

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 17, 2017
1:00 p.m.**

**239 Causeway Street ~ 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 & Conflict of Interest	Draft Agenda	Chair
	III	Approval of Minutes A. September 19, 2017 Board Meeting	Draft Minutes	Chair
	IV	Staff Action Policy A. CEU Audits B. Sanction Hearing Pilot Policy C. Retirement Status Policy	Draft Policies	MS
	V	Open Investigations: <i>Complaint:</i> A. REP-2015-003: Francisco Rodrigues (RT2057) Employer: Unknown COI: Martha DeSilva B. REP-2015-017: Armand D. Riendeau (RT2001) Employer: Unknown COI: Martha DeSilva & Paul Nuccio	Investigative Report	KJ
	VI	Flex Session A. Announcements B. Topics for next agenda		Chair

2:00 p.m.	VII	<p>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.</p> <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> 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. c.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.</p>	Closed Session	Chair
	VIII	Adjudicatory Session	Closed Session	Chair
3:00 p.m.	IX	Adjournment-next Board meeting scheduled for November 21, 2017		

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

Tuesday, September 19, 2017

239 Causeway Street
Room 418
Boston, MA 02114

MINUTES

Board Members Present: Paul Nuccio, RT, Respiratory Therapist 1
Martha DeSilva, RT, Respiratory Therapist 2
Molly Cavallaro, RN, Nurse
Essam Ansari, MD, Physician 2

Board Member Not Present: Jordan Sage Rettig, M.D., Physician 1

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
Kimberly Jones, Board Investigator, BHPL

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

Guests: Donna Sullivan
Holly Umbehauer

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Nuccio, Board Chair, called the meeting to order at 1:19 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.

Ms. Cherfils informed the Board that item V-G will be deferred because of conflict of interest from Paul Nuccio and Martha DeSilva. Ms. DeSilva also disclosed a conflict of interest with item V-B.

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

Document: September 19, 2017 Board Meeting Agenda

III. Approval of Minutes

A. July 18, 2017 Regularly Scheduled Board Meeting

The minutes of the July 18, 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: July 18, 2017 Regularly Scheduled Board Meeting Minutes

IV. Board Advisory:

A. Change to Respiratory Care Law (Chapter 185)

DISCUSSION: Ms. Strachan gave a brief update to the Board regarding this advisory with the revisions from the last Board meeting's discussion

ACTION: Ms. DeSilva made a motion to adopt the Board Advisory and to post it on the Board's website; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

B. PICC Line

DISCUSSION: Ms. Strachan gave a brief update to the Board regarding this advisory with the revisions from the last Board meeting's discussion. Mr. Nuccio pointed out a typo and some minor revisions. Ms. Strachan asked Board members if they would like to combine the PICC (Arterial) Line Alert with the Vascular catheter alert. The Board members agreed to combine the alerts. Ms. Strachan next asked the Board members if it is appropriate to combine the Board's alerts regarding ECMO, Arterial lines and Vascular Catheters into 1 alert, or is it more helpful to keep ECMO separate from the others. Members discussed and agreed that ECMO should not be combined with the other Alerts.

ACTION: Ms. DeSilva made a motion to adopt changes to the Board Advisories and to post them on the Board's website; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

C. RT's Performing ECMO: Training Guidelines

DISCUSSION: Ms. Strachan gave a brief update to the Board regarding this advisory with the revisions from the last Board meeting's discussion. The Board added some minor revisions to the policy. Mr. Nuccio suggested that the phrase "removal of carbon dioxide" be added to the ECMO alert.

ACTION: Ms. DeSilva made a motion to adopt the Board Advisory and to post it on the Board; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

V. Open Investigations:
Complaint:

A. REP-2017-003: Daljit Singh (RT9887)
Employer: Unknown

Ms. Jones presented this Complaint to the Board.

On his 2016 license renewal, the licensee answered “yes” to question six: “since the last renewal or issuance of your license, have you been court martialled or other than honorably discharged from the armed services (military) of the United States or any country or foreign jurisdiction.” Board staff sent letters to the Licensee on May 2, 2016 and May 26, 2016 requesting additional information. The Licensee did not respond.

DISCUSSION: The Licensee submitted a written response to the Board on June 20, 2017. In his response, the licensee states he has never been a member of the United States armed services and thus has never been court-martialled or “honorably” discharged. Ms. DeSilva informed the Board that Licensees need to take matters like this seriously and for the integrity of the Board; the complaint cannot be brushed off without any consequences.

ACTION: Mr. Nuccio made a motion to request a certified letter to the Licensee as a final notice for a response. If he does not comply, then a Consent Agreement for Reprimand will be offered; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Investigative Report

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

DISCUSSION: Deferred

ACTION: Deferred

Document: Investigative Report

C. REP-2015-006: Elaine Cooney-Triola (RT742)
Employer: Unknown

Ms. Jones presented this Complaint to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to notification therefor the Board voted to open a complaint

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on February 5, 2015, March 16, 2015 and June 26, 2015. Licensee did respond to the third Notification Letter sent to her on October 7, 2016. The previous investigator spoke to the licensee on October 14, 2016. Licensee indicated that due to a medical illness she is not going to renew her license. The licensee is 71 years old and she states that she has not practiced for 10 years. Ms. DeSilva wants to remind the Board again that she failed to respond multiple times and not taking the Board seriously.

ACTION: Ms. DeSilva made a motion to offer a Consent Agreement for Reprimand and if there's no response within 15 days, send it straight to prosecution; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Investigative Report

D. REP-2015-008: Michelle Freiburger (RT822)
Employer: Unknown

Ms. Jones presented this Complaint to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to the notifications therefore the Board voted to open a complaint

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on February 20, 2015, and April 16, 2015. Licensee did respond to the third Notification Letter sent to her on June 26, 2016. The previous investigator received an email from the Licensee. The Licensee's email states that the Licensee moved to New York to care for her parents. The boxes that contained copies of her CEU's were thrown away. The Licensee has not practiced Respiratory Care for over 15 years. She has changed careers and only renewed her license for professional pride. The Licensee no longer lives in Massachusetts and she has no plans to practice respiratory care in the future. Board discussed that it is a similar case as above.

ACTION: Ms. DeSilva made a motion to offer a Consent Agreement for Reprimand and if there's no response within 15 days, send it straight to prosecution; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Investigative Report

E. REP-2015-009: Tanya Gabriel (RT6037)
Employer: Boston Children's Hospital

Ms. Jones presented this Complaint to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to the notifications therefore the Board voted to open a complaint

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on February 20, 2015, April 16, 2015 and June 26, 2015. Licensee did respond to the third Notification Letter sent to her on October 6, 2016. Licensee enclosed proof of completion of seventeen point seventy-five (17.75) continuing education hours for years 2012-2013, as requested. Licensee also indicated she responded to the previous audit request but the documentation was never received. Board discussed and said this is a different scenario than the previous cases. Ms. Cherfils also mentioned that the Licensee did provide documentations of the CEU up front.

ACTION: Ms. DeSilva made a motion to dismiss the complaint because of no violation; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.
Document: Investigative Report

F. REP-2015-018: Michael Stephens (RT895)
Employer: St. Elizabeth's Hospital

Ms. Jones presented this Complaint to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to the notifications therefore the Board voted to open a complaint

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on March 23, 2015, and April 29, 2015. Licensee did respond to the third Notification Letter sent to him on June 26, 2016. The previous investigator stated the Licensee purged all of his records which included his CEU records for the audit cycle 2012-2013. He enclosed proof of completion of sixteen point eight (16.8) continuing education hours for years 2014-2015, as requested by the investigator. Licensee also indicated that he is currently working full time as Respiratory Therapist at Saint Elizabeth's Medical Center in Brighton, MA. Dr. Ansari reminded the Board that the whole purpose of the audit was to see if Licensees have enough CEUs or not for the specific cycle.

ACTION: Ms. DeSilva made a motion to offer a Consent Agreement for Reprimand and if there's no response within 15 days, send it straight to prosecution; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Investigative Report

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

DISCUSSION: Deferred

ACTION: Deferred

Document: Investigative Report

H. REP-2015-020 Amy Trayer (RT5076)
Employer: Lowell General Hospital

Ms. Jones presented this Complaint to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to the notifications therefore the Board voted to open a complaint.

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on March 23, 2015, April 29, 2015 and June 26, 2016. Licensee did respond to the 4th Notification Letter sent to her on October 6, 2016. The previous investigator stated the Licensee never received any of the previous notices. There was no indication why the licensee did not provide CEU's for the audit cycle 2012-2013. The licensee enclosed proof of completion of twenty five point five (25.5) continuing education hours for years 2014-2015. Licensee also indicated that she is currently working as a Respiratory Therapist at Lowell General Hospital.

ACTION: Mr. Nuccio made a motion to offer a Consent Agreement for Reprimand and if there's no response within 15 days, send it straight to prosecution; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

VI. Flex Session

A. Announcements

1. Ms. Cherfils informed the Board that she will be attending the MSRC conference and be presenting there.

B. Topics for next agenda

1. Policy for future audits.

VII. Executive Session (Roll call vote)

At 2:09 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 2:09 p.m.; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor: Mr. Nuccio-yes; Ms. DeSilva-yes; Ms. Cavallaro-yes; Dr. Ansari-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 2:28 p.m. and resumed its Regularly Scheduled Board Meeting.

VIII. Adjudicatory Session

The Board went into the Adjudicatory Session at 2:29 p.m.

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 2:40 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, October 17, 2017, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

Name

Position

Date