

**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, October 21, 2014  
1:00 p.m.**

**239 Causeway Street ~ 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</b>		
	<b>II.</b>	<b>Approval of Agenda</b>	Draft Agenda	
	<b>III.</b>	<b>Approval of Minutes</b> A. September 16, 2014 Board Meeting	Draft Minutes	
	<b>IV.</b>	<b>Application for Full Licensure</b> A. <u>Berkelhammer, Norman</u> -Official Transcript unavailable due to school closing	Application form and supporting documents	IH
	<b>V.</b>	<b>License Reactivation Application</b> A. Gentile, Christopher RT5259 (Expired 5/31/2012)	Application form and supporting documents	IH
	<b>VI.</b>	<b>Inquiries</b> A. Inquiry of under what condition the Board would waive the <u>NBRC</u> requirement for licensure.  B. Inquiry from a DME supplier that wants to sell CPAP devices to patients in MA.	Email Inquiry	

	<b>VII.</b>	<b>Other Business/Announcements</b> A. <u>Discussion</u> : Senate Bill S.B. 2348 B. <u>Discussion</u> : Subcommittee/Task force to review regulation related to CPAP/BIPAP machine set-up C. <u>Distribution</u> : Board meeting calendar for 2015 D. <u>Discussion</u> : Revision of Board Regulations	Board meeting dates for 2015	VB
	<b>VIII.</b>	<b>Flex Session</b> Topics for next agenda		
<b>2:00 p.m.</b>	<b>IX.</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 consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the September 16, 2014 meetings.  <b>The Board will not reconvene in open session subsequent to the executive session.</b>	Closed Session	
	<b>X.</b>	<b>G.L. c. 112, § 65C Session</b>	Closed Session	
	<b>XI.</b>	<b>Adjudicatory Session (closed session)</b> None	None	
<b>3:00 p.m.</b>	<b>XII.</b>	<b>Adjournment</b>	None	

# COMMONWEALTH OF MASSACHUSETTS

## BOARD OF RESPIRATORY CARE

### BOARD MEETING

Tuesday, October 21, 2014

239 Causeway Street  
Room 417  
Boston, MA 02114

### MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Chair  
Annemarie Patten, R.N., Nurse, Vice-Chair  
Edward Burns, Respiratory Therapist 1  
Phillip Bort, Consumer 2

Board Members Susan Binnall, Consumer 1  
Not Present: Sadeq Ali Quraishi, M.D., Physician 1

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL  
Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL  
Rebecca Ferullo, Office Support Specialist, Multi-Boards, DHPL  
David Murphy, Board Counsel, Office of the General Counsel, DPH  
Vita Berg, Board Counsel, Office of the General Counsel, DPH  
Philip Beattie, Board Investigator, Office of Public Protection, DHPL  
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public Protection, DHPL  
Karen Fishman, DHPL

Guest: None

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:07 p.m.

II. Approval of the Agenda

The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Ms. Patten made a motion to approve the agenda: Mr. Burns seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: October 21, 2014 Board Meeting Agenda

III. Approval of Minutes

A. September 16, 2014 Regularly Scheduled Board Meeting

The Minutes of the September 16, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: None

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

Documents: September 16, 2014 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications

A. Berkelhammer, Norman

DISCUSSION: The applicant obtained a certificate in Respiratory Therapy Technology in 1986 at Flager Career Institute, Florida. The institute closed in 1998. The applicant was unable to obtain an official transcript. He submitted a letter from the Florida Department of Education and a copy of his diploma. Board staff spoke to the Florida Department of Education and confirmed that the school was closed in 1998. Mr. Berkelhammer is licensed in Florida, Maryland and was licensed in Virginia. He has no disciplinary actions on his licenses.

ACTION: Mr. Burns made a motion to grant Mr. Berkelhammer license. Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: application form and supporting documents.

V. License Reactivation Applications

A. Gentile, Christopher

RT5259( Exp: 5/31/2012 )

DISCUSSION: Mr. Gentile submitted his required paperwork, except CEU's. He has 11 non-traditional CEU's total for the current cycle but none for the 2012 cycle. He is also devoid of 9 traditional CEU's. The applicant had informed staff prior to the meeting that he is unable to find his 2012 CEUs. There was a discussion regarding how difficult it can be to earn traditional CEUs without a

license. The Board confirmed that Webinars may count towards traditional CEU's. Board members expressed their desire for Mr. Gentile to obtain 9 traditional CEU's, before Board staff will be authorized to approve without further review by Board members. He will also need to obtain additional 15 required CEUs for next cycle renewal.

ACTION: Mr. Polanik made a motion to authorize staff to reactivate his license contingent upon completion of the missing CEU's. Mr. Burns seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

VI. Scope of Practice Inquiries

A. Inquiry of under what condition the Board would waive the NBRC requirement for licensure.

DISCUSSION: An individual requested this information although they have not yet applied for a license. The Board will make a general statement, and will review each application individually. Inquiry focused on Canadian certification and if it can transfer to the United States. The Board would like staff to contact NBRC and ask if Canadian test is equivalent to the U.S. test. If it not equivalent the Board wants to know the date the Canadian test was not accepted. Also, what is the gap between the Canadian test and the U.S. one?

ACTION: Defer response until Board staff obtains additional information from NBRC and report back to the Board.

Document: None

B. Inquiry from a DME supplier that wants to sell CPAP devices to patients in MA.

DISCUSSION: DME supplier may mail supplies, but cannot provide any kind of instruction manual or telephone support. Licensed Respiratory Therapist are required for set-up of and instruction of the use of the CPAP machines.

ACTION: None

Document: Email Inquiry

VII. Other Business/Announcements

A. Discussion: Senate Bill S.B.2348

Senate Bill 2348 is currently inactive and would need to be filed again to move forward. The bill has not been refiled at this time. MSRC asked Mr. Burns if this is giving Home Health Aids the ability to do respiratory care. Also, can they do anything to affect/stop this bill to make it safer for patients. Ms. Berg informed the Board that as individuals, Board members can do as they please. As a Board they must remain within their statutory mandate, which does not expressly provide for a role at the legislative level and therefore they cannot take a binding formal action. Bill was not identified as Respiratory Care concern, as it deals with scope of practice for nursing. If a similar bill comes about in relation to RC come to the attention of Board staff, the Board will be notified.

ACTION: None

Documents: None

- B. Discussion: Subcommittee/Task force to review regulations related to CPAP/BIPAP machine set-up. The subcommittee is in the process of developing a questionnaire to send out to stake holders. Board members reviewed a draft of the survey questions and cover letter.

Mr. Polanik would like a question added to the survey to ask “what would best describe you in relation to Respiratory Care?” (consumer, lobbyist, etc.) Also change the word “non-licensed” to “non-credentialed.” Strike the line asking for name, profession, and organization from cover letter and add a line to survey with the addition “please feel free to share this.”

ACTION: Mr. Polanik made a motion to amend survey as discussed. Mr. Burns seconded the motion; motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Board would like advisory group to have a meeting on 10/30 at 8am to finalize survey.

ACTION: Ms. Patten made a motion to authorize advisory group to finalize and send out survey on behalf of the Board. Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: Draft of Survey questions and Cover letter

- C. Distribution: Board Meeting calendar for 2015
- D. Discussion: Revision of Board Regulations

ACTION: Mr. Burns made a motion to defer discussion to March 2015. Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

VIII. Executive Session (Roll call vote)

At 2:40pm 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. 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 the August 19, 2014 meetings.

Mr. Polanik made a motion to enter into Executive session at 2:40 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor all in favor: Ms. Patten-yes, Mr. Burns-yes, Mr. Polanik-yes, and Mr. Bort-yes: Abstained: None; Opposed: None; Recused: None

IX. Adjournment

There being no other business before the Board, Mr. Polanik 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 3:43 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, November 18, 2014, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

\_\_\_\_\_  
Name  
David Polanik, Board Chair

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date