
OHIO RESPIRATORY CARE BOARD

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

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UNOFFICIAL BOARD MEETING MINUTES OF DECEMBER 17, 2014

REGULAR BUSINESS MEETING

MEMBERS IN ATTENDANCE (Exhibit A):

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

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

Carol Gilligan, HME Member

Maninder Kalra, Ph.D., M.D., Physician Member

Joel Marx, HME Member

Verna Riffe Biemel, Public Member (arrived at 12:19 p.m.)

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

Staff in attendance:

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

Marcia L. Tatum, HME Manager

Traci L. McDonald, Administrative Professional I

Others in Attendance:

F. Herbert Douce, Consultant

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

Christopher H. Logsdon, Executive Director – Ohio State Board of Cosmetology

Teresa L. Mantz, Certified Professional Reporter – Deposition Specialists, Inc.

Bobby Robbins, Contract Investigator

Charlie Sulek, Attorney Rules Analyst - JCARR

CALL REGULAR MEETING TO ORDER

Mr. Mays called the meeting order at 11:00 am. In the absence of Board Secretary, Mr. Pavlak, Mr. Mays asked Ms. Yagodich, to serve as acting secretary for the meeting. Ms. Yagodich took roll call and seven members were present (see exhibit A). Mr. Mays noted there was a quorum of the Board and business could be considered.

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

Mr. Mays asked if there were any changes to the proposed agenda. Hearing none, he asked if there was a motion to approve the agenda.

Motion #1: Mrs. Riffe Biemel moved to approve the meeting agenda. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 6 – 1, with one abstention (Ms. Yagodich).

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

Mr. Mays asked if members received and read the previous meeting minutes. Mr. Mays then asked if there were any corrections. In response, Mrs. Riffe Biemel indicated that she had a question and several corrections.

- On page 4, the time of 12:19 was correct for her arrival, but its placement on the page makes it look as though missed the preceding discussion. She indicated that she wanted to make sure that the time is correct and if it's placement in the minutes was right. Mr. Marx asked if it could be amended indicating that Mrs. Riffe Biemel just wanted to make sure that the minutes reflected her being here for part of that discussion.
- On page 9 in Motion 15, it reads Mr. Riffe instead of Miss, Ms. or Mrs. Riffe Biemel. Mr. Mays asked about a preference and she indicated Mrs. Riffe Biemel was preferred.
- Three lines further down, replace "without know" with "without knowing."
- On the next page, page 10, in Motion 19, her name was listed as Vern not Verna
- Further on down the page, in Motion 22, change "move the form an ad hoc Committee" to "moved to form an ad hoc Committee."
- In the last paragraph on page 10, change "address" to "addressed."

Mr. Mays asked if there were additional corrections or changes. Hearing none, Mr. Mays asked if there was a motion to approve the Board's previous meeting minutes from October 15, 2014.

Motion #2: Mrs. Riffe Biemel moved to approve the October, 2014 meeting minutes. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

OFFICER AND STAFF REPORTS

Agenda item 3.a: President's Report

Mr. Mays indicated that he had a simple Ad Hoc report.

He noted that this was Mr. Schaal's first meeting as Executive Director. Mr. Mays indicated that he spent time preparing for the meeting with Mr. Schaal. He indicated that Mr. Logsdon, the former Executive Director, had also spent time with Mr. Schaal at the beginning of his tenure at the Board. In addition, Herb Douce, a former Board member and individual contracted to work with Mr. Schaal on Scope of Practice issues him, has met with him several times to learn more about the field of respiratory care. He indicated that Mr. Schaal has chosen to pretty much follow the format that the Board had utilized in the past with a couple of changes. Please be patient, Mr. Schaal doesn't have all the past experience as the former director. But this doesn't mean give him a pass – it's okay to yell at him from time to time, but we had someone previously who did this same job for 25 years. However, if you have suggestions about changes you'd like make, now is the time to suggest those.

Sadly, I would like to announce that Mr. Marx has elected not to continue for another term in his role on the board – Mr. Marx corrected that he's chosen not to request appointment to another term. Mr. Mays indicated that he expects Mr. Marx to be here for the February Board meeting and doesn't expect the Governor's office to have a replacement

named by that time. Mr. Marx has served on the Board for the last 10 years. Current term doesn't expire until March 14th. He brings knowledge and experience, and a keen wit.

Later we'll discuss Mr. Schaal's performance in executive session. Lastly, I'll need to prepare an executive evaluation, in a new format, before the end of the year. I don't know all the details, but I anticipate sending it out and asking for comments from the Board.

Prior to moving on to the Executive Director's report, Mr. Schaal asked Mr. Mays if he wanted to comment on the issue of the reporting of the RRT credential by NBRC (National Board for Respiratory Care) and use of the credential by CoARC. Currently, Mr. Mays noted that NBRC sends CRT credential information, but not RRT passage results. Mr. Schaal indicated that we would want to get notification of RRT passage.

Mr. Walz asked about California dropping the CRT credential for licensure. Mr. Douce announced that California followed Ohio and adopted RRT for licensure effective January 1st of this year. Mr. Douce referenced that either the California Licensing Board or the California Society sent letter to CoARC to ask that they amend their standards to include RRT so that they keep track again. Mr. Douce mentioned that CoARC had stopped reported RRT rates 3 or 4 years ago. Mr. Mays mentioned that impressively, California changed law as opposed to Ohio's change which was a Code change. Mr. Mays recalled that it was the California Society which sent the letter. CoARC reviews and approves schools – they stopped reporting success rates on RRT. Since the schools were teaching to the CRT credential and didn't have control over students after graduation, they complained that since they didn't have any impact on people passing the RRT after school so why does CoARC report that rate. In response, CoARC lowered their standards for the schools back to only CRT passage which was one of the reasons that we, among other reasons, that Ohio adopted RRT as our minimum for licensure. California asked CoARC to again report RRT's passage rate and to use RRT pass rates for accreditation purposes – Mr. Douce's recollection, but Mr. Mays couldn't recall that part. Mr. Marx asked about the Board requiring proof from the applicant as opposed to receiving notification about the student having passed the RRT exam. Mr. Mays indicated that licensees need to prove passage of the RRT. Mr. Mays pointed out the two different separate processes – one to grant license and two to approve the school – Mr. Mays indicated that the processes are not interrelated, but that the discussion was focusing on both issues. Mr. Walz pointed out that we're mainly talking about the schools. Currently the pass rate for the RRT is not even looked at in considering approval of schools – dropped 3 years ago or so. Mr. Douce pointed out again that it was dropped because CoARC indicated that no state required RRT for licensure, but since Ohio and California now require it, he suspects that they'll report this rate in the future.

Mr. Mays turned the reporting back over to Mr. Schaal. Mr. Schaal asked about approval of the officer reports individually or collectively. Mr. Mays indicated that they would do all those at the end of the reports.

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

Mr. Schaal reported that an outline of his report appeared in the packets, but that he would highlight the following issues:

1. **Revised Rule Filing** - These materials were previously sent to the Board's Rules committee. On November 14th, Mr. Schaal filed the Board's Hyperbaric Technologist Certification rule with JCARR. Mr. Logsdon had worked on and Mr. Schaal subsequently worked on the uploading and filing. Originally, a Word document was uploaded, but the rule had to be revised and filed again after JCARR noticed. The rule needed to be refiled as a revised rule in XML – this all happened on the same day. Mr. Schaal then noticed errors in the XML format. Mr. Schaal contacted LSC and they can make corrections before final filing. The

corrections made in the Word document hadn't been made to the XML format which had been originally. Subsequently, a JCARR attorney, Charlie Sulek, contacted the Board and recommended that we revise and file the rule again to include a revised by date which could be added to the reference to the form mentioned in the rule. Mr. Schaal indicated that the form wasn't a revision, but a new rule. However, Mr. Schaal indicated that he had added the date that the form had been approved by the Board in August. At the end when the officer reports are approved, Mr. Schaal indicated that he'd like to get approval of a motion to approve the language of the revised filed rule.

2. **Internet Access** - In the front cover of your binders, Mr. Schaal indicated that log-in information is now provided as the 31st floor of the Riffe Center now has Wi-Fi accessibility.
3. **Ethics Training** – Mr. Schaal indicated that he had received certificates from a couple of board members. Mr. Logsdon believed that he may have received a couple of certificates from others. Executive Order, 2011-03K, requires annual ethics training for Board members and other state officials. There is a webinar being offered tomorrow, but also 1 hour e-courses are available. In response to Mr. Schaal asking if there was anyone here that still needs the training, all but Mr. Marx and Ms. Yagodich indicated that they likely needed to obtain the training. Ms. Gilligan asked if there was a way to check. Mr. Schaal indicated that he had called the Ohio Ethics Commission (OEC), but they don't require the Board to file the certifications. The Board keeps those certificates here in our office. Mr. Schaal indicated that he would double check Mr. Logsdon's old emails. He indicated that he could also check with the OEC to see about records of registrations. Ms. Gilligan inquired about logging on to the OEC website to verify compliance. Mr. Marx responded that it isn't filed with OEC, but kept at the Board's offices until there is an audit. Mr. Mays mentioned that there are a variety of online options that can be taken. Ms. Gilligan recalled logging onto the OEC website and Mr. Schaal mentioned the logging in for the annual April 15th filing deadline, but several people mentioned that that is for the Financial Disclosure Statement. Mr. Schaal indicated that he would send a link to the OEC website and specifically to the webinar being offered tomorrow. Mr. Marx reflected that e learning is relatively simple and easy to access, but you can't exit the session once in and get the certificate. Mr. Walz asked if legal ethics would qualify – stuff done for his license and if the reverse would be true – would training qualify for CLE. Mr. Schaal indicated that he didn't believe so, but that he would check on that.
4. **List of Ethics filers** – In response to a statement from the Ohio Ethics Commission, Mr. Schaal revised the agency's annual List of reporters affiliated with our Board. They were missing a board member, didn't have dates for the last reported members, still had Mr. Logsdon on our form, and had an incorrect address for one Board member. Mr. Logsdon still needs to report, but they'll contact him in his new position. Mr. Schaal also made a reminder about the financial disclosure statements which will need to be filed by April 15th.
5. **Website Training** – Mr. Schaal was able to participate in website training on December 12th. As such, he had been able to update items on the Board's website – primarily those related to the filing of the Board's newly proposed rule. As of December 15th, the Board's site has a slightly new format. The content was the same, but a new streamlined look was due to new hosting software – dot nuke net – DNN.
6. **Collective Bargaining** – The state's Collective Bargaining Agreement opens up for discussion early on in 2015 – as such the Board is required to submit a Strike Contingency plan by January 15 using a new online tool for submitting that document.

7. **Workforce Plan** - A Workforce Plan was previously submitted, but DAS reviewed it and indicated that a section on Scenario Planning was still needed. Mr. Schaal added the section which reflects on what to do if there was a change in staff both short and long term.
8. **Credit Card Processing** – The state is switching over who handles credit card processing. Not critical now, but it is important as renewals are handled online. The Board needs to become compliant on a security standard – PCI compliant – the State Boards are working with a third party provider, Trustwave, to obtain that certification. The state is moving over from 5/3 Bank to KeyBank as the state’s provider for credit card processing.
9. **Budget Overview** – Mr. Schaal provided a slight overview of the Board’s budget which detailed expenditures and encumbrances. The 500 line-item is Payroll which is done quarterly as opposed to annually. The total budget for this year is roughly \$545,000 and \$256,000 is currently remaining. Revenues are reflected in a slightly different format. Mr. Schaal indicated that he was showing not only what the Board’s current revenue amount is, but also what it was at the last board meeting and giving the Board the difference so that they could have a comparison between the two.
10. **License Summary** - Attachment 2 is from eLicense system, it reflects the Boards current number of active licenses, expired inactive or pending licenses and registrations. There is currently a hold on eLicense 2.0. The state has been working with 5 agencies in piloting a new system. However, the state is looking at new options. Mr. Walz asked if we are part of the pilot – Mr. Schaal – responded no, but that other Boards on the floor are – i.e. OPTAT. Mr. Walz asked if this was impacting our ability to approve licenses. Mr. Schaal indicated – No, that the Board was still able to use the current system for approving licenses. Mr. Schaal indicated that the Board would note that license approvals had moved forward and that he had the staff separate out the licenses and registrations that he reviewed versus what Mr. Logsdon has approved in his last month with the Board. Hopefully, the future system will give the Board greater flexibility in how it handles licensing.
11. Included in the materials for the Director’s report is the language for newly proposed rule, one version as it looks now and a second of how it was uploaded in XML. Mr. Schaal has gone through ERF and RAS training and learned that spellcheck doesn’t work in XML. The original incorrect version and the version with the potential corrections were shared with our Rules chair, Steven Pavlak. The information being added, a reference to the incorporated form spelling corrections, are in bold. In discussing, the spelling errors LSC will be able to do corrections when we do final filing. JCARR has informed Mr. Schaal that the next JCARR meeting is tentatively scheduled for January 12th. If the Board moves forward, then the rule would be heard that day and then it can move forward on final filing and the picking of a tentative effective date. Mr. Schaal indicated that this would need to be done in coordination with the staff at eLicensing.

At 11:32a.m. – A Fire alarm forced the Board’s evacuation from the 31st floor.

At 11:55 a.m. – the Board returned to session and announced that it was breaking for lunch and would resume at 1:00 p.m.

RULES HEARING

At 1:00 p.m., the Board began the public hearing on New Rule 4761-14-01: Accepting and Storing Hyperbaric Technologist Certifications. Mr. Mays welcomed 2 guests who had joined the meeting: Mr. Sulek from JCARR and

Mr. Logsdon from the State Board of Cosmetology. The Rules Hearing was recorded by Teresa Mantz of Deposition Specialists, Inc.

Mr. Mays called to order the public hearing, announced the location of the hearing, introduced himself and then had each of the Board members personally introduce themselves on the record:

Mr. Ken Walz,
Ms. Andrea Yagodich,
Ms. Carol Gilligan,
Mrs. Verna Riffe Biemel,
Mr. Joel Marx,
and Dr. Maninder Kalra.

Mr. Mays noted that this constituted a quorum of the Board necessary to conduct business. He asked everyone to sign the attendance sheet and to complete a witness form if necessary. He stated that the purpose of the hearing was to receive comments and testimony on the Board's intention to consider adopting a new rule.

Mr. Schaal read a description of the rule to be heard that day – OAC 4761-14-01: Accepting and storing hyperbaric technologist certifications – The Board proposes to adopt one new rule on the acceptance and storing of hyperbaric technologist certificates pursuant to division (A)(12) of section 4761.03 of the Revised Code.

Mr. Mays indicated that this was a public hearing being held pursuant to Chapter 119 of the Revised Code and he asked Mr. Kochheiser to call his first witness.

Mr. Kochheiser called Mr. Schaal to testify. Mr. Schaal was sworn in by Ms. Mantz and after being identified as the Executive Director of the Ohio Respiratory Care Board, proceeded to testify regarding the following state's exhibits:

States Exhibit A – Copy of the Public Hearing Notice filed with JCARR and posted on ORCB website
States Exhibit B – Print screen of ORCB website indicating Rule and Public Hearing Notice were posted online
States Exhibit C – Copy of the Propose New Rule along with the Filing Form, Rule Summary and Fiscal Analysis
States Exhibit D – Copy of the Electronic Letters of Confirmation of filing with JCARR, LSC and the Secretary of State's Office
States Exhibit E – Copy of the Common Sense Initiative Office Business Impact Analysis
States Exhibit F – Copy of the Memorandum of Review from the Common Sense Initiative Office

Motion #3: Ms. Yagodich moved the waiving of the Reading of the Rule. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

Mr. Mays then called for other witnesses - none were present.

The Public Hearing concluded at 1:11 p.m.

PROBABLE REVIEW COMMITTEE REPORT (Exhibits I, J & K)

Prior to later entering into the Executive Session portion of the Probable Review Committee Report, the Board conducted a public interview on the record of Ms. Natalie Dixon. The public interview before the Board was a

condition of the Adjudication Order previously issued by the Board on Ms. Dixon in the case that she would subsequently wish to seek reinstatement of her license after her two year suspension. The Adjudication Order was issued in October 2012.

Ms. Dixon was sworn in by Ms. Mantz and Mr. Kochheiser provided an overview of the original case and the details of the requirements imposed on Ms. Dixon if she chose to seek license reinstatement. Mr. Schaal indicated that besides the Adjudication Order, the exhibits included a letter of support from Ms. Dixon's mother and a copy of the living agreement for the sober living property in which she lives. Ms. Dixon subsequently detailed her actions over the past two years as sober individual.

Questions from the Board members followed the statement provided by Ms. Dixon. Ms. Gilligan asked if she was currently living in the sober living environment. Ms. Dixon responded that she was still living there and had the ability to remain there if the circumstances were favorable for that. Ms. Gilligan then asked where Ms. Dixon saw herself in a year's time. Ms. Dixon responded that she hoped to be in a better condition on several fronts – financially, health-wise and in her relationship with her family. Mr. Marx then asked about whether Ms. Dixon used other drugs besides alcohol and whether she had taken drugs from any location where she had been employed. She indicated no to both inquiries. Ms. Yagodich asked why Ms. Dixon wanted to go back into Respiratory Care. Ms. Dixon responded that she had worked very hard to become a respiratory therapist and had enjoyed helping people and the medical aspects of respiratory care. She wants to prove to people that she is better and work to restore the reputation she had as a respiratory therapist. Mr. Marx asked if Ms. Dixon was current on her CE and Ms. Dixon indicated that she has been taking CE, but did not have the documentation with her. Mr. Mays asked about whether she had complied with the terms of probation. It was clarified that Ms. Dixon hadn't been on probation with the Board, but that would be a subsequent condition to having her license granted. Lastly, Mr. Robbins sought clarification regarding the public probation conditions that Ms. Dixon faced in the community from her court case.

While there were no further questions, Mr. Kochheiser indicated that a decision of the Board would be made at a later point in Executive Session. Ms. Dixon offered a final statement thanking the Board

OFFICER AND STAFF REPORTS (continued)

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

At 1:31 p.m., the Board returned to finish Officer and Staff reports with the report offered by Marcia L. Tatum, HME Manager for the Board.

Ms. Tatum reported that license and registration approvals were broken into 2 groups at the request of Mr. Schaal – those groups reflected license and registration approvals made separately by Mr. Logsdon and then Mr. Schaal. Licenses & Registrations – Mr. Logsdon had approved 2 HME Licenses & 9 HME Registrations and Mr. Schaal had approved – 1 HME License & 7 HME Registrations. Since the Board's last meeting Inspections were scheduled for November, December & January – some inspection dates are still open. Revenue from the Licensing Division has collected \$60,075 in FY 2015 as of December 10th. The scanning of the HME license and registration files has commenced.

Motion #4: Dr. Kalra moved to approve the President's report, the Executive Director's report and the HME Manager's report. Mrs. Verna Riffe Biemel seconded the motion. Discussion: None. Motion carried: 7 – 0.

Motion #5: Ms. Yagodich moved to approve adoption of the changes to provision A of the proposed OAC Rule suggested by JCARR staff – the inclusion of a reference date for the incorporation of the new form. Mrs. Verna Riffe Biemel seconded the motion. Discussion: None. Motion carried: 7 – 0.

Motion #6: Mrs. Riffe Biemel moved to proceed on the filing of the proposed OAC Rule 4761-14-01. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

PROBABLE REVIEW COMMITTEE REPORT (continued)

Agenda item 5.b: Held Consent Agreement Discussion

Again, prior to later entering into the Executive Session portion of the Probable Review Committee Report, the Board publicly discussed a change to the Board's existing compliance grid which was drafted by the prior Executive Director, Mr. Logsdon.

A question was posed to Mr. Kochheiser by Mr. Mays about whether the discussion on the proposed revision of the compliance grid needed to take place in executive or public session. Mr. Kochheiser responded that while discussions regarding 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) are to be made in Executive session, a policy discussion about the grid itself should take place in public session. The proposal would amend the existing grid by adding to it – *applicable to persons engaged in active practice here in Ohio* – in the last 3 sections of the grid. The members of the Probable Review Committee reviewed the draft and wondered if this would mean that the Committee would handle cases differently if a person was actively working in another state different from a person not working here in Ohio. The outcome of this discussion would guide how the Board would approach the consent agreements held back at the October board meeting and as the Board would move forward on those audited for consent agreements.

Mr. Mays then posed the question of whether the Board should approve or not approve the added language to this guidance document. Mr. Marx asked for clarification and used Ms. Dixon's situation as an example – asking how this would apply to her. Mr. Schaal indicated that this applies to active license holders only. Mr. Walz commented that the Board has previously held individuals accountable, but now that it may not if this change were approved. Mr. Marx responded that he's had a concern about people who've come back to the practice and have been penalized by the Board for not having gotten their CE hours in on time. Mr. Walz responded that the proposed language would enable the Board to avoid sanctioning individuals who were not actively practicing in the state since their license had expired. Ms. Gilligan offered an example of how the revised grid could be implemented. Mr. Schaal offered that the Board does have an inactive status that licensees can choose. Ms. McDonald explained the situation of the Board's current requirement for an individual's need to provide proof of CE attainment in order for them to get a license out of either inactive or expired status. Mr. Marx continued to seek how this would apply to someone like Ms. Dixon. Ms. Yagodich offered that this penalty only applies to people practicing respiratory care. Mr. Walz clarified that Mr. Marx was pointing out that this might be creating a loophole. Mr. Mays offered that this is just a guidance document and that the Board need not make a change. Mr. Mays offered his perspective that the Board need not to do this, as the Probable Review Committee has discretion. Dr. Kalra offered that he likes the existing grid. Mr. Mays asked if Mr. Kochheiser has an opinion. In response, Mr. Kochheiser asked Mr. Mays his thoughts on whether practice in another state should be held differently to which Mr. Mays responded – no. Mr. Mays commented that it was then 2:00 p.m. and asked if the Board could come to a consensus. With no one responding to the need to make a motion to change to the grid, Mr. Mays moved the meeting forward onto the next topic.

PROBABLE REVIEW COMMITTEE REPORT (Exhibit L)

Motion #7: Mr. Walz 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). Ms. Yagodich seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Carol Gilligan -	Yes
Andrea Yagodich -	Yes	Maninder Kalra, M.D. -	Yes
Vern Riffe Biemel -	Yes		

Motion carried.

The Board entered executive session at 2:00 p.m. and returned to regular, public session at 2:36 p.m. Aside from the seven Board members, also present during executive session were Mr. Schaal, Ms. Tatum, Ms. McDonald, Mr. Robbins 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*

Back in public session, the Board took the following actions:

Motion #8: Ms. Gilligan moved to approve the opportunity for reinstatement of Ms. Natalie Dixon. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5d: Approval of Consent Agreement (Exhibit M - N)

Motion #9: Ms. Yagodich moved to approve the following consent agreements.

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>
M.	2015 ORCB 005 (Shyla Michael, RCP.11704)	Rule 4761-9-02 (B) Violation & Rule 4761-8-01 (F) Violation
N.	2015 ORCB 015 (Aerica Bailey, RCP.11593)	Rule 4761-9-02 (B) Violation

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5e: Closed Case Review

Motion #10: Mr. Walz moved to approve the closure of the following cases:

2015 ORCB 023
2015 HME 1002

Mrs. Riffe Biemel seconded the motion. Discussion: Mr. Walz recognized that the second case had been originally mislabeled as ORCB instead of HME. Mr. Marx moved to amend which was seconded by Mrs. Riffe Biemel. Motion carried: 6 – 1, with one abstention (Ms. Gilligan)

Agenda item 5f: Probation Compliance Report

Motion #11: Mr. Walz moved to approve the Probation Compliance Report. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

COMMITTEE REPORTS

Agenda item 6.a: Home Medical Equipment Committee Report

Mr. Marx reported that Mr. Schaal had visited some HME facilities in the Cleveland area. He also reported that the Committee recommends to the Board the approval of the list of Licenses and Certificates of Registration for ratification. Mr. Marx indicated that Ms. Tatum had reported that inspection schedules for November, December and January had been sent out to the inspectors. Lastly, Mr. Marx asked that the staff of the Board research to see whether the Willow Curve device is FDA-approved, but stated that it does not appear to meet current criteria established by the board.

Motion #12: Mrs. Riffe Biemel moved to approve the HME Committee Report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 6.b: Scope of Practice Committee Report

Ms. Yagodich reported that the committee had met that morning with Mr. Douce in attendance and reviewed two scope of practice inquiries. The committee will let Mr. Douce draft responses for review by the committee chair.

Motion #13: Dr. Kalra moved to approve the Scope of Practice Committee Report. Mrs. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 7 – 0.

NEW BUSINESS

Agenda item 7.a: Application ratification for licenses and limited permits issued since the last meeting (Exhibit O)

Motion #14: Mr. Walz moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: October 9, 16, 23, 24, 31, November 6, 7, 13, 20, 28, December 4 and 11, 2014.

Respiratory Care Professional Licenses issued on: October 9, 16, 23, 31, November 6, 13, 20 28, December 4 and 11, 2014.

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

Agenda item 7.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit P)

Motion #15: Mr. Walz moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL
October 16, 21, 22, and November 10, 2014.

HMER
September 29, October 16, 21, 28, November 10, 18, December 4 and 9, 2014.

Mrs. Riffe Biemel seconded the motion. Discussion: Mr. Marx inquired if Mr. Schaal reviewed each application. Mr. Schaal affirmed he had. Motion carried: 7 – 0.

Agenda item 7.c: Legislative Update – HB 667 (Exhibit Q)

Mr. Schaal provided an overview of House Bill 667, sponsored by Rep. Kirk Schuring, as it related to Respiratory Care Professionals and the authority of the Ohio Respiratory Care Board. Among the items raised by Mr. Schaal were the identification of a drafting error which misspelled the word “drug” as “drub,” questions regarding the expanding authority of the Board to define “in good standing” as it relates to the provision of a limited permit, and questions regarding whether the timeframe for holding a limited permit needed to be clarified. Mr. Schaal shared with the Board that the bill had no more time to move forward in the House before the end of the 130th General Assembly Session and that it would have to be reintroduced next session.

Agenda item 7.d: Policy 2.41 – Customer Service Standards (Exhibit R)

Mr. Schaal shared with the Board that the Common Sense Initiative office had reviewed the Board’s proposed Customer Service Standards policy – Policy 2.41 – and had made suggestions regarding expanding the policy to include other provisions, such as response timeframes and means of receiving feedback, which are already addressed by other existing policy provisions. Mr. Schaal indicated that he would reach out to the staff at the CSI office to see if additional changes would be necessary in light of the other existing policies already being in place.

Agenda item 7.e: Education Committee (Exhibit S)

Mr. Schaal reported that it had been some time since the Board had issued an annually mandated report on the status of educational programs in Ohio. The last report for the Board had been prepared in 2011 by Mr. Douce. Mr. Schaal indicated that he would ascertain whether the schools were complying with existing reporting standards regarding the standing with CoARC.

Agenda item 7.f: 2015 Board Meeting Schedule (Exhibit T)

Motion #16: Ms. Gilligan moved to approve the proposed 2015 meeting date schedule. Mr. Walz seconded the motion. No further discussion. Motion carried: 7 – 0.

OLD BUSINESS

Agenda item 8.a: Position Statement on remote CPAP/BiPAP setup and pressure setup/adjustment by unlicensed persons. (Exhibit U)

It had raised to the attention of the Board that the position statement approved at the October Board meeting was missing a “not” and was still titled as a draft statement on the Board’s website.

Motion #17: Ms. Yagodich moved to approve the amended Position Statement on remote BiPAP/CPAP setup and pressure setup/adjustment by unlicensed persons by adding a missing “not.” The sentence will now read: Any home medical equipment facility licensed or registered by the Ohio Respiratory Care Board may install and demonstrate a BiPAP/CPAP device; however, setting the pressures pursuant to a prescription is **not** within the parameters of installing and demonstrating home medical equipment. (emphasis added) Ms. Gilligan seconded the motion. No further discussion. Motion carried: 7 – 0.

Agenda item 8.b: Attorney General Opinion request. (Exhibit V)

Mr. Schaal indicated that the Attorney General had followed up to confirm that the Board was aware that a request for a public opinion would be a public record. Mr. Schaal responded that the Board did want to move forward on the request for a public opinion.

EXECUTIVE SESSION – EMPLOYMENT OF PUBLIC EMPLOYEE

Motion #18: Mr. Walz moved to enter Executive Session under R.C. 121.22(G)(1) for the purpose of considering the employment of a public employee. Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Carol Gilligan -	Yes
Andrea Yagodich -	Yes	Maninder Kalra, M.D. -	Yes
Vern Riffe Biemel -	Yes		

Motion carried.

The Board entered executive session at 3:33 p.m., and returned to regular, public session at 4:20 p.m. Present for part of the executive Session were Mr. Logsdon, Mr. Douce and Mr. Schaal.

FOR THE GOOD OF THE BOARD

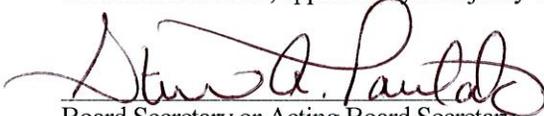
Mr. Mays asked if anyone had any other matters for the good of the Board. Discussion: None.

ADJOURNMENT

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

Hearing none, Mr. Mays adjourned the meeting at 4:29 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 11, 2015.


Board Secretary or Acting Board Secretary

mswp, RT


Witness