

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**

**Thursday, December 16, 2021
1:30 PM**

General Session is open to the public and will be held via Webex at:

<https://statema.webex.com/statema/j.php?MTID=mc1163791226186c784adbbb5415a32d4>

Call-In Telephone number 1-866-692-3580 (toll-free)

Meeting Number/Access Code: 2432 420 9080

Meeting Password: DCp2mHji7g7

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. November 18, 2021 Board Meeting Minutes	Draft Minutes	Chair
	IV	Board Elections A. Chairman B. Vice-Chairman C. Secretary	None	ED
	V	Open Investigations: N/A Triage: N/A Staff Assignments: N/A Complaint: N/A		

Board Meeting Agenda December 16, 2021
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.

	VI	Flex Session A. Announcements B. Topics for next agenda C. DME Companies Discussion-follow-up	Verbal Discussion	ED
2:30 PM	VII	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. 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
	VIII	65C Session: N/A	Closed Session	Board Counsel
	IX	Adjudicatory Session: N/A	Closed Session	Board Counsel
	X	Adjournment -next Board meeting scheduled for January 20, 2022		Chair

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING**

Thursday, December 16, 2021

1:30 PM

Via WebEx

MINUTES

Board Members Present: Mr. William Beal, Board Member
Dr. Brian Bloom, MD, Board Member
Lindsey Greener, Board Member
Jason Morin, RT, Board Member
Dr. Samy Sidhom, MD, Board Member

Board Members
not present: 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
Executive Director, Mr. Steven Joubert called the meeting to order at 1:36 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: William Beal: present; Brian Bloom: present; Lindsey Greener: present; Jason Morin: present; Samy Sidhom: present. Absent: Amy Keenan.
- II. Conflict of Interest | Approval of Agenda
The open session meeting agenda was reviewed.

DISCUSSION:

Mr. Joubert 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.

ACTION:

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

DOCUMENT:

December 16, 2021 Regular Session Agenda

III. Approval of Minutes

Board members were asked to review the minutes from November 18, 2021.

DISCUSSION:

None.

ACTION:

Motion to approve the November 18, 2021 minutes as presented made by Mr. Morin, seconded by Ms. Lindsey Greener and unanimously passed by roll call vote as follows: William Beal: yes; Brian Bloom: yes; Lindsey Greener: yes; Jason Morin: yes; Samy Sidhom: yes. Absent: Amy Keenan; Abstained: none. Opposed: none. Recused: none.

DOCUMENT:

November 18, 2021 General Session Minutes

IV. Board Elections:

A. Chairman

In the last meeting, Dr. Brian Bloom nominated Mr. Morin as the Board chair. He felt that the Board chair should be a Respiratory Therapist and stated that Mr. Morin is a leader in his field. Mr. Morin accepted the nomination.

ACTION:

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

B. Vice-Chairman

Dr. Samy Sidhom nominated Mr. Beal as the Board Vice-Chairman. He accepted the nomination.

ACTION:

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

C. Secretary

No nominations voiced.

Board Counsel, Ms. Mary Strachan explained that the role of Secretary may include review

educational courses, review of Board minutes, and/or review of continuing education courses. The remaining, present Board members indicated that they had other commitments and were not interested in the secretary role. Mr. Morin suggested that once the Board vacancy is filled, they should nominate that person. Other Board members agreed.

V. Open Investigations: N/A

VI. Flex Session

A. Announcements: N/A

B. Topics for Next Session: N/A

C. Durable Medical Equipment (DME) Companies Discussion Follow-Up

Mr. Morin explained that he sits on the Northern Essex Community College Respiratory Advisory Board and took this topic to that Board. Additionally, Jason Moury who used to sit on the Massachusetts Board of Respiratory Care and now is the Chairman of the Massachusetts Society for Respiratory Care is taking this topic to that group for comment.

Mr. Beal sent some documents from the Tennessee Respiratory Care Board to Ms. Strachan. She explained that the respective Boards are set up with different jurisdictions. Tennessee has a Board that oversees DME companies, but Massachusetts does not have a Board with jurisdiction over DME companies. In MA, w the Board of Respiratory Care, which has jurisdiction over individual Respiratory Therapists. The Respiratory Care does not have jurisdiction over DME companies. This means that even if the Respiratory Care Board makes a recommendation, they do not have a means to enforce it as they do not have jurisdiction over the DME companies. This is why the Board has not previously made any recommendations.

Mr. Morin noted that in 2020, Representative Andy Vargas introduced legislation to establish a licensure requirement for DME companies in Massachusetts. This did not pass but Mr. Morin explained that he anticipates similar legislation to be proposed in 2022. He asked if this legislation would put jurisdiction over DME companies under the Respiratory Care Board or if another Board would be established. Ms. Strachan explained that it would depend on the intent of the legislation. Mr. Beal stated that he felt another Board would be beneficial to oversight.

Mr. Beal explained that as far as he understands, according to the Massachusetts regulations, a Respiratory Therapist working for a DME company must have a medical director. The medical director does not need to be a full-time employee of the company, but they must be retained as a consultant. He knows of DME companies which do not have medical direction. He asked where the question of liability lies. Ms. Strachan explained that since the Board does not direct Respiratory Therapists to train technicians, individuals would not be liable. If the company is not employing a medical director, then the company is acting inappropriately. However, the Board does not have jurisdiction over the company to enforce any recommendation. The Board additionally does not have jurisdiction to go out and perform inspections. The Board would rely on

a consumer or another practitioner to make a complaint that a Respiratory Therapist is practicing without medical direction and would ultimately open an investigation.

Mr. Morin asked if the state verifies whether or not a Respiratory Therapist is working under a medical director. Ms. Strachan explained that the Board does not ask for that information upon renewal. Mr. Beal suggested that the Board could ask for that information.

VII. Executive Session

Mr. Joubert announced that the Board would 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 the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

Specifically, the Board would discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants.

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 would not reconvene in open session subsequent to the closed session(s).

ACTION:

Motion to enter Executive Session at 2:27 P.M. made by Dr. Bloom, seconded by Mr. Beal and unanimously passed by roll call vote as follows: William Beal: yes; Brian Bloom: yes; Lindsey Greener: yes; Jason Morin: yes; Samy Sidhom: yes. Absent: Amy Keenan; Abstained: none. Opposed: none. Recused: none.

DOCUMENT:

None.

VIII. Adjournment:

The Board did not reconvene following Executive Session.

The next meeting of the Board of Respiratory Care is scheduled for **January 20, 2022.**

Respectfully submitted:
Board of Respiratory Care