

COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
250 Washington Street
Boston, MA 02108
BOARD MEETING

THURSDAY
September 21, 2023

REGULAR SESSION MINUTES (OPEN SESSION)

Board Members

Present:

William Beal, Board Vice Chair
Dr. Brian Bloom, MD, Board Member
Jason Morin, RT, Board Chair
Jason Moury, RT Board Member

Board Members

not present:

None

Staff Present:

Steven Joubert, Executive Director, Multi-Boards, BHPL
Catherine Goldrick, Assistant Executive Director, Multi-Boards, BHPL
Heather Engman, Chief Board Counsel
Judy Bromley, Board Counsel
Jessica Uhing-Leudde, Chief Board Prosecutor
Kayla Mikalauski, Office Support Specialist, Multi-Boards, BHPL
Sarah Constantino, Office Support Specialist, Multi-Boards, BHPL

I. Call to Order | Determination of Quorum | Notice of Electronic Recording

Mr. Jason Morin, Board Chair called the General session of the meeting to order at 1:05PM and asked for a roll call attendance. William Beal: Present; Brian Bloom: Present; Jason Morin: Present. Jason Moury: Present
Absent: None

II. Conflict of Interest | Approval of Agenda

Board members were asked to approve the General Session agenda if there were no conflicts of interest regarding the items on the agenda. None are noted.

DISCUSSION:

None

ACTION:

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

Absent: None

DOCUMENT: September 21, 2023, General Session Agenda

III. Approval of Minutes

The Board reviewed the May 18, 2023 Regular Session Minutes.

DISCUSSION:

None.

ACTION:

Motion to approve May 18, 2023, General Session Minutes made by Dr. Bloom seconded by Mr. Moury, and unanimously passed by roll call vote as follows: William Beal: yes; Brian Bloom: yes; Jason Morin: yes Jason Moury: yes

Absent: None

DOCUMENT: May 18, 2023, Regular Session Minutes

IV. POLICIES:

A. Standard Consent Agreement Terms

DISCUSSION:

Ms. Uhing-Leudde introduced herself and stated that today she will be discussing two policies, the first of which being the Alfred plea policy. In the consent agreement, there is a statement that says what the licensee or applicant has done. A part of that statement is an admission of what the licensee has done. This policy changes the language to something more along the lines of, "the licensee and the Board agree to resolve this complaint without making any admissions..." and then the facts of the case would be presented. Ms. Uhing-Leudde stated that client's lawyers often advise against them signing documents with an outright admission of guilt because it could come back to them later.

Dr. Bloom clarified whether they would still have the option to use this stronger language. Ms. Uhing-Luedde stated that the Alfred plea policy would standardize the use of the language presented. Ms. Engman then clarified further that the Board could vote when they feel an outright admission is necessary. Mr. Morin asked what the

impact would be of not implementing this policy. Ms. Uhing-Leudde stated that it could result in licensees opting out of signing their consent agreements and then having to go to a hearing with the Board. Ms. Engman also clarified that sometimes the licensees have criminal or civil suits ongoing at the same time their matter is being heard by the Board, and an admission would have an impact on the results of those matters. Mr. Morin stated that he feels like this would have little impact on what they decide as Board members in terms of the actual consent agreement and that an admission of guilt is not necessary for their discipline.

ACTION:

Motion to adopt the Alfred plea language policy made by Dr. Bloom seconded by Mr. Moury, and unanimously passed by roll call vote as follows: William Beal: approve; Brian Bloom: approve; Jason Morin: approve; Jason Moury: approve.

Absent: None

DISCUSSION:

Ms. Uhing-Leudde stated that there is an additional policy they are looking to adopt, which would give the prosecution some discretion when drafting consent agreements. She gives an example stating that if a licensee was being looked at for three different violations, and one did not have a lot of supporting evidence, they could remove the statement in the consent agreement, but keep all related discipline. Mr. Morin asked whether this would give the prosecution the ability not to come before the Board if they are changing something minor. Ms. Uhing-Leudde clarified that they would always come before the Board if any part of the discipline was looking to be changed. It would give the prosecution the discretion to allow the licensee to admit to some things and not others within the consent agreement.

Ms. Uhing-Luedde also requested that instead of providing a hard number for probation terms, that the Board provides Prosecution with a timeline range.

Lastly, Ms. Uhing-Luedde brings up the Order to Show Cause document that is required when a licensee wants to go to a hearing. The Prosecution would like the ability to add technical violations, such as failure to respond to the Board or not completing CMEs. They are also looking for the ability to get rid of these technical violations using their discretion.

ACTION:

Motion to adopt the Prosecutorial Discretion policy made by Dr. Bloom seconded by Mr. Moury, and unanimously passed by roll call vote as follows: William Beal: approve; Brian Bloom: approve; Jason Morin: approve; Jason Moury: approve.

Absent: None

V. Open Investigations:
N/A

VI. Flex Session

Mr. Joubert stated that he has no announcements.

Mr. Moury asked about the new licensing software and if there has been any feedback they should know about. Mr. Joubert stated that there have been a few hiccups, but none for Respiratory care specifically.

VII. ADJOURNMENT:

Motion to move into Executive Session made by Dr. Brian Bloom, seconded by Mr. Jason Moury and unanimously passed by roll call vote as follows: William Beal: yes; Brian Bloom: yes; Jason Morin: yes Jason Moury: yes
Absent: None

The general session adjourned at 1:32PM.