## Agenda

<table>
<thead>
<tr>
<th>Time</th>
<th>Item #</th>
<th>Item</th>
<th>Exhibits</th>
<th>Staff Contact</th>
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<tbody>
<tr>
<td>1:00 p.m.</td>
<td>I.</td>
<td>Call to Order</td>
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<td>Determination of Quorum</td>
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<td>Notice of electronic recording</td>
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<td></td>
<td>II.</td>
<td>Approval of Agenda</td>
<td>Draft Agenda</td>
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<td>III.</td>
<td>Approval of Minutes</td>
<td>Draft Minutes</td>
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<td></td>
<td>A. March 4, 2016 Board Meeting</td>
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<td>IV.</td>
<td>Full License Applications</td>
<td>None</td>
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<td>V.</td>
<td>Review Renewal Applications</td>
<td>None</td>
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<td>VI.</td>
<td>Staff Assignments</td>
<td>Investigation Reports</td>
<td>CP</td>
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<td>A. SA-INV-8137 Deborah Beech</td>
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<td>VII.</td>
<td>Complaints</td>
<td>Investigation Reports and Memo</td>
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<td>A. REP-2015-023 Phillip Raby</td>
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<td>B. REP-2015-002 Carrie Clark</td>
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<td>C. REP-2015-012 Linda Valente</td>
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<td>D. REP-2015-013 Tina Kirchner</td>
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<td>E. REP-2015-015 Donna Rollins</td>
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<td>F. REP-2015-016 Jasmine Serrano</td>
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<td>G. REP-2015-021 Kimberly Thorne-Cutler</td>
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<td>CP</td>
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VIII. **Inquiries**

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<tbody>
<tr>
<td>A.</td>
<td>Can a licensed RT practice under protocol issued orders by a licensed physician</td>
<td>Email Inquiries</td>
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IX. **Probation Monitor Report**

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X. **Policies**

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<tr>
<td>A.</td>
<td>Staff Action Policy - GMC licensure</td>
<td>Draft Policies</td>
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<td>B.</td>
<td>Routine Responses Policy</td>
<td>MS</td>
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XI. **Other Business/Announcements**

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XII. **Flex Session**

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<tr>
<td>A.</td>
<td>Topics for next agenda</td>
<td>Verbal</td>
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**2:00 p.m. 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. Specifically, the Board will discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants.

2. 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.

3. 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 for previous executive sessions of the Board.

The Board will not reconvene in open session subsequent to the executive session.

**2:30 p.m. G.L. c. 112, § 65C Session**

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**3:00 p.m. Adjournment—next Board meeting scheduled for [June 21, 2016]**
I. Call to Order - Determination of Quorum
A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:13 p.m.

II. Review of the Agenda
The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Mr. Bort made a motion to approve the agenda as presented; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: May 26, 2016 Board Meeting Agenda

III. Approval of Minutes
A. March 4, 2016 Regularly Scheduled Board Meeting
   The minutes of the March 4, 2016 regularly scheduled board meeting were reviewed.

   DISCUSSION: None

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

   Documents: May 17, 2016 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications
   None

V. Review Renewal Applications
   None

VI. Staff Assignments
   A. SA-INV-8137 Deborah Beech

   DISCUSSION: Mr. Pascarella explained the case to the Board. OPP received an anonymous letter complaining that Ms. Beech did not complete her CEUs for license renewal. In her response, Ms. Beech notified the Board that she completed CEUs but not the 15 required by regulations. In addition she noted that her father died recently and she was focused on that. Ms. Beech is missing .6 CEU short of the required continuing education and informed the Board that she was not able to locate it. Ms. Strachan explained the differences between a Staff Assignment and Complaint to Dr. Rettig as she was not sworn in as a Board member during the time that Board counsel presented a power point presentation regarding Board authority...

   ACTION: Mr. Bort made a motion to first verify if the # of CEU she is missing is equivalent to the MA regulations, if yes – she would require to take an additional course to make up for it. Upon proof of the missing CEU, the Board will close the SA within 30 days. If not in compliance, Board will open a complaint and offer a Consent Agreement for Reprimand; Mr. Polanik seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

   Documents: Investigation Reports

VII. Complaints
   H. REP-2015-023 Phillip Raby

   DISCUSSION: Mr. Beattie informed the Board of this complaint case. In reference to the approved policy the Board adopted with regard to RTs working after license expiration. The policy specifies that if an RT practices after license expiration for less than 30 days, the Board will open a complaint and dismiss with a cautionary letter. If a Licensee practices for more than 30 days after license expiration, the Board will open a complaint and s/he will be offered a
Consent Agreement for Reprimand; If a Licensee works for more than one year after license expiration, the Board will open a complaint and the case will be brought for review by the full Board. This particular Licensee has worked a little bit over a year and staff needs the Board’s guidance. Ms. Strachan also reminded the Board of the difference levels of discipline. After discussion, the Board noted that Mr. Raby self-reported and his conduct doesn’t warrant a higher level of discipline.

ACTION: Mr. Nuccio made a motion to offer a Consent Agreement for Reprimand and provide proof of his CEUs. If the Licensee cannot provide proof of the CEU, the Board will raise the complaint of a Reprimand to a higher level; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

[The Board decided to accommodate the public who is here for the Executive Session and motion to switch over to the closed session before going back to the open session.]

I. REP-2015-002 Carrie Clark

DISCUSSION: Mr. Pascarella informed the Board of this complaint case. As part of the Board’s audit of licensees’ compliance with the continuing education requirements for license renewal, Ms. Clark’s license number was picked at random for review. She is 15 CEU short and never responded to the Board twice.

ACTION: Mr. Polanik made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offers a Consent Agreement for Probation; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

J. REP-2015-012 Linda Valente

DISCUSSION: As part of the Board’s audit of licensees’ compliance with the continuing education (CE) requirements for license renewal, Ms. Valente’s license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Polanik made a motion to dismiss the complaint; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

K. REP-2015-013 Tina Kirchner
DISCUSSION: As part of the Board’s audit of licensees’ compliance with the continuing education requirements for license renewal, Ms. Kirchner’s license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case. Ms. Kirchner could not produce proof that she completed the number of CE required for license renewal.

ACTION: Mr. Bort made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offers a Consent Agreement for Probation; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

L. REP-2015-015      Donna Rollins

DISCUSSION: As part of the Board’s audit of licensees’ compliance with the continuing education requirements for license renewal, Ms. Rollins’ license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Bort made a motion to dismiss the complaint; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

M. REP-2015-016      Jasmine Serrano

DISCUSSION: As part of the Board’s audit of licensees’ compliance with the continuing education requirements for license renewal, Ms. Serrano’s license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case and informed the Board that the Licensee has submitted all the required documentation.

ACTION: Mr. Polanik made a motion to dismiss the complaint; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

N. REP-2015-021      Kimberly Thorne-Cutler

DISCUSSION: As part of the Board’s audit of licensees’ compliance with the continuing education requirements for license renewal, Ms. Thorne-Cutler’s license number was picked at random for review. Mr. Pascarella informed the Board of this complaint case. She only provided 13 CEUs to the Board.
ACTION: Mr. Bort made a motion to offer a Consent Agreement for a Reprimand and requesting for proof of CEU; if not, offer a Consent Agreement for Probation; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Investigation Reports and Memo

VIII. Inquiries
B. Can a licensed RT practice under a protocol issued by a licensed physician

DISCUSSION: The Board reviewed the email inquiry and agreed that a Licensed Respiratory Therapist can practice under protocol issue orders by a licensed MD. Dr. Rettig disclosed that she knows Mr. Walsh the RT who submitted the email.

ACTION: Mr. Nuccio made a motion to address the issue in the way that the Board addressed ECMO and post an advisory on the Board’s website; Mr. Polanik seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

Documents: Email Inquiries

IX. Probation Monitor Report
None

X. Policy
A. Staff Action Policy -GMC licensure

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Draft Policies

B. Routine Responses Policy

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Draft Policies

XI. Other Business/Announcements
None

XII. Flex Session
XIII. Executive Session (Roll call vote)
At 2:02 p.m., 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.

Mr. Polanik made a motion to enter into Executive session at 2:03 p.m.; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:15 p.m. and resumed its Regularly Scheduled Board Meeting.

XIV. G.L. c. 112, § 65C Session
None

XV. Adjournment
There being no other business before the Board, Mr. Polanik made a motion to adjourn the meeting; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:40 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, June 21, 2016, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

__________________________    _____________________    _____________________
Name                       Position         Date