

**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, July 15, 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=m6b320d43c5925a5ec7baeda811a0cbf3>  
Call-In Telephone number 1-866-692-3580 (toll-free)  
Meeting Number/Access Code: 161 215 7657  
Meeting Password: ASs3MMwwE74**

**Agenda**

**All Votes Must Be Via Roll Call**

<b>Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibits</b>	<b>Staff Contact</b>
<b>1:30 PM</b>	<b>I</b>	<b>Call to Order</b> <b>Determination of Quorum</b> <b>Notice of electronic recording</b>		Chair
	<b>II</b>	<b>Conflict of Interest</b> <b>Approval of Agenda</b>	Draft Agenda	Chair
	<b>III</b>	<b>Approval of Minutes</b> A. May 20, 2021 Board Meeting Minutes	Draft Minutes	Chair
	<b>IV</b>	<b>Open Investigations: N/A</b> Triage: N/A Staff Assignments: N/A Complaint: N/A		
	<b>V</b>	<b>Flex Session</b> A. Announcements i. DME Companies & RT Supervision: <i>See M.G.L.c. 112 §23V</i> ii. Phillips Recall B. Topics for next agenda	Verbal Discussion	ED

<b>2:30 PM</b>	<b>VI</b>	<p><b>Executive Session (Roll call vote):</b> 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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p><b>The Board will not reconvene in open session subsequent to the closed session(s).</b></p>		Chair
	<b>VII</b>	<b>65C Session: N/A</b>	Closed Session	Board Counsel
	<b>VIII</b>	<b>Adjudicatory Session:</b> See Agenda	Closed Session	Board Counsel
	<b>IX</b>	<b>Adjournment</b> -next Board meeting scheduled for August 19, 2021		Chair

***If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Yulanda Kiner, Phone: 617-624-5848 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.***

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

Thursday, July 15, 2021  
1:30 PM  
Via WebEx

**MINUTES**

Board Members Present: Mr. William Beal, Board Member  
Lindsey Greener, Board Member  
Amy Keenan, RN, Board Member  
Jason Morin, RT, Board Member

Board Members  
not present: Martha DeSilva, RT, Board Chair  
Dr. Brian Bloom, MD, Board Member  
Dr. Samy Sidhom, MD, 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

Staff Not Present: N/A

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

Executive Director, Mr. Steven Joubert, called the meeting to order at 1:37 P.M. He reminded those present via WebEx that the meeting was being recorded. Board members stated their names for the record. A quorum of the Board of Respiratory Care was established with members present via WebEx as follows: William Beal: present; Lindsey Greener: present; Amy Keenan: present; Jason Morin: present. Absent: Brian Bloom, Martha DeSilva, Samy Sidhom.

Conflict of Interest | Approval of Agenda

The open session meeting agenda was reviewed.

DISCUSSION:

Board members reviewed the general session agenda and were asked to disclose 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. Jason Morin, seconded by Ms. Lindsey Greener and unanimously passed by roll call vote as follows: William Beal: yes; Lindsey Greener: yes; Amy Keenan: yes; Jason Morin: yes. Absent: Brian Bloom, Martha DeSilva, Samy Sidhom. Abstained: none. Opposed: none. Recused: none.

DOCUMENT:

July 15, 2021 Regular Session Agenda

### Approval of Minutes

Board members were asked to review the minutes from May 20, 2021.

### DISCUSSION:

None.

### ACTION:

Motion to approve the May 20, 2021 minutes as presented made by Mr. Morin, seconded by Mr. William Beal and unanimously passed by roll call vote as follows: William Beal: yes; Lindsey Greener: yes; Amy Keenan: yes; Jason Morin: yes. Absent: Brian Bloom, Martha DeSilva, Samy Sidhom. Abstained: none. Opposed: none. Recused: none.

### DOCUMENT:

May 20, 2021 General Session Minutes

Open Investigations: N/A

### Flex Session

#### A. Announcements:

##### *1. DME Companies & RT Supervision: See M.G.L.c. 112 §23V*

Board Counsel, Ms. Mary Strachan explained how the Board discussed the change in the law when it happened in 2016 (i.e., Chapter 185 of the Acts of 2016 amended M.G.L.c. 112 § 23V – exceptions to the requirement for licensure) and ultimately came to their decision regarding the statement posted on the Board's website. Namely, the Board -does not have jurisdiction over DME companies and unlicensed employees and cannot regulate what DME companies do. The Board's jurisdiction extends to licensed RTs only. The amendment does not confer additional powers on the Board.. Therefore, Board members in 2016 declined to issue guidance

Mr. Morin explained that in the field, there is disagreement among Respiratory Therapists about whether or not this is a safe practice. He asked if the Board was able to provide some level of oversight to the Respiratory Therapist training the technician in setting up DME. His concern was that no one would be held responsible if a technician were to cause harm to a patient. Ms. Strachan explained that the Board's position has always been that the setup of equipment must be done by a licensed Respiratory Therapist. Additionally, the law states that the technician cannot do patient assessment.

Mr. Beal stated that he felt that it would be beneficial to have more of a paper trail and/or training standard for the Respiratory Therapist who is training the technician. He explained that he would like the input of the medical community as to what tasks should be done by a technician and what tasks should be done by a Respiratory Therapist. Ms. Lindsey Greener stated that there was a requirement that her family be trained by a Respiratory Therapist in order for her child to be discharged from the hospital. She stated that she did receive written instructions and phone numbers to call in the case of malfunction but explained that the information was overwhelming. Mr. Morin and Mr. Beal stated that they would like some sort of standard to know that the technicians are competent in setting up this equipment. Ms. Amy Keenan stated that she works in an ICU setting where she sees the worst-case scenarios. She elaborated that education in the home setting is a large factor in the patient's outcome as many people do not have the health literacy to understand the processes being explained to them.

Board members indicated that they wanted the input of the physician members of the Board and defer conversation to the next meeting. Ms. Strachan recommended that the Board review the statute as it has a lengthy list of exceptions and would provide a good frame of reference.

ACTION:

Motion to defer conversation to the next Board meeting by Mr. Morin, seconded by Mr. Beal and unanimously passed by roll call vote as follows: William Beal: yes; Lindsey Greener: yes; Amy Keenan: yes; Jason Morin: yes. Absent: Brian Bloom, Martha DeSilva, Samy Sidhom. Abstained: none. Opposed: none. Recused: none.

2. *Phillips Recall*

Mr. Joubert read the recall alert and Mr. Morin explained that it was estimated to affect as many as 6 million units and would ultimately affect access to parts and equipment. He stated that the public would likely be impacted for some time.

B. Topics for Next Session:

None.

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. Specifically, 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. 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 1:55 P.M. made by Mr. Morin, seconded by Mr. Beal and unanimously passed by roll call vote as follows: William Beal: yes; Lindsey Greener: yes; Amy Keenan: yes; Jason Morin: yes. Absent: Brian Bloom, Martha DeSilva, Samy Sidhom. Abstained: none. Opposed: none. Recused: none.

DOCUMENT:

None.

Adjournment:

The Board did not reconvene following Executive Session.

The next meeting of the Board of Respiratory Care is scheduled for **August 19, 2021.**

Respectfully submitted:  
Board of Respiratory Care