

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, November 15, 2016
1:00 p.m.**

**239 Causeway Street ~ 4th Floor ~ Room 418
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	Conflict of Interest		
	IV	Approval of Minutes A. July 19, 2016 Board Meeting	Draft Minutes	
	V	Speaker Commissioner Monica Bharel, MD, MPH		RC
	VI	Board Updates A. Resignation of Board Chair: David Polanik B. New Board Member: Martha DeSilva C. Board Elections (Chair/ViceChair/Secretary)		RC

	VII	Board Inquiries <u>Accreditation of RT Program</u> A. Medical Education & Training Campus: Program was issued probationary accreditation. <u>CEU Approval</u> B. Lowell General Hospital: One Hour Lecture by Medtronics. C. Brigham and Women's Faulkner Hospital: AMA PRA Category 1 Credit offered by Harvard Medical School. D. "Fourth Annual Principles of Critical Care Medicine" <u>Scope of Practice</u> E. Lincare Inc., a respiratory company inquiry on what type of licensing is required for delivery of oxygen and DME as well as providing Negative Pressure Therapy. F. Compact State Licensing for RT's G. PICC Lines Fwp from 7/19/16 Meeting	CoARC Probationary Accreditation Course Descriptions Course Descriptions Course Descriptions E-mail Inquiry Letter Inquiry E-mail Inquiry	PB PB PB PB RC MS Board
	VIII	Staff Assignments A. SA-INV-6577: Jill Southgate-RT3979	Investigative Report	CP
	IX	Regulatory Review A. RC Regulatory Review	Revised Regulations	MS
	X	Other Business/Announcements A. Audit Advisory B. 2017 Board Meeting Schedule C. Proposed Licensure Policy- Staff Action Authority to Evaluate Individual License Applications Consistent with M.G.L.c. 112 §23S."	Draft Advisory Letter Memo Draft Policy	MS RC MS
	XI	Flex Session A. Topics for next agenda	Verbal	

2:00 p.m.	XII	<p>Executive Session (Roll call vote)</p> <p>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"> 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. <p>The Board will not reconvene in open session subsequent to the executive session and 65C session.</p>	Closed Session	
3:00 p.m.	XIII	<p>Adjournment-next Board meeting scheduled for December 20, 2016</p>		

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

Tuesday, November 15, 2016

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

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Anson Chu, Office Support Specialist, Multi-Boards, BHPL
Clifford V. Pascarella II, JD, Board Investigator, BHPL
Timothy St. Laurent, Deputy Director, BHPL (left at 1:25 p.m.)

Staff Not Present: Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL

Guest: Commissioner Monica Bharel (left at 1:25 p.m.)

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Ms. Cherfils, Executive Director of the Board, called the meeting to order at 1:25 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

DISCUSSION: Commissioner Bharel spoke to the Board before calling the Board to order.

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

Document: October 5, 2016 Board Meeting Agenda

III. Conflict of Interest

DISCUSSION: Ms. Cherfils asked the Board to review the agenda and disclose if there is any conflict of interest regarding the items on the agenda. None noted

IV. Approval of Minutes

A. July 19, 2016 Regularly Scheduled Board Meeting

The minutes of the July 19, 2016 regularly scheduled board meeting were reviewed.

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

Documents: July 19, 2016 Regularly Scheduled Board Meeting Minutes

V. Speaker

Commissioner Monica Bharel, MD, MPH

DISCUSSION: Commissioner Bharel appeared before the Board and spoke on behalf of the Department sharing her ideas, visions, expectations, etc. After a self-introduction,, Commissioner Bharel asked each Board member to introduce themselves, their goals and concerns if any.

VI. Board Updates

A. Resignation of Board Chair: David Polanik

DISCUSSION: Ms. Cherfils informed the Board that Mr. Polanik has officially resigned from the Board and want to thank Mr. Polanik for his years of service.

B. New Board Member: Martha DeSilva

DISCUSSION: Ms. Cherfils introduced the new Board member, Martha DeSilva. Ms. DeSilva introduced herself to the Board.

C. Board Elections (Chair/Vice Chair/Secretary)

DISCUSSION: Ms. Cherfils informed the Board that with the resignation of Mr. Polanik and addition of new Board members, there should be elections held to fill the vacant offices..

ACTION1: Dr. Rettig made a motion to nominate Mr. Nuccio as the Board Chair; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

ACTION2: Mr. Bort made a motion to nominate Dr. Rettig as the Board Vice-Chair; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

ACTION3: Mr. Nuccio made a motion to nominate Ms. DeSilva as the Board Secretary; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

VII. Board Inquiries

A. Accreditation of RT Program - Medical Education & Training Campus: Program was issued probationary accreditation.

DISCUSSION: Ms. Cherfils asked the Board regarding the “probationary” status of an accredited Respiratory Therapist program on CoARC’s website and what does that means. Ms. DeSilva gave her input to the Board as she has experience regarding this type of inquiry and giving a general explanation of the accreditation of Respiratory Care programs.

ACTION: Ms. Cherfils made a motion to inform the applicant that the accredited probationary program is okay; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: CoARC Probationary Accreditation

B. CEU Approval - Lowell General Hospital. One Hour Lecture by Medtronics.

DISCUSSION: Ms. Cherfils informed the Board that this individual is requesting approval for CEU for this one training course at the Lowell General Hospital. Mr. Nuccio gave his insight on this matter and other Board members discussed with each other.

ACTION: Mr. Nuccio made a motion to deny the CEU request as the individual will be double-dipping on the CEUs; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Course Descriptions

C. CEU Approval - Brigham and Women’s Faulkner Hospital: AMA PRA Category 1 Credit offered by Harvard Medical School.

DISCUSSION: Deferred as Mr. Nuccio needs to recuse himself and quorum is lost.

ACTION: None

Documents: Course Descriptions

D. CEU Approval - “Fourth Annual Principles of Critical Care Medicine”

DISCUSSION: Ms. Cherfils informed the Board that this individual is requesting approval for CEU for the program. Dr. Rettig explained to the Board members that this program is intensive and thorough as she took it before in the past. The other Board members reviewed the supporting documentation.

ACTION: Mr. Nuccio made a motion to approve the request and is granted 15 CEUs; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Course Descriptions

E. Scope of Practice - Lincare Inc., a respiratory company inquiry on what type of licensing is required for delivery of oxygen and DME as well as providing Negative Pressure Therapy.

DISCUSSION: Ms. Cherfils informed the Board of this SOP inquiry. Board staff thinks this type of inquiry should not be presented to the Board. Ms. Strachan thought the Board should take a look at it to make sure. Specifically, although the Board does not regulation oxygen delivery and durable medical equipment companies, “Negative Pressure Therapy” is an unfamiliar term and the Board must decide if this is relevant and within an RT’s scope of practice.

ACTION: Mr. Bort made a motion to respond to the individual that it is not at the Board’s purview for this type of inquiry; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Letter Inquiry

F. Scope of Practice - Compact State Licensing for RT’s

DISCUSSION: Mr. Cherfils informed the Board of this SOP inquiry. An individual emailed the Massachusetts Board asking why the Board is not part of the Licensure Compact program. Counsel explained that nature of license compact, and that the legislature must pass a bill to authorize this. It is beyond the Board’s authority to institute it. The Board discussed that it is not state Board’s purview for this request.

ACTION: Mr. Bort made a motion to have Board Staff respond to the individual that this type of request should be on a national level and to national professional organizations; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Letter Inquiry

G. Scope of Practice - PICC Lines Fwp from 7/19/16 Meeting

DISCUSSION: Ms. Cherfils informed the Board of this SOP inquiry. Ms. Strachan gave a brief history and summary of this SOP. The Board has been discussing for several months whether insertion of PICC lines is within a RT's scope of practice. Counsel reminded Board members that before they opine on the subject, there should be empirical evidence that patient safety is assured. Last winter when the Board first discussed the topic, an intern researched national organizations positions and what is allowed in other states. Mr. Nuccio noted in the past that the NBRC has position papers on-point. Counsel advised she looked for the studies that formed the basis of the NBRC's position but was unsuccessful. Ms. DaSilva noted that her experience in education and accreditation reveals that NBRC publishes position papers based solely on evidence. Mr. Nuccio gave his opinion on the matter. Board member reviewed the attached documentations and statement from AARC.

ACTION: Mr. Bort made a motion to have Board Staff respond to the individual that the Board supports the PICC line as long as the individual has the appropriate training, CEU and that his institute approves it; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: E-mail Inquiry

VIII. Staff Assignments

A. SA-INV-6577: Jill Southgate-RT3979

DISCUSSION: Mr. Pascarella briefly explains the Staff Assignment to the Board. Ms. Southgate answered yes to one of the GMC questions on the license renewal application. The Board reviewed the Investigation Report and all of the supporting documentations.

ACTION: Mr. Bort made a motion to dismiss the Staff Assignment; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigative Report

[Break Time: 2:15 p.m. – 2:27 p.m.]

IX. Regulatory Review

A. RC Regulatory Review

DISCUSSION: Ms. Strachan reviewed with Board members the proposed edits from the administrative review process to the Board's proposed amendments to the regulations. The Board reviewed the document with some minor corrections to abbreviation of organizations and overall, agreed with suggested edits.

ACTION: Ms. DeSilva made a motion to accept the proposed regulations with the edit and move forward with it; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Revised Regulations

X. Other Business/Announcements

A. Audit Advisory

DISCUSSION: Ms. Strachan informed the Board that the advisory letter has been revised as suggested by the Board during the last schedule meeting and now is back before the Board for review.

ACTION: Mr. Nuccio made a motion to accept the revised advisory letter; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Draft Advisory Letter

B. 2017 Board Meeting Schedule

DISCUSSION: Ms. Cherfils distributed the 2017 Board meeting schedule to the Board. The Board reviewed their availability and then requesting to cancel/reschedule a few dates that they have conflict with.

ACTION: None

Documents: Memo

C. Proposed Licensure Policy- Staff Action Authority to Evaluate Individual License Applications Consistent with M.G.L.c. 112 §23S.”

DISCUSSION: Ms. Strachan presented the proposed policy regarding staff action authority to the Board. This policy would authorize Board staff to perform a GMC evaluation on a sub-set of applicants who disclose GMC issues. Within the parameters of the policy, Board staff can open a complaint and investigate and act on the application depending on the result of the evaluation. The Board reviewed the draft policy.

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

with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Abstained: None; Opposed: None; Recused: None

Documents: Draft Policy

XI. Flex Session
Topics for the next Agenda
1. Policy on PICC Line

XII. Executive Session (Roll call vote)
At 3:29 p.m., Mr. Cherfils 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 3:30 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; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 4:57 p.m. and resumed its Regularly Scheduled Board Meeting.

XIII. G.L. c. 112, § 65C Session
At 4:57 p.m., the Board made a motion to enter the 65C Session

XIV. Adjournment
There being no other business before the Board, Ms. DeSilva made a motion to adjourn the meeting; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 5:02 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, December 20, 2016, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

Name	Position	Date
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