

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

**May 23rd, 2024
Via WebEx**

GENERAL SESSION MINUTES (OPEN SESSION)

Board Members

Present: Jason Morin, Respiratory Therapist, Board Chair
Daniel Fisher, Respiratory Therapist,
Meaghan Kaplan, Consumer
Adrian Velasquez, MD

Board Members
not present:

William Beal, Respiratory Therapist, Board Vice Chair
Brian Bloom, MD

Staff Present:

Steven Joubert, Executive Director, Multi-Boards, BHPL
Kayla Mikalauski, Management Analyst, Multi-Boards, BHPL
Danielle Macfarland, Office Support Specialist, Multi-Boards, BHPL
Tracy Tam, Assistant Executive Director, Multi-Boards, BHPL
Heather Engman, Chief Board Counsel
Meghan Bresnahan, Board Counsel

- I. Call to Order | Determination of Quorum | Notice of Electronic Recording
Jason Morin, Board Chair, called the General Session of the Board of Registration of Respiratory Care meeting to order at 1:06 P.M. and asked for a roll call vote to determine quorum. Daniel Fisher: present; Meaghan Kaplan: present; Jason Morin: present. Adrian Valasquez: present.
Absent: Brian Bloom

- II. Conflict of Interest | Approval of Agenda
The General Session Agenda for May 23rd, 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 Meaghan Kaplan, seconded by Daniel Fisher, and unanimously passed by roll call vote as follows: Daniel Fisher: approve; Meaghan Kaplan: approve; Jason Morin: approve Adrian Velasquez: approve.

Absent: Brian Bloom, William Beal

DOCUMENT: May 23rd, 2024, General Session Agenda

III. Approval of Minutes

The General Session Minutes for March 21st, 2024, were reviewed for approval.

DISCUSSION:

None

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: Daniel Fisher: approve; Meaghan Kaplan approve; Jason Morin approve; Adrian Velasquez approve.

Absent: Brian Bloom, William Beal

DOCUMENT: March 21st, 2024, General Session Minutes

IV. Discussion:

Jason Morin asked Steven Joubert to give some context into where the Board stood in the process involving Respiratory Limited License. Steven Joubert stated that during covid there was a slight interpretation with the regulations when it came to acquiring a Respiratory Limited License. He stated that a lot of schools had the understanding that the License was automatically issued for 2 years and valid for 2 years. Steven Joubert stated that when the pandemic came about there were a lot of temporary licenses and those licenses were lifted which complicated the understanding of the limited license expiration time. Steven Joubert stated that the Board could extend the expiration by a few months to accommodate the student, so the student could still practice while awaiting their graduation date. He stated however according to the regulations there are various categories for the limited license to be converted or expired. He stated that the regulations are contingent on various hard categories. Steven Joubert stated that when The Board transitioned

from MLO to ELX, there was a discussion of how can we make sure the limited license is in alignment while also following the regulations so there is no confusion regarding the limited licenses. Steven Joubert stated that in ELX we have added a feature that captures the graduation date, so we do not inquire the same problems in the future. He stated that we plan to create a PowerPoint presentation to present to the schools in regard to the Respiratory Care, Regulations, and its main focus being the limited license. Steven Joubert said that operationally, ELX misunderstood our processes when coming to the limited license and because of this we have submitted a ticket for the license to expire 1 year after graduation date.

Meghan Bresnahan asked Steven Joubert, in which circumstances are we granting the limited licenses? Meghan Bresnahan stated she was under the impression that to be eligible for the limited licensure, the student must be eligible to sit for the exam. Meghan Bresnahan asked Steven Joubert if we have been granting the limited licenses to anyone that applies or are these students that are ready to graduate? Meghan Bresnahan stated that according to the regulations we have been granting limited licenses earlier than the regulations intended and this could be the reason we are having the expiration date issue. Steven Joubert stated that he joined the Board around the start of the pandemic, and he believes that a lot of the schools and clinical programs were used to their students having the limited license. Daniel Fisher stated from a clinical standpoint the limited license was helpful for students who have exceeded beyond their first year of training so they could take a part time job under the supervision of a Respiratory Therapist to gain further experience in their field.

Adrian Valasquez stated from his experience the whole concept of the limited license is about supervision. He stated from his perspective, if a student does not have supervision, then they could not practice. Jason Morin stated we need to address how the rule of supervision is being interpreted. He stated in his clinical experience that while once you have actually been hired as a member of the staff at the hospital you are working for, essentially you are performing the skills you have been trained on, which are very basic, often times on your own. Meghan Bresnahan asked if anyone feels like there is a risk of anyone working under a limited license without supervision? Jason Morin stated that he does not feel like there is a substantial risk of anyone working under a limited license because the duties are very basic, however he does not feel like the Massachusetts infrastructure could handle reversing this discussion or practice at this point because of the huge shortage of Respiratory Therapist. Meghan Bresnahan stated

this may be a matter of revisiting the regulations in the future because right now the system in place for limited licenses are not aligned with the regulations. Steven Joubert stated that once we receive an application, online or paper, we will enter their graduation date and the system is configured to have the limited license expire 1 year after their graduation date. Steven Joubert stated that going forward we should not have a problem going forward and we can amend the graduation dates of limited licensees because of the ELX issue that have not been corrected by May 29th, 2024.

Jason Morin stated there has been concern in the past that 1 year post graduation is too much time because realistically a Limited licensee should be sitting for Boards within a couple of months. He stated if he does not think it is a bad idea to revisit some of the language in the regulations to clarify and update it. Daniel Fisher stated that information is historical as well because post-graduation, the test was only offered twice a year. Adrian Valasquez asked how long does it take for the results to come out? Jason Morin stated the results are now immediate. Meghan Bresnahan stated there has been some clarification regarding the limited licenses and right now do we feel comfortable with Steven's proposal of extending the expiration dates a year past graduation and if there is concern in the future, we can always revisit this matter. Jason Morin stated just for clarification is there an obligation for the schools to report students who have failed their exams? Meghan Bresnahan stated she believes that is a conversation worth having. Jason Morin stated he believes that this statute needs a complete review because this was written based on practices and rules that have not been in effect for decades. Steven Joubert stated that we have actually created subcommittee meetings before the general Board meetings and have discussed the pros and cons of the existing regulations we are proposing and then draft a proposal to propose to senior leadership.

V. Flex Session

Steven Joubert stated the next meeting is June 20th, 2024. Steven Joubert stated we are still recruiting for a Nurse and once there an update on the Nurse recruitment he will make everyone aware. Steven Joubert stated theirs a big push in the community about having Advanced Healthcare Aide for tracheostomy and if that were to happen would that encroach in Respiratory Therapist Care Role? Jason Morin stated that without knowing what the Provider's scope of practice is and what they are specifically trained on, he does not know if would be able to

comment effectively. Meaghan Kaplan stated that she believes there needs to be some clarification because there is a difference between a Respiratory Therapist and a Healthcare Aide. Adrian Valasquez and Daniel Fisher also agree with Meaghan Kaplan. Steven Joubert stated that he would follow up on the processes for the limited license, and Tracheostomy Care.

VI. EXECUTIVE SESSION:

DISCUSSION:

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 Daniel Fisher, seconded by Adrian Velasquez and unanimously passed by roll call vote as follows: Daniel Fisher: approve; Meaghan Kaplan: approve; Jason Morin: approve Adrian Valasquez: approve.

Absent: Brian Bloom, William Beal

VII. ADJOURNMENT:

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

Absent: Brian Bloom, William Beal

Let the record show that the meeting was adjourned at 2.17 P.M.

The next meeting of the Board of Registration of Respiratory Care is scheduled for Thursday, June 20th, 2024, at 1:00 P.M. remotely on WebEx.

Respectfully Submitted:

The Board of Registration of Respiratory Care