

# KENTUCKY BOARD OF RESPIRATORY CARE

## MINUTES

April 19, 2012

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Thursday, April 19, 2012 at the KBRC, 163 W. Short Street, Lexington, KY.

### MEMBERS PRESENT

Janet R. Vogt, BHS, RRT, Chair  
Jeff W. Knight, RRT, Vice-Chair  
Jeff Smithern, RRT  
Dr. Matthew M. McIntosh  
Kathleen Kearney Schell  
Tina Siddon, RRT

### KBRC STAFF

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

### OTHER

Cheryl Lalonde, AAG  
Tamara G. McDaniel, RRT, former Chair

Mrs. Vogt, Chair, called the meeting to order at 5:30 p.m., in the 3<sup>rd</sup> floor conference room at KBRC offices, 163 W. Short Street, Lexington, KY.

### Minutes

Dr. McIntosh moved to approve the February 16, 2012 Minutes with amendments; seconded by Jeff Smithern. Motion carried unanimously.

Mrs. Moore gave an update on some bills from the 2012 legislative session: 1) SB 4 was not approved and HB 282 requires the Pharmacy Board to issue licenses for DME companies. Jeff Knight advised he is on a committee to help write the regulations for HB 282.

### Continuing Education

Mrs. Vogt stated the 2012 audits went very smooth compared to the 2011 group. She attributes this to our new CEU regulation, 201: KAR 29:050. Mrs. Vogt discussed the 2012 audits of three therapists who did not complete their audits by March 2, 2012.

Jeff Smithern made a motion for legal counsel to send an Agreed Order to Jeffery T. Bryant, including a \$500 fine and double the CEUs he was deficient; seconded by Tina Siddon. Motion carried unanimously.

Jeff Smithern made a motion for legal counsel to send an Agreed Order to Carla Jo Hale, including a \$500 fine and double the CEUs she was deficient; seconded by Kathleen Kearney Schell. Motion carried unanimously.

Jeff Smithern made a motion for legal counsel to send an Agreed Order to William J. Probst, including a \$500 fine and double the CEUs he was deficient; seconded by Dr. McIntosh. Motion carried unanimously.

Mrs. Vogt and the Board welcomed Tamara G. McDaniel to the meeting and honored her with a plaque for her two 3-year terms serving six years on the Board. Mrs. McDaniel served her last several years as Chair of the Board. Plaques were also sent to Jim Bronson and Dr. Hasselbacher thanking them for their past service to the Board.

### **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 Tina Siddon, and carried unanimously.

Dr. McIntosh moved to come out of closed session; seconded by Jeff Smithern. Motion carried unanimously.

### **Agreed Orders – KYPRN Reporting Cases Compliant**

#### Tami Balser

Mr. Fingerson reported Tami Balser compliant. No action needed.

#### Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

#### Charlotte Dreux

Mr. Fingerson reported Charlotte Dreux is compliant. No action on the case.

#### Scotty D. Halsey

Mr. Fingerson reported Scotty Halsey is compliant. No action on the case.

#### Thomas W. Grant

Mr. Fingerson reported Thomas W. Grant is compliant. No action on the case.

#### Kim Murphy

Mr. Fingerson reported Kim Murphy is compliant. No action on the case.

#### Richard Dials

Mr. Fingerson reported Richard Dials is compliant. No action on the case.

Lisa A. Smith

Mr. Fingerson reported Lisa A. Smith is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

Mary Marcia Fuller

Mr. Fingerson reported Mary Marcia Fuller is compliant. No action on the case.

Elizabeth S. McVeigh

Mr. Fingerson reported Elizabeth S. McVeigh is compliant. No action on the case. Mr. Fingerson reported Ms. McVeigh's "missed calls" were returned within 24 hours and approved by Mr. Fingerson on the February report.

Stanley Fields

Mr. Fingerson reported Stanley Fields is compliant. No action on the case.

### **Complaint Cases with Agreed Orders & KYPRN – Updates or Actions Needed**

Amy Lynn Golden

Mr. Fingerson reported Ms. Golden did not violate her Agreed Order under circumstances previously reported. Tina Siddon made a motion to have legal counsel draft letter requesting information from Mr. French about Ms. Golden's program at Wellstone and whether she can practice respiratory care safely and competently. The Board will consider the case further at its next meeting; seconded by Jeff Smithern. Motion passed unanimously.

Gary M. Proffitt

Kathleen Kearney Schell made a motion not to approve the Agreed Order of Future Reinstatement for Mr. Proffitt since his licensure remains active status until January 30, 2013 and requested legal counsel to draft a new Agreed Order that requires Mr. Proffitt to surrender his license as revoked with reinstatement language included; seconded by Jeff Smithern. Motion passed unanimously.

April Hall

Mrs. Moore stated as an FYI that April Hall signed her standard Agreed Order that includes KYPRN monitoring, random drug screens and five (5) years probation.

Jason Perdue

A motion was made by Dr. McIntosh requesting legal counsel to draft a letter to Jason Perdue stating the Board denied his request; seconded by Kathleen Kearney Schell. Motion carried unanimously.

Eric Harmon

A motion was made by Kathleen Kearney Schell to send Mr. Harmon another Agreed Order due to violations of the former order. The amended Order is to include a \$250 fine and two (2) weeks suspension; seconded by Dr. McIntosh. Motion carried unanimously.

Aimee C. Keen

A motion was made by Jeff Smithern for legal counsel to draft a letter to Brian Fingerson and Aimee Keen regarding missed calls for drug screens. Missed calls represent non-compliance with her order since she must document six (6) months of continued sobriety and compliance with the order before she may petition the Board to reinstate her mandatory certificate; seconded by Dr. McIntosh. Motion carried unanimously.

**Complaint Cases:**

A. Tamela L. Tyree

Dr. McIntosh made a motion for continuation of the Tamela Tyree case and assigned Janet Vogt to complete the investigation; seconded by Tina Siddon. Motion carried unanimously. The record shows Jeff Smithern recused from the discussion and vote.

B. Linda S. Foley

Tina Siddon made a motion to amend the previous Agreed Order for Linda Foley to include a \$250 fine, one (1) year probation, two (2) hours of medical ethics, and a requirement to notify any prospective employer of the order; seconded by Dr. McIntosh. Motion carried unanimously. The record shows Jeff Smithern recused from this discussion and vote.

C. Joshua Brown

A motion was made by Tina Siddon to dismiss the complaint against Joshua Brown without prejudice because there were insufficient facts to support a violation of law; seconded by Kathleen Kearney Schell. Motion carried unanimously.

D. Steven W. Bowman

A motion was made by Kathleen Kearney Schell to assign the case to Tom Floro to investigate; seconded by Tina Siddon. Motion carried unanimously.

E. Christopher Killen

A motion was made by Dr. McIntosh to assign the case to Tom Floro to investigate; seconded by Tina Siddon. Motion carried unanimously.

F. John A. Beck KY

A motion was made by Jeff Smithern to assign the case to Tami McDaniel to investigate; seconded by Dr. McIntosh. Motion carried unanimously.

**Correspondence – FYI**

FYI: Indiana Ruling on Lapsed Licensure

Mrs. Vogt presented a copy of an Indiana regulation that requires a person to take the CRT exam again if the person's licensure lapses for more than 3 years. Currently, we do not have this in our law but we may wish to consider this in the future if we amend our statutes.

FYI: North Carolina Ruling on Staffing

Mrs. Vogt presented an opinion statement from the North Carolina Respiratory Board on staffing levels and how their law looks at protecting the patient. Mrs. Vogt stated North Carolina is an independent agency. While the KY Board of Nursing has an opinion statement on this subject matter, North Carolina is the first respiratory board to issue an opinion on staffing.

Christy Y. Salyers Agreed Order & Fine

Mrs. Vogt stated Christy Salyers entered into an Agreed Order and paid a fine of \$200 for working four (4) days without a mandatory certificate.

Amber Munday Agreed Order & Fine

Mrs. Vogt stated Amber Munday entered into an Agreed Order and paid a fine of \$150 for working three (3) days without a mandatory certificate.

Sandra Robertson, RRT, Inquiry

Our current law does not address this issue so her inquiry is subject to facility guidelines. The Board does not regulate OTs or PTs if they practice within their authority. The Board encourages demonstrated training and competency for all procedures.

**Application Review**

A motion was made by Jeff Smithern to accept all **46** applications since the last meeting; seconded by Tina Siddon. Motion carried unanimously.

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

Laura A. Cordery, Christina R. Despain, Caitlin J. Duranty, Jonathan W. Henderson, Jimmy L. Johnson, Kelly E. Kirby, Kimberly L. Knipp-Caskey, Laura E. Lynn, Benny R. Naylor, Anjelica N. Peace, Gerald D. Pile, Erika R. Reid, Shelly M. Ridner, Nicklaus R. Stepp, Hannah M. Stewart and Tara Wenzel.

The following **Temporary applications (0)** were approved:

There were no Temporary applications presented.

The following **NBRC applications (22)** were approved:

Morgan B. Bailey, Philip A. Brown, Jaclyn M. Calvert, Brittany L. Childress, Kara Francisco, Ned Davidson, Jr., Loren D. Dearing, Morgan E. Frierson, Jessica M. Gardner, Amy E. Lomax Michael R. Mattingly, Stephanie Mitchell, Tiffany A. Moses, Amber Munday, Nathan G. Raab, Erika R. Reid, Rebecca M. Roy, Christy Y. Salyers, Kevin L. Sites, Natisha G. Smith, Tiffany R. Spaulding, Tara N. Stanley and Rachel M. Wilson.

The following **Reciprocity applications (10)** were approved:

Misha Leigh Ball, Jennifer R. Blackwell, Amanda G. Blanton, Dennis J. Bomia, Jennifer Lynn Broerman, Tiffany S. Eichelberger, Amanda N. Graves, Stephen D. Heffernnan, Amanda M. Martin, Margaret R. Riley, Mary K. Wheeler.

**Approval of Per-diem, Compensation, Travel and Honoraria**

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

Jeff Knight made a motion to adjourn the meeting at 8:30 p.m.; seconded by Dr. McIntosh. Motion carried unanimously.

---

Janet R. Vogt, BHS, RRT, Chair  
KY Board of Respiratory Care