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OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF JUNE 21 & 22, 2011

Agenda items #1: CALL MEETING TO ORDER

Presiding: Marc Mays, President, called the meeting to order on June 21, 2011 at 10:09 a.m. in room West B&C, 31st Floor of the Vern Riffe Building for Government and the Arts, 77 South High Street, Columbus, OH, 43215 for the purpose of holding a regular board meeting. Present were Marc Mays, R.R.T., R.C.P., President, Joel Marx, Robert Cohn, M.D., Kenneth Walz, R.R.T., J.D., Anita Adams, M.B.A., R.C.P., and Sandra Stabile Harwood, J.D. Mr. Mays noted for the record that a quorum of the members of the board was present and that business could be conducted.

Members in attendance **(Exhibit A):**

Marc Mays, R.R.T., R.C.P., President

Sandra Stabile Harwood, J.D.

Joel Marx, HME Provider Member

Robert Cohn, M.D.

Kenneth Walz, R.R.T., J.D.

Anita Adams, M.B.A., R.C.P.

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Others in Attendance:

Henry G. Appel, Assistant Attorney General

Agenda item 1.1: Approval of Board Meeting Agenda (Exhibit B)

The proposed meeting agenda was mailed in advance of the meeting. Mr. Mays inquired if there were any amendments to the business agenda. Mr. Walz addressed a non-substantive correction for agenda item number 10, stating the end time should read 1:30 p.m., not 2:30 p.m.

Motion #1: Mr. Walz moved to amend agenda item #10 by correcting the end time to 1:30 p.m. Ms. Adams seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #2: Mr. Walz moved to approve the agenda for June 21 & 22, 2011. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 6 - 0.

Agenda item #2: ADMINISTRATIVE HEARINGS

Mr. Mays noted that Charles S. Meadows was present and in attendance. Mr. Mays asked to take scheduled matters out of order.

Agenda item 2C: In the Matter of Charles S. Meadows (Case #2011ORCB060)

The matter of Charles S. Meadows, came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Anita Adams, M.B.A, R.C.P. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Henry G. Appel, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

The hearing began at 10:11 a.m. and concluded at 10:47 a.m.

The Board took a brief break from 10:47 a.m. to 10:50 a.m.

Agenda item 2A: In the Matter of Christine A. Mossor (Case #2011ORCB065)

The matter of Christine A. Mossor, came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Anita Adams, M.B.A, R.C.P. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Henry G. Appel, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

The hearing began at 10:51 a.m. and concluded at 11:10 a.m.

Agenda item 2C: In the Matter of Steven D. Thompson (Case #2011ORCB066)

The matter of Steven D. Thompson, came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Anita Adams, M.B.A, R.C.P. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Henry G. Appel, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

The hearing began at 11:12 a.m. and concluded at 11:25 a.m.

The Board broke for lunch at 11:25 a.m. and returned to public session at 12:45 p.m. Robert Cohn was excused from the meeting due to his inability to participate in hearing deliberations.

Agenda item #3: CASE DELIBERATIONS IN EXECUTIVE SESSION

Agenda item 3.1: In the Matter of Jeffrey L. Merringer (Case #2008ORCB031)

Motion #3: Mr. Walz moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Sandra Stabile Harwood -	Yes	Robert Cohn, M.D. -	Absent

Motion carried.

The Board entered executive session at 12:46 p.m. and returned to regular, public session at 2:15 p.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.2: In the Matter of Christine A. Mossor (Case #2011ORCB065)

Motion #4: Mr. Walz moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Sandra Stabile Harwood -	Yes	Robert Cohn, M.D. -	Absent

Motion carried.

The Board entered executive session at 2:19 p.m. and returned to regular, public session at 2:35 p.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.3: In the Matter of Steven D. Thompson (Case #2011ORCB066)

Motion #5: Mr. Marx moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Mr. Walz seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Sandra Stabile Harwood -	Yes	Robert Cohn, M.D. -	Absent

Motion carried.

The Board entered executive session at 2:36 p.m. and returned to regular, public session at 2:39 p.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.4: In the Matter of Charles S. Meadows (Case #2011ORCB060)

Motion #6: Mr. Walz moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Ms. Harwood seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Sandra Stabile Harwood -	Yes	Robert Cohn, M.D. -	Absent

Motion carried.

The Board entered executive session at 2:39 p.m. and returned to regular, public session at 3:14 p.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

The meeting adjourned at 3:15. p.m.

Day 2, June 22, 2011

Agenda item #4: STANDING COMMITTEE MEETINGS

The Board's Home Medical Equipment Committee and Scope of Practice Committee met prior to the start of the regular business meeting. Minutes for each committee are available, but are maintained separate of the minutes of the regular business.

The Home Medical Equipment Committee met in room West B & C, 31st Floor of the Vern Riffe Building, 77 South High Street, Columbus, OH 43215. The committee meeting began at 8:40 a.m. and ended at 9:20 a.m. Present for the committee meeting were Joel Marx, HME Member, Chairperson, Sandra Stabile Harwood, J.D., Public Member, and Anita Adams, M.B.A., R.C.P. (arrived at 8:49 a.m.). Committee report to be provided during regular business.

The Scope of Practice Committee met in room West B & C, 31st Floor of the Vern Riffe Building, 77 South High Street, Columbus, OH 43215. The committee meeting began at 9:20 a.m. and ended at 9:50 a.m. Present for the committee meeting were Robert Cohn, M.D., Chairperson, Kenneth Walz, J.D., R.R.T., R.C.P., and Marc Mays, R.R.T., R.C.P. Committee report to be provided during regular business.

Agenda item #5: PREVIOUS MEETING MINUTES

Agenda item 5.1: Approval of previous Board Meeting Minutes (Exhibit C)

Mr. Mays asked the membership if they had the opportunity to review the minutes. All answered affirmatively. Mr. Mays asked if there was a motion to approve the minutes.

Motion #7: Mr. Walz moved to approve the meeting minutes from April 6, 2011. Ms. Harwood seconded the motion. Discussion: None. Mr. Mays inquired if there were any amendments. Hearing none, he called the question. Motion carried: 6 – 0.

Agenda item #6: BOARD OFFICER AND STAFF REPORT

Agenda item 6.1: President's Report

Mr. Mays gave a verbal report. Mr. Mays stated that the size of the current Board membership has limited participation on standing committees. Mr. Mays stated that he would be making a few interim changes. Mr. May appointed himself and Ms. Adams to the Scope of Practice Committee. Ms. Adams asked how many members constitute a quorum to conduct business. Mr. Walz stated that four members would constitute a quorum, because the current seated members total six.

Agenda item 6.2: Executive Director's Report (Exhibit D)

Mr. Logsdon filed a written report. A verbal review of his report was provided.

1. Mr. Logsdon presented the FY 2011, financial activity report. Mr. Logsdon reported that Fiscal Year 2011 is nearly complete. He predicted that the Board would complete FY 2011 within its original allotment plan and under budget. Mr. Logsdon stated that the Board would need to cover a twenty-seventh payroll for FY 2011 that was not originally planned, but a review of the agency's fund balances indicates sufficient funds are available. In addition, Mr. Logsdon reported that he moved funds from account 520 to 530 for the purchase of equipment, but was awaiting Board approval before expending the funds.

2. Mr. Logsdon reported that the Ohio General Assembly appeared ready to pass the FY 2012/2013 budget. Mr. Logsdon predicted that the Executive Budget recommendations for the Board would remain intact and unchanged. Mr. Logsdon stated that certain legislative initiatives, such as S.B. 5, upon which the budget recommendations were based, might be subject to referendum or changes in the budget bill. Mr. Logsdon stated that any savings lost in the budget bill or the S.B. 5 referendum would be reflected in the final budget. Mr. Logsdon stated that payroll would be the most vulnerable to changes.

3. A written review of the board's expenditures was reviewed and a summary presented.

4. Mr. Logsdon provided the Board with a written review of revenue collected since the beginning of fiscal year 2011 and the current statistics showing the number of active, inactive, active in renewal, or expired licensees.

5. Mr. Logsdon reported on legislation he had been monitoring.

6. Mr. Logsdon reported on the progress of the Ohio Examination Requirements Workgroup. Mr. Logsdon stated that the workgroup met twice and will meet again on September 2, 2011. Mr. Logsdon stated that an employer survey was mailed to 1764 identified employment entities, which included all active HME facilities, all Ohio Nursing Home facilities, and all identified hospital-based respiratory care managers. A copy of the survey was provided.

7. Mr. Logsdon reviewed trending analyses for 2009 and 2010 license and limited permit issuance.

8. Last, Mr. Logsdon reported on his meetings and travel since the Board's last regular meeting.

9. Mr. Logsdon reported on Executive Order 2011-03K, which addresses ethics training requirements for Board members and staff of state agencies. Last, Mr. Logsdon addressed the Employment of Ex-offenders Workgroup. He presented a draft statement, written by Tom Dilling, on behalf of the Ohio Health Care Licensing Board.

Agenda item 6.3: HME Manager's Report (Exhibit E and F)

Ms. Tatum filed a written report with the Board. A verbal review of her report was provided.

1. Ms. Tatum reported that the staff reviewed and approved 13 HME license applications and 52 HME Certificate of Registration applications. She reported that 7 applications are pending.

2. Ms. Tatum reported that all year-end inspections for the 4th quarter had been scheduled. She reported that the Board is approving more certificates of registration and some are due to facilities becoming accredited and subsequently switching to registration, but most registrants, she stated, are new facilities.

3. Ms. Tatum reported that the information collected from the Board's contract inspectors at this year's inspector training day led to significant revisions of the current inspection standards rating form. The form is used by inspectors to rate licensed facilities for compliance with the agency's standards. Ms. Tatum stated that the Board's HME Committee Chairperson would present the form for approval.

4. Ms. Tatum reported that the HME division had collected $72,110 in revenue as of June 6, 2011.

5. Last, Ms. Tatum presented a draft independent inspector contract for approval. Mr. Logsdon stated that the contract is being presented to the Board for review of the terms and conditions of the contract.

   Discussion: Mr. Marx expressed his desire that the cost of inspections for HME providers not exceed the cost of performing the inspection. Mr. Logsdon stated that HME providers are billed much less than the cost of performing the inspection. Mr. Walz inquired about the dollar amounts assigned under article IV, section 9. Mr. Logsdon stated that the amount noted as $0.00 was a placeholder. Mr. Logsdon stated that the staff is reviewing the requirement that an inspector must hold a valid Ohio driver's license. Ms. Adams stated that the terms included in the agreement seem very fair for a contractor that provides the Board with critical information.

   Mr. Mays asked if there was an amendment to approve the draft independent inspector contract.

Motion #8: Mr. Marx moved to approve the terms and conditions contained in the independent inspector's contract, attached hereto with Exhibit E, pending review and approval by the Board's Assistant Attorney General. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 6-0.

Motion #9: Ms. Adams moved to approve the Executive Director's report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #10: Ms. Harwood moved to approve the HME Manager's report. Mr. Marx seconded. Discussion: None. Motion carried: 6 – 0.

Agenda item #7: COMMITTEE REPORTS

Agenda item 7.1: HME Committee, Joel Marx, Chairperson (Exhibit G &H)

Mr. Marx reported that the Committee met in the AM session on this day. The Committee, he stated, reviewed a list of all HME facilities that applied for licenses and certificates of registration and the Committee will be recommending ratification of those authorizations. The Committee also reviewed the HME Manager's inspection report and found no remarkable issues. Mr. Marx stated that the Committee has developed a new inspection ratings tool for contract inspector to use during facility surveys. Mr. Marx stated that tool will used by the inspectors for licensed facilities. The tool will allow the inspector to use more of their professional judgment in rating substantive deficiencies. The Committee, he stated, will be recommending approval of the new form, which will be attached to the minutes as an exhibit. (See Exhibit G). Last, Mr. Marx stated that the Committee spent considerable time on reviewing a request from an HME provider that sells or rents home colonic irrigation devices. (Exhibit H) The Committee, after consideration, recommends that the Board find that the device is "technologically sophisticated medical equipment" as defined under ORC 4752.01 (B) (2).

Motion #11: Dr. Cohn moved to approve the revised HME Inspection Survey form #RCB-050. (Attached as Exhibit G). Ms. Adams seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #12: Mr. Marx moved to find that "electronically controlled colonic irrigation devices with variable pressure settings for home use" are technologically sophisticated medical equipment as defined under Section 4752.01 (B) (2) of the Ohio Revised Code. Ms. Adams seconded the motion. Discussion: none. Motion carried: 6 – 0.

Motion #13: Dr. Cohn moved to approve the HME Committee report. Ms. Adams seconded the motion. Discussion: none. Motion carried: 6 – 0.

Agenda item 7.2: Scope of Practice Committee, Robert Cohn, M.D., Chairperson (Exhibit I)

Dr. Cohn reported that the Scope of Practice Committee met in the AM this day. He reported that the Committee reviewed and approved the Committee's minutes from February 2011. The Committee then considered an inquiry filed by Jesse Thompson, R.N., Marietta Memorial Hospital. Dr. Cohn reported that the Committee had a "spirited" discussion regarding Ms. Thompson's inquiry, which inquired if a respiratory care professional could act as a second person in the verification of blood products during a massive transfusion event and if a respiratory therapist, with proper training, could administer blood products during a massive transfusion event. Dr. Cohn stated that the Committee noted that Ms. Thompson used the term "Cardiopulmonary Therapist," which staff confirmed is a "Respiratory Care Professional." The Committee, Dr. Cohn stated, then discussed if a massive transfusion event was a cardiopulmonary impairment event and if therapist had an educational foundation to be trained to perform such duties. Dr. Cohn stated that the Committee did draft a recommended response for Ms. Thompson.

Discussion: Dr. Cohn stated that the Committee believes that a "massive transfusion event" within the context of inquiry indicates cardiopulmonary instability. Ms. Adams stated that in the context of cardiopulmonary instability, she would find therapist participation acceptable, but not beyond this scope. Dr. Cohn agreed, stating that the Committee does not want to open the door to any transfusion event. Mr. Mays stated that training therapists to perform the procedure may not be the best idea, but he could find no prohibition in the scope of practice. Dr. Cohn stated that the Committee drafted a response that makes it clear that the procedure could only be performed within the legal scope of practice of respiratory care. Mr. Logsdon read the response. Ms. Harwood asked if a therapist could administer a routine transfusion to a patient with multi-myeloma. Dr. Cohn stated, "No." No other discussion.

Motion #14: Ms. Adams moved to approve the response to the inquiry filed by Jesse Thompson, R.N., Marietta Memorial Hospital and attach the inquiry and response as an exhibit to the minutes. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – Abstained (Walz).

Motion #15: Mr. Marx moved to approve the Scope of Practice Committee report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #8: PROBABLE REVIEW COMMITTEE REPORT

Motion #16: Mr. Marx moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.03(E) and 4752.08 (B). Ms. Harwood seconded the motion. Discussion: None. Roll Call vote:

Sandra Stabile Harwood -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Marc Mays -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes

Motion carried.

The board entered executive session at 11:19 a.m. and returned to regular, public session at 11:30 a.m. All voting members of the board, Mr. Logsdon, and Mr. Isom were present during executive session.

**Names and identifying information of persons reviewed during executive session were redacted from proposed notices of opportunity for hearing during the course of executive session deliberation and the public meeting. Matters were referred to only*

by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed notices of opportunity for hearing through a motion on the record during public session.

Agenda item 8.2: Approval of Notices of Opportunity for Hearing (Exhibit J - Q)

Motion #17: Ms. Adams moved to issue notices of opportunity for hearing as presented to the Board and attached hereto as exhibits to the minutes in the matters of:

RCB Opportunity for Hearing Notices

Exh. #	Case no./Respondent	Allegation	ORC Code
J.	2010ORCB033 (Jean L. Lyman, RCP.1962)	Negligence	ORC 4761.09(A)(5)
K.	2011ORCB070 (Meritta Eby, RCP.0825)	Negligence	ORC 4761.09(A)(5)
L.	2011ORCB092 (Sandra S. VonSeggern, RCP.8995)	Failed to file fee for license renewal	ORC 4761.09 (A)(2)
M.	2011ORCB092 (Joshua I. Knipp, RCP.12115)	Failed to file fee for Initial license	ORC 4761.09 (A) (2)

Dr. Cohn seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – Abstained (Dr. Cohn).

Motion #18: Ms. Adams moved to issue notices of opportunity for hearing as presented to the Board and attached hereto as exhibits to the minutes in the matters of:

HME Opportunity for Hearing Notices

Exh. #	Case no./Respondent	Allegation	ORC Code
N.	2011HME025 (WeCare Medical, LLC, HMEL.11342)	Unlicensed Practice and material misstatement	ORC 4752.09 (A) (1) ORC 4752.09 (A) (3)
O.	2011HME026 Specialty Medical Group, LLC	Unlicensed Practice	ORC 4752.09 (A) (1)
P.	2011HME031 Third Day Healing Holdings, dba. Rx Nutritional Solutions, LLC	Unlicensed Practice	ORC 4752.09 (A) (1)
Q.	2011HME035 Virtue Medical Supply Company, LLC	Failure to meet standards of practice	ORC 4752.09 (A) (1)

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 - abstained (Marx).

Agenda item 8.2: Withdrawal of Notices of Opportunity for Hearing (Exhibit R)

Motion #19: Ms. Adams moved to withdraw the Notices of Opportunity for Hearing issued to:

R. Case #2011ORCB064 (Jeffrey L. Merringer, RCP.0244) – OHN approved February 9, 2011

Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 - Yes.

Agenda item 8.3: Consent Agreement Approval (Exhibits S - Y)

** Names and identifying information of persons reviewed during executive session were redacted from proposed consent agreements during the course of executive session deliberation and the public meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed consent agreements through a motion on the record during public session.*

Motion #20: Ms. Adams moved to approve the consent agreement between the Board and the following cases:

RCB Agreements

Exh. #	Case no./Respondent	Violation	Disposition
S.	Case #2011ORCB061 (Leah M. Shumney, RCP.12456)	Concealment of Material fact on Application in violation of ORC 4761.09 (A) (2)	Reprimand
T.	Case #2011ORCB069 (Nancy L. Helldobler, RCP.0719)	Continuing Education was not within term and practiced without a valid license in violation of ORC 4761.09(A)(2).	Reprimand/fine
U.	Case #2011ORCB074 (Marcia A. Stone, RCP.2405)	Continuing Education was not within term in violation of ORC 4761.09 (A)(2).	Reprimand/fine
V.	Case #2011ORCB075 (Josephine N. Talieh, RCP.8229)	Failed to complete required continuing education in with conditions violation of ORC 4761.09 (A)(2).	Reprimand/fine
W.	Case #2011ORCB086 (Natalie Dixon, RCP.4583)	Using alcohol to the Extent use impaired ability to with conditions	Probation – 2 years

		practice at an acceptable level of competency in violation of ORC 4761.09 (A)(8).	

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – Abstained (Dr. Cohn)

Motion #21: Ms. Adams moved to approve the consent agreement between the Board and the following cases:

HME Agreements

Exh. #	Case no./Respondent	Violation	Disposition
X.	Case #2011HME015 (The Creative Mobility Group, Inc., HMEL.11439)	Unlicensed practice in violation of ORC 4752.09 (A)(1).	Reprimand/fine
Y.	Case #2011HME021 (Erie Coast Chest Physicians, HMEL.11442)	Unlicensed practice in violation of ORC 4752.09 (A) (1).	Reprimand/fine

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – Abstained (Mr. Marx)

Agenda item 8.5: Probation compliance report (Exhibit Z)

Motion #22: Ms. Adams moved to close the following probation case having met their obligations to the Board:

Probation cases:

	Respondent	Case #	Reason for closure
Z.	Dawn J. Allen, RCP.11578	Case #2010ORCB034	Met terms of Probation

The meeting broke for lunch at 11:40 a.m. and then returned to public session at 12:52 p.m.

Mr. Mays noted that Mr. Eric S. Lattimer and Dr. Jeffrey R. Welko were present. Mr. Mays directed that the Board consider agenda items #10 and #11 out of order. Hearing no objections, Mr. Mays tabled agenda item #9 until after hearing from Mr. Lattimer and Dr. Welko.

Agenda item #10: APPEARANCES BEFORE THE BOARD

Agenda item 10.1: Eric S. Lattimer (Exhibit AA)

Mr. Eric S. Lattimer appeared before the Ohio Respiratory Care Board concerning his probationary status. Mr. Lattimer gave a verbal presentation stating that he had met all of the conditions of his Board Order. Mr. Lattimer also gave the members and update on his professional credentialing process. The members had an opportunity to question Mr. Lattimer. Following the appearance, the following motion was made:

Motion #23: Ms. Harwood moved to terminate the Probation of Mr. Eric S. Lattimer's license based upon compliance with the conditions and requirements of the Board's adjudication order in this matter. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #11: JEFFREY R. WELKO, M.D., F.C.C.P., UNDERSEA AND HYPERBARIC MEDICINE SOCIETY MEDICAL DIRECTOR – SUMMA HEALTH SYSTEMS (Exhibit BB)

Dr. Welko appeared before the Board to testify on the Board's position concerning use of oxygen by CHT certified, unlicensed person working in a Hyperbaric Oxygen unit. Dr. Welko provided the Board with a written copy of his verbal testimony. Dr. Welko, in his testimony, reminded the Board of its 2004 position statement to the Undersea & Hyperbaric Medical Association (UHMS) and the National Board of Diving and Hyperbaric Medical Technology on the application of oxygen by CHT certified personnel. Dr. Welko stated that the Board's position held that administering oxygen did not constitute a limited aspect of respiratory care under ORC 4761.10 and that only licensed health care professionals working within their scope could administer oxygen.

Dr. Welko requested that the Board reconsider its prior position. Dr. Welko stated that 49 other states recognize the qualifications of a certified CHT to administer oxygen for hyperbaric treatment. Dr. Welko stated that since the Board's position was issued in 2004, CMS guidelines and OPPS rulings have changed, requiring direct physician supervision for all treatments within a hyperbaric unit.

Following Dr. Welko's testimony, the Board had an opportunity to question him. Mr. Marx asked who certifies CHT's. Dr. Welko stated that the National Diving Board certifies CHT personnel. Mr. Marx asked the Board President, Mr. Mays, if a physician attendance mattered in this issue. Mr. Mays stated that he was not aware of a provision exempting CHT personnel. Mr. Logsdon asked Dr. Welko if he was arguing that oxygen administration did not constitute a "limited aspect of respiratory care" under ORC 4761.10. Dr. Welko stated that the Board had already opined on the issue of "limited aspects of respiratory care." Dr. Welko stated that his issue was now the presence of a physician. Dr. Welko asked if he could delegate the administration of oxygen, since his direct supervision was required. Mr. Walz asked if the immediate availability of a physician makes the issue different that the issue originally before the Board. Mr. Walz also asked if the Board had any jurisdiction in the matter. Mr. Mays stated that the Board's original position was based, in part, on the finding that diving accidents were very different than the routine care provided in a hyperbaric unit. Ms. Adams stated that she believes the Board does have jurisdiction in the matter, because the issue closely resembles the routine issue of who can administer oxygen in a hospital. Mr. Walz stated that he is not convinced that the Board has full authority over the therapy addressed in a hyperbaric unit. Mr. Mays stated that the issue was not the therapy provided, but the administration of oxygen. Dr. Cohn confirmed the statutory language contained in ORC 4761.10 and 4761.11. Dr. Welko stated that he is asking for a more liberal interpretation of the existing statute based on current requirements.

Mr. Mays summarized Dr. Welko's request as a reconsideration of the procedures that fall under the definition of "limited aspect of respiratory care" under ORC 4761.10. Mr. Mays directed that the matter be deferred to the Scope of Practice Committee.

Agenda item #9: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Motion #24: Mr. Walz moved to enter Executive Session for the purpose of discussing entering into quasi-deliberation concerning proposed disciplinary action against a licensee, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Sandra Stabile Harwood -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The Board entered executive session at 1:50 p.m. and returned to regular, public session at 2:00 p.m. Mr. Mays and Dr. Cohn were excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 9.1: In the matter of Jeffrey L. Merringer, Case #2008ORCB031 (Exhibit CC)

After votes were taken in public session, the Board adopted the following Order in the matter of Jeffrey L. Merringer, RCP.0244:

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Jeffrey L. Merringer
1483 Cobblegate Lane
Reynoldsburg, OH 43068

THE MATTER OF JEFFREY L. MERRINGER, RCP.0244 CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 6, 2011 AT 9:19 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ESTHER L. KESTER, R.R.T., R.C.P., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., CAROL GILLIGAN, HME MEMBER, AND ANITA ADAMS, M.B.A, R.C.P. MARC MAYS, RRT RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE DURING THE TIME THAT MR. MERRINGER ENTERED INTO A CONSENT AGREEMENT WITH THE BOARD.

KENNETH WALZ, J.D., R.R.T., R.C.P. WAS THE APPOINTED HEARING OFFICER IN THIS MATTER.

HENRY G. APPEL, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

MR. JEFFREY L. MERRINGER APPEARED WITH HIS ATTORNEY, CHRISTOPHER J. BAER, ATTORNEY AT LAW, 777 S. WAGGONER ROAD, REYNOLDSBURG, OH 43068.

TERESA L. MANTZ, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

State's Exhibits admitted:

1 - Notice of Opportunity for Hearing approved on April 14, 2010 and mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 2510 0001 7343 7529 on April 19, 2010, a signed return receipt for article #7004 2510 0001 7343 7529, and a signed receipt for article #7004 1160 0000 5913 2519 sent to Christopher J. Baer, Attorney.

2 - Notice for Request for Hearing, dated 4/26/2101 from Christopher J. Baer, Attorney for Jeffrey L. Merringer.

3 - Copy of Consent Agreement on record with the Ohio Respiratory Care Board for Jeffrey Merringer, case#2008ORCB031, effective on the last signature date October 14, 2008.

4 - Hearing scheduling letter, dated January 6, 2011, mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 1160 0000 5913 4872 on January 7, 2011 and to Christopher J. Baer, Attorney at Law.

5 - Hearing scheduling letter, dated April 26, 2010, mailed to Jeffrey L. Merringer and Christopher J. Baer, Attorney at Law.

6 - Random Selection Report and Test History Report from First Lab. (Redacted)

7 - Copy of email sent from Amanda Morrison, FirstLab testing service, dated November 11, 2009..

8 - Letter dated April 24, 2009, from Tony Isom, Investigator, Ohio Respiratory Care Board to Jeffrey L. Merringer.

9 - Letter dated June 3, 2009, from Greta Slater, Administrative Assistant for Dr. Laura Phieffer.

10 - Notice of Opportunity for Hearing approved on August 12, 2008 and mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 2510 0001 7344 2783 on August 13, 2008, and a signed return receipt for article #7004 2510 0001 7344 2783.

11 - Letter from Jeffrey L. Merringer dated September 11, 2008, to the Ohio Respiratory Care Board.

12 - Letter from Jeffrey L. Merringer dated September 11, 2008, to the Ohio Respiratory Care Board.

13 - Letter from Jason McLean, Investigator for the Ohio Respiratory Care Board, dated September 25, 2008 to Jeffrey Merringer.

14 - Letter from Jason McLean, Investigator for the Ohio Respiratory Care Board, dated October 24, 2008 to Jeffrey Merringer.

15 - Copy of 2008 electronic license renewal application filed by Jeffrey L. Merringer. (Redacted)

16 - Copy of reverse side of 2004 license renewal application filed by Jeffrey L. Merringer.

17 - Copy of certified journal entry for Case #06TRC12349, in Fairfield County Municipal Court, filed on or about April 3, 2007.

18 - Copy of certified First Offense Sentence for Case #94TRC3962, in Lancaster Municipal Court, filed on May 16, 2004.

19 - Copy of certified journal entry for Case #07TRC9534, in Fairfield County Municipal Court, filed on or about December 20, 2007.

20 - Copy of electronic search results for Jeffrey Merringer, Fairfield County Municipal Court.

21 - Employment records from Mt. Carmel East Hospital for Jeffrey L. Merringer. **(Records Sealed by Order of the Board)**

Witnesses called by the State during Case-in-chief:

1. Anthony Isom, Investigator for the Ohio Respiratory Care Board

Witnesses called by the State during rebuttal:

2. Jason McLean, Investigative Supervisor, Ohio Engineer's Board

Respondent's Exhibits admitted:

A - Copy of list of Ohio Statutes 2011, title 1 through title 63.

B - Copy of list of Ohio Statutes 2011, title 45, sections 4501 through title 4585.

C - Copy of list of Ohio Statutes 2011, title 45, sections 4511.01 through title 4511.991.

D - Copy of certificate of completion for continuing education taken on May 28, 2008.

E - Copy of certificate of completion for continuing education taken on February 2, 2011.

F - Copy of certificate of completion for continuing education taken on February 19, 2011.

G - Copy of letter dated January 27, 2009, sent to the Ohio Respiratory Care Board by Christopher J. Baer, Attorney at Law.

H - Copy of Facsimile dated January 28, 2009, from the Ohio Respiratory Care Board to Christopher J. Baer, Attorney at Law.

Witnesses called by the Respondent during Case-in-chief:

1. Jeffrey L. Merringer

2. Arleen L. Merringer

Witnesses called by the Respondent during rebuttal:

1. Jeffrey L. Merringer

2. Arleen L. Merringer

Statement of the Case:

On or about October 14, 2008, the respondent, Jeffrey L. Merringer (hereafter referred to as "Mr. Merringer"), entered into a Consent Agreement with the Ohio Respiratory Care Board in lieu of an Administrative Hearing. Pursuant to the terms and conditions of the agreement, Mr. Merringer agreed to specific probationary conditions for a period of two years. Among the probationary conditions were requirements to submit to random drug and alcohol testing in a manner prescribed by the Board.

The Board argues that Mr. Merringer complied with random drug and alcohol testing as required by the Consent Agreement until July 9, 2009, at which time Mr. Merringer ceased participation with the random drug and alcohol-screening portion of the agreement. The State alleges that Mr. Merringer failed to comply with the terms and conditions of an approved Consent Agreement, which constitutes a violation of an Order of the Board in violation of Section 4761.09 (A)(2) of the Revised Code.

Findings of Fact:

1. On April 19, 2010, the Ohio Respiratory Care Board mailed a Notice of Opportunity for Hearing to Mr. Merringer by registered mail/return receipt. The return receipt shows that Arlene Merringer signed for the Notice of Opportunity for Hearing. In addition, the Ohio Respiratory Care Board mailed a copy of the Notice of Opportunity for Hearing to Mr. Merringer's attorney of record, Christopher J. Baer, Attorney at Law. The return receipt shows that a Ms. Moore signed for the Notice of Opportunity for Hearing. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was properly issued in accordance with section 119.07 of the Ohio Revised Code.

2. On April 26, 2010, Mr. Baer, on behalf of his client, Mr. Merringer requested a hearing before the Ohio Respiratory Care Board. On April 26, 2010, the Ohio Respiratory Care Board sent correspondence to both Mr. Merringer and Mr. Baer, scheduled the hearing for May 10, 2010 and then upon its own motion continued the hearing until a date and time to be determined. The Ohio Respiratory Care Board finds that the hearing was scheduled in accordance with section 119.07 of the Ohio Revised Code.

3. On January 6, 2011, the Ohio Respiratory Care Board sent correspondence to both Mr. Merringer and Mr. Baer, scheduling the hearing for April 6, 2011.

4. On March 8, 2008, Mr. Merringer signed a consent agreement, which was approved by the Ohio Respiratory Care Board on October 14, 2008.

5. Mr. Merringer complied with the consent agreement and began drug and alcohol testing in April 2009. Mr. Merringer continued with that testing until July 9, 2009, when he failed to appear for scheduled appointments for drug and alcohol testing through FirstLab.

6. The Board finds by a preponderance of the evidence that Mr. Merringer ceased complying with the conditions of the consent agreement by discontinuing participation in random drug and alcohol testing as required by the consent agreement.

7. The Board finds as a significant mitigating fact that Mr. Merringer is currently on long-term disability and is not currently practicing respiratory care in the state of Ohio.

Conclusions of Law:

A. Ohio Revised Code § 4761.09 states in pertinent part:

(A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

***

(2) Violating any provision of this chapter or an order or rule of the board;;

***

B. Ohio Revised Code § 4761.09 (A) also states in pertinent part:

Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement.

C. Based upon a preponderance of the evidence presented, the Ohio Respiratory Care Board concludes that Mr. Merringer did violate the provisions of an Order of the Board, the consent agreement approved by the Ohio Respiratory Care Board on March 14, 2008. Accordingly, Count I contained in the April 14, 2010 Notice of Opportunity for Hearing is true.

Order of the Board:

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby Indefinitely Suspends the license of Jeffrey L. Merringer. The Board shall stay the suspension upon completion of the following requirements:

i. Jeffrey L. Merringer shall complete a current alcohol and/or drug dependency assessment administered by a Licensed Physician certified to perform alcohol and/or drug dependency assessments or a Certified Drug Assessment Counselor. Jeffrey Merringer shall cause to have a final copy of the alcohol and/or drug dependency assessment mailed to the Ohio Respiratory Care Board. If the alcohol and/or drug dependency assessment recommends a prescribed course of treatment, Jeffrey L. Merringer shall successfully complete the prescribed course of treatment and shall furnish a copy of the discharge report to the Ohio Respiratory Care Board.

ii. Mr. Merringer shall meet all conditions required to renew or reinstate a respiratory care professional license as stated under rule 4761-8-01 of the Ohio Administrative Code.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #25:

SANDRA HARWOOD, J.D. MOVED FOR FINDINGS OF FACT; KENNETH WALZ, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 4/NAY – 0/ABSTAINED – 2).

Motion #26:

JOEL MARX MOVED FOR CONCLUSIONS OF LAW; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 4/NAY – 0/ABSTAINED – 2).

Motion #27:

SANDRA HARWOOD, J.D. MOVED FOR THE ORDER OF THE BOARD; ANITA ADAMS, M.B.A., R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE – 4/NAY – 0/ABSTAINED – 2).

SO ORDERED

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 9.2: In the matter of Christine A. Mossor, Case #2011ORCB065 (Exhibit DD)

After votes were taken in public session, the Board adopted the following Order in the matter of Christine A. Mossor, RCP.10755:

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Christine A. Mossor
161 Crawford Avenue
Wintersville, OH 43953

THE MATTER OF CHRISTINE A. MOSSOR, CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON JUNE 21, 2011 AT 10:51 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE DURING THE PERIOD THAT MR. MERRINGER ENTERED INTO A CONSENT AGREEMENT WITH THE BOARD.

KENNETH WALZ, J.D., R.R.T., R.C.P. WAS THE APPOINTED HEARING OFFICER IN THIS MATTER.

HENRY G. APPEL, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

MS. MOSSOR DID NOT REQUEST A HEARING BEFORE THE BOARD. THIS HEARING WAS HELD PURSUANT TO GOLDMAN VS. STATE MEDICAL BOARD OF OHIO, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

TERESA L. MANTZ, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

There were no preliminary matters addressed by the State.

State's Exhibits admitted:

1 - Notice of Opportunity for Hearing approved on February 9, 2011 and mailed to Christine A. Mossor by registered mail/return receipt # 7004 1160 0000 5913 3967 on February 15, 2011, and a signed return receipt for article #7004 1160 0000 5913 3967.

2 - Hearing scheduling letter, dated March 21, 2011, mailed to Christine A. Mossor by registered mail/return receipt # 7004 1160 0000 5913 3486 on March 21, 2011 and a signed return receipt for article #7004 1160 0000 5913 3486.

3 - Hearing re-scheduling letter, dated May 11, 2011, mailed to Christine A. Mossor by registered mail/return receipt # 7004 1160 0000 5913 3875 on March 21, 2011 and a signed return receipt for article #7004 1160 0000 5913 3875.

4 - Copy of electronic renewal application filed by Christine A. Mossor on June 14, 2010.

5 - Copy of incomplete renewal application letter mailed to Christine A. Mossor on June 17, 2010.

Respondent's Exhibits admitted:

None.

Statement of the Case:

On or about June 17, 2010, Christine A. Mossor (Ms. Mossor) filed an application to renew her respiratory care professional license. As part of her application, Ms. Mossor provided an affirmative response to the question: "Pursuant to Rule 4761-8-01 and Rules under Chapter 4761-9 of the Ohio Administrative Code, have you completed all continuing education hours needed to renew this license." When asked to list the continuing education she completed, Ms. Mossor listed "Vent Mamagement."

The Board argues that it mailed an incomplete letter to Ms. Mossor's address of record on June 17, 2010, requesting a list of all the continuing education she had completed to meet the 2010 renewal requirements for an Ohio Respiratory Care Professional license. Additionally, the Board also argues that on June 29, 2010, the Board telephoned Ms. Mossor's residence of record, but did not receive a return telephone call. The Board alleges that as of date, Ms. Mossor has not provided a response to its request for information needed to complete her 2010 renewal application.

Findings of Fact:

1. On February 15, 2011, the Ohio Respiratory Care Board mailed a Notice of Opportunity for Hearing to Ms. Mossor by registered mail/return receipt. The return receipt shows that Christine Mossor signed for the Notice of Opportunity for Hearing on February 17, 2011. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was properly issued in accordance with section 119.07 of the Ohio Revised Code.

2. The Board did not receive a request for hearing from Ms. Mossor within 30 days of the mailing date of the February 15, 2011, Notice of Opportunity for Hearing.

3. Ms. Mossor filed a renewal application on June 17, 2010, through the online web-based renewal system. On Ms. Mossor's renewal application she reported having completed only one continuing education course titled, "Vent Mamagement." Ms. Mossor reported no contact hours, date of completion or provider organization as requested on the renewal application.

4. The Board finds by a preponderance of the evidence that, at minimum, two attempts to reach Ms. Mossor had been generated by Board staff to try to rectify Ms. Mossor's renewal application.

5. The Board finds by a preponderance of the evidence that Ms. Mossor did not respond to any of the attempts made by the Board to complete her 2010 renewal application.

Conclusions of Law:

A. Ohio Revised Code § 4761.09 states in pertinent part:

(A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

***

(2) Violating any provision of this chapter or an order or rule of the board;;

***

B. Based upon the evidence provided, the Board concludes that Counts I of the February 15, 2011, Notice of Opportunity for Hearing is proved.

Order of the Board:

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby INDEFINITELY SUSPENDS Ms. Mossor's license to practice respiratory care in the State of Ohio until such time she submits:

i. Proof of continuing education compliance for all continuing education required for license renewal under rule 4761-8-01, including continuing education not reported to the Board for the 2010 renewal cycle.

ii. A FINE in the amount of two hundred dollars ($200.00) payable to the Treasurer, State of Ohio.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #28:

JOEL MARX MOVED FOR FINDINGS OF FACT; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #29:

JOEL MARX MOVED FOR CONCLUSIONS OF LAW; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #30:

JOEL MARX MOVED FOR ORDER OF THE BOARD; ANITA ADAMS, M.B.A., R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

SO ORDERED

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 9.3: In the matter of Steven D. Thompson, Case #2011ORCB066 (Exhibit EE)

After votes were taken in public session, the Board adopted the following Order in the matter of Steven D. Thompson, RCP.6232:

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Steven D. Thompson
6076 S. Indian Trail Road
Modoc, Indiana 47358

THE MATTER OF STEVEN D. THOMPSON CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON JUNE 21, 2011 AT 11:12 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE DURING THE PERIOD THAT MR. MERRINGER ENTERED INTO A CONSENT AGREEMENT WITH THE BOARD.

KENNETH WALZ, J.D., R.R.T., R.C.P. WAS THE APPOINTED HEARING OFFICER IN THIS MATTER.

HENRY G. APPEL, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

MR. THOMPSON DID NOT REQUEST A HEARING BEFORE THE BOARD. THIS HEARING WAS HELD PURSUANT TO GOLDMAN VS. STATE MEDICAL BOARD OF OHIO, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

TERESA L. MANTZ, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

There were no preliminary matters addressed by the State.

State's Exhibits admitted:

1 - Notice of Opportunity for Hearing approved on February 9, 2011 and mailed to Steven Dale Thompson by registered mail/return receipt # 7004 1160 0000 5913 3974 on February 15, 2011, and a signed return receipt for article #7004 1160 0000 5913 3974.

2 - Hearing scheduling letter, dated March 21, 2011, mailed to Steven Dale Thompson by registered mail/return receipt # 7004 1160 0000 5913 3479 on March 21, 2011 and a signed return receipt for article #7004 1160 0000 5913 3479.

3 - Hearing re-scheduling letter, dated May 11, 2011, mailed to Steven Dale Thompson by registered mail/return receipt # 7005 1820 0000 0296 0026 on March 21, 2011 and a signed return receipt for article #7005 1820 0000 0296 0026.

4 - Copy of electronic renewal application filed by Steven Dale Thompson on June 30, 2010.

5 - Copy of electronic mail sent to the email address on record for Steven Dale Thompson, dated July 1, 2010.

6 - Copy of incomplete renewal application letter mailed to Steven Dale Thompson on July 1, 2010.

Respondent's Exhibits admitted:

None.

Statement of the Case:

On or about June 30, 2010, Steven D. Thompson (Mr. Thompson) filed an application to renew his respiratory care professional license. As part of his application, Mr. Thompson provided an affirmative response to the question: "Pursuant to Rule 4761-8-01 and Rules under Chapter 4761-9 of the Ohio Administrative Code, have you completed all continuing education hours needed to renew this license." When asked to list the continuing education he completed, Mr. Thompson listed "Respiratory Pharmacology, 06/01/10,9,AARC; Neonatal and Pediatric Cuffed Endotracheal Tubes."

The Board argues that it mailed an incomplete letter to Mr. Thompson's address of record on July 1, 2010, requesting a list of all the continuing education he had completed to meet the 2010 renewal requirements for an Ohio Respiratory Care Professional license. Additionally, the Board argues that a similar request was emailed to Mr. Thompson's email address of record on July 1, 2010. The Board also argues that on August 19, 2010, the Board telephoned Mr. Thompson residence of record, but did not receive a return telephone call. The Board alleges that as of date, Mr. Thompson has not provided a response to its request for information needed to complete his 2010 renewal application.

Findings of Fact:

1. On February 15, 2011, the Ohio Respiratory Care Board mailed a Notice of Opportunity for Hearing to Mr. Thompson by registered mail/return receipt. The return receipt shows that Kendale Thompson signed for the Notice of Opportunity for Hearing on February 23, 2011. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was properly issued in accordance with section 119.07 of the Ohio Revised Code.

2. The Board did not receive a request for hearing from Mr. Thompson within 30 days of the mailing date of the February 15, 2011, Notice of Opportunity for Hearing.

3. Mr. Thompson filed a renewal application on June 30, 2010, through the online web-based renewal system. On Mr. Thompson's renewal application he reported having completed only nine (9) qualified contact hours of continuing education, which he listed as "Respiratory Pharmacology, 06/01/10,9,AARC." He reported no contact hours with the course titled, "Neonatal and Pediatric Cuffed Endotracheal Tubes."

4. The Board finds by a preponderance of the evidence that, at minimum, three attempts to reach Mr. Thompson had been generated by Board staff to try to rectify Mr. Thompson's renewal application.

5. The Board finds by a preponderance of the evidence that Mr. Thompson did not respond to any of the attempts made by the Board to complete his 2010 renewal application.

Conclusions of Law:

A. Ohio Revised Code § 4761.09 states in pertinent part:

(A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

***

(2) Violating any provision of this chapter or an order or rule of the board;;

***

B. Based upon the evidence provided, the Board concludes that Counts I of the February 15, 2011, Notice of Opportunity for Hearing is proved.

Order of the Board:

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby INDEFINITELY SUSPENDS Mr. Thompson's license to practice respiratory care in the State of Ohio until such time she submits:

i. Proof of continuing education compliance for all continuing education required for license renewal under rule 4761-8-01, including continuing education not reported to the Board for the 2010 renewal cycle.

ii. A FINE in the amount of two hundred dollars ($200.00) payable to the Treasurer, State of Ohio.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #31:

JOEL MARX MOVED FOR FINDINGS OF FACT; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #32:

SANDRA HARWOOD, J.D. MOVED FOR CONCLUSIONS OF LAW; JOEL MARX SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #33:

SANDRA HARWOOD, J.D. MOVED FOR ORDER OF THE BOARD; KENNETH WALZ, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

SO ORDERED

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 9.4: In the matter of Charles S. Meadows, Case #2011ORCB060 Exhibit FF)

After votes were taken in public session, the Board adopted the following Order in the matter of Charles S. Meadows, RCP.12445:

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Charles S. Meadows
1115 North 3rd Street
Ironton, OH 45638

THE MATTER OF CHARLES S. MEADOWS, CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON JUNE 21, 2011 AT 10:11 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW.

KENNETH WALZ, J.D., R.R.T., R.C.P. WAS THE APPOINTED HEARING OFFICER IN THIS MATTER.

HENRY G. APPEL, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

MR. MEADOWS DID REQUEST A HEARING BEFORE THE BOARD, BUT THE REQUEST WAS RECEIVED MORE THAN THIRTY (30) DAY AFTER THE MAILING DATE OF THE BOARD'S NOTICE OF OPPORTUNITY FOR HEARING .

THIS HEARING WAS HELD PURSUANT TO GOLDMAN VS. STATE MEDICAL BOARD OF OHIO, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

TERESA L. MANTZ, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

There were no preliminary matters addressed by the State.

State's Exhibits admitted:

1 - Notice of Opportunity for Hearing approved on April 6, 2011 and mailed to Charles S. Meadows by registered mail/return receipt # 7004 1160 0000 5913 3615 on April 18, 2011, and a signed return receipt for article #7004 1160 0000 5913 3615.

2 - Hearing scheduling letter, dated May 24, 2011, mailed to Charles S. Meadows by registered mail/return receipt #7005 1820 0000 0296 0071 on May 24, 2011.

3 - Hearing scheduling letter, dated June 6, 2011, mailed to Charles S. Meadows by regular mail.

4 - Copy of "Application for Initial License/Limited Permit" filed by Charles S. Meadows with the Ohio Respiratory Care Board on January 18, 2011.

5 - Letter of license verification for Charles S. Meadows from the West Virginia Board of Respiratory Care, dated January 19, 2011.

6 - Copy of December 14, 2002, consent agreement with the West Virginia Respiratory Care Board.

7 - Copy of December 30, 2008, consent agreement with the West Virginia Respiratory Care Board.

8 - Copy of October 19, 2009, consent agreement with the West Virginia Respiratory Care Board.

9 - Copy of September 18, 2009, Charles S. Meadow's correspondence filed with the West Virginia Respiratory Care Board.

10 - Copy of Charles S. Meadow's correspondence filed with the West Virginia Respiratory Care Board.

11 - Letter dated October 21, 2010, to Charles S. Meadows from the West Virginia Respiratory Care Board.

12 - Certified October 8, 2009, Judgment Entry for Possession, in violation of ORC 2925.11 (A) and (C)(2), Case #09-CRB-719, Ironton Municipal Court, Ironton, Ohio.

13 - Copy of criminal docket sheet for August 3, 2009, Disorderly Conduct, Case #09-CRB- 581, Ironton Municipal Court, Ironton, Ohio.

14 - Certified November 23, 2009, Judgment Entry for Disorderly Conduct, Case #09-CRB-907, Ironton Municipal Court, Ironton, Ohio.

15 - Copy of criminal docket sheet for November 20, 2009, Disorderly Conduct, Case #09-CRB-907, Ironton Municipal Court, Ironton, Ohio.

16 - Electronic mail from Charles S. Meadows dated February 9, 2011.

Respondent's Exhibits admitted:

None.

Statement of the Case:

On or about January 18, 2011, Charles S. Meadows (Mr. Meadows) filed an initial application for a respiratory care professional license to practice respiratory care in the state of Ohio. As part of the application, Mr. Meadows provided an affirmative response to questions #2 & #3 on the application form. Mr. Meadows provided documentation to the Board addressing an October 2009 conviction for Possession. In addition, Mr. Meadows informed the Board that he had prior disciplinary action taken against his respiratory care professional license issued by the State of West Virginia.

The Board alleges that Mr. Meadows has been sanctioned by the West Virginia Board for Respiratory Care on three occasions and he has been convicted of possessing controlled substances. These facts, the Board alleges, provide sufficient basis to establish that Mr. Meadows failed to demonstrate to the satisfaction of the Board that he was of "good moral character" as required under ORC 4761.04 (A)(1), a violation of ORC 4761.09 (A)(2). In addition, the Board alleges that Mr. Meadows failed to report his full conviction record, which the Board alleges is a violation of ORC 4761.09 (A)(4).

Findings of Fact:

1. On April 18, 2011, the Ohio Respiratory Care Board mailed a Notice of Opportunity for Hearing to Mr. Meadows by registered mail/return receipt. The return receipt shows that Mr. Meadows signed for the Notice of Opportunity for Hearing on April 21, 2011. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was properly issued in accordance with section 119.07 of the Ohio Revised Code.

2. On May 24, 2011, Mr. Meadows telephoned the Board and verbally requested a hearing. The Board finds that Mr. Meadows request for hearing was not filed with the Board within 30 days of the mailing date of the April 18, 2011, Notice of Opportunity for Hearing.

3. On or about January 18, 2011, Mr. Meadows filed an initial application for a respiratory care professional license to practice respiratory care in the state of Ohio. As part of his application, Mr. Meadows provided an affirmative response to the following questions:

   a. Has any board, bureau, department, agency or other public body, including those in Ohio, in any way limited, restricted, suspended, or revoked any professional license or certificate granted to you; placed you on probation, imposed a fine, censured or issued a reprimand against you; or have you ever voluntarily surrendered, resigned, or forfeited any professional license, certificate or registration?

   b. Have you ever been convicted of, found guilty of, pled guilty to, pled no contest to, received intervention or treatment in lieu of conviction, or received diversion in lieu of conviction for a criminal offense (felony or misdemeanor) in any state in violation of any federal, state, or municipal ordinance?

4. Mr. Meadows voluntarily reported that he had prior actions taken against his professional respiratory care license in the state of West Virginia. An investigation into his licensure record revealed the following actions:

   a. On or about December 14, 2002, Mr. Meadows entered into a consent agreement with the West Virginia Respiratory Care Board for failure to comply with continuing education requirements.

   b. On or about December 30, 2008, Mr. Meadows entered into a consent agreement with the West Virginia Respiratory Care Board for failure to comply with continuing education requirements.

   c. On or about October 19, 2009, Mr. Meadows entered into a consent agreement with the West Virginia Respiratory Care Board for failing to adhere to established standards in the practice and practicing respiratory care while the ability to safely and effectively practice was compromised by alcohol or drugs. Mr. Meadows reported that his respiratory care professional license was suspended for one month, and then he was placed on probation for one year.

5. Mr. Meadows reported that he was charged with two counts of possession and operating a vehicle while intoxicated.

6. A criminal background check found the following convictions on Mr. Meadow's record:

   a. On or about August 3, 2009, Mr. Meadows was found guilty of a minor misdemeanor Disorderly Conduct, Case #09-CRB- 581, Ironton Municipal Court, Ironton, Ohio.

   b. On or about October 8, 2009, Mr. Meadows was found guilty of Possession, in violation of ORC 2925.11 (A) and (C)(2), Case #09-CRB-719, Ironton Municipal Court, Ironton, Ohio.

   c. On or about November 23, 2009, Mr. Meadows was found guilty of a minor misdemeanor Disorderly Conduct, Case #09-CRB-902, Ironton Municipal Court, Ironton, Ohio.

7. The Board finds by a preponderance of the evidence that Mr. Meadows had three prior sanctions against his professional license in the State of West Virginia.

8. The Board finds by a preponderance of the evidence that Mr. Meadows did not fully report his criminal record. The Board, through its review of Mr. Meadow's criminal background found two additional criminal convictions that Mr. Meadows did not report on his initial application for a license.

Conclusions of Law:

A. Ohio Revised Code § 4761.09 states in pertinent part:

(A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

***

(2) Violating any provision of this chapter or an order or rule of the board;;

***

(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;

***

B. Section 4761.04 (A) (1) of the Ohio Revised Code states:

(A) Except as provided in division (B) of this section, no person is eligible for licensure as a respiratory care professional unless the person has shown, to the satisfaction of the Ohio respiratory care board, all of the following:

(1) <u>That the person is of good moral character;</u>

(2) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;

(3) That the person has passed an examination administered by the board that tests the applicant's knowledge of the basic and clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice. (Emphasis added)

C. Based upon the evidence provided, the Board concludes that there is not sufficient evidence to conclude Mr. Meadows is not of good moral character. Based on this, the Board concludes that Counts I in the April 18, 2011, Notice of Opportunity for is not proved.

D. Based upon the evidence provided, the Board concludes Count II in the April 18, 2011, Notice of Opportunity for is proved.

Order of the Board:

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby ISSUES Mr. Meadows a license to practice respiratory care in the state of Ohio. In addition, the Board FINES Mr. Meadows one hundred dollars ($100.00) payable to the Treasurer, State of Ohio.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #34:

KENNETH WALZ, J.D. MOVED FOR FINDINGS OF FACT; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #35:

KENNETH WALZ, J.D. MOVED FOR CONCLUSIONS OF LAW; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #36:

KENNETH WALZ, J.D. MOVED FOR THE ORDER OF THE BOARD; SANDRA HARWOOD, J.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

SO ORDERED

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item #12: NEW BUSINESS

Agenda item 12.1: Application ratification for licenses and limited permits (Exhibit GG collective)

Motion #37: Mr. Walz moved to ratify and place upon the minutes of the June 22, 2011 meeting, the names of respiratory therapists and limited permit applicants who met the qualifications for their respective authorization, pursuant to Sections 4761.04 and 4761.05 of the Revised Code and associated rules there under, and who were issued a license or limited permit by the Executive Director of the Board on the following dates:

Limited Permits: February 3, 2011, February 10, 2011, February 17, 2011, February 24, 2011, March 3, 2011, March 10, 2011, March 17, 2011, March 25, 2011, March 31, 2011, April 7, 2011, April 14, 2011, April 21, 2011, April 28, 2011, May 5, 2011, May 12, 2011, May 19, 2011, May 25, 2011, June 2, 2011, and June 9, 2011.

Respiratory Care Professionals: February 3, 2011, February 10, 2011, February 17, 2011, February 24, 2011, March 3, 2011, March 10, 2011, March 17, 2011, March 25, 2011, March 31, 2011, April 7, 2011, April 14, 2011, April 21, 2011, April 28, 2011, May 5, 2011, May 12, 2011, May 19, 2011, May 25, 2011, June 2, 2011, and June 9, 2011.

Ms. Harwood seconded the motion. Discussion: Mr. Walz informed the Board that he knows one of the individuals scheduled for ratification: Richard Bonawitz, RCP.12386. Mr. Mays inquired about RCP.12305, which lists the school as Concorde Institute in North Hollywood, CA. Mr. Mays stated that he was not familiar with the program. Mr. Logsdon stated he would check and validate the program. Mr. Mays directed Mr. Logsdon to contact CoARC and determine when Miami Jacob Career College's last enrollees entered the program and when that class is expected to graduate. No further discussion. Motion carried: 6 - 0.

Agenda item 12.2: Application ratification for HME licenses and certificates of registration (Exhibit HH)

Motion #38: Ms. Harwood moved to ratify and place upon the minutes of the June 22, 2011 meeting, the names of Home Medical Equipment provider who having met the qualifications for their respective authorization, pursuant to Sections 4752.05 and 4752.12 of the Revised Code and associated rules there under, and who were issued a license or certificate of registration by the Executive Director of the Board on the following dates:

HMEL

February 3, 2011, February 17, 2011, March 3, 2011, March 7, 2011, March 15, 2011, March 24, 2011, March 30, 2011, April 1, 2011, April 5, 2011, April 13, 2011, April 25, 2011, May 12, 2011, May 26, 2011, May 27, 2011, and June 2, 2011.

HMER

January 28, 2011, February 3, 2011, February 8, 2011, February 10, 2011, February 17, 2011, February 22, 2011, February 23, 2011, February 24, 2011, February 25, 2011, March 2, 2011, March 3, 2011, March 7, 2011, March 15, 2011, March 17, 2011, March 25, 2011, March 30, 2011, March 31, 2011, April 1, 2011, April 8, 2011, April 14, 2011, April 20, 2011, April 25, 2011, April 28, 2011, May 3, 2011, May 6, 2011, and May 26, 2011.

Ms. Adams seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – Abstained (Marx).

Mr. Logsdon stated that the list would be attached as an exhibit to the record.

Agenda item 12.3: Expenditure Approval (Exhibit II collective)

The Executive Director presented three items exceeding $500.00 that require Board authorization before committing funds. Following a review of the expenditure requests, the following motions were made:

Motion #39: Mr. Walz moved to approve an expenditure of $750.00 for subscription costs for Gongwer News Service. Ms. Adams seconded the motion. Discussion: Ms. Harwood supported the expenditure stating that the news service was invaluable to her as legislator. Mr. Logsdon discussed the advantages of the service. No further discussion. Motion carried: 6 – 0.

Motion #40: Mr. Walz moved to approve an expenditure of $3,053.40 for two desktop scanners for staff. Ms. Harwood seconded the motion. Discussion: Ms. Adams asked some questions about the specific of the scanners, which Mr. Logsdon addressed. Motion carried: 6 – 0.

Motion #41: Mr. Walz moved to approve an expenditure of $999.00 for a laptop computer. Ms. Adams seconded the motion. Discussion: Ms. Adams inquired about the number of laptops owned by the Board. Mr. Logsdon stated that this single laptop purchase would replace two older laptops that will be sent to state salvage. No further discussion. Motion carried: 6 – 0.

Agenda item 12.4: Approval of Office Policies (Exhibit JJ collective)

The Board's Executive Director presented three policies: two amended office policies and one new policy required by DAS. After the presentation, the following motion was made:

Motion #42: Mr. Walz moved to approve office policy #1.3 as amended. Ms. Adams seconded the motion. Disccussion: Mr. Walz inquired about the distribution of keys to office personnel. Mr. Marx inquired about why the office needs to post its hours. Mr. Logsdon addressed both issues. Mr. Marx asked if the policy could state that key will be distributed to personnel as determined by the Executive Director. Mr. Walz accepted this as a friendly amendment. No further discussion. Motion as amended carried: 6 – 0.

Motion #43: Mr. Walz moved to approve office policy #2.96 as amended. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #44: Mr. Marx moved to approve office policy #2.33. Ms. Adams seconded the motion. Discussion: Mr. Walz discussed the need for the policy. Ms. Harwood stated that the policy is required. No further discussion: 5 – Yes, 1 – Abstained (Mr. Walz).

Agenda item 12.5: Travel Request (Exhibit KK collective)

Motion #45: Mr. Walz moved to approve the attendance of the Board's Executive Director to the 2011 CLEAR conference in Pittsburgh, PA, including conference fees and travel expenditures. Mr. Harwood seconded the motion. Discussion: Dr. Cohn supported the travel. No further discussion. Motion carried: 6 – 0.

Motion #46: Mr. Walz moved to approve the attendance of the Board's President to the 2011 NBRC licensure liaison conference, including conference fees and travel expenditures. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 12.6: Revised FAQ for Board Website (Exhibit LL)

Motion #47: Mr. Walz moved to approve the revised Frequently Asked Question form for the respiratory care licensing procedures for publication on the Board's website. Mr. Harwood seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 12.7: HME Continuing Education Provider (Exhibit MM)

Motion #48: Mr. Walz moved to approve VGM Group as a provider of continuing education for home medical equipment facilities under OAC 4761:1-13-01. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #13: OPEN FORUM

No one appeared.

Agenda item #14: FOR THE GOOD OF THE BOARD

No issues presented.

Agenda item #15: ADJOURNMENT

Hearing no further matters, the meeting adjourned the meeting at 3:07 p.m.

Secretary's Certification: to the best of my knowledge, these are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on August 17, 2011.

Secretary

Executive Secretary