

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, March 1, 2022
1:00 PM**

**General Session is open to the public and will be held via Webex at:
<https://eohhs.webex.com/eohhs/j.php?MTID=ma96d9a4cabab28e7124bafcf4c7e9bd>**

**Call-In Telephone number 1-617-315-0704
Meeting Number/Access Code: 2536 140 7388
Meeting Password: mwP2PWqnp68**

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. January 20, 2022 Board Meeting Minutes	Draft Minutes	Chair
	IV	Open Investigations: N/A Triage: N/A Staff Assignments: N/A Complaint: N/A		
	V	Continuing Education A. Inquiry to waive Continuing Education Requirements for Renewal 2022 Cycle	Verbal	ED

Board Meeting Agenda March 1, 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.

	V	Flex Session A. Announcements B. Topics for next agenda	Verbal Discussion	ED
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. The Board will not reconvene in open session subsequent to the closed session(s).		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 March 17, 2022		Chair

COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING

Tuesday, March 1, 2022

1:00 PM

Via WebEx

MINUTES

Board Members Present: Jason Morin, RT, Board Chair
Mr. William Beal, Board Vice-Chair
Lindsey Greener, Board Member
Brian Bloom, MD, Board Member

Board Members not present: Sammy Sidhom, MD, Board Member
Amy Keenan, RN, 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
Jason Morin, Board Chair, called the meeting to order at 1:16 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: Jason Morin: present; William Beal: present; Lindsey Greener: present; Brian Bloom: present. Absent: Sammy Sidhom, Amy Keenan.
- II. Conflict of Interest | Approval of Agenda
The open session meeting agenda was reviewed.

DISCUSSION:

Jason Morin 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.

Steven Joubert, Executive Director, said he wanted to the Board to aware of a modification to the agenda before the agenda was approved. He said that there would not be an Executive Session because the matter on the Executive Session Agenda was deferred until March 17th board meeting.

ACTION:

Motion to approve the agenda as amended made by Mr. Beal, seconded by Dr. Bloom and unanimously passed by roll call vote as follows: Jason Morin: yes; William Beal: yes; Lindsey

Greener: yes: Brian Bloom: yes. Absent: Samy Sidhom, Amy Keenan. Abstained: none. Opposed: none. Recused: none.

DOCUMENT: March 1, 2202 Regular Session Agenda

III. Approval of Minutes

Board members were asked to review the minutes from January 20, 2022.

DISCUSSION:

None.

ACTION:

Motion to approve the January 20, 2022 minutes as amended made by Mr. Beal, seconded by Ms. Greener and unanimously passed by roll call vote as follows: Jason Morin: yes; William Beal: yes; Lindsey Greener: yes: Brian Bloom: yes. Absent: Samy Sidhom, Amy Keenan. Abstained: none. Opposed: none. Recused: none.

DOCUMENT: January 20, 2022 General Session Minutes

IV. Open Investigations: N/A

V. Continuing Education

A. Inquiry to Waive Continuing Education Requirements for Renewal 2022 Cycle

DISCUSSION:

Mr. Morin noted that there was some discussion on this matter at the January 2020 boarding meeting. He stated that matter was tabled at that time until the Public had an opportunity to weigh in on the matter. Mr. Morin said that Board had received a few emails in this regard and asked Mr. Joubert to discuss the emails. First, Mr. Morin asked if there was any further discussion, questions or new information related waiving CEUs from the Board. Mr. Beal requested a recap of the matter.

Mr. Morin said there was a brief about whether CEUs should be waived for 2022. The Board received some inquiries from RTs because some other disciplines had waived their CEU requirements. Since the matter was not on the agenda for January 2022 Board meeting, the matter could be fully discussed at that meeting and they could not get to any kind of consensus about the matter. The Board members did some outreach to the MSRC and other entities to try to gage public support.

Mr. Morin stated it was a great idea. He said that he thought the Board should waive the CEUs requirement to help the RTs affected by the pandemic. He said that he was not sure how many people have had the time to collect the necessary amount of CEUs, although he thought a lot of people probably have, it would help those who have not had enough time to do so.

Mr. Joubert added that he received a few calls from licensees who said that they have been working overtime due the pandemic, have had limited time to even spend with their families and they have found it challenging to find the time. He said that was the reason he brought the matter to the Board.

Mr. Joubert read an email from Donald L. Bellerive, a member of NECC faculty, addressed to Mr. Morin. Mr. Bellerive wrote:

“A waiver on contact educational hours for this cycle is reasonable and practical. The Contact Hr. requirement, although a positive aspect of our profession, creates an emergency hardship in these Covid times not only for employers who have multiple vacancies & could potentially lose more, but also for individuals who are already clinically exhausted and trying to repair their mental health. This waiver would not only semi stop the bleeding but would also go a long way to honor, respect and empathize with our 3200 or so Mass. RTs.”

Mr. Morin stated that there were members of the Public attending the session and invited them to comment.

Ms. Strachan, Board Counsel added that although not a statue, board regulations carry the force of law in that licensees are required to comply with the Board’s regulations. She said that she would not recommend waiving regulatory requirements unless under extreme circumstances. She said that everyone would agree that nothing has been more extreme than COVID. Ms. Strachan said under these limited circumstances, that she felt that it was in the Board’s dissection to waive the CEU requirements. She stated that if the Board chose to waive the requirement, she recommended that the Board specify a timeframe so that the waiver is not for an indefinite period.

Mr. Morin asked Ms. Strachan if it was within the Board’s authority to waive or adjust fees as he received inquiries in this regard. Ms. Strachan explained that fees are set by the Executive Office of Administration and Finance, not the Board.

Mr. Morin asked if there were any other comments from the Board or the Public.

Keith Hirst introduced himself as the program director at Quinsigmond Community College. He stated that he is also on the Board of Directors of MSRC as a delegate to the AARC. He said he was in favor of the Board moving toward waiving the requirement. He said that it was been a strenuous time for all involved to earn CRCs. He said that the MSRC was attempted to do several virtual vs in-person attempts. He said the national organization, the ARRC, offered limited virtual attempts, but it been difficult for people to get time off. He said that he put this out to his advisory board for input. He said that he received an email response Luanne Hills who is the director of the respiratory care center at UMass Memorial Medical Center and sits on the QCC Respiratory Care Advisory Board. He read the email to the Board. He read,

“I think this will be helpful to our staff and management team who have been on the front line serving critical COVID patients since March 12, 2020. We have not been able to resume normal operations for more than a couple months, here and there between the waves, and our entire department has been

working endless hours and shifts. We are exhausted. We are currently down to 9.6 FTEs or 11 RTs. We began to lose staff who are either leaving health care all together, retiring early or picking up travel jobs for more money. In addition to this number, many are getting sick with COVID. I think it would be very honorable and respectful to the RTs who continue to be on the front lines with the sickest of sick, if the Massachusetts Licensure Board waived the 2022 CEU requirement.

I find it almost disheartening that it would not be automatic consideration, a clinical no-brainer. Our department has lost almost two years of precious time with their family and loved ones and have put their health and well-being on the line and is continuing to serve our community and we are not alone. Our colleagues and other organizations are doing the same throughout Massachusetts and throughout the country.”

Mr. Hirst said that this was put out to the MSRC members. He said that they receive some feedback. He that most people were very much in favor of waiving the CRCEs.

However, some people said that they took the time and paid the fees to necessary to complete the CRCEs. They wanted to know if the CRCs they completed could be put towards the next renewal cycle. His suggestion to the Board was to accept CRCs earned for 2020-2022 renewal cycle be applied toward the 2022-2024 renewal cycle. He said that the MBRC credential maintain program allows CRCEs to be acuminated within a five-year period to maintain that competency and minimum expectations. He stated that he felt that it was a reasonable expectation going forward.

Mr. Morin stated that at the last Board, Ms. Strachan had mentioned that the Board did not have the authority to waive only a portion of the regulation or to amend the regulations and that the Board would need to waive the requirement entirely or not.

Ms. Strachan read CRM 261 section 5.02 (1). The regulation specified that CEUs could not be carried over from one renewal cycle to the next. Ms. Strachan stated that she thought the intention of that language was to prevent the same CEUs from being applied to more than one renewal cycle.

She also noted that the number of CEUs required for renewal increased from 15 to 20 CEUs effective upon this renewal cycle.

Ms. Strachan said that she did not see anything in the regulations would preclude CEUs earned now from being applied to the next renewal cycle if the Board voted to waive the CEU requirements for this cycle.

Mr. Morin called on Andy Schwartz to speak next. Mr. Schwartz introduction himself to the Board. He said he is also on the MSRC Board of Directors as the immediate past President. He said that he is a staff therapist at Mass General Hospital. He stated that although there is CE material available, it is not as abundant as it was pre-pandemic. He said there was a lot of material available on the AARC website, however, not everyone is an AARC member. He said that over the last 2 years, the academics that respiratory therapist have gained just by treating COVID ARDS patients has been incredible, so there has not been a lack of education over the last two years.

Mr. Morin called on Carolyn La Vita. She stated that she is the Director of Respiratory Care at Massachusetts General Hospital. She said the intent of CRCE is to ensure the continued learning of respiratory therapist. The learning that has happened over the last two years is enormous. It really does not apply to any one specific care setting. Therapist in a large academic medical center had to learn how to treat COVID patients in the acute phase. Those in rehab and home care had to learn how to treat patients after months of hospitalization, so there has been a tremendous amount of learning. Although not official CRCEs, she felt the therapists have had continuous learning over the last two years.

Mr. Morin suggested that board, first to call for a motion to waive the CEUs for this cycle. If that first motion passed, a second conversation and potentially vote to extend the time period for CEUs earned this cycle to allow those CEUs to be applied to the next cycle.

Ms. Strachan recommended that the motion specify the dates for which the Board wanted to waive the CEU requirement.

Mr. Morin called for additional discussion for allowing CEUs earned in 2020-2022 to be applied to the 2022-2024 cycle. Mr. Morin stated that he supported the idea. He asked if anyone had any concerns about it. There were no comments. He called for a motion.

ACTION:

Motion to waive the CEU requirements for the 2020-2022 cycle made by Mr. Beal, seconded Dr. Bloom and unanimously passed by roll call vote as follows: Jason Morin: yes; William Beal: yes; Lindsey Greener: yes; Brian Bloom: yes. Absent: Samy Sidhom, Amy Keenan. Abstained: none. Opposed: none. Recused: none.

DICUSSION:

Mr. Morin called for additional discussion for allowing CEUs earned in 2020-2022 to be applied to the June 2020-May 2024 cycle. Mr. Morin stated that he supported the idea. He asked if anyone had any concerns about it. There were no comments from the Board. He called for a motion.

ACTION:

Motion to extend any CEUs accumulated from 2020 through 2024 made by Mr. Beal, seconded Ms. Greener and unanimously passed by roll call vote as follows: Jason Morin: yes; William Beal: yes; Lindsey Greener: yes; Brian Bloom: yes. Absent: Samy Sidhom, Amy Keenan. Abstained: none. Opposed: none. Recused: none.

DOCUMENT:

None

VI. Flex Session

A. Announcements: None

B. Topics for Next Session: None

VII. Executive Session: N/A

Adjournment:

ACTION:

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

The Board adjourned at 1:46 P. M.

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

Respectfully submitted:
Board of Respiratory Care