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# **OHIO RESPIRATORY CARE BOARD**

77 SOUTH HIGH STREET, 16<sup>TH</sup> FLOOR

COLUMBUS, OHIO 43215-6108

## **OFFICIAL BOARD MEETING MINUTES OF OCTOBER 16, 2007**

### **Agenda items #1: CALL MEETING TO ORDER**

Presiding: Marc Mays, President, called the meeting to order on October 16, 2007 at 1:08 p.m. in room West B & C, 31<sup>st</sup> 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, President, Robert Cohn, M.D., Vice President, Anita Adams, R.R.T., R.C.P., Susan Ciarlariello, R.R.T., R.C.P., Dana Rinehart, Public Member, Joel Marx, Margaret Traband, M.Ed., RRT, and Eugene Andrews, R.R.T., R.C.P. Carol Gilligan was excused from the meeting. 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

Robert Cohn, M.D., Vice President

Susan Ciarlariello, R.R.T., R.C.P.

Anita Adams R.R.T., R.C.P.

Dana Rinehart, Public Member

Eugene Andrews, R.R.T., R.C.P.

Margaret Traband, M.Ed., RRT, RCP

Joel Marx, HME Provider Member

### **Staff in attendance:**

Christopher H. Logsdon, Executive Director

Marcia L. Tatum, HME Manager

Jason McLean, Investigator

**Others in Attendance:**

Melinda Snyder Osgood, Assistant Attorney General

Tami Ruhl, Director of Respiratory Care, Mt. Gilead Community Hospital

**NOTE ON COMMITTEE MEETINGS**

The Board's Rules Committee, Home Medical Equipment Committee, and Scope of Practice Committee met prior to the regular business meeting. Official minutes of the committee meeting were taken and are maintained separate of this journal. Committee Chairperson will give a Committee Report during the course of the business meeting.

Regular Business Meeting

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. Logsdon stated that he had received two petitions to extend the active term of a limited permit under the provisions of Section 4761.05 (B) of the Revised Code. Mr. Logsdon requested that the two matters be considered under Agenda item #5.1. Mr. Mays inquired if the membership had any objections to the amendment. Hearing none, he asked for a motion to approve the agenda.

Motion #1: Mr. Rinehart moved to approve the meeting agenda. Mr. Andrews seconded the motion. Discussion: None. Motion carried: 8-0.

Agenda item 1.2: Approval of previous Board Meeting Minutes

Draft meeting minutes from the previous Board meeting on August 15, 2007, were provided to members in advance of the meeting for review.

Mr. asked the membership if they had the opportunity to review the minutes. All answered affirmatively. Ms. Traband stated that motion #13 on page 13 was inaccurate, because she was not in attendance. Mr. Logsdon stated he would review the notes and correct the motion.

Motion #2: Ms. Ciarlariello moved to approve the meeting minutes from August 15, 2007, as corrected. Mr. Andrews seconded the motion. Discussion: None. Motion carried: 6- 2 abstained (Mays & Traband).

**Agenda item #2: OFFICER AND STAFF REPORTS**

Agenda item 2.1: President's Report

- AARC International Congress Meeting.

Mr. Mays introduced the agenda for the four day, AARC International Congress. He stated that the conference is the largest, professional respiratory care gathering in the world. The agenda includes a multitude of lectures on professional respiratory care topics, including a home medical equipment breakout session. Mr. Mays requested that the Board send Mr. Logsdon to the event. Mr. Mays argued that the Executive Director should on occasion attend an event like the International Congress to remain abreast of current developments in the practice, standards of care, and legislative issues relating to the profession.

Motion #3: Ms. Adams moved to approve the expenditures need to send Mr. Logsdon to the AARC International Congress and directed Mr. Logsdon attend the event on behalf of the Board. Ms. Ciarlariello seconded the motion. Discussion: Mr. Marx stated that he was not opposed to the idea, but would like to know if the Board's budget would absorb to cost. Mr. Logsdon stated the cost estimate is approximately \$1,508.00. He stated the expenditure would not be planned. Mr. Mays agreed, but argued the expenditure is relatively small in the scheme of the budget and could be absorbed. Mr. Logsdon stated that he raised some initial questions regarding the relativity of the event to his position. He also stated that the event, although not needed personally, would result in a benefit to him professional due to the awarding continuing education credits. No further discussion. Motion carried: 8-0.

#### Agenda item 2.2: Executive Director's Report (Exhibit C)

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

1. Mr. Logsdon presented the FY 2008, 1<sup>st</sup> Quarter financial activity report. He reported that FY 2008 financial assessment remain challenging due to the implementation of the Ohio Administrative Knowledge System (OAKS). Mr. Logsdon reported that the State of Ohio is reporting successful implementation of the system, but at the small agency level the system is overwhelming and cumbersome to processing daily financial activity. The primary complaint stated by Mr. Logsdon data limitations that lead to a "best estimate" report of financial activity, including payroll expenses. DAS reports that the system will improve and new reporting capabilities will provide the need information to analyze budget costs. Mr. Logsdon provided an overview of current expenses and revenue intake since the start of the fiscal year on July 1, 2007.

2. Mr. Logsdon gave a general program update. He reported on the number of licenses and limited permits issued in FY 2007 and the number issued since 07/01/2007.

3. Mr. Logsdon reported that the agency's safety and security action plan (ASAP) has been updated to include a new IT security plan for the office. The new plan classifies all data maintained by the office and assigned sensitivity rating to each data set. A backup plan and encryption plan for sensitive data was discussed.

4. Mr. Logsdon discussed 2008 license and limited permit renewal preparation. He reported that the target mailing date for renewal applications was March 15, 2008.

5. Mr. Logsdon reported that an office has been constructed for the HME Manager.

6. Mr. Logsdon reported that he and the Board Investigator are working extra hours to complete a records retention project for investigative records. Mr. Logsdon expects the project to be complete before the end of the year.

7. Last, Mr. Logsdon review current legislation being tracked by the Board:

- a. H.B. 130
- b. H.B 104

Mr. Logsdon also discussed the Board's attempt to find a legislative sponsor to draft a home medical equipment clean-up bill.

Discussion: Mr. Rinehart expressed his concern over the lack of the State of Ohio's new financial system to provide accurate reports on the payroll expenditures of the Board. Mr. Rinehart stated that he found the inability to report the agency's fund

balances and expenses to be insufficient. Mr. Rinehart recommended that the Board issue a letter to Office of Budget and Management Director, J. Pari Sabety stating the Board's concern.

The membership agreed and Mr. Mays directed Mr. Logsdon to send a letter to the Director of Office of Budget and Management.

Agenda item 2.3: HME Manager's Report (Exhibit D)

Ms. Marcia Tatum filed a written report. A verbal review of her report was provided.

1. Ms. Tatum informed the Board that the agency Director has approved 9 HME Certificates of Registration and 9 HME licenses since the Board's last meeting in August. She reported 10 current application in pending status.
2. Ms. Tatum reported that the office has scheduled 41 inspections since July 1, 2007 and 29 of these inspections have been completed.
3. Ms. Tatum provided an update on the revenue intake since July 1, 2007.
4. Last, Ms. Tatum reported that she has completed or will be completing several pending projects. She reported completing an inspector handbook, a new inspection preparation handbook, and an out-of-state facility self-evaluation program. These projects were reported to the Board's Home Medical Equipment Committee for approval.

Motion #4: Ms. Ciarlariello moved to approve the officer and staff reports. Mr. Rinehart seconded the motion. Discussion: Mr. Rinehart asked to speak to a document provided by the Executive Director in his packet. Mr. Rinehart directed the membership to the document titled Executive Order 2007-O1S, a question and answer form on Ethics. Mr. Rinehart issued a firm advisory to members of the Board to review and apply the Ohio Ethics Laws and the Governor's Executive Order and other related documents to their regular practices. Mr. Rinehart stated that the Governor is sending a message that he is serious about ethics and that the Ohio Ethics Commission will prosecute violations, even if they are innocent mistakes. No further discussion. Motion carried: 8-0.

**Agenda item #3: BOARD COMMITTEE REPORT**

Agenda item 3.1: HME Committee Report – Joel Marx

Mr. Marx reported that the HME Committee met during the a.m. hours to consider new business. Among the issues discussed, the committee, he reported, reviewed and approve several actionable issues:

1. The Committee reviewed five HME license inspection reports for the following facilities:

- Respiratory Care Partners, Inc.
- Med-Ox concentrators
- Broadfield Services
- International Quality Healthcare
- Corner Pharmacy, LLC

Each facility was discussed and the Committee considered the findings of the field inspection report and recommendations of staff. Following this review, the Committee moved to approve re-inspections of these facilities following the receipt and review of any response filed by the facilities within 90 days of the mailing date of the Board's inspection findings notice.

2. The Committee considered the staff report of new licenses and Certificates of Registration approved by the Board's Executive Director and moved to recommend approval of the same to the full Board. The Committee reviewed two applications held for Committee consideration of qualifications. Each facility requested a review of its organization for possible exemption status under ORC 4752.02 (B). The Committee moved to recommend that Ceres Strategies, Inc. dba Ceres Strategies Medical Services and Ambassador Ancillary Services obtain a license or certificate of registration to conduct the business listed in their application to the Board.

3. The Committee reviewed a new Out-of-State inspection packet prepared by staff. The Committee found the process model acceptable as an alternative approach to performing onsite inspection. The method should help the Board reduce costs for out-of-state facilities. The Committee unanimously approved the use of the form pending a final review by the Board's legal counsel and possible review by the field inspectors.

4. The Committee reviewed two applications for recognition as accrediting organization for the purpose of issuing certificates of registration and entering into a cooperative relationship. The Board of Orthodontist/Prosthetist Certification and the Healthcare Quality Association on Accreditation both filed applications. The Executive Director reported that each organization filed all of the required documentation required under OAC rule 4761:1-4-01. The Committee will be recommending approval of the organizations.

Discussion: Mr. Mays inquired about the out-of-state inspection packet. Mr. Marx stated that he wants the Board's attorney to review the inspection tool to determine if the process is legally sufficient. Ms. Ciarlariello stated that the two accrediting organizations seeking recognition appear to be specific to a limited area of HME services. Mr. Marx addressed her concern. He stated that the organizations meet the Board's requirements by rule and the Center for Medicare/Medicaid Services recognizes the organizations. Mr. Andrews stated that he has similar concerns. He stated that Board recognition will allow the organizations to accredit services no expertise in the service. Mr. Marx stated that CMS approval would indicate the organizations would have to accredit other services. Mr. Marx stated that the organizations meet all of the requirements stated in the Board's rules. Mr. Andrews inquired if the Board must recognize the organizations. Mr. Marx stated that he believes CMS competitive bidding regulations have led to expansion of accreditation services. Mr. Andrews stated that he is troubled by the concept of recognition an organization without support that the organization is competent to accredit home medical services that provide services unrelated to the organizations purpose. Mr. Marx asked if staff verified the type of home medical equipment facilities accredited by each organization. Mr. Logsdon stated that some of the home medical equipment services provided by accredited facilities were very obvious based upon the facility name, others were not so obvious. Mr. Marx inquired if the Board could table the decision to recognize the organizations pending receipt of more information. Mr. Logsdon noted that rule does not require recognition. The decision to recognize an organization, he stated, is discretionary. Ms. Snyder Osgood agreed with this assessment of the Board's discretionary authority, but stated the Board would likely be challenged if recognition was withheld from an organization meeting all of the requirements of rule.

Agenda item 3.2: Scope of Practice Committee Report – Robert Cohn, M.D.

Dr. Cohn reported that the Scope of Practice Committee met and considered two scope of practice inquiries:

A. Robert Wilder – TriHealth, Cincinnati, Ohio

Inquiry: Can respiratory care providers obtain arterial blood gas samples from the femoral artery?

Recommended Committee response: The practice of drawing blood from the femoral artery is a standard respiratory care practice in many medical institutions.

B. Karen Shaliga – Reed Smith, LLP, Richmond, VA

Inquiry: Would a manufacturer subsidiary need to obtain a HME provider license (or any other sort of permit) in order to drop ship the noted replacement accessories directly to patients on behalf of a DME supplier?

Recommended Committee response: The facility is not providing home medical equipment services as defined under Board rules and the facility is not the selling vendor.

Agenda item 3.3: Rules Committee Report – Susan Ciarlariello, R.R.T., R.C.P.

Ms. Ciarlariello reported that the Rules Committee considered two new rule drafts forwarded to the committee by the HME Committee. Ms. Ciarlariello stated that the new rules would establish that HME licenses and certificates of registration are not transferable to a new facility or other facility. A new license will be required for a transfer of operations and a change in ownership would not require a new HME license or certificate of registration, but will require a re-inspection within a specified period of time. The second rule would establish a requirement that an HME facility provide clients with contact information for the Ohio Respiratory Care Board.

In addition, the Committee reviewed previously approved rule drafts. All draft rules were being recommended for filing under New Business on the Board's agenda.

Discussion: Mr. Marx inquired if a facility would be required to provide the Board's information to all clients, regardless of the service provided. For example, he stated, would I need to provide Board contact information to a client that only purchases incontinence supplies? Mr. Logsdon stated that the rule could be refined to address the issue.

Motion #5: Mr. Rinehart moved to approve the report and recommendations of the HME, Scope of Practice Committees, and Rules Committee. Ms. Traband seconded the motion. Discussion: None. Motion carried: 8-0.

#### **Agenda item #4: PROBABLE REVIEW COMMITTEE REPORT**

Motion #6: Mr. Andrews moved to enter executive session pursuant to Revised Code Section 121.22, for the purpose of considering the investigation of charges or complaints against licensees or regulated individuals under the board's jurisdiction. Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Susan M. Ciarlariello -	Yes	Anita Adams -	Yes
Dana Rinehart -	Yes	Joel Marx -	Yes
Robert Cohn -	Yes	Eugene Andrews-	Yes
Margaret Traband -	Yes	Marc Mays -	Yes

Motion carried.

The board entered executive session at 2:10 p.m. and returned to regular, public session at 2:41 p.m. All voting members of the board, Ms. Snyder Osgood, Ms. Tatum, Mr. Logsdon, and Mr. McLean were present during executive session.

*\*Names and identifying information was redacted from discussion and proposed notices during the course of executive session deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.*

#### Agenda item 4.2: Approval of Opportunity for Hearing Notices

Motion #7: Mr. Andrews moved to issue an opportunity for hearing notice as presented to the Board in the matters of :

- a. Case # 2008ORCB06 (Tara Roy) for allegedly violating Section 4761.09 (A)(2) of the Revised Code.
- b. Case # 2008ORCB07 (Winston Cooper) for allegedly violating Section 4761.09 (A)(2) of the Revised Code.
- c. Case # 2008ORCB08 (Karen Ohe) for allegedly violating Section 4761.09 (A)(1) of the Revised Code.
- d. Case # 2008ORCB009 (Melissa Robbins) for allegedly violating Section 4761.09 (A)(2) of the Revised Code.
- e. Case # 2008ORCB010 (Lorin Collins) for allegedly violating Section 4761.09 (A)(2) of the Revised Code.
- f. Case # 2008ORCB011 (Nicholas Mallas) for allegedly violating Section 4761.09 (A)(2) of the Revised Code.
- g. Case # 2008ORCB013 (Victoria Grayson) for allegedly violating Section 4761.09 (A)(1) of the Revised Code.

Ms. Traband seconded the motion. Discussion: None. Motion carried: 8 – 0.

#### Agenda item 4.3: Approval of Consent Agreements (**EXHIBIT E AND F RESPECTIVELY**)

Motion #8: Mr. Rinehart moved to approve the following consent agreements:

<u>Case:</u>	<u>Respondent:</u>
2007ORCB080	Dana Bauer
2007ORCB044	Melvin McDowell

Ms. Traband seconded the motion. Discussion: None. Motion carried: 8 – 0.

Dr. Cohn stated that the Board's minutes shall serve as the official journal of proceedings in this matter and that the Board's President shall sign the Original Consent Agreement, which shall constitute the Order of the Board in each of the aforementioned. The Consent Agreements shall be enter upon the official Journal of these proceeding as an exhibit to this record.

#### Agenda item 4.4: Approval to Close Complaints

Motion #9: Dr. Cohn moved to close the following cases as non-jurisdictional of unfounded complaints:

Case # 2007ORCB079 – Unfounded  
Case #2007ORCB081 – Non-jurisdictional  
Case #2008HME01 – Non-jurisdictional, file considered abandoned  
Case #2008HME02 – Non-jurisdictional, file considered abandoned  
Case #2008HME29 – Unfounded

Mr. Andrews seconded the motion. Discussion: None. Motion carried: 8-0.

Motion #10: Mr. Marx moved to approve the report of the Probable Review Committee. Ms. Traband seconded the motion. Discussion: Mr. Rinehart and Ms. Ciarlariello expressed concern over the age of cases: 2006ORCB020, 2007HME04, and 2007HME010, and 2007HME015. Mr. McLean discussed the status of each case. He stated most are nearly complete pending receipt of a few documents. Ms. Traband seconded the motion. No further discussion. Motion carried: 8-0.

Agenda item 4.6: Guidelines on reviewing HME practice

Tabled.

Agenda item 4.7: Guidelines on reviewing RCB applications with reported convictions.

Tabled.

Members took a break between 2:49 p.m and 2:58 p.m.

## **Agenda item #5: NEW BUSINESS**

Agenda item 5.1: Application ratification for licenses and limited permits  
(Exhibit G collective)

First, the membership reviewed two petitions to extend the active term of a limited permit under ORC Section 4761.05 (B).

Petition filed by Dawn Grevious: Ms. Grevious listed her reasons for extension as failure to graduate from her respiratory care program due to an abusive relationship with a significant other and illness.

Discussion: The membership discussed the merits of Ms. Grevious' petition, noting ORC Section 4761.05 (B) requires the Board to only extend the term of a limited permit if the holder establishes an unusual hardship exists requiring a continuance of practice under the permit. Mr. Logsdon explained that Ms. Grevious has re-enrolled in her educational program and is scheduled to complete the program this year. Mr. Rinehart inquired about the reason for the extension in this case. Mr. Logsdon responded that the law restricted the practice of respiratory care under a limited permit to no more than the earliest of three limiting conditions; the greatest of them being three years from to original issue date. Mr. Logsdon explained that Ms. Grevious has exceeded that period of time. Mr. Marx asked if the Board should consider the extension or simply offer her a new limited permit since she re-enrolled. Mr. Logsdon argued that the statute did not seem to intend that the Board would re-issue new limited permits. Mr. Logsdon argued that the law would not have limiting conditions or eligibility for extension under certain circumstances if the General Assembly intended that the agency could continually re-issue a limited permit to an individual. Mr. Marx stated that he acknowledged the existence of an unusual hardship, but would not want to give Ms. Grevious an open-ended period to work under a limited permit. Mr. Andrews stated that the permit term should be limited to only the time necessary to complete the program and take her exam, if the Board is considering an extension.

Motion #11: Dr. Cohn moved to extend the active term of Ms. Grevious' limited permit based upon a condition of unusual hardship subject to the following conditions:

a. Ms. Grevious shall remained enrolled in and in good standing in her respiratory care educational program; and

b. Ms. Grevious shall not hold the permit for more than three months following the expected date of graduation as indicted by her respiratory care educational program director. Mr. Rinehart seconded the motion. Discussion: none. Motion carried: 8-0.

Petition filed by Dawn Hanrahan: Ms. Hanrahan listed her reasons for extension of her limited permit as having difficulty with her respiratory care educational program. Ms. Hanrahan wrote that the program caused a nine-month delay in returning to her internship, failed to provide the textbooks for courses, and she suffered some personal issues. Mr. Logsdon stated that the holder's original limited permit was issued on April 29, 2004. He stated that she had been enrolled in a respiratory care educational program since 2001. The holder, he stated, renewed the limited permit through the online process. The holder, Mr. Logsdon stated, has exceeded the three-year limit established under paragraph (B) of ORC 4761.05. Dr. Cohn inquired if the person was in violation of the law. Mr. Logsdon stated the holder's permit became invalid by default under the noted provisions of law. Mr. Ciarlariello inquired if the person had taken the certification examination. Mr. Logsdon stated he did not have any information that she was eligible to take the required national examination. Ms. Traband inquired if Ms. Hanrahan is still enrolled. Mr. Logsdon stated she was as of the time of renewal. Mr. Rinehart inquired if Mr. Logsdon had spoken to the individual. He stated he had spoken to her. Based upon this discussion, Mr. Rinehart, asked Mr. Logsdon if he had a recommendation. Mr. Logsdon stated his recommendation is based upon the qualification needed to extend the limited permit, which is the person must establish an unusual hardship. In this case, Mr. Logsdon stated, he did not have any information that would lead him to determine Ms. Hanrahan had a usual hardship. Ms. Ciarlariello reminded the Board that the law changed in 1996 to include the three-year limit and long-distance learning student problems were the reason the Board sought the amendment.

Motion #12: Mr. Rinehart moved to deny Ms. Hanrahan's petition for an extension of her limited permit on the basis she did not establish an unusual hardship required under paragraph (B) of ORC 4761.05. Mr. Andrews seconded the motion. Discussion: Ms. Ciarlariello inquired if a hospital could permit her to do clinicals while enrolled in school. Mr. Logsdon stated the law clearly exempted students performing respiratory care while engaged in a supervised course of study. No further discussion. Motion carried: 8-0.

Lists of licenses and limited permits issued since the Board's August 15, 2007, meeting pursuant to Rule 4761-2-02 of the Ohio Administrative Code were mailed to members in advance of the meeting.

Motion #13: Mr. Andrews moved to place upon the minutes of the October 16, 2007 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: August 16, 2007, August 30, 2007, September 10, 2007, September 13, 2007, September 27, 2007, October 11, 2007, and October 15, 2007. Ms. Adams seconded the motion. Discussion: Ms. Traband stated that many of the limited permits issued were student permits from the Miami-Jacobs program in Dayton. Ms. Traband inquired if the Board every received a response from CAAHEP to its letter of concern regarding the Miami-Jacobs program. Mr. Logsdon stated no response had been received. Mr. Andrews remarked that the leadership at the Committee on Accreditation of Respiratory Care programs was in disarray around the time the Board's letter was mailed. Mr. Mays stated that the Board's rule approves all CoARC accredited respiratory care program. He asked the membership if the Board should consider changing the rule. Mr. Mays stated that he is personally concerned that the Miami-Jacobs program cannot provide a sufficient clinical environment for all of their students. Mr. Rinehart asked why the Board was concerned about program accreditation. Mr. Mays informed him that the Board has the authority, by rule, to approve education program. Mr. Rinehart inquired if the program was receiving public money. Ms. Ciarlariello stated that the program was private, but probably receives public funding. Ms. Traband stated that the Board needs to consider the program's outcomes. Ms. Ciarlariello suggested monitoring the exam outcomes for the program. Dr. Cohn inquired why the Board was focusing on the Miami-Jacobs program. What about the California College for Health Science program, he asked. Mr. Mays called the question. No further discussion. Motion carried: 8-0.

Mr. Mays listed the following issues to be considered at future meetings:

- a. Amending rule 4761-4-01.
- b. Monitor and report on the exam outcomes for Miami-Jacobs.
- c. Re-send the CAAHEP letter and request a response.

Motion #14: Ms. Ciarlariello moved to resend the CAAHEP letter. Mr. Rinehart seconded the motion. Discussion: None. Motion carried: 8-0.

#### Agenda item 5.2: Application ratification for HME licenses and Certificates of Registration (Exhibit H collective)

Motion #15: Mr. Marx moved to place upon the minutes of the October 16, 2007 meeting, the names of Home Medical Equipment facility applicants who 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 Home Medical Equipment Committee of the Board on the following dates: August 16, 2007, August 17, 2007, August 22, 2007, August 23, 2007, August 30, 2007, September 24, 2007, and October 2, 1007. Mr. Andrews seconded the motion. Discussion: None. Motion carried 8-0.

Dr. Cohn and Mr. Rinehart departed at 3:45 p.m.

#### Agenda item 5.3: Recognition of Accrediting Organizations (Exhibit I collective)

The Board considered an application filed by the Board for Orthotist/Prosthetist Certification and Healthcare Quality Association on Accreditation as accrediting organizations under OAC rule 4761:1-4-01. Mr. Mays reminded the members that some concern was raised earlier in the day.

The Board considered the Board for Orthotist/Prosthetist Certification. Ms. Traband stated she was concerned about recognizing the organizations if they do not have the expertise to accredit facilities that provide a wide range of HME equipment. Mr. Marx stated that the Board may have to recognize the organizations based on the agency's rules, but stated a full review would be prudent to determine the scope of accreditation for each organization.

Mr. Mays inquired if there was any objection to tabling the recognition.

Next the Board considered the Healthcare Quality Association on Accreditation.

Motion #16: Ms. Traband moved to recognize the Healthcare Quality Association on Accreditation as accrediting organizations under OAC rule 4761:1-4-01.

Hearing no second, the motion failed.

The Board directed staff to perform addition investigation on the scope of services rendered by each organization.

#### Agenda item 5.4: HME and RCB Newsletters (Exhibit J collective)

Motion #17: Ms. Adams moved to approve the HME and RCB newsletters. Ms. Traband seconded the motion. Discussion: None. Motion carried: 6-0.

#### Agenda item 5.5: Rules Filing (Exhibit K collective)

Motion 18: Mr. Marx moved to approve the following resolution:

**WHEREAS**, the Ohio Respiratory Care Board may adopt rules in accordance with Chapter 119 of the Revised Code;

**BE IT RESOLVED** that:

The Ohio Respiratory Care Board hereby authorized the Executive Director to initial file the following rules:

New rules:

4761:1-15-03: Transfer of authorization to new facility or new ownership  
4761:1-15-04: Requirements to provide board contact information to clients

Amended rules:

4761:1-5-02: Application form requirements  
4761:1-6-01: Qualifications to obtain a certificate of registration  
4761:1-6-02: Application form requirements to apply for a certificate of registration  
4761:1-9-02: Standard for maintaining a facility  
4761:1-9-03: Standards for maintaining equipment  
4761:1-9-04: Clients records  
4761:1-9-05: Personnel

Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item 5.6: Scope of Practice Inquiries (Exhibit L)

Dr. Cohn informed the Board that the Scope of Practice Committee recommends the approval of the responses outlined during his report to the Board.

Motion #19: Ms. Ciarlariello moved to approve the Scope of Practice Committee responses in the matter of Robert Wilder and Karen Shaliga. Ms. Traband seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item 5.7: NBRC Policy Discussion

Ms. Ciarlariello stated that she asked to place the item on the agenda for discussion. Ms. Ciarlariello stated that the National Board for Respiratory Care, Inc. (NBRC) has mailed a packet to 2002 or later graduates. Graduates that passed their examination in 2002 were sent an application requiring them to update their credential. The problem, she stated, is that persons who have not kept their credentials up-to-date will have to pay a \$150.00 fee or the credential will be removed. Ms. Ciarlariello asked the question: does the Board care if a person does not maintain their credential? Mr. Mays stated that the Board should not really care; the initial examination was passed. Ms. Adams stated that an employer will go to the NBRC website to validate active credentialing and if the site states the credential is invalid, should not the Board be concerned? Mr. Mays stated that the issue is an employment matter, not a Board matter. Mr. Logsdon stated that the NBRC is still obligated to inform a state agency if the person did or did not pass a qualifying examination. Ms. Ciarlariello stated that the Board might not be concerned about the issue, because it has no effect on licensing; however, since the NBRC does invalidate the credential it creates confusion for the licensee, which is direct to the Board. Ms. Traband explained the reason the NBRC developed the continuing competency policy. She stated the NBRC was required to implement the program to maintain their accreditation. Mr. Logsdon recommended that a position statement on the issue should be drafted and considered by the Board for publication.

The membership agreed with this suggestion and asked Mr. Logsdon to draft a position statement.

**Agenda item #6: OPEN FORUM**

No one appeared.

**Agenda item #7: FOR THE GOOD OF THE BOARD**

None.

**Agenda item #8: ADJOURNMENT**

Hearing no further matters, the meeting adjourned the meeting at 4:25 p.m.

Secretary's Certification: 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 December 11, 2007.

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Secretary

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Witness