

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**

Thursday, May 26, 2016
1:00 p.m.

239 Causeway Street ~ 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. March 4, 2016 Board Meeting	Draft Minutes	
	IV.	Full License Applications None	None	
	V.	Review Renewal Applications None	None	
	VI.	Staff Assignments A. SA-INV-8137 Deborah Beech	Investigation Reports	CP
	VII.	Complaints A. REP-2015-023 Phillip Raby B. REP-2015-002 Carrie Clark C. REP-2015-012 Linda Valente D. REP-2015-013 Tina Kirchner E. REP-2015-015 Donna Rollins F. REP-2015-016 Jasmine Serrano G. REP-2015-021 Kimberly Thorne-Cutler	Investigation Reports and Memo	PB CP CP CP CP CP CP

	VIII.	Inquiries A. Can a licensed RT practice under protocol issued orders by a licensed physician	Email Inquiries	PB
	IX.	Probation Monitor Report None	None	
	X.	Policies A. Staff Action Policy -GMC licensure B. Routine Responses Policy	Draft Policies	MS
	XI.	Other Business/Announcements None	None	
	XII.	Flex Session A. Topics for next agenda	Verbal	
2:00 p.m.	XIII.	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.	XIV.	G.L. c. 112, § 65C Session None	None	
3:00 p.m.	XV.	Adjournment-next Board meeting scheduled for [June 21, 2016]		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING

Thursday, May 26, 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

Staff Present: Philip Beattie, Acting 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
Clifford V. Pascarella II, Investigator, Office of Public Protection, DHPL
Sherri Muise, Investigator, Office of Public Protection, DHPL

Guest: Daniel Fisher from Massachusetts General Hospital
Donna Sullivan from Massasoit Community College
Chenelle Christian from Regis College
Kathryn Ligato

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:13 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: May 26, 2016 Board Meeting Agenda

III. Approval of Minutes

A. March 4, 2016 Regularly Scheduled Board Meeting

The minutes of the March 4, 2016 regularly scheduled board meeting were reviewed.

DISCUSSION: None

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: May 17, 2016 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications

None

V. Review Renewal Applications

None

VI. Staff Assignments

A. SA-INV-8137 Deborah Beech

DISCUSSION: Mr. Pascarella explained the case to the Board. OPP received an anonymous letter complaining that Ms. Beech did not complete her CEUs for license renewal. In her response, Ms. Beech notified the Board that she completed CEUs but not the 15 required by regulations. In addition she noted that her father died recently and she was focused on that. Ms. Beech is missing .6 CEU short of the required continuing education and informed the Board that she was not able to locate it. Ms. Strachan explained the differences between a Staff Assignment and Complaint to Dr. Rettig as she was not sworn in as a Board member during the time that Board counsel presented a power point presentation regarding Board authority...

ACTION: Mr. Bort made a motion to first verify if the # of CEU she is missing is equivalent to the MA regulations, if yes – she would require to take an additional course to make up for it. Upon proof of the missing CEU, the Board will close the SA within 30 days. If not in compliance, Board will open a complaint and offer a Consent Agreement for Reprimand; Mr. Polanik 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

Documents: Investigation Reports

VII. Complaints

H. REP-2015-023 Phillip Raby

DISCUSSION: Mr. Beattie informed the Board of this complaint case. In reference to the approved policy the Board adopted with regard to RTs working after license expiration. The policy specifies that if an RT practices after license expiration for less than 30 days, the Board will open a complaint and dismiss with a cautionary letter. If a Licensee practices for more than 30 days after license expiration, the Board will open a complaint and s/he will be offered a

Consent Agreement for Reprimand; If a Licensee works for more than one year after license expiration, the Board will open a complaint and the case will be brought for review by the full Board. This particular Licensee has worked a little bit over a year and staff needs the Board's guidance. Ms. Strachan also reminded the Board of the difference levels of discipline. After discussion, the Board noted that Mr. Raby self-reported and his conduct doesn't warrant a higher level of discipline.

ACTION: Mr. Nuccio made a motion to offer a Consent Agreement for Reprimand and provide proof of his CEUs. If the Licensee cannot provide proof of the CEU, the Board will raise the complaint of a Reprimand to a higher level; 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

Documents: Investigation Reports and Memo

[The Board decided to accommodate the public who is here for the Executive Session and motion to switch over to the closed session before going back to the open session.]

I. REP-2015-002 Carrie Clark

DISCUSSION: Mr. Pascarella informed the Board of this complaint case. As part of the Board's audit of licensees' compliance with the continuing education requirements for license renewal, Ms. Clark's license number was picked at random for review. She is 15 CEU short and never responded to the Board twice.

ACTION: Mr. Polanik made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offers a Consent Agreement for Probation; 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

Documents: Investigation Reports and Memo

J. REP-2015-012 Linda Valente

DISCUSSION: As part of the Board's audit of licensees' compliance with the continuing education (CE) requirements for license renewal, Ms. Valente's license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Polanik made a motion to dismiss the complaint; Dr. Rettig 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

Documents: Investigation Reports and Memo

K. REP-2015-013 Tina Kirchner

DISCUSSION: As part of the Board's audit of licensees' compliance with the continuing education requirements for license renewal, Ms. Kirchner's license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case. Ms. Kirchner could not produce proof that she completed the number of CE required for license renewal.

ACTION: Mr. Bort made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offers a Consent Agreement for Probation; Dr. Rettig 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

Documents: Investigation Reports and Memo

L. REP-2015-015 Donna Rollins

DISCUSSION: As part of the Board's audit of licensees' compliance with the continuing education requirements for license renewal, Ms. Rollins' license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Bort made a motion to dismiss the complaint; Dr. Rettig 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

Documents: Investigation Reports and Memo

M. REP-2015-016 Jasmine Serrano

DISCUSSION. As part of the Board's audit of licensees' compliance with the continuing education requirements for license renewal, Ms. Serrano's license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Polanik made a motion to dismiss the complaint; 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

Documents: Investigation Reports and Memo

N. REP-2015-021 Kimberly Thorne-Cutler

DISCUSSION: As part of the Board's audit of licensees' compliance with the continuing education requirements for license renewal, Ms. Thorne-Cutler's license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case. She only provided 13 CEUs to the Board.

ACTION: Mr. Bort made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offer a Consent Agreement for Probation; Mr. Nuccio 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

Documents: Investigation Reports and Memo

VIII. Inquiries

B. Can a licensed RT practice under a protocol issued by a licensed physician

DISCUSSION: The Board reviewed the email inquiry and agreed that a Licensed Respiratory Therapist can practice under protocol issue orders by a licensed MD. Dr. Rettig disclosed that she knows Mr. Walsh the RT who submitted the email.

ACTION: Mr. Nuccio made a motion to address the issue in the way that the Board addressed ECMO and post an advisory on the Board's website; Mr. Polanik 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

Documents: Email Inquiries

IX. Probation Monitor Report

None

X. Policy

A. Staff Action Policy -GMC licensure

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Draft Policies

B. Routine Responses Policy

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Draft Policies

XI. Other Business/Announcements

None

XII. Flex Session

