

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, April 17, 2018
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 Notice of electronic recording | | |
| | II | Approval of Agenda & Conflict of Interest | Draft Agenda | Chair |
| | III | Approval of Minutes A. October 17, 2017 Board Meeting | Draft Minutes | Chair |
| | IV | Regulations A. CEU Change Proposal Inquiry B. Amended Regulations Update | Verbal | MS |
| | V | Inquiries A. Expired Credentials/NBRC B. CEU Approval: 1-Massachusetts Society of Perfusion (MSP) 2-Kenneth D. Hanley Jr., RT 10203 3-Christopher Fawcett, RT5784 4-Rachel Wilson, RT10549 C. Scope of Practice 1-DME Scope 2-Bedside Lung Ultrasounds 3-Intubation or the insertion of inter-osseous lines by RTs | E-mail Inquires | MS/RC |
| | VI | Staff Action Policies A. SSN Collection B. DOR Suspension | Memo & Draft Policy | MS |

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|------------------|-------------|--|----------------------|-------|
| | VII | Open Investigations: <i>Complaint:</i> A. REP-2015-003: Francisco Rodrigues (RT2057) Employer: Unknown COI: Deferred for Quorum B. REP-2015-017: Armand D. Riendeau (RT2001) Employer: Unknown COI: Deferred for Quorum | Investigative Report | LS |
| | VIII | Flex Session 1. Announcements A-2018 Meeting Dates B-Opioid Experience Survey Reminder 2. Topics for next agenda | | Chair |
| 2:00 p.m. | IX | Executive Session (Roll call vote): N/A 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. c.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 and 65C session. | Closed Session | Chair |
| | X | 65C Session | Closed Session | Chair |
| 3:00 p.m. | XI | Adjournment-next Board meeting scheduled for May 15, 2018 | | |

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

Tuesday, October 17, 2017

239 Causeway Street
Room 418
Boston, MA 02114

MINUTES

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

Board Members Not Present: Essam Ansari, MD, Physician 2

Staff Present: 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
Kimberly Jones, Board Investigator, BHPL

Staff Not Present: Roberlyne Cherfils, Executive Director, 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 1:15 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.

Mr. Beattie informed the Board that item V-A and V-B will be deferred because of conflict of interest from Paul Nuccio and Martha DeSilva.

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

Document: October 17, 2017 Board Meeting Agenda

III. Approval of Minutes

A. September 19, 2017 Regularly Scheduled Board Meeting

The minutes of the September 19, 2017 regularly scheduled board meeting were reviewed.

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

Documents: September 19, 2017 Regularly Scheduled Board Meeting Minutes

IV. Staff Action Policy

A. CEU Audits

DISCUSSION: Ms. Strachan presented this CEU Audit staff action to the Board. She revised the Unlicensed Practice policy with the addition information on the CEU audit.

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

Document: Draft Policy

B. Sanction Hearing Pilot Policy

DISCUSSION: Ms. Strachan presented the Sanction Hearing Pilot policy to the Board and explained the current process regarding the hearing process. This policy will shorten the timeframe of the hearing on sanction by having the full Board preside rather than the current process where a hearings officer (Administrative Magistrate) presides. The intent is to shorten the time between Tentative Decision and Final Decision and Order.

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

Document: Draft Policy

C. Retirement Status Policy

DISCUSSION: Ms. Strachan presented the Bureau-wide Retirement Status policy to the Board. The Board was informed that this policy authorizes staff to discipline a Licensee if needed if they have a Retired status. Ms. Strachan explained that this status was not meant to act as a “shield” from a pending discipline action against a Licensee. The policy will authorize the Executive Director and their staff to place a Licensee on a Retired status if requested. The Licensee must be current/expired, no past discipline or investigation, and 50+ years old.

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

Document: Draft Policy

V. Open Investigations:
Complaint:

- A. REP-2015-003: Francisco Rodrigues (RT2057)
Employer: Unknown

DISCUSSION: Deferred due to appearance of COI

ACTION: Deferred

Document: Investigative Report

- B. REP-2015-017: Armand D. Riendeau (RT2001)
Employer: Unknown

DISCUSSION: Deferred due to appearance of COI

ACTION: Deferred

Document: Investigative Report

VI. Flex Session

- A. Announcements
None

- B. Topics for next agenda

1. The increase in CEU and policy on the lapsed from NBRC credential

VII. Executive Session (Roll call vote)

At 1:51 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.

Ms. DeSilva made a motion to enter into Executive session at 1:51 p.m.; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor: 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 2:05 p.m. and resumed its Regularly Scheduled Board Meeting.

VIII. Adjudicatory Session

None

IX. Adjournment

There being no other business before the Board, Ms. DeSilva made a motion to adjourn the meeting; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 2:05 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, November 21, 2017, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

| Name | Position | Date |
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