

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

February 18, 2010

A meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Thursday, February 18, 2010 at 2624 Research Park Drive, Suite 306, Lexington, KY.

MEMBERS PRESENT

Tamara G. McDaniel, Chair
Jeff W. Knight, Vice-Chair
James P. Bronson, Jr.
Janet R. Vogt
Dr. David Hasselbacher
Dr. Robert W. Powell

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG
Kathryn Hanson, KY Sleep Society

Mrs. McDaniel, Chair, called the meeting to order at 5:30 p.m., at the KBRC Office Board Room, 2624 Research Park Drive, Suite 304, Lexington, KY. Mrs. Moore, Executive Director and a Notary was called to administer the Oath of Office to Dr. Robert W. Powell, Pulmonologist, for his term expiring October 31, 2012.

Minutes

Jeff Knight moved to approve the December 17, 2009 meeting Minutes; seconded by Jim Bronson. Motion carried unanimously.

Mrs. Moore advised the Board HB 276 currently in the 2010 KY General Assembly is an ACT relating to boards and commissions and looks like it's on its way for passage. HB 276 states groups with 100 or fewer people to license and regulate would fall under the jurisdiction of the Division of Occupations and Professions.

Report from CEU Committee - Continuing Education

Mr. Bronson advised the 2010 audits had been going okay with the exception of a few practitioners not filling out their forms appropriately. Mr. Bronson will be reviewing 186 applications that were selected in the 2010 random (15% percent) audits. Mrs. Vogt stated it was brought to her attention that staff found 33 practitioners who used 2010 CEU's on their 2010 renewals when the CEUs were due by December 31, 2009. Jeff Knight moved that all certificate holders who did not obtain timely CEUs will be subject to an Agreed Order with a fine of \$250 and double the deficiency of CEUs; regular audits will be subject to an Agreed Order with a \$500 fine and double the deficiency on CEUs; seconded by Janet Vogt. Motion carried unanimously.

Old Business

FYI - Review Respiratory Therapists Giving Vaccinations and Inoculations

Mrs. McDaniel stated as an FYI that the KY Board of Nursing met on December 10, 2009 and does **not** consider vaccinations and inoculations by respiratory therapists to be in the best interests of public safety.

Ratification for 2010 Renewals with Misdemeanors

Janet Vogt made a motion to ratify the 2010 renewal applications for Kimberly Johnson, KY # 2441; Angela M. Tipton, KY # 3946; Lucas Harris, KY # 5773 and Carolyn Basford, KY # 3178; motion was seconded by Jim Bronson and carried unanimously.

Kathryn Hanson, KY Sleep Society, Re: "Polysomnography Draft Legislation Act"

Mrs. McDaniel introduced our guest Kathryn Hanson, Executive Director of the KY Sleep Society to address the Board on the draft legislation her group planned to file with the 2010 Session of the KY General Assembly. Mrs. Hanson's group is seeking state licensure for polysomnographers (sleep techs) and wants our blessing to legislation that amends KRS Chapter 314A to create the Kentucky Polysomnography Practice Act. Mrs. McDaniel thanked Mrs. Hanson for coming to present her information to the Board and told her this Board would have to discuss the Sleep Society's draft and let her know our position.

Dr. Powell moved to request legal counsel to draft a letter to Mrs. Hanson that indicated the Board cannot support the legislation now because our concerns are too comprehensive to address at this point in the legislative process. We will continue to collaborate with the KY Sleep Society, but the Board is concerned about the administrative and economic burden of absorbing 200-300 new licensees; seconded by Jim Bronson. Motion carried unanimously.

Agreed Orders:

Tami D. Balser KY # 2181 – KYPRN Agreement & AO 8/13/2008

Ms. Lalonde advised Tami Balser is still non-compliant on calling and reporting pursuant to her KYPRN agreement with Mr. Fingerson. Dr. Powell made a motion for legal counsel to send a certified letter and draft a new Agreed Order for Ms. Balser; seconded by Janet Vogt. Motion carried unanimously.

Kim Deaton KY # 3627 – AO 11/19/2008; AO 1/26/2010

Ms. Lalonde reported the signed copy of the second Agreed Order has been processed and signed by Kim Deaton who was issued her 2010 renewal certificate.

Scotty D. Halsey KY # 2138 – AO 12/02/2008

Ms. Lalonde reported Scotty Halsey is compliant. No action on the case.

John “Jack” Harrison KY # 0285 – AO 12/02/2008

Ms. Lalonde reported John “Jack” Harrison is compliant. No action on the case.

Charlotte Dreux KY # 0773 – AO 12/02/2008; Amended AO 2/19/2009

Ms. Lalonde reported Charlotte Dreux is compliant. No action on the case.

Terry Clark KY # 0742 – AO 12/02/2008

Ms. Lalonde reported Terry Clark is compliant. No action on the case.

Thomas W. Grant KY # 0527 – AO

Ms. Lalonde reported Thomas W. Grant is compliant. No action on the case.

Eric Harmon KY # 5433 – AO 2/19/2009

Ms. Lalonde reported Eric Harmon is compliant. No action on the case.

Kim Murphy KY # 5038 – AO 7/1/2009

Ms. Lalonde reported Kim Murphy is compliant and her one year starts on July 2, 2009. No action on the case. The Board requested to keep Ms. Murphy on review at the April 21, 2010 meeting.

Elizabeth Moffett KY # 5414 – AO 7/6/2009

Ms. Lalonde reported Elizabeth Moffett is compliant. No action on the case.

Richard T. Dials – KY # 3996

Ms. Lalonde stated Mr. Dials has not returned the Agreed Order of Surrender as Revoked to the Board. Jeff Knight made a motion for staff to contact the Sheriff in Martin County, KY where Mr. Dials resides and ask them to serve the Order; seconded by Janet Vogt. Motion carried unanimously.

New Business

Cabinet for Health & Family Services/Emergency Operation Plan Request

Mrs. Moore told the Board she responded to an open records request from Jodie Weber, Emergency Operation Plan Coordinator with the Cabinet for Health and Family Services, KY Department for Public Health. Ms. Weber requested the most current licensure data for active respiratory practitioner’s name and addresses. This is required information pursuant to a Federal mandate the Cabinet for Health and Family Services will maintain for emergency operations; this information is compiled and updated every six (6) months by state agencies and forwarded to Ms. Weber.

Regina K. Midkiff KY # 2689

Ms. Lalonde discussed the renewal application that referenced a misdemeanor 4th degree assault. A motion was made by Janet Vogt to approve Regina Midkiff's 2010 renewal application; seconded by Jim Bronson. Motion carried unanimously.

Lisa L. Smith KY # 2010

Dr. Hasselbacher made a motion requesting legal counsel to draft an Agreed Order with five (5) years probation/usual terms and refer Ms. Smith to work the KYPRN program with Mr. Fingerson; motion was seconded by Jim Bronson and carried unanimously.

Jason Perdue KY # 5466

The record shows Janet Vogt and Jim Bronson recused from the discussion and vote on Jason Perdue. Dr. Hasselbacher made a motion requesting legal counsel to draft an Agreed Order with five (5) years probation/usual terms and refer Mr. Perdue to work the KYPRN program with Mr. Fingerson; motion was seconded by Jeff Knight and carried unanimously.

Sandra Utley KY 5249

Janet Vogt made a motion to ratify the 2010 renewal application of Sandra Utley; motion was seconded by Jim Bronson and carried unanimously.

Wayne Harwell KY # 5662

Janet Vogt made a motion to ratify the 2010 renewal application for Wayne Harwell; motion was seconded by Jim Bronson and carried unanimously

Sabrina Johnson KY # 5743 and Allison Walker KY # 5759

Mrs. Moore presented signed Agreed Orders for Ms. Johnson and Ms. Walker who paid fines for working without mandatory certificates. A motion was made by Janet Vogt to approve both orders; seconded by Jim Bronson. Motion carried unanimously.

Terry Blevins KY # 2423

Mrs. Moore presented a reinstatement application for Terry Blevins. A motion was made by Jeff Knight to approve Mr. Blevins's application; seconded by Dr. Powell. Motion carried unanimously.

Application Review

A motion was made by Jeff Knight to accept all 77 applications since the last meeting; seconded by Jim Bronson. Motion carried unanimously.

The following **Student applications (14)** were approved:

Katherine M. Betz, Brook A. Bowman, Melissa K. Buck, Aubrey E. Bryant, Cherlyn A. Clark, Dawn M. Murphy, Mark T. Hauke, Dhvani Jani, Crystal D. McKnight, David M. Olsen, Wendie R. Overton, Scott R. Pedigo, Stefan M. Van Braam, Christina A. West.

The following Temporary **applications (1)** were approved:

Jaclyn F. Lewis

The following **NBRC applications (47)** were approved:

Sarah J. Adkins, Christopher R. Alford, Amanda D. Berryman, Anthony B. Bishop, Melissa D. Bowles, Megan N. Brown, Sarah M. Creekmore, Victoria E. Fox, Samantha J. Gambrell, Benjamin J. Harp, Horace R. Harrell, Emily M. Higdon, Joseph R. Horne, Christopher B. Hudson, Buddy W. Jeffries, Shauna L. Jones, Tatiana A. Kennett, Laurie J. Lawless, Christina L. Lawson, Lacey J. Lockwood, Norman R. Long, Marcella R. Lund, Tasha N. Mathis, Selena D. Moscaque, Victoria A. Newton, William M. Nichols, Jacqueline A. Nipper, Jack M. Osborne, II, James D. Ping, Mari E. Resler, Jessica P. Rose, Amy L. Sharp, Tracy R. Sheppard, Rachel R. Smallwood, Shannon E. Smallwood, Charles B. Smith, Jr., Eric T. Spainhower, Laura K. Spivey, Donna A. Surface, Beckie L. Taylor, Lauren M. Vaughn, Tara N. Wagers, Tracy M. White, Pamela A. Wright, Vanessa M. Yates, Debra Young, and Patricia M. Young.

The following **Reciprocity applications (15)** were approved:

Heather R. Ballou, Robert E. Beaty, Romona Collins, James E. Fisher, Kelly B. Gallagher, Raymon J. Gregg, Kristy S. Long-Wilson, Connie S. Morrow, Julie F. Nabors, Montoya S. Regan, Kristen D. Sprague, Clara-Ellen Stant, Stacey R. Taub, Dianne S. Tselee, Donald M. Twitty, .

Janet Vogt made a motion to adjourn the meeting at 8:35 p.m.; seconded by Dr. Hasselbacher. Motion carried unanimously.

Tamara G. McDaniel, Chair
KY Board of Respiratory Care