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

(OPEN SESSION)
Thursday, September 17, 2026
1:00 p.m.
General Session is open to the public and will be held via Zoom at:
https://zoom.us/j/93304378133?pwd=uQJEGSOk0VXCoaTrqulNO46H7sINpb.1
Dial-In Telephone Number: 1-929-436-2866
Webinar ID: 933 0437 8133
Passcode: 986502
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 August 20, 2026, General Session Minutes.	Board Chair
	IV	**Post-Comment Regulation** A. 140 CMR 2.00 – VOTE	Deputy Bureau Director
	V	**Reactivation Application** A. Angela Berghaus, Application No. RTRA10000097	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.

	VI	**Discussion on Regulation Amendments** A. 261 CMR 2.00 B. 261 CMR 3.00 C. 261 CMR 4.00 D. 261 CMR 5.00	Executive Director
	VII	**Flex Session** E. Who will attend the next board meeting? F. Topics for next agenda	Executive Director
	VIII	**Adjournment:** Next meeting scheduled for October 15, 2026.	Board Chair

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COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE
250 Washington Street
Boston, MA 02108

Thursday, September 17, 2026
Via Zoom

GENERAL SESSION MINUTES (OPEN SESSION)

BOARD MEMBERS PRESENT:	Jason Morin, Respiratory Therapist, Board Chair Daniel Fisher, Respiratory Therapist, Board Vice Chair Meghan Kaplan, Consumer Adelline Ntatin, Nurse
BOARD MEMBERS NOT PRESENT:	Brian Bloom, MD, Secretary Adrian Velasquez, MD
STAFF PRESENT:	Tracy Hellmer, Executive Director, Multi-Boards 1. BHPL, DPH Kayla Mikalauskis, Executive Director, Multi-Boards 2, BHPL, DPH James Lavery, Bureau Director, BHPL DPH Lauren Nelson, Deputy Bureau Director, BHPL DPH Heather Engman, Chief Board Counsel, BHPL DPH Gillian Coffey, Health Communications Manager, BHPL, DPH Alexandra Datalo, Office Support Specialist, Multi-Boards, BHPL, DPH Colin Coyne, Office Support Specialist, Multi-Boards, BHPL, DPH Mia Haslam, Office Support Specialist, Multi-Boards, BHPL, DPH Nathaniel Olson, Intern, BHPL DPH

I. CALL TO ORDER | DETERMINATION OF QUORUM

At 1:04 p.m., Mr. Jason Morin, Board Chair, called the General Session meeting to order. Mr. Morin reminded Board members the meeting was being recorded and asked for a roll call vote to determine quorum.

Roll call as follows: Mr. Daniel Fisher: present, Ms. Meghan Kaplan present, Mr. Jason Morin: present, Ms. Adelline Ntatin: present.

II. APPROVAL OF GENERAL SESSION AGENDA | CONFLICT OF INTEREST

Discussion: The Board reviewed the General Session Agenda.

Action:
Motion to approve the agenda as written was made by Ms. Meghan Kaplan, seconded by Mr. Daniel Fisher, and was passed by roll call vote as follows: Mr. Daniel Fisher: yes, Ms. Meghan Kaplan yes, Mr. Jason Morin: yes, Ms. Adelline Ntatin: yes.

Document: September 17, 2026, General Session Agenda

III. APPROVAL OF MINUTES

Discussion: The Board reviewed the drafted August 20, 2026, General Session Minutes.

Action:
Motion to approve the minutes as written was made by Mr. Daniel Fisher, seconded by Ms. Adelline Ntatin, and was passed by roll call vote as follows: Mr. Daniel Fisher: yes, Ms. Meghan Kaplan yes, Mr. Jason Morin: yes, Ms. Adelline Ntatin: yes.

Documents: August 20, 2026, General Session Minutes.

IV. POST-COMMENT REGULATION
A. 140 CMR 2.00 – VOTE

Discussion: Ms. Lauren Nelson presented the post-comment regulation, 140 CMR 2.00, which contains two key requirements as follows: 1) It prohibits MA-licensed health care providers from reporting medical debt to consumer reporting agencies, as defined in section 50 of chapter 93. 2) It requires MA-licensed health care providers to include a provision in contracts with collection entities that prohibits them from reporting medical debt to consumer reporting agencies, as defined in section 50 of chapter 93.

Ms. Nelson also presented 44 comments from 17 individual commenters and stakeholders, of which 8 comments supported the regulation unconditionally and 36 comments requested some degree of change or addition to the regulation. Several comments resulted in no change to the regulations. The comments that were not in support raised concerns regarding the impact the regulation would have on the accuracy of credit reporting systems, the risk the regulation could create for small businesses that do not have hospital-level capital or collection infrastructure, and the lack of an exception criteria for small businesses. However, these suggestions would jeopardize the universal protection that Governor Healey seeks to achieve for members of the Commonwealth. Several comments requested establishing a narrower and more specific framework for determining waiver eligibility or striking the waiver provision entirely. However, broad waiver provisions are consistent with the standard framework used across the Department of Public Health and Professional Licensing regulations.

The comments that resulted in amendments to the regulation included an expansion to the definitions for “debt collector”, “health care services”, and “health care provider”; as well as updated language to strengthen prohibitions of debt reporting and clarify contracts.

Mr. Morin asked why the matter is advancing through the regulatory process rather than the legislative process. Mr. Morin also asked what protections would be afforded to licensees of the Board of Respiratory Care, noting that the Board's role includes protecting its licensees. Mr. Lavery answered that the proposed regulation would prohibit the reporting of medical debt to consumer reporting agencies but would not prevent healthcare providers from pursuing other lawful avenues of debt collection and considerable effort was made in developing the proposed regulation to avoid placing undue harm on healthcare providers. Mr. Lavery also stated that the initiative is intended to mitigate the harm medical debt has caused Commonwealth residents.

Mr. Fisher stated consumer reporting agencies have already taken steps to limit the reporting of medical debt by excluding certain medical debts from consumer reports. Mr. Fisher also stated that he believed the proposed regulation was beyond their scope because the Board does not regulate the financial circumstances of patients, debt, or billing practices, and expressed his belief that the matter should instead be addressed through the legislative process and consumer protection laws. Mr. Lavery explained that the proposed regulation falls within the Department of Public Health's responsibilities because it is intended to eliminate barriers to necessary medical care for Commonwealth residents.

Ms. Ntatin asked for clarification regarding the Board's role in considering matters that may fall outside its traditional scope. Ms. Nelson answered that whenever a regulation imposes a requirement on a licensee, the applicable licensing Board is required to review the regulation. Mr. Morin stated that he supports the substance and intent of the proposed regulation and believes it will benefit Commonwealth residents, however, he has concern with the mechanism for applying the regulation to individual healthcare providers. Mr. Morin also stated that this should be addressed through the legislative process, which provides for broader public and legislative participation, rather than through a regulatory process in which a limited number of Board members would determine how the requirements would affect the Commonwealth. Ms. Kaplan also expressed concern that it may affect small, independent business owners who would be required to seek undue hardship waivers.

Ms. Engman suggested a deferral on the proposed regulation so the Board's feedback can be considered.

At 1:35 p.m., Ms. Gillian Coffey, Mr. James Lavery, Ms. Lauren Nelson and Mr. Nathaniel Olson exited the meeting.

V. REACTIVATION APPLICATION

A. Angela Berghaus, Application No. RTRA10000097

The applicant was in attendance

Discussion: Ms. Angela Berghaus's application is presented to the Board for the reactivation of her license as a Respiratory Therapist in the Commonwealth of Massachusetts. Ms. Berghaus held a Massachusetts Respiratory Care license number RT5110, which expired on 5/31/2024 with no disciplinary actions. Ms. Berghaus left the

field in 2019 and transitioned to other professions including specialty educator, mental health clinician, community wellness coordinator, and a program specialist for the Massachusetts Executive Office of Health and Human Services. Ms. Berghaus also held a respiratory therapist license in the following states: Connecticut, New Hampshire, Rhode Island and Vermont, all of which are expired. Ms. Berghaus has provided the Board with 40 continuing education credits

Action:
Motion to approve the application for reactivation was made by Ms. Meghan Kaplan, seconded by Mr. Daniel Fisher, and was passed by roll call vote as follows: Mr. Daniel Fisher: yes, Ms. Meghan Kaplan yes, Mr. Jason Morin: yes, Ms. Adelline Ntatin: yes.

VI. DISCUSSION ON REGULATION AMENDMENTS

A. 261 CMR 2.00
B. 261 CMR 3.00
C. 261 CMR 4.00
D. 261 CMR 5.00

Discussion: The Board is asked to review the proposed regulation amendments that were previously discussed. Ms. Hellmer directed the Board's attention to 261 CMR 3.06(2), License by Reciprocity, more specifically to the added requirement of verification of certification as either a Certified Respiratory Therapist (CRT) or Registered Respiratory Therapist (RRT) issued by the National Board for Respiratory Care (NBRC). Ms. Hellmer explained that there are currently Massachusetts-licensed respiratory therapists who are not NBRC certified because they were licensed prior to 1990 and it was not a requirement at that time. The proposed amendment would create a barrier for experienced respiratory therapists from other states who were licensed before NBRC certification was required.

Ms. Engman stated that the regulations should establish criteria to guide the Board when determining whether to approve or deny licensure, and she recommended including a carve-out permitting licensure for individuals who are not NBRC credentialed but have held a respiratory therapist license for a specified period of time.

Ms. Hellmer identified three potential approaches for the Board's consideration: (1) retain the existing language allowing the Board to accept documentation demonstrating that the applicant's licensure requirements in another jurisdiction are substantially equivalent to those of the Commonwealth; (2) require applicants who were licensed before the establishment of the NBRC examination to take the examination and obtain certification; or (3) waive the NBRC certification requirement for individuals who have been licensed for a period of time established by the Board.

Mr. Morin requested the proposed amendment to include a waiver through which applicants who are not NBRC credentialed could be approved for licensure at the Board's discretion.

VII. FLEX SESSION

A. Who will attend the next board meeting?

Discussion: Mr. Morin asked for attendance at the next Board meeting scheduled for October 15, 2026. All board members in attendance confirmed their availability to attend.

B. Topics for next agenda

Discussion: Ms. Kaplan requested to discuss safe and effective respiratory therapist staffing as recommended by the AARC Guide at the next meeting.

VIII. ADJOURNMENT

At 1:10 p.m., motion to adjourn the meeting was made by Ms. Meghan Kaplan, seconded by Mr. Daniel Fisher, and was passed by roll call vote as follows: Mr. Daniel Fisher: yes, Ms. Meghan Kaplan yes, Mr. Jason Morin: yes, Ms. Adelline Ntatin: yes.

Let the record show that the meeting adjourned at 1:56 p.m.

The next meeting of the Board of Respiratory Care is scheduled for October 15, 2026, via Zoom at 1:00 p.m.

Respectfully Submitted:
The Board of Respiratory Care