

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

August 9, 2011

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Tuesday, August 9, 2011 at 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Tamara G. McDaniel, Chair
Jeff W. Knight, Vice-Chair
Janet R. Vogt
Jeff Smithern
Kathleen Kearney Schell

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG
Brian Fingerson, KYPRN
Bryan Tudor, KBRC Investigator

Mrs. McDaniel, Chair, called the meeting to order at 6:00 p.m., in the Board's conference room at 163 W. Short Street, Lexington, KY.

Mrs. McDaniel, Chair, called the first order of business, asking Peggy Lacy Moore, Executive Director and a Notary, to administer the Oath of office to Kathleen Kearney Schell, member at large. Governor Beshear appointed Ms. Schell on May 19, 2011 to serve until October 31, 2013, for a two-year term vacated by Gail Darley.

Mrs. McDaniel welcomed Mr. Fingerson and Mr. Tudor to the meeting. Mrs. McDaniel called on Mr. Fingerson to give an update on the KY Professionals Recovery Network program. Mr. Fingerson monitors impaired respiratory therapists and reports whether they are following their programs and able to work in the profession safely.

Minutes

Janet Vogt moved to approve the June 22, 2011 Minutes; seconded by Jeff Knight. Motion carried unanimously.

Financial Statement

Mrs. Moore presented the Board with an income statement covering June 2011 reflecting YTD expenses from June 1-30, 2011 and ending with a balance of **\$186,458.36** from the **\$190,900** allotted for FY **2010-2011**. Mrs. Moore presented the Board with an income statement covering July 2011 reflecting YTD expenses from July 1-31, 2011 and ending with a balance of **\$17,508.58** expended from the **\$193,800** budget allotment for FY **2011-2012**.

Mrs. Moore told the Board that she had to ask for an appropriation increase of \$1,900 with GOPM before the end of the fiscal year that ended June 30, 2011. The reason the Board ran

short on funding was due to the 3% and 5% reductions as well as the fund reduction for furloughs. Mrs. Moore also told the Board she and Mrs. McDaniel met with Kate Wood Foster and Kelly Taulbee in the Governor's office on July 11, 2011 regarding Senate Bill 8 for one-stop licensure which is not a good option for licensed respiratory therapists.

Jeff W. Knight made a motion to approve the June 2011 and the July 2011 financial reports; seconded by Jeff Smithern which passed unanimously.

Report from CEU Committee - Continuing Education

Ms. Lalonde told the Board the CEU regulation was filed. The public hearing is scheduled for August 23, 2011 at 10:00 a.m. Jeff Knight made a motion to schedule a special meeting on September 1, 2011 at 9:30 a.m., for the Board to prepare the Statement of Consideration that must be filed with LRC. The motion was seconded by Janet Vogt and passed unanimously.

Mrs. McDaniel advised Cheryl Best, RRT, Medical Center of Scottsville, KY had emailed her concerns about ACLS, PALS and NRP ceu courses. Mrs. McDaniel will reply to Ms. Best and state the Board reviewed her comments and took them into consideration but no changes are anticipated at this time.

Jeff Smithern made a motion to audit the 2012 renewals at fifteen (15) percent; seconded by Janet Vogt. Motion passed unanimously.

Mrs. Vogt gave an update on her research on the Swank Healthcare website and found a lot of their courses had expired and need updating.

Ms. Lalonde stated Agreed Orders were completed regarding the 2011 audits and mailed to James Browdy, KY # 0719; Annette Corio, KY # 4156; Christopher Grangier, KY # 5900; Katherine Peterson KY # 1376 and Jenna Rizzo KY # 5006. Jeff Knight made a motion to set any of the pending cases for a hearing if not resolved by August 19, 2011. The motion was seconded by Janet Vogt and passed unanimously.

Staff Report

Mrs. Moore and Mr. Rose gave an update on activities since the last meeting.

Old Business

Mrs. Moore presented Agreed Orders signed by Roberta Brooks, KY # 150 and Gary Proffitt, KY # 6290 that include a three (3) months suspension of their respiratory licenses.

Mrs. Moore presented another email from Dick Carroll stating more boards are using electronics for board meeting agendas.

These items were presented for the Board's information only and did not require any action.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Jeff Knight made a motion for the Board to go into closed session to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Jeff Smithern, and carried unanimously.

Jeff Knight moved to come out of closed session; seconded by Janet Vogt. Motion carried unanimously.

Agreed Orders:

Terry Clark KY # 0742 – AO 12/02/2008

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

Richard Dials KY # 3996 - KYPRN Agreement 5/2011

Ms. Lalonde reported Mr. Dials continues his rehab at Chad's Hope and is sending updates to Mr. Fingerson, KYPRN program.

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.

Thomas W. Grant KY # 0527 – AO 3/17/2009

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 was non-compliant because he failed to consult with Mr. Fingerson at KYPRN before taking Nightquil cough medicine and tested positive on his random drug screen. Jeff Knight requested that legal counsel amend Mr. Harmon's Agreed Order to include 6 additional months of probation and up to 18 drug screens per year; seconded by Mrs. Schell. Motion carried unanimously.

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.

Robert Kearn – KY # 5532 – AO 12/27/2010

Ms. Lalonde reported Robert Kearn has moved to Washington State and Mr. Fingerson informs us we can not monitor anyone who moves out of state. Jeff Knight made a motion to have legal counsel draft an Agreed Order of Surrender as Revoked for Mr. Kearn. Upon receipt

of the Order signed and executed by Mr. Kearn, the Board will process Mr. Kearn's verification to Washington State and then have the Chair sign the Order; seconded by Janet Vogt. Motion passed unanimously.

Amy Keen – KY # 5532 – AO 12/27/2010

Mr. Fingerson reported that Ms. Keen has missed 22 calls she is required to make pursuant to her Agreed Order and KYPRN agreement. Jeff Knight made a motion to have legal counsel draft an Amended Agreed Order to include extending her probation six (6) additional months, up to 18 random drug screens a year and a \$250 fine; seconded by Janet Vogt. Motion passed unanimously.

Jason Perdue – KY # 5466 – AO 3/25/2010

Ms. Lalonde reported Jason Perdue is inquiring about a traveling assignment and still under the terms of his Agreed Order and KYPRN. Jeff Knight made a motion to offer Mr. Perdue an option to surrender his mandatory certificate if he leaves the state. Upon return receipt of the Order signed by Mr. Perdue, staff will issue verification to the state where he plans to work and then send our Order to the Board President for final execution. This option is good until October 1, 2011. Mr. Perdue will be required to complete the remaining time and terms of his Agreed Order should he seek reinstatement in the future; seconded by Janet Vogt. Motion passed unanimously.

Lisa A. Smith KY # 0386 – AO 3/25/2010

Ms. Lalonde reported Lisa A. Smith is compliant. No action on the case.

Complaint Cases:

Tamela Tyree, KY # 2039 Filed by: Janice Caldwell

Mrs. McDaniel and Jeff Smithern recused from the discussion and vote on the Tamela Tyree case. Jeff Knight made a motion to continue the investigation on the Tamela Tyree complaint and asked Bryan Tudor, investigator, to present his report at the October 13, 2011 meeting; seconded by Janet Vogt. Motion carried unanimously.

Linda S. Foley, KY # 3796 Filed by Jeff Smithern @ Rockcastle Hospital

Jeff Smithern recused from the discussion and vote on the Linda S. Foley case. Jeff Knight made a motion to continue the case on Linda Foley and forward to Tom Floro, investigator. Mr. Floro should present his report at the October 13, 2011 meeting; seconded by Janet Vogt. Motion carried unanimously.

Correspondence

Mrs. Moore presented the following as FYI items: Dr. Charlotte Beason, Director of KNB email, state retirement rates, and Maria Castano email.

New Business

FBI Open Records Request on Esther Preston vs. UK Chandler Hospital

Mrs. Moore presented as an FYI an open records request from SA Randy N. Pope, FBI Louisville Division, for records on the complaint case of Esther Preston vs. UK Chandler Hospital.

Elizabeth McVeigh, RRT, KY # 5987

Mrs. Moore presented correspondence from Elizabeth McVeigh, RRT, pertaining to a recent DUI arrest. Jeff Knight made a motion to have legal counsel draft a standard Agreed Order in conjunction with a KYPRN agreement to include three (3) years probation and up to 12 drug random drug screens per year; seconded by Janet Vogt. Motion passed unanimously

Announcements

Mrs. McDaniel advised the next meeting is a public hearing on August 23, 2011 at 10:00 a.m. and a special meeting set for Thursday, September 1, 2011 at 9:30 a.m., to review the public hearing and written comments on 201: KAR 29:050 at the KBRC offices located at 163 W. Short Street, Lexington, KY. Mrs. McDaniel advised the next regular meeting is set for Thursday, October 13, 2011 at 5:30 p.m., at 163 W. Short Street, Lexington, KY.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by Jeff Knight, and seconded by Janet Vogt, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Application Review

A motion was made by Jeff Knight to accept all **24** applications since the last meeting; seconded by Janet Vogt. Motion carried unanimously.

The following **Student applications (6)** were approved:

Beth A. Bailey, Tia L. Brown, Shanna L. Carwile, Marcy A. Crawford, Stephanie M. Jenkins and Serena N. Prusinowski.

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

Katie Massey.

The following **NBRC applications (11)** were approved:

Shireen Ahmad, Amanda R. Alexander, William Cooley, Donnell Cushman, Nancy L. Guyse, Alicia Heeke, April L. Johnson, Tonya L. Howlett, Jennifer L. Watts.

The following **Reciprocity applications (6)** were approved:

Chauncey A. Bailey, Zachary K. Brogan, Ryan N. Jones, Kelli M. Karnes, Sara E. Rodgers and Melanie L. Young.

Jeff Knight made a motion to adjourn the meeting at 9:00 p.m.; seconded by Ms. Schell. Motion carried unanimously.

Tamara G. McDaniel, Chair
KY Board of Respiratory Care