

**OHIO RESPIRATORY CARE BOARD**

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

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## **REGULAR BUSINESS MEETING**

### **MEMBERS IN ATTENDANCE (Exhibit A):**

Kenneth Walz, J.D., R.R.T., R.C.P., President

Steven Pavlak, M.S., R.R.T., R.C.P., Secretary

Nancy Colletti, Ph.D., R.R.T., R.C.P.

Melissa Cross, HME Member

Marc Mays, M.S., R.R.T., R.C.P.

Andrea Yagodich, R.R.T., R.C.P.

Dr. Maninder Kalra, M.D.

#### **Staff in attendance:**

Corey C. Schaal, J.D. /M.P.A., Executive Director

Marcia L. Stephenson, HME Manager

Traci L. McDonald, Administrative Professional I

Michael S. Roever, Investigator

#### **Others in Attendance:**

Steven R. Kochheiser, Assistant Attorney General – Office of the Ohio Attorney General

Sue Ciarlariello, Legislative Chair – Ohio Society for Respiratory Care

David Corey, Executive Director – Ohio Society for Respiratory Care

### **CALL REGULAR MEETING TO ORDER**

Mr. Walz called the meeting to order at 1:15 pm. The Secretary, Mr. Pavlak, took role. Mr. Pavlak reported that all Board members were present with the exception of Carol Gilligan.

Agenda item 1. Adoption of Proposed Meeting Agenda (Exhibit B)

Mr. Walz entertained a motion to approve the Agenda.

**Motion #1:** Marc Mays moved to approve the proposed agenda. Dr. Kalra seconded the motion. Discussion: Mr. Walz asked to add to the beginning of the agenda an Executive Session for the purpose of considering the employment of a public employee. Mr. Mays welcomed the friendly amendment and it was accepted. Motion carried: 7 – 0.

**EXECUTIVE SESSION – public employee employment**

**Motion #2:** Mr. Mays moved to enter Executive Session for the purpose of considering the employment of a public employee under R.C. 121.22(G)(1). Mr. Pavlak seconded the motion. Discussion: None. Secretary Steven Pavlak proceeded with Roll Call vote:

|                      |     |                      |        |
|----------------------|-----|----------------------|--------|
| Kenneth Walz -       | Yes | Dr. Maninder Kalra - | Yes    |
| Dr. Nancy Colletti - | Yes | Marc Mays -          | Yes    |
| Melissa Cross -      | Yes | Carol Gilligan -     | Absent |
| Andrea Yagodich -    | Yes | Steven Pavlak -      | Yes    |

Motion carried: 7 – 0.

The Board entered executive session at 1:17 p.m. and returned to regular, public session at 4:08 p.m. Aside from the seven Board members, Assistant Attorney General Steven Kochheiser was present during the entire executive session. Each staff member of the Ohio Respiratory Care Board (Michael Roever, Marcia Stephenson, Traci McDonald, Dawn Hux and Corey Schaal) was called in individually to appear before the Board.

**OHIO SOCIETY FOR RESPIRATORY CARE UPDATE**

Sue Ciarlariello, Legislative Chair of the Ohio Society for Respiratory Care, provided the Board with an update on House Bill 266. David Corey, Executive Director of the Society, was also in attendance. Ms. Ciarlariello explained that the bill had a first hearing in the House Health and Aging Committee and gave a review of concerns raised by the State Medical Board of Ohio and the Ohio Board of Nursing. Ms. Ciarlariello explained that Mr. Schaal had prepared amendment language to address these concerns and that ongoing discussions are continuing. Ms. Ciarlariello then explained that the other Boards have been in discussion with the Ohio Hospital Association on a variety of topics, including protocols. The Board members discussed the operation of protocols at their own various facilities.

**OFFICER AND STAFF REPORTS**

Mr. Walz moves on to the HME Manager's Report due to time restrictions.

Agenda item 3.c: HME Manager's Report (Exhibit C)

Mrs. Stephenson reported that since the last meeting staff had approved 7 HME License applications, 15 HME Certificates of Registration applications and there are currently 6 new applications pending. Inspection dates for

December have been set. January's schedule for inspections has been sent out and currently waiting on the response regarding dates. Outstanding inspections to date are 42.

HME division has collected \$17,830.00 as of December 4, 2015.

Update on Walgreens Facilities, with efforts from Walgreens' legal counsel and the HME Committee, it was determined that a non-permanent surrender agreement will be applied for all licensed stores. The agreement included all license numbers listed on the agreement and was signed and returned. Our database has been updated to reflect this agreement.

### REGULAR MEETING (continued)

Agenda item 2. Approval of Previous Meeting Minutes (Exhibit D)

Mr. Walz requested a motion to approve prior Meeting Minutes.

**Motion #3:** Mr. Pavlak moved to approve the October 21, 2015 meeting minutes. Mr. Mays seconded the motion. Discussion: None. Motion carried: 7 – 0.

### OFFICER AND STAFF REPORTS (continued)

Agenda item 3.a: President's Report

Mr. Walz shared that lengthy discussions with employees took place today during Executive Session. Mr. Walz will communicate with other board members on an individual basis prior to the next Board meeting to discuss the substance of the Executive session within the guidelines of what the Board is permitted to do. Mr. Walz made the request to reserve an hour and a half at the next Board meeting for an Executive Session to discuss the employment of a public employee.

Agenda item 3.b: Executive Director's Report (Exhibit E)

Mr. Schaal reported that payroll has been given more money from the state to reflect the adopted bargaining agreement. Mr. Schaal emailed the tentative board meeting dates to the board members at which time Mr. Walz did state the February 25, 2016 meeting would not work for him. Renewal preparation is underway. A meeting was held with staff on November 10 and a meeting with State Printing will be held December 29, 2015. Mr. Schaal mentioned that Ethics training will be scheduled to coincide with a future Board meeting similar to this past year. The Ohio Department of Veterans Services had requested and received information related the number of veterans and active duty personnel who have received licenses from the Board. Financial disclosure forms will be sent out in January 2016 for your financial filings. Per the Governor's initiative, we are looking into placing information on the website regarding Human Trafficking and possibly offering continuing education for this. Mr. Schaal then reviewed budget figures for the Board, including revenues, and indicated that appropriations had been increased to cover additional HMEL inspections.

**Motion #4:** Mr. Mays moved to approve the President's Report, the Executive Director's Report and the HME Manager's report. Dr. Colletti seconded the motion. Discussion: None. Motion carried: 7 – 0.

## COMMITTEE REPORTS

### Agenda item 4.a: Education Committee Report

Dr. Colletti reported that the Committee set March 5th as the date for having an educational session for Respiratory Care Managers and for Program Directors. The committee began discussions with regards to what does “in good standing” mean and the possibility of requiring a bachelor degree for licensure. Dr. Colletti also explained that she will be developing a survey for Mr. Schaal to distribute to program directors seeking their feedback on what “in good standing” means. Mr. Walz asked if the committee had minutes to approve and Mr. Schaal indicated that instead of a committee meeting, the Board held a presentation at the last Board meeting on the Educational Report prepared by Herb Douce.

### Agenda item 4.b: HME Committee Report

Mr. Schaal indicated that there had not been a committee meeting, but that he had provided a verbal report on the numbers of licenses and certificates that were up for acknowledgement that day.

### Agenda item 4.c: Scope of Practice Committee Report

Ms. Yagodich indicated that the Committee had nothing to report.

**Motion #5:** Ms. Cross moved to approve the Education Committee, the HME Committee and the Scope of Practice Committee Reports. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

## PROBABLE REVIEW COMMITTEE (PRC) REPORT (Exhibits F & G)

### Agenda item 5a: Enforcement Report

**Motion #6:** Mr. Mays moved to enter Executive Session for the purpose of considering the investigation of charges or complaints against licensees under R.C. 121.22(G)(1) and which 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). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

|                      |     |                      |        |
|----------------------|-----|----------------------|--------|
| Kenneth Walz -       | Yes | Dr. Maninder Kalra - | Yes    |
| Dr. Nancy Colletti - | Yes | Marc Mays -          | Yes    |
| Melissa Cross -      | Yes | Carol Gilligan -     | absent |
| Andrea Yagodich -    | Yes | Steven Pavlak -      | Yes    |

Motion carried: 7 – 0

The Board entered executive session at 4:48 p.m. and returned to regular, public session at 5:02 p.m. As a member of the Probable Review Committee, Ms. Yagodich excused herself from participating in this portion of the meeting. Ms. Cross had been appointed to serve on PRC to handle one case and she excused herself when that case was up for

discussion. Aside from the remaining Board members, also present during executive session were Mr. Schaal, Mr. Roever and Mr. Kochheiser.

*\*Names and identifying information were redacted from discussion and 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.*

In public session, the Board took the following actions:

Agenda item 5.b: Approval of Notices of Opportunity for Hearing (Exhibit H)

**Motion #7:** Mr. Mays moved to approve the following notice of opportunity for hearing:

**Exh. # Case #/Respondent**

H. 2016-ORCB-12 (Kevin Lynn Steele)

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0 (Ms. Yagodich abstained).

Agenda item 5.c: Approval of Consent/Surrender Agreements (Exhibits I & J)

**Motion #8:** Dr. Kalra moved to approve the following surrender agreements:

**HME Agreements**

**Exh. # Case #/Respondent**

I. 2016-HME-6002 (Frey Clinic of Chiropractic Inc.)

J. 2016-HME-8002 (Whole Body Health, LLC)

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0 (Ms. Yagodich abstained).

Agenda item 5.d: Closed Case Review

**Motion #9:** Mr. Mays moved to approve the closure of the following cases:

2015-ORCB-04

2016-ORCB-03

2016-ORCB-04

2016-ORCB-07

Ms. Cross seconded the motion. Discussion: None. Motion carried: 6 – 0 (Ms. Yagodich abstained).

**Motion #10:** Dr. Colletti moved to approve the closure of the following case:

2016-ORCB-10

Ms. Kalra seconded the motion. Discussion: None. Motion carried: 5 – 0 (Mr. Mays and Ms. Yagodich abstained).

**Motion #11:** Dr. Kalra moved to approve the closure of the following case:

2016-HME-1002

Dr. Colletti seconded the motion. Discussion: None. Motion carried: 5 – 0 (Ms. Cross and Ms. Yagodich abstained).

### NEW BUSINESS

Agenda item 7.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last meeting (Exhibit K)

**Motion #12:** Mr. Yagodich moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Respiratory Care Professional Licenses and Limited Permits issued between 10/9/2015 – 12/7/2015.

Dr. Colletti seconded the motion. Discussion: None. Motion carried 7 - 0.

Agenda item 7.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration (Exhibit L)

**Motion #13:** Mr. Mays moved to ratify HME licenses and certificates of registration issued on the following dates:

Home Medical Equipment Licenses and Certificates of Registration issued between 10/16/2015 – 12/4/2015.

Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 7.c: Board Policy 6.4 (Exhibit M)

Mr. Schaal provided background on proposed Board Policy 6.4: Special Investigating Policy.

**Motion #14:** Ms. Cross moved to approve Board Policy 6.4

Mr. Pavlak seconded the motion. Discussion: Mr. Mays inquired as to what was the impetus for the policy. Mr. Schaal indicated that a complaint had been lodged against a Board member's company. The Board's policies provide that a complaint made by a Board member requires that member to abstain from voting on that matter, but no policy existed to providing guidance on how to approach situations when a complaint is lodged against a Board member or a Board member's facility. Mr. Mays indicated that this sufficed and that he supported the policy. There was no further discussion. Motion carried 7 - 0.

**FOR THE GOOD OF THE BOARD**

Mr. Walz asked if the Board members had reviewed the proposed meeting dates for 2016. The Board members responded that they had. There was a discussion regarding the Board possibly meeting a second day in February – the 25th. But, it was decided that it was not necessary. Mr. Walz suggested that the Board start meetings earlier in the day, possibly at 9:00. Mr. Mays indicated that he was supportive of starting the meetings at that time. Mr. Pavlak indicated that this should not pose a problem for him. Mr. Walz asked if anyone had any other matters for the good of the Board. There was no further discussion.

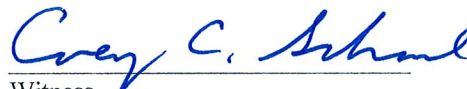
**ADJOURNMENT**

Mr. Walz asked if there was any other business to bring before the Board.

Hearing none, Mr. Walz adjourned the meeting at 5:17 p.m.

Board 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 February 24, 2016.

  
mswp, RRT  
Board Secretary

  
Witness