

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, September 16, 2014
1:00 p.m.

239 Causeway Street ~ Floor ~ Room 417
Boston, Massachusetts 02114

Agenda

Time	Item #	Item	Exhibits	Staff Contact
1:00 p.m.	I.	Call to Order Determination of Quorum		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. August 19, 2014 Board Meeting	Draft Minutes	
	IV.	Full License Applications A. <u>Meadows, Randal</u> – Deferred from the August meeting.	Application form and supporting documents	DM/IH
	V.	License Reactivation Application A. Ellis, Saranna RT2878 (Expired 5/31/2012) B. Gentile, Christopher RT5259 (Expired 5/31/2012)	Application form and supporting documents	IH
	VI.	Staff Assignments None	None	
	VII.	Scope of Practice Inquiries A. Inquiry from Community Surgical Supply regarding what licenses are required in order for use to deliver Oxygen to patients home.	Email Inquiry	

	VIII.	Policies: A. Valor Act	Copy of Policy	
	IX.	Other Business/Announcements A. <u>Follow-up:</u> Interchange Secure File and Email Delivery System for Board Materials B. <u>Revision of Application Question:</u> Minor Violation Limit increase C. <u>Announcement:</u> Board members' state email address D. <u>Discussion:</u> Pending Senate Bill S.B. 2348 E. <u>Discussion:</u> Collaboration between other Boards F. <u>Discussion:</u> Subcommittee/Task force to review regulation related to CPAP/BIPAP machine set-up G. <u>Discussion:</u> Revision of Board Regulations H. <u>Discussion:</u> Administration of Sedatives and Analgesic medications by Respiratory Therapist	Verbal Application question Copy of Proposed Bill	IH MP DM
	X.	Flex Session A. Topics for next agenda	Verbal	

2:00 p.m.	XI.	<p>Executive Session (Roll call vote)</p> <p>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"> 1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants. 2. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the August 19, 2014 meetings. <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	
	XII.	G.L. c. 112, § 65C Session	Closed Session	
	XIII.	<p>Adjudicatory Session</p> <p>None</p>	None	
3:00 p.m.	XIV.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

BOARD MEETING

Tuesday, September 16, 2014

239 Causeway Street
Room 417
Boston, MA 02114

MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair
Annemarie Patten, R.N., Nurse, Board Vice-Chair
Edward Burns, Respiratory Therapist 1
Phillip Bort, Consumer 2

Board Members
Not Present: Susan Binall, Consumer 1
Sadeq Ali Quraishi, M.D., Physician 1

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL
Ichelle Herbu, Assistant Executive Director, Multi-Boards,
DHPL
Rebecca Ferullo, Office Support Specialist, Multi-Boards,
DHPL
David Murphy, Board Counsel, Office of the General Counsel,
DPH
Marjorie Campbell, Nursing Investigator Supervisor,
Office of Public Protection, DHPL

Guest: John Hayes

- I. Call to Order - Determination of Quorum
A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:19 p.m.
- II. Approval of the Agenda
The Meeting Agenda was reviewed.

DISCUSSION: Mr. Polanik informed the Board that agenda item V. B. will be deferred to the next scheduled Board meeting.

ACTION: Mr. Bort made a motion to approve the agenda as amended: Mr. Burns seconded the motion. Motion passed with Board members voting in favor unanimously.

Document: September 16, 2014 Board Meeting Agenda

III. Approval of Minutes

A. August 19, 2014 Regularly Scheduled Board Meeting

The Minutes of the August 19, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: Correction of abbreviation on p. 5; and correct Ms. Patten's last name throughout the minutes.

ACTION: Ms. Patten made a motion to approve minutes as amended; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: August 19, 2014 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications

A. Meadows, Randal- Mr. Murphy updated the Board with the information regarding Mr. Meadows's lack of degree. He informed the Board that he called the school where Mr. Meadows attended. The school stated that Mr. Meadows failed to fill out and submit a graduation form that he needed in order to get his degree. Since then the requirements and curriculum for the degree have changed and the applicant needs other classes to get the degree. None of these classes are related to RT. Mr. Meadows confirmed that he was eligible to take exam.

DISCUSSION: The Board discussed that Mr. Meadows met the requirements to take the NBRC exam even without the degree.

ACTION: Mr. Polanik made a motion to grant Mr. Meadows license. Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: application form and supporting documents.

V. License Reactivation Applications

A. Ellis, Saranna RT2878(Exp: 5/31/2012)

DISCUSSION: Ms. Herbu informed the Board Ms. Ellis is requesting for her license to be reactivated. She provided 10.5 CEUs completed for the last renewal cycle and 6 CEUs for the current renewal period. The Board has accepted this

number of CEU's in the past; however, Ms. Ellis will not be able to use the CEUs completed for the current renewal cycle when she renews in 2016. She will have to obtain 15 more CEUs.

ACTION: Mr. Polanik made a motion to approve the reactivation application of Mr. Ellis license; Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

VI. Staff Assignments

None

VII. Scope of Practice Inquiries

A. Inquiry from Community Surgical Supply regarding what licenses are required in order for use to deliver Oxygen to patients home.

DISCUSSION: A person delivering oxygen equipment does not require a license, but set-up, initiate, and teaching does require an RT license. Oxygen administration is ordered by a physician. The Board questioned if the person who is requesting information should be called and asked for clarification on question and brings back to the Board for review.

ACTION: Mr. Polanik made a motion to answer question within legal confines and policy; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

VIII. Valor Act:

DISCUSSION: Mr. Murphy informed the Board about the implementation of the Valor Act. The purpose in adopting this policy is to facilitate the provisions of the Valor Act of 2012. The Board in adopting this policy authorizes the VAL (employee of the division who serves as a liaison) to facilitate the processing of applications submitted by active duty service members and military spouses. The Board authorizes the VAL:

- i. to direct the issuance of a license card for the current or next registration period to an Active Duty Service Member whose license is in good standing, and to waive any renewal and late fees, if: The license is "current" within the renewal window and the normal "expiration" date falls within the period of active duty, or; the license has "expired" but the "expiration" occurred" during the period of active duty. Further, the Board authorizes the VAL to waive the requirement that the individual complete continuing education requirements, if such requirements are imposed as a condition for license renewal.

- ii. to direct expediting the processing of Military Transfer spouse's application for initial licensure or for reactivation.

The renewal extends license up to 90 days after returning from active duty.

ACTION: Mr. Polanik made a motion to adopt the Valor Act Policy; Ms. Patten seconded the motion; motion passed with Board members present and voting in favor.

IX. Other Business/Announcements

A. Announcement: Interchange Secure File and Email Delivery System for Board Materials

DISCUSSION: A request was made to please make sure documents are scanned in right direction.

ACTION: None

Documents: None

B. Discussion: Minor violation limit increase

DISCUSSION: Ms. Phillips informed the Board that currently, the criminal history question on the NHA applications indicate that an applicant is not required to report minor violations for which a fine of \$100 or less was imposed. The Board discussed that the majority of speeding tickets are over \$100.00. The Board was asked to increase the limit to \$250.

ACTION: Mr. Burns made a motion to increase the amount of reporting from \$100.00 to \$250.00 or more. Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: None

X. Executive Session(Roll call vote)

At 1:50pm Mr. Polanik 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. In addition, the Board will consider approval of prior executive

session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the August 19, 2014 meetings.

Mr. Polanik made a motion to enter into Executive session at 1:50 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor all in favor: Ms. Patten-yes, Mr. Burns-yes, Mr. Polanik-yes, and Mr. Bort-yes: Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 2:30 p.m. and resumed its Regularly Scheduled Board Meeting

XI. Other Business/Announcements (continued)

A. Announcement: Board members' state email address: Board members will be getting state email addresses for Board related matters. State email is a public record. Board will be contacted when switch is made.

B. Discussion: Pending Senate Bill S.B. 2348

DISCUSSION: Board members noted that this bill has implications for the respiratory care profession. The Board requested that the legislative liaison be informed of the Board's concerns and be invited to a Board meeting. Board members would like to know what the likelihood of the bill passing; if it is legal for CNAs to administer inhalers or is it considered respiratory care; and if it is possible to have language of the bill changed.

ACTION: None

Documents: Copy of Proposed Bill S.B. 2348

C. Collaboration between Boards

DISCUSSION: The Board discussed when collaboration would be required and noted it would depend on the issues. The point would be to check how regulations affect each other and how boards handle different situations. The goal would be a more unified, way of handling cases when licensees have multiple licenses. The Board questioned how Connecticut does this. The Board suggested common meeting, concerns with a specific agenda. For example, Board members would like to reach out to nursing board regarding proposed bill S.B. 2348 to discuss implications and requested that Board staff invite nursing board to the next meeting. Board staff informed the Board that it would be difficult to get members from another board to attend the RC Board meeting.

ACTION: None

Documents: None

D. Regulation related to CPAP/BIPAP set-up

DISCUSSION: The Board noted that there are implications with allowing unlicensed personnel set-up the machine. How will the Board ensure that the individuals are trained? CPAP/BIPAP requires a physician order. Will the technician be able to follow the orders and work safely with the more complicated machines? Will they be able to check if the equipment is properly suited for the patient? Board members noted that prior to making any changes to the regulations or reaching a position on the issue, it is important to obtain information on how the changes will implicate the respiratory care profession and why it is not safe for patient if an unlicensed professional set-ups the equipment. It would be helpful to obtain expert opinions on the subject from other professionals and organizations. Mr. Burns noted that the MSRC is willing to help on this matter. Board members noted that prior to deny the regulatory change, the Board should consult experts and professionals, draft an advisory ruling, and invite public comments.

Mr. Bort proposed appointing Mr. Burns to obtain more information to other states and professional organizations.

Mr. Polanik proposed that the Board create a subcommittee to meet to discuss the issue and how to approach the subject to include define the questions that the Board wants answered when presenting to outside organizations; what organizations those questions will be presented; a response of why CPAP set-up needs to remain performed by licensed RTs.

ACTION: Mr. Bort made a motion to create a subcommittee with Mr. Polanik, Mr. Burns, and Mr. Bort as members to meet on October 8, 2014 from 8-11 a.m.; Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

XII. Adjournment

There being no other business before the Board, Mr. Polanik made a motion to adjourn the meeting; Mr. Bort. seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 4:22 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, October 21, 2014, at 1 p.m. in Boston, MA.

Respectfully submitted:

Name

Position

Date