COMMONWEALTH OF MASSACHUSETTS

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, February 27, 2025
1:00 p.m.
General Session is open to the public and will be held via Zoom at:
https://zoom.us/j/96826525737?pwd=ldsHKZlRRhtnZfxy6TasZov3OVtyL7.1
Call-In Telephone number: 1-929-436-2866
Meeting Number: 968 2652 5737

Agenda
All votes must be via roll call

Time	Item #	Item	Staff Contact
1:00p.m.	**I**	**Call to Order & Introductions** **Determination of Quorum** **Notice of Electronic Recording**	Board Chair
	II	**Approval of Agenda**	Board Chair
	III	**Approval of Minutes** A. Approval of January 16, 2025, General Session Minutes.	Board Chair
	IV	**Flex Session** A. Open Meeting Law Overview B. Conflict of Interest Overview C. Telehealth Policy Discussion D. Limited License Discussion E. Sub-Committee and Regulations Discussion F. Who will attend the next board meeting? G. Potential to return to in-person meetings H. Topics for next meeting	Board Counsel & Acting Executive Director

Board of Respiratory Care

ADA Compliance Notice: If you need reasonable accommodations in order to participate in the meeting, contact Stacy Hart the DPH ADA Coordinator at phone number 857-274-1120 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

	V	**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 consider approval of prior executive session minutes in accordance with M.G.L. c.30A, § 22(f) to discuss a good moral character matter and decide whether to grant respiratory care licensure to an applicant. The Board will not reconvene in open session subsequent to the closed session(s).	Board Chair
	VI	**65C Session** M.G.L. c. 112, §65C Session	Board
	VII	**Adjournment:** Next meeting scheduled for March 20, 2025.	Board Chair

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Commonwealth of Massachusetts
Department of Public Health
Bureau of Health Profession Licensure
Board of Respiratory Care
250 Washington Street
Boston, MA 02108

February 27, 2025
Via Zoom

GENERAL SESSION MINUTES (OPEN SESSION)

Board Members Present	William Beal, Consumer, Board Vice Chair Brian Bloom, MD Daniel Fisher, Respiratory Therapist Adelline Ntatin, Nurse
Board Members Not Present:	Jason Morin, Respiratory Therapist, Board Chair Meaghan Kaplan, Consumer Adrian Velasquez, MD
Staff Present:	Tracy Tam, Acting Executive Director, Multi-Boards 1, BHPL Kayla Mikalauskis, Acting Executive Director, Multi-Boards 2, BHPL Tracy Ottina, Board Counsel, BHPL Matvei Arefev, Office Support Specialist, Multi-Boards, BHPL Danielle MacFarland, Office Support Specialist, Multi-Boards, BHPL

I. Call to Order | Determination of Quorum | Notice of Electronic Recording

Ms. Tracy Tam, Acting Executive Director, called the General Session of the Board of Respiratory Care meeting to order at 1:08 p.m. Ms. Tracy Tam reminded Board members the meeting was being recorded and asked for a roll call vote to determine quorum. Mr. William Beal: present, Dr. Brian Bloom: present, Mr. Daniel Fisher: present, Ms. Adelline Ntatin: present.

Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

II. Conflict of Interest | Approval of Agenda

Discussion:
The General Session Agenda for February 27, 2025, were reviewed for approval.

Action:
Motion to approve the agenda was made by Dr. Brian Bloom, seconded by Mr. William Beal, and unanimously passed by roll call vote as follows: Mr. William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.
Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

Document: February 27, 2025, General Session Agenda

III. Approval of Minutes

Discussion:
The General Session Minutes for January 16, 2025, were reviewed for approval.

Action:
Motion to approve the minutes as written was made by Mr. William Beal, seconded by Dr. Brian Bloom, and unanimously passed by roll call vote as follows: Mr. William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.
Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

Document: January 16, 2025, General Session Minutes

IV. Flex Session

Discussion:
Ms. Tracy Tam stated the first topic for discussion on flex session is Item G: Potential to Return to In-person Meetings. Ms. Tracy Tam stated in the past, Board meetings would take place in person up until a bill was signed during the pandemic which approved a temporary provision to allow Board members to participate in Board meetings remotely. Ms. Tracy Tam stated that provision has a sunset date of March 31st, 2025. Ms. Tracy Tam stated a proposal has been submitted to extend the provision so the Board can continue having virtual meetings, and currently the proposal is still under review at the legislature level. Ms. Tracy Tam stated she is checking for updates on this matter weekly. Ms. Tracy Tam stated because there is potential to return to in person, she is proposing the Board hold a hybrid vote. Ms. Tracy Tam stated this means that even if the Board returns to in person meetings, we will only need the bare minimum quorum to attend in person. Ms. Tracy Tam stated for the Board of Respiratory Care, the bare minimum is only four members, and any additional members have the option to join virtually or in person if they chose to do so.

Mr. William Beal asked Ms. Tracy Tam would she be able to attend in person meetings. Dr. Brian Bloom stated the employees will be onsite anyway. Ms. Tracy Tam confirmed. Dr. Brian Bloom stated even with four members, it may be hard to make

quorum in person due to the commute but is certainly willing to do so when he is available.

Action:

Motion to allow members to attend Board meetings remotely after bare quorum is met was made by Dr. Brian Bloom, seconded by Mr. William Beal, and unanimously passed by roll call vote as follows: Mr. William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.

Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

Discussion:

Ms. Tracy Tam stated the Board will now look at flex session, Item A. Ms. Tracy Tam stated there are a few topics the Board will discuss today including new policies, sub-committees and regulations. Ms. Tracy Tam stated our Board counsel will give a brief overview of the open meeting law and conflict of interest law.

Ms. Tracy Ottina and fellow Board members reviewed the introduction to Open Meeting Law. Ms. Tracy Ottina stated the open meeting law is about transparency and government while allowing the public to participate. Ms. Tracy Ottina stated we want the public to be aware of what we are discussing however in the same regard, recognize that balancing that with the need to discuss sensitive information would do more harm than good. Ms. Ottina directed Board staff to the conflicts of interest law and stated that she will keep this topic brief and that essentially it is about being an anonymous member of a public body, or a state employee and not excepting bribes or gifts over $50.00 that relate to the work performed by the state employee. Ms. Tracy Ottina stated conflicts of interest include conflicts due to direct vested interest financial or otherwise. Ms. Tracy Ottina stated conflicts of interests include one being honest and if one is unsure or has questions, to reach out to her for assistance. Ms. Tracy Ottina stated that the state ethics commission is a great recourse for Board members regarding conflicts of interest.

Ms. Tracy Tam stated next item on the flex session is Item C, regarding the Telehealth Policy. Ms. Tracy Tam asked if there were any amendments the Board would like to discuss or are Board members ready to vote on this matter. Mr. William Beal stated he feels there needs to be a requirement when a patient is contacted for the first time, the provider should state “If you don’t wish to talk to me, or do this virtually, we can have somebody visit with you.” Ms. Adeline Ntatin asked if a statement or general sentence could be added to the policy that speaks to the technical aspect of telehealth to ensure the patient’s privacy from a HIPPA perspective? Dr. Brian Bloom stated on line two of the policy, HIPPA is written out. Ms. Tracy Tam stated providers will still need to ensure that patient privacy is protected and ensure there is no violation of HIPPA. Ms. Adeline Ntatin agreed. Ms. Tracy Tam clarified in regard to Mr. William Beal’s point, he is suggesting an in-person care option must be made available to the patient upon their first visit. Mr. William Beal agreed. Ms. Tracy Tam asked if this was the only

amendment that Board would like to make. All members agreed. Ms. Tracy Tam stated the draft will be updated and presented at the next meeting.

Ms. Tracy Tam stated the next item up for discussion in flex session is Item D, Respiratory Care Limited Licenses. Ms. Tracy Tam stated the process to review regulations will begin today, however it will take a while, so in the meantime the best option would be is to draft a guidance memo to clarify any misunderstandings. Mr. Daniel Fisher stated for clarity that a respiratory student can have a limited license if they have signed off on certain clinical technical procedures. Mr. Daniel Fisher stated this process usually goes through the school, and that then allows students to work in a hospital under a fully licensed Respiratory Therapist who can help expand their training. Mr. Daniel Fisher stated the CRT is an older certification that dates back to when Respiratory Care was in its infancy and at that time there were two levels of training. Mr. Daniel Fisher stated there was a one-year program where students were taught how to use the equipment and at that time those were the Respiratory Technicians. Mr. Daniel Fisher stated the advanced Registered Respiratory Therapist, RRT, came out which was a minimum of two years schooling. Mr. Daniel Fisher stated the National Board for Respiratory Care has since developed certain advanced credentials and the CRT will be phased out. Dr. Brian Bloom stated the limited license is an old designation and the intent of the legislature was to create an ability for people to work while they are waiting to pass their final examinations, however, there has been some disconnect in the common practice and now the license is routinely being used for students to work for long periods of time. Dr. Brian Bloom stated this has become common practice and this is not what the legislature or regulations intended.

Ms. Tracy Ottina asked if the Board would find it helpful to draft a guidance policy in an effort to ensure that the limited license is being utilized within the current practice, to reiterate their license would be limited to the courses they had up until point of examination. Mr. William Beal stated the limited licenses was only issued when a student has completed their academic requirements and goes in the hospital and learns various procedures. Mr. William Beal stated once they have learned the procedures, they can apply for a limited license which allows them to work under supervision. Dr. Brian Bloom stated that was the intent, but the limited licenses were granted long before the student graduates. Mr. Daniel Fisher stated that is correct, its usually granted sometime after the first year that Respiratory Care training has been completed. Ms. Trac Ottina stated in terms of drafting a policy, it appears the practice is silent on how much schooling an individual has and that is language that can be updated. Mr. William Beal stated in regard to the policy, it should state when you graduate, you should have your limited license? Dr. Brian Bloom stated we are asking that the limited license as it has been, after one year of training, during the second year and not after graduation. Mr. William Beal stated if a student fails their exams, there has to be some type of time limit before they retest. Ms. Tracy Tam stated right now all limited permits will expire one year after graduation, and if they fail the NBRC the first time, they automatically lose their limited license thirty days after they fail the first exam. Ms. Adelline Ntatin asked could guidance or language in the policy speak to the minimum qualifications or courses that someone should have completed to qualify for limited license? Ms. Tracy

Ottina stated it appears that the program determines what the limited licensee applicant is competent in up until this point so we are not overregulating but allowing programs to use the discretion of what the applicant can and cannot do. Ms. Tracy Ottina stated any drafted policy presented to the Board would start off with the historical perspective outlining initially what the limited license was developed for and why. Ms. Tracy Ottina stated the draft would essentially go into an applicant needs to at a minimum at least complete one year of schooling and bullet points to follow thereafter. Ms. Tracy Tam stated we will start working on the draft and bring it back to the Board.

Ms. Tracy Tam stated next up on the flex session is Item E, regarding sub-committee and regulations. Ms. Tracy Tam asked Board members if they would like to set up a time each meeting to review the regulations or set up a sub-committee meeting which is a separate meeting and once the edits are done, they will be bought back before the Board to review. Dr. Brian Bloom stated at this time he proposes the Board commits to one meeting a month. Ms. Tracy Tam asked would the Board like to begin this next meeting? Dr. Brian Bloom stated, yes. Ms. Tracy Tam stated the time limit is approximate because sometimes we do have attorneys and applicants waiting in executive session however the time limit can change.

Ms. Tracy Tam stated next up on flex session is to confirm who will attend the next meeting. Dr. Brian Bloom stated he would be in attendance. Mr. William Bloom stated he would not be in attendance. Mr. Daniel Fisher stated he would be in attendance and Ms. Adeline Ntatin stated she is not sure. Ms. Tracy Tam stated she would follow up with the remaining Board members to see who would be in attendance to meet quorum, and if we cannot meet quorum the meeting will be rescheduled.

V. Executive Session (Roll call vote)

DISCUSSION

Ms. Tracy Tam read the Executive Session statement as follows:
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, 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 meet in executive session to approve prior executive minutes, discuss good moral character matters, and decide whether to grant respiratory care licenses to applicants. The Board will not reconvene in open session subsequent to the closed session. Ms. Tracy Tam asked for a motion to move to Executive session.

Action:

At 2:14 p.m., motion to move into Executive Session was made by Mr. William Beal, seconded by Dr. Brian Bloom, and unanimously passed by roll call vote as follows: Mr.

William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.
Absent: Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

VI. 65C Session

At 2:20 p.m., motion to move into 65C Session was made by Mr. William Beal, seconded by Dr. Brian Bloom, and unanimously passed by roll call vote as follows: Mr. William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.
Absent: Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

VII. Adjournment:

At 2:27 p.m., motion to adjourn the meeting was made by Dr. Brian Bloom, seconded by Mr. William Beal, and unanimously passed by roll call vote as follows: Mr. William Beal: yes, Dr. Brian Bloom: yes, Mr. Daniel Fisher: yes, Ms. Adelline Ntatin: yes.
Absent: Jason Morin, Meaghan Kaplan, Adrian Velasquez

Let the record show that the meeting was adjourned at 2:27 p.m.

Respectfully Submitted:
The Board of Respiratory Care