

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**

**Monday, May 18, 2015
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		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. April 21, 2015 Board Meeting	Draft Minutes	
	IV.	Staff Assignments A. <u>SA-INV-5054</u> <u>Williams, David</u> <u>RT4756</u>	Investigation Report	PB
	V.	Policy A. Proposed Licensing Policy 2015-02, Board Waiver of Restriction on On-line CEUs B. Proposed Policy, Resolving Complaints Involving Substance Abuse/Impaired Practice.	Draft of Proposed Policy 2015-02 Draft of Proposed Policy	MS MS
	VI.	Continue Education A. <u>Discussion</u> : Random CEU audits	None	MP

	VII.	Other Business/Announcements A. <u>Discussion:</u> Senate Bill 1150, B. <u>Review:</u> Survey Results	Copy of Bill Text Copy of Survey Results	MP/MS
	VIII.	Flex Session A. Topics for next agenda	Verbal	
2:00 p.m.	IX.	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, 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. 1. Specifically, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board. The Board will not reconvene in open session subsequent to the executive session.	Closed Session	
3:00 p.m.	X.	Adjournment-next Board meeting scheduled for [June 16, 2015]		

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

Monday, May 18, 2015

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
Annemarie Patten, R.N., Nurse
Phillip Bort, Consumer 2
Paul Nuccio, RT, Respiratory Therapist 1

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL
Ichelle Herbu, Assistant 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
Philip Beattie, Board Investigator, Office of Public Protection, DHPL
Janet Sullivan, Program Coordinator, Office of Public Protection, DHPL

Guest: Joe Higgins Massachusetts Society for Respiratory Care
Brenda Laurie Massachusetts Society for Respiratory Care

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:01 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

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

Document: May 18, 2015 Board Meeting Agenda

III. Approval of Minutes

A. April 21, 2015 Regularly Scheduled Board Meeting

The minutes of the April 21, 2015 regularly scheduled board meeting were reviewed.

DISCUSSION: Mr. Nuccio informed the Board that he opposed an item on the agenda. In section V of the Minutes he did a second motion to increase the 15 CEUs to 20 CEUs. Ms. Patten informed the Board that Dr. Shaff should be listed as the Vice-Chair now on the minutes.

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

Documents: April 21, 2015 Regularly Scheduled Board Meeting Minutes

IV. Staff Assignments

A. SA-INV-5054

Williams, David

RT4756

DISCUSSION: Mr. Beattie informed the Board of the staff assignment. This SA was the result of another investigation, REP-2013-004, by the Board and Mr. Williams is the supervisor. Mr. Beattie informed the Board that the Licensee has responded and said it was an oversight on his part in order to expedite the completion of the CAP survey. Since then, the Licensee has a new procedure in place to avoid it happening in the future. The Board discussed whether he, as a supervisor, should be held responsible for the action of the RT who practiced on an expired license.

ACTION 1: Mr. Bort made a motion to dismiss the staff assignment and send a letter of caution to Mr. Williams as well as a copy to the letter to his hospital of current employment; Dr. Shaff seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION 2: Mr. Polanik made a motion to post a notice on the Division's website to ensure that all Respiratory Therapist directors, supervisors, and managers are performing their duties to ensure that staff is renewing their respiratory care license; Mr. Bort seconded the motion; Ms. Patten voted in favor; Mr. Nuccio voted in favor; Dr. Shaff opposed the vote.

Documents: Investigation Report

V. Policy

A. Proposed Licensing Policy 2015-02, Board Waiver of Restriction on On-line CEUs

DISCUSSION: Ms. Strachan distributed the draft proposed policy to the Board. This policy was discussed in the Board meeting last month to waive the restriction of online CEUs. The Board reviewed the draft policy. The Board wants to revise the purpose section so that it does not exclude any methods you can obtain CEUs from. In the section "General Statement of Policy", the Board wishes to delete the last sentence of the last paragraph and refer individuals to the regulations for a full list of activities/program if they want more information.

ACTION: Dr. Shaff made a motion to have the Board Counsel revise the policy, postpone the approval of this policy, and bring the revised version to the next scheduled Board meeting; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: Draft of Proposed Policy 2015-02

B. Proposed Policy, Resolving Complaints Involving Substance Abuse/Impaired Practice

DISCUSSION: Deferred to the next scheduled Board Meeting

ACTION: None

Documents: Draft of Proposed Policy

VI. Continue Education

A. Discussion: Random CEU audits

DISCUSSION: Ms. Sullivan came before the Board to present the data of the random CEU audit that was conducted. 306 respiratory therapists were audited. Letters were sent out to 306 Licensees requesting CEU verification. Out of the 306 Licensees, 50 Licensees said they did not complete their CEUs for the requested time frame, 42 Licensees said they have done all the CEUs but do not have the documents/certifications to prove to the Board, 19 Licensees did not respond to the Board (2 of the 19 Licensees have prior complaints against their licenses) and 4 Licensees' letter were returned back to the Board. A second letter was mailed out to most of the Licensees as well. The Board then discussed the appropriate and fair action for everyone who is not in compliance.

ACTION 1: Mr. Nuccio made a motion to open a complaint against the 2 Licensees who have prior Board complaints against them; Dr. Shaff seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION 2: Dr. Shaff made a motion to continue to track the remaining 4 Licensee because their mail was returned back to us; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION 3: Mr. Polanik made a motion to send a certified letter for the 17 Licensees who never responded back to the Board with a consent agreement for reprimand, refer to Prosecution if they do not sign the consent agreement, request them to submit the required CEUs, and add them to the list to be re-audited during the next renewal cycle. As for the remaining 92 Licensees, they will be re-audited during the next renewal cycle and they will have a staff assignment opened and closed with a dismissal with a cautionary letter; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION 4: Mr. Nuccio made a motion to request the 92 Licensees to obtain the appropriate number of CEUs (using any method – contact traditional CEUs or online CEUs) by December 31, 2015 and those CEUs cannot be counted toward the current cycle. If they cannot provide such CEUs, they will be offered a consent agreement for reprimand; Ms. Patten seconded the motion; Mr. Nuccio voted in favor, Dr. Shaff opposed, Ms. Patten opposed, Mr. Polanik opposed; motion failed.

Documents: None

VII. Other Business/Announcements

A. Discussion: Senate Bill 1150,

DISCUSSION: Ms. Phillips informed the Board of the copy of the Senate Bill 1150. Board Staff will continue to update the Board when new information comes up.

ACTION: None

Documents: Copy of Bill Text

B. Review: Survey Results

DISCUSSION: Dr. Shaff shared and summarized the result of question #5 for the survey. Mr. Polanik summarized the first 4 questions to the Board. After discussion, the Board stands firm that according to the results of the survey, the Board's opinion is that a licensed respiratory therapist is required for home set up for CPAP / BiPAP machine.

ACTION: Mr. Bort made a motion to post the results of the survey on the website; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: Copy of Survey Results

VIII. Flex Session

None

IX. Executive Session (Roll call vote)

At 3:12 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 3:13 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor: Ms. Patten-yes; Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Shaff-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:15 p.m. and resumed its Regularly Scheduled Board Meeting

X. Adjournment

There being no other business before the Board, Mr. Polanik 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 3:15 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, June 16, 2015, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date