

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**

**Tuesday, May 21, 2019
3:00 p.m.**

**239 Causeway Street ~ 4th Floor ~ Room 417
Boston, Massachusetts 02114**

Agenda

Time	Item #	Item	Exhibits	Staff Contact
3:00 p.m.	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. December 18, 2018 Board Meeting	Draft Minutes	Chair
	IV	Regulations A. 261 CMR 5.00 Resubmission Update	Verbal	MS
	V	Board Inquiry: Scope of Practice A. Matt Vanasse (RT3672) of St. Elizabeth's Medical Center: "Is it within the RC scope of practice to administer medications and sedation?"	E-mail Inquiry	MS
	VI	Open Investigations: N/A <i>Triage: N/A</i> <i>Staff Assignments: N/A</i> <i>Complaint: N/A</i>	Investigative Report	LS
	VII	Flex Session 1. Announcements 2. Topics for next agenda		

3:00 p.m.	VIII	Executive Session (Roll call vote): N/A 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. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants. 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. 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. <p>The Board will not reconvene in open session subsequent to the closed session(s).</p>		Chair
	IX	65C Session: N/A	Closed Session	Board Counsel
	X	Adjudicatory Session: (Closed Session Agenda)	Closed Session	Board Counsel
	XI	Adjournment -next Board meeting scheduled for June 18, 2019		Chair

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

Tuesday, December 18, 2018

239 Causeway Street
Room 417 A/B
Boston, MA 02114

MINUTES

Board Members Present: Jordan Sage Rettig, MD, Physician 1 (arrived at 2:51 p.m.)
Martha DeSilva, RT, Respiratory Therapist 2 (left at 3:05 p.m.)
Molly Cavallaro, RN, Nurse
Essam Ansari, MD, Physician 2

Remote Participation: Paul Nuccio, RT, Respiratory Therapist 1

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Vita Berg, Board Counsel, Office of the General Counsel, DPH
Lisa Seeley-Murphy, Compliance Officer III, BHPL (left at 3:32 p.m.)
Jonane Nicolas, Office Support Specialist, Multi-Boards, DPH
Celia Thomas, Office Support Specialist, Multi-Boards, DPH
Karen Fishman, Probation Monitor, BHPL (left at 3:05 p.m.)

Guests: None

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Ms. Cherfils, the Executive Director, called the meeting to order at 1:43 p.m.

II. Review of the Agenda & Conflict of Interest

The Meeting Agenda was reviewed.

DISCUSSION: Ms. Cherfils asked the Board members to review the agenda and disclose if there are any conflicts of interest regarding the items on the agenda. There were no conflicts of interest disclosed.

ACTION: Ms. DeSilva made a motion to approve the agenda with the changes. Dr. Ansari seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: December 18, 2018 Board Meeting Agenda

III. Approval of Minutes

A. July 17, 2018 Regularly Scheduled Board Meeting

The minutes of the July 17, 2018 regularly scheduled board meeting were reviewed.

ACTION: Ms. DeSilva made a motion to approve minutes as presented. Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: July 17, 2018 Regularly Scheduled Board Meeting Minutes

IV. Inquiries: Licensing

A. Transfer of Canadian Regulation

DISCUSSION: Ms. Cherfils informed the Board of an inquiry pertaining to the ability of a Canadian student to obtain licensure and subsequently work in Massachusetts using the Canadian education for a Respiratory Care Therapist. Ms. Cherfils notified the board that there was no previous precedent to which to refer, and also noted that it was unclear whether the Canadian student would be able to sit the NBRC exam. Board Counsel, Mary Strachan, explained to the board that Massachusetts General Law, Chapter 112 Section 23S did not provide any specific information that could answer the inquiry. Ms. Strachan then referred to the Respiratory Care Board Regulations, and noted that the regulations gave more detail by explaining that the Board may license any individual over the age of 18 who has completed a Board approved Respiratory Care program, passed the licensure exam, is of Good Moral Character, submitted a complete and accurate signed application, provided verification of the completed education program, provided verification of the passing score for the examination, provided evidence of certification by the NBRC and submitted the payment fee to the Commonwealth of Massachusetts. Ms. Strachan also noted that the Regulations stipulated that an approved education program must be accredited by COARC. Ms. Strachan then recommended that if the program was accredited by COARC and was conducted in English, the Board should approve the Canadian education in question.

ACTION: Ms. DeSilva made a motion to defer the decision on the inquiry until the student could verify whether the Canadian program was accredited by COARC. Ms. DeSilva noted that it would be the students' and the institution's responsibility to do so. Dr. Ansari seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquiry

V. Inquiries: CEU Approval

A. Prabha Baid (RT3289)

DISCUSSION: Ms. Cherfils informed the Board that it received an inquiry regarding an application for a total of 10 CEUs upon a completion of a total of 12 contact hours. Ms. Cherfils explained that this matter came before the Board as a result of Regulation 261 CMR Section 5.04 which stipulates that 1 CEU is equal to 10 contact hours, and according to this regulation, the applicant would only be eligible for 1 CEU. Mr. Paul Nuccio informed the Board that there was precedent on this matter several years ago and that the board should refer to the amount of hours that were granted in the previous case. Ms. Strachan informed the Board Members that the updates to the Regulations pertaining to Continuing Education, that is 261 CMR 5.00, have not yet been promulgated. Therefore, Counsel recommended that the Board post on the Board of Respiratory Care website that Basic Life Support Training is not eligible for CEU credit. Mr. Nuccio suggested that this notification should stipulate everything that is credited.

ACTION: Ms. Cherfils made a recommendation to amend the motion, suggesting that the matter be deferred to permit Board staff to research the number of CEUs awarded in the past, and respond to the inquiry and provide that number. Ms. DeSilva made a motion to defer this inquiry until the precedent is determined. Ms. Cavallaro seconded the motion. The motion passed with Board members present voting in favor unanimously.

Document: E-mail Inquiry

B. Wisly Lefevre (RT10221)

DISCUSSION: Ms. Cherfils informed the Board that a licensee was requesting 4 college course credit.

ACTION: Mr. Nuccio made a motion to approve the request. Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

VI. Regulations: Public Hearing Comments

A. 261 CMR 5.00

Review of the July 16, 2018 Public Hearing Comments

DISCUSSION: Ms. Strachan gave a summary of the submitted memo which pertained to previous Board actions and discussions prior to the current meeting. Ms. Strachan summarized that though several licensees made comments to increase the CEU requirements in the first Public Hearing, many disclosed in the second Public Hearing in question that doubling the current CEU requirements was too significant of an increase. Some licensees had concerns about the limitation on the number of CEUs that can be obtained on-line, as well as concerns about specific course requirements and why an increase was suggested in the first place. Ms. Cherfils clarified that there was to be no limitation on the number of CEUs obtained on-line, no specific topics of study were mandated, and that the proposal to increase the CEU requirements came about as a product of the comments submitted during the first Public Hearing regarding this issue. Ms. Vita Berg, Board Counsel, further clarified that the second Public Hearing was made necessary by the comments submitted in the first Public Hearing. Ms. Berg stressed that the public was to be given a chance to discuss before the decision to formally increase CEU requirements.

ACTION: Mr. Nuccio made the motion to amend proposed regulations. He proposed decreasing the proposed number of credits from 30 CEUs to 20 CEUs. The change would increase the current CEU requirements from 15 CEU's to 20 CEU's and clarify the specific course requirements. Ms. Cherfils made a recommendation to amend the motion. Ms. Cherfils explained that eliminating specific courses was not part of the proposed regulations. Ms. Cherfils clarified that the only change to the proposed regulations the Board discussed was changing the proposed amendments to increase the number of required CEUs from 15 to 20. Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Ms. Cherfils made a recommendation to rescind the advisory on the Board's website with regard to this specific topic.

ACTION: Ms. DeSilva made a motion to rescind the advisory. Dr. Ansari seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Ms. Berg noted that the Board voted on the response it would provide to the public following the second Public hearing. Ms. Berg recommended that a new draft of the proposal of increasing the CEU requirements from 15 to 20 be submitted for administrative review. She suggested that if this is approved, it could be promulgated immediately. If changes were required, they could be brought back to the Board.

ACTION: Ms. DeSilva made the motion to submit the updated draft, Ms. Cavallaro seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Regulation 261 CMR 5.00, Public Hearing Memo

VII. Open Investigations:

N/A

VIII. Flex Session

A. Announcements

A. Year End Maintenance Password Reset

DISCUSSION: Ms. Cherfils reminded the board of the email sent to state employees regarding year end maintenance which required that all passwords be reset, and the standards for developing quorum.

ACTION: None

Document: Email from Secretary

B. Future Board Meeting Dates

DISCUSSION: Ms. Cherfils reminded the Board of the ongoing discussion of changing meeting times as proposed by Dr. Ansari. Ms. Cherfils made the suggestion that the Board either: a) choose another date and time for regular meeting hours or b) meet at a different location (the 250 location). Ms. Cherfils proposed Tuesdays at 3 p.m. as a new meeting date/time.

The call with Paul Nuccio was concluded.

ACTION: None

Document: None

C. Topics for next agenda

N/A

IX. Executive Session (Roll call vote)

Ms. Cherfils announced that 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 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 will discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants. 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.

Ms. DeSilva made a motion to enter into Executive session at 2:33 p.m. Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor: Mr. Nuccio-yes; Ms. DeSilva-yes; Ms. Cavallaro-yes; Dr. Ansari-yes; Abstained: None; Opposed: None; Recused: None.

The Board adjourned the Executive Session at 3:43 p.m.

X. Adjudicatory Session

The Board entered the Adjudicatory Session at 3:43 p.m.

XI. Adjournment

There being no other business before the Board, Ms. DeSilva made a motion to adjourn the meeting; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:54 p.m.

The next meeting of the Board of Respiratory Care is scheduled for January 15, 2019 in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date