

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**

**Thursday, January 20, 2022
1:30 PM**

**General Session is open to the public and will be held via Webex at:
<https://eohhs.webex.com/eohhs/j.php?MTID=m94380a5c15b0ac72afde07bd3cfebb41>**

**Call-In Telephone number 1-617-315-0704
Meeting Number/Access Code: 2533 717 4139
Meeting Password: CJKYtjwJ368**

Agenda

All Votes Must Be Via Roll Call

Time	Item #	Item	Exhibits	Staff Contact
1:30 PM	I	Call to Order Determination of Quorum Notice of electronic recording		Chair
	II	Conflict of Interest Approval of Agenda	Draft Agenda	Chair
	III	Approval of Minutes A. December 16, 2021 Board Meeting Minutes	Draft Minutes	Chair
	IV	Open Investigations: N/A Triage: N/A Staff Assignments: N/A Complaint: N/A		
	V	Flex Session A. Announcements 1. CY2022 Board Meeting Dates B. Topics for next agenda C. DME Companies Discussion-follow-up	Verbal Discussion	ED

Board Meeting Agenda January 20, 2022
Board of Respiratory Care

ADA Compliance Notice: If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Kevin Lovaincy, Phone: 617-909-5085 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.

2:30 PM	VI	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. <ol style="list-style-type: none"> 1. 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. 2. 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 closed session(s).</p>		Chair
	VII	65C Session: N/A	Closed Session	Board Counsel
	VIII	Adjudicatory Session: N/A	Closed Session	Board Counsel
	IX	Adjournment -next Board meeting scheduled for February 17, 2022		Chair

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

Thursday, January 20, 2022

1:30 PM

Via WebEx

MINUTES

Board Members Present: Jason Morin, RT, Board Chair
Mr. William Beal, Board Vice-Chair
Samy Sidhom, MD, Board Member
Amy Keenan, RN, Board Member

Board Members
not present: Brian Bloom, MD, Board Member
Lindsey Greener, Board Member

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Karen Geoghegan, Assistant Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, BHPL

- I. Call to Order | Determination of Quorum | Notice of Electronic Recording
Executive Director, Mr. Steven Joubert called the meeting to order at 1:36 P.M. He reminded those present via WebEx that the meeting was being recorded. A quorum of the Board of Respiratory Care was established with members present via WebEx as follows: William Beal: present; Amy Keenan: present; Jason Morin: present; Samy Sidhom: present. Absent: Brian Bloom, Lindsey Greener.
- II. Conflict of Interest | Approval of Agenda
The open session meeting agenda was reviewed.

DISCUSSION:

Mr. Joubert asked the Board members to review the general session agenda and disclose if there were any conflicts of interest regarding the items on the agenda. No conflicts of interest were disclosed.

ACTION:

Motion to approve the agenda made by Mr. William Beal, seconded by Ms. Amy Keenan and unanimously passed by roll call vote as follows: William Beal: yes; Amy Keenan: yes; Jason Morin: yes; Samy Sidhom: yes. Absent: Brian Bloom, Lindsey Greener.; Abstained: none. Opposed: none. Recused: none.

DOCUMENT: January 20, 2022 Regular Session Agenda

III. Approval of Minutes

Board members were asked to review the minutes from December 16, 2021.

DISCUSSION:

None.

ACTION:

Motion to approve the December 16, 2021 minutes as presented made by Mr. Beal, seconded by Ms. Keenan and unanimously passed by roll call vote as follows: William Beal: yes; Amy Keenan: yes; Jason Morin: yes; Samy Sidhom: yes. Absent: Brian Bloom, Lindsey Greener.; Abstained: none. Opposed: none. Recused: none.

DOCUMENT: December 16, 2021 General Session Minutes

IV. Open Investigations: N/A

V. Flex Session

A. Announcements:

1. CY2022 Meeting Dates

Executive Director, Mr. Steven Joubert explained that the memo with the meeting dates had been erroneously left out of the packet. He said he would follow up with the meeting dates.

2. Mr. Joubert explained that Board staff has been receiving calls regarding the increase in the number of CEUs required from Licensees who were unaware of the change and additionally are concerned about undue burden during the COVID-19 pandemic. He stated that he had received a request for the Board to waive CEUs for this licensing cycle.

Mr. Morin asked if the Board had the authority to waive CEUs. Board Counsel, Ms. Mary Strachan explained that the Board is able to vote to waive their own regulations in the event of an emergency. She advised that since this item was not on this agenda, the Board should include this on the agenda for the next meeting to give appropriate notice to the public.

B. Topics for Next Session: N/A

C. Durable Medical Equipment (DME) Companies Discussion Follow-Up

Mr. Morin stated that he had no new information regarding this discussion. Mr. Beal commented that the prescribing physician does not necessarily need to have a background in respiratory care, which is a requirement for someone to be a Medical Director. Mr. Morin responded that a Medical Director is an aspect of the practice but that it does not affect the license. Mr. Beal pointed out that the American Association of Respiratory Care (AARC) requires a Respiratory Therapist to work under a medical director to maintain their registration. Mr. Morin noted that Massachusetts does

not require Respiratory Therapists to have an active credential, however they must pass the credentialing exam. Ms. Strachan explained that the requirements from the AARC and the Massachusetts Board are different, and Massachusetts is not able to enforce AARC's requirements. Mr. Morin noted that this concern should be brought to the Massachusetts Society for Respiratory Care as there are a lot of aspects of Respiratory Care that do not require a Medical Director, especially those working in Home Care. Respiratory Therapists are always working under the authority of the prescribing physician, so even Respiratory Therapists working in the home are working within the scope of that prescription or medical order. Mr. Beal stated that he would follow up with Sam Giordano, the Executive Director of the AARC.

VI. Executive Session

Mr. Morin announced that the Board would 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 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. The Board would not reconvene in open session subsequent to the closed session(s).

ACTION:

Motion to enter Executive Session at 2:15 P.M. made by Mr. Beal, seconded by Dr. Samy Sidhom and unanimously passed by roll call vote as follows: William Beal: yes; Brian Bloom: yes; Lindsey Greener: yes; Jason Morin: yes; Samy Sidhom: yes. Absent: Amy Keenan; Abstained: none. Opposed: none. Recused: none.

Adjournment:

The Board did not reconvene following Executive Session.

The next meeting of the Board of Respiratory Care is scheduled for **February 17, 2022.**

Respectfully submitted:
Board of Respiratory Care