr. Jordan Rettig; Opposed: Mr. Phillip Bort

ACTION3: Mr. Polanik made a motion to approve the second licensee, Glenda Hargrove who completed a 14 hour program with 12 CEUs; Mr. Bort seconded the motion; In favor: Mr. David Polanik, Dr. Leslie Shaff, Mr. Phillip Bort, Dr. Jordan Rettig; Opposed: Mr. Paul Nuccio

Documents: RC-08-01 Policy and Supporting Documentations

XII. Flex Session

The Board wants to review the email inquiry on PICC line again.

XIII. Executive Session (Roll call vote)

At 2:13 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. Polanik made a motion to enter into Executive session at 2:17 p.m.; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Dr. Shaff-yes, Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:30 p.m. and resumed its Regularly Scheduled Board Meeting.

XIV. G.L. c. 112, § 65C Session

At 3:31 p.m., the Board made a motion to enter the 65C Session

XV. Adjournment

There being no other business before the Board, Mr. Bort made a motion to adjourn the meeting; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:32 p.m.

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

Respectfully submitted:

Name	Position	Date
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