

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

**June 20th, 2024
Via WebEx**

GENERAL SESSION MINUTES (OPEN SESSION)

Board Members Present: Jason Morin, Respiratory Therapist, Board Chair
William Beal, Respiratory Therapist, Board Vice Chair
Brian Bloom, MD
Daniel Fisher, Respiratory Therapist,
Meaghan Kaplan, Consumer
Adrian Velasquez, MD

Board Members not present: None

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Tracy Tam, Assistant Executive Director, Multi-Boards, BHPL
Kayla Mikalauski, Management Analyst, Multi-Boards, BHPL
Danielle Macfarland, Office Support Specialist, Multi-Boards, BHPL
Alexandra Datalo, Office Support Specialist, Multi-Boards, BHPL
Mireilly Montanez, Office Support Specialist, Multi-Boards, BHPL
Meghan Bresnahan, Board Counsel
Lauren McShane, Chief Board Investigator

- I. Call to Order | Determination of Quorum | Notice of Electronic Recording
William Beal, Board Vice Chair, called the General Session of the Board of Registration of Respiratory Care meeting to order at 1:11 P.M. and asked for a roll call vote to determine quorum. William Beal: present; Brian Bloom: present; Meaghan Kaplan: present. Adrian Velasquez: present; Daniel Fisher: present.
Absent: None

Jason Morin joins the meeting at 1:15 pm.

- II. Conflict of Interest | Approval of Agenda
The General Session Agenda for June 20th, 2024, were reviewed for approval. Board members were asked to disclose any conflicts of interest with the agenda. No conflicts were noted.

DISCUSSION:

None

ACTION:

Motion to approve the agenda as written was made by William Beal, seconded by Brian Bloom, and unanimously passed by roll call vote as follows: William Beal: approve; Brian Bloom: approve; Daniel Fisher: approve; Meaghan Kaplan approve; Jason Morin approve; Adrian Velasquez approve.

Absent: None

DOCUMENT: June 20th, 2024, General Session Agenda

III. Approval of Minutes

The General Session Minutes for May 23rd, 2024, were reviewed for approval.

DISCUSSION:

Meghan Bresnahan stated the minutes needed to be amended to show William Beal was not present.

ACTION:

Motion to approve the minutes as amended was made by Daniel Fisher, seconded by Meaghan Kaplan, and unanimously passed by roll call vote as follows: William Beal: approve; Brian Bloom: approve; Daniel Fisher: approve; Meaghan Kaplan approve; Jason Morin approve; Adrian Velasquez approve.

Absent: None

DOCUMENT: May 23rd, 2024, General Session Minutes

IV. DISCUSSION:

William Beal stated there are a number of services currently available that employ out of state Respiratory Therapist Services. He said these employed Respiratory Therapists are not registered to practice in Massachusetts and asked what credentials they must hold to practice in Massachusetts? He stated there are several companies that are concerned about this matter and unsure of what should be done regarding Telehealth. Jason Morin stated he had a conversation with a CEO of a company called Encore Respiratory/Encore Health and this company provides IT services in conjunction with different companies across the country. Jason Morin stated that the challenge for this Board would be that we cannot regulate people who are not Respiratory Therapists in Massachusetts because it is out of Massachusetts jurisdiction; however, it would be in the best interest to educate out

of state companies of the regulations put forth for telehealth services. Jason Morin asked what would be the process for anyone that found out that someone from another state was rendering Telehealth services in Massachusetts? Steven Joubert stated there is an online form on Mass.Gov that would be filled out, then sent to the Office of Public Protection, then to the Investigation team. Steven Joubert stated board staff and investigator would then follow up with the Licensee and then create an Investigative report and present it to the Board. Meghan Bresnahan stated we can start drafting a policy and once we have a draft, we can present it to the members for a meeting in the foreseeable future.

Jason Morin addressed another matter for future discussion regarding Reciprocity. He stated there is a growing trend where if your license is in good standing in another state then you are automatically approved in the state you are applying in. He stated in addition that there is now a movement called The Respiratory Care Interstate Compact that is a movement being pushed by the American Association of Respiratory Care and this may be something to help facilitate the licensing processing. He stated he can share the information to discuss at the next meeting. Steven Joubert agreed.

Meghan Bresnahan stated we've had internal discussions regarding the concern over the outdated regulations and the Board's request to update them. She stated that we did propose a subcommittee to begin working on the regulation changes, however the legal team decided it would not be worth creating due to the Board being so small to begin with, we have decided that it is easier to have the regulation change discussions every month within the Board meetings. She stated any regulation change is not going to happen right away, however wants to have all matters be discussed. Jason Morin asked Meghan Bresnahan if he started to draft proposed changes that he wanted to bring to the Board, could he share those drafts with various other stakeholders with no prohibition in doing this? Meghan Bresnahan stated he can consult with them outside of the board meeting; however, the drafting and the changes will come from the members only. Brian Bloom stated he would be happy to discuss individual items as they are presented but he stated he is not willing to commit a large number of hours towards a policy document. Meghan Bresnahan stated we would limit time periods and topics so we can be mindful of time and control of the discussion.

V. OPEN INVESTIGATIONS:

None

VI. FLEX SESSION:

Meghan Bresnahan stated in regard to M.G.L.C12., S.65C this regulation is a more appropriate forum to hear certain cases rather than in Executive Session. For example, licensees and their attorneys are legally entitled to be present during these discussions in executive session, whereas that is not the case in M.G.L.C12., S.65C. Brian Bloom stated he appreciated this information because there have been discussions in the past in front of applicants that should have been held without them present so we could craft a measured response where we all reach a consensus verses debating someone's fate in front of them. Jason Morin asked from a protocol standpoint how would we request a session like this using M.G.L.C12., S.65C? Meghan Bresnahan stated we would have a separate section on the agenda under M.G.L.C12., S.65C, and then could also identify other cases that would fall under this section and discuss as needed. Steven Joubert stated that depending on the case and if it does not warrant a complaint or follows under staff action policy then these matters can be heard under M.G.L.C12., S.65C.

Steven Joubert stated the other topic to be discussed was Tracheostomy Care. He stated there is no additional information available except from what has been brought forth. The question presented to the Board was "Can Nurse's Aide provide tracheostomy as an element of their treatment, and would it infringe upon their scope of practice of Respiratory Care Therapist? He stated unless we have specific duties of what the Nurse's Aide would be performing there would not be much that could be done because this is just a proposal. Steven Joubert asked the Board to send him their input regarding basic care and he would forward that information to Senior Leadership. Jason Morin stated he think it would be best to ask Senior Leadership exactly what their level of expectation is and then could then forward that information that is requested. Steven Joubert stated we would bring this discussion back to the Board if there are any further questions. Steven Joubert asked the Board if there were any topics that anyone would like to bring back to the Board for further discussion. Jason Morin stated he would like to discuss the Reciprocity license issue. Adrian Valasquez stated he send an email to Steven Joubert to discuss AI. All Board members will be present for the next Board meeting on July 18th, 2024.

VII. EXECUTIVE SESSION:

Jason Morin, Board Chair, 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 purposes 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 an individual. 1. Specifically, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22() for previous executive sessions of the Board. 2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees. The Board will not reconvene in public session subsequent to the closed session(s)".

ACTION:

Motion to move into Executive Session made by William Beal, seconded by Brian Bloom and unanimously passed by roll call vote as follows: William Beal: approve; Brian Bloom: approve; Daniel Fisher: approve; Meaghan Kaplan approve; Jason Morin approve; Adrian Velasquez approve.

Absent: None

VIII. ADJOURNMENT:

Motion to adjourn to the General Session was made by William Beal seconded by Brian Bloom, and unanimously passed by roll call vote as follows: William Beal: adjourn; Brian Bloom: adjourn Daniel Fisher: adjourn Meaghan Kaplan: adjourn Jason Morin: adjourn Adrian Velasquez adjourn.

Absent: None

Let the record show that the meeting was adjourned at 2.12 P.M.

The next meeting of the Board of Registration of Respiratory Care is scheduled for Thursday, July 18th, 2024, at 1:00 P.M. remotely on WebEx.

Respectfully Submitted:

The Board of Registration of Respiratory Care