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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 DECEMBER 4, 2013**

## **REGULAR BUSINESS MEETING**

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

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

Joel Marx, HME Member

Carol Gilligan, HME Member

Verna Riffe Biemel, Public Member

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

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

Robert Slabodnick, M.Ed., R.R.T., R.C.P.

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

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

### **Staff in attendance:**

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Marcia Tatum, HME Manager

Traci L. McDonald, Administrative Professional I

### **Others in Attendance:**

Steven R. Kochheiser, Assistant Attorney General

Bill Behrendt, Joint Committee on Agency Rule Review

## STANDING COMMITTEE MEETINGS

The Board's Scope of Practice Committee met prior to regular business at 10:00 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Andrea Yagodich chaired the meeting. Marc Mays, Kenneth Walz, Robert Slabodnick, and Dr. Maninder Kalra attended. The Committee meeting ended at 10:20 a.m. Official minutes of the Board's Scope of Practice Committee were prepared and are maintained separate of this journal.

The Board's Home Medical Equipment Committee met prior to regular business at 10:15 a.m. in room 1616, 16<sup>th</sup> Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Joel Marx chaired the meeting. Steven Pavlak and Carol Gilligan attended. The Committee meeting ended at 10:35 a.m. Official minutes of the Board's Home Medical Equipment Committee were prepared and are maintained separate of this journal.

The Board's Rules Committee met prior to regular business at 10:40 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Steve Pavlak chaired the meeting. Joel Marx, Kenneth Walz attended, and Verna Riffe Biemel attended. The Committee meeting ended at 11:31 a.m. Official minutes of the Board's Rules Committee were prepared and are maintained separate of this journal.

The Board meeting broke from 11:31 a.m. to 1:00 p.m.

### Regular Business Meeting

#### Agenda item #1: CALL REGULAR MEETING TO ORDER

Mr. Mays called the meeting to order at 1:00 p.m. Mr. Mays asked Mr. Pavlak to call the roll. Present were Joel Marx, HME Member, Marc K. Mays, M.S., R.R.T., R.C.P., President, Steven Pavlak, M.S., R.R.T., R.C.P., Robert Slabodnick, M.Ed., R.R.T., R.C.P., Kenneth Walz, J.D., R.R.T., R.C.P., Maninder Kalra, Ph.D., M.D., Andrea Yagodich, R.R.T., R.C.P., Carol Gilligan, HME Member and Verna Riffe Biemel, Public Member. A quorum of the Board was present to conduct business.

Agenda item 1.a: Approval of proposed meeting agenda (Exhibit B)

Motion #1: Mr. Slabodnick moved to approve the proposed agenda for December 4, 2013. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item 1.b: Approval of meeting minutes for October 16, 2013 (Exhibit C)

Motion #2: Mr. Pavlak moved to approve the October 16, 2013 minutes of the Ohio Respiratory Care Board. Ms. Yagodich seconded the motion. Discussion: Ms. Riffe Biemel discussed several corrections to the minutes. Mr. Pavlak **withdrew the motion.**

Ms. Biemel introduced the following corrections:

- Page 3, paragraph 2, last sentence; change "Education" to "Rules."
- Page 3, paragraph 4, delete last sentence and change "Education" to "Home Medical Equipment."
- Page 4, paragraph 1, replace "to" with "the," agenda item 2a, 4<sup>th</sup> sentence, insert "the" before "process," and last sentence change "Toledo University" to "The University of Toledo."
- Page 5, first sentence, change "numbers" to "number" and pluralize "licensee," and under discussion, first sentence, insert "the" before "Board."

- Page 7, item 3c, first paragraph, last sentence, change “inquired” to “inquiry.”
- Page 8, paragraph #4, second sentence, delete “and” after the word “order.” paragraph #5 add text stating Mr. Mays and Ms. Yagodich left the meeting and later returned, correct spelling of Mr. Slabodnick’s name, paragraph #5, second sentence, change “of” to “or”, last paragraph, third sentence, change “for” to “form.”
- Page 12; correct spelling of Mr. Pavlak’s name.

Motion #3: Mr. Pavlak moved to approve the October 16, 2013 minutes of the Ohio Respiratory Care Board as amended. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 7 – yes, 2 – abstained (Ms. Gilligan and Ms. Riffe Biemel).

## **Agenda item #2: HEARING PURSUANT TO ORC 119.032 ON PROPOSED ADMINISTRATIVE RULES**

The public hearing on proposed rules began at 1:11 p.m. Mr. Mays presided over the hearing process and asked members of the board introduce themselves.

The public hearing on proposed rules was held in the Board Room, 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, Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Carol Gilligan, HME Member, Verna Riffe Biemel, Public Member, Maninder Kalra, M.D., Andrea Yagodich, R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed.

Steven Kochheiser, Assistant Attorney General, represented the State of Ohio.

Heidi Funderburk was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Preliminary matters: None.

Mr. Logsdon was called as a witness by the State of Ohio to identify the State’s Exhibits.

The following states exhibits were introduced.

- A – Copy of Notice of Public Hearing of Intent to amend existing Ohio Administrative Rules or file existing rules as “no change.”
- B - Screen print copy of the Ohio Respiratory Care Board’s website: [www.respiratorycare.ohio.gov](http://www.respiratorycare.ohio.gov) and [www.hme.ohio.gov](http://www.hme.ohio.gov), demonstrating the posting of Notice of Public Hearing of Intent to amend existing Ohio Administrative Rules or file existing rules as “no change” and the availability of an imaged version of all rules under consideration.
- C (1) - Full copy of the proposed “no change” rules relating to the regulation of respiratory care under ORC 4761 and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission for the following proposed rules:

### **Respiratory Care Licensing ORC 4761 rules proposed as “no change”:**

- OAC 4761-1-02 Notice of board meeting.
- OAC 4761-2-03 Board records.
- OAC 4761-5-04 License application procedure.
- OAC 4761-5-07 Criminal background check.
- OAC 4761-7-01 Original license or permit and identification card.

- OAC 4761-8-01 Renewal of license or permits.
- OAC 4761-9-01 Definition of respiratory care continuing education.
- OAC 4761-9-05 Approved sources of RCCE.
- OAC 4761-11-15 Exchange of documents and witness lists.

- C (2) - Full copy of the proposed “amended” rules relating to the regulation of respiratory care under ORC 4761 and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission for the following proposed rules:

**Respiratory Care Licensing ORC 4761 rules proposed amendments:**

- OAC 4761-1-01: Public hearings on adoption, amendment, or rescission of rules: methods of public notice.
- OAC 4761-3-01: Definition of terms.
- OAC 4761-4-01: Approval of educational programs.
- OAC 4761-4-02: Monitoring of Ohio respiratory care educational programs by the education committee of the Ohio respiratory care board.
- OAC 4761-10-01: Ethical and professional conduct.

- C (3) - Full copy of the proposed “no change” rules relating to the regulation of home medical equipment under ORC 4752 and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission for the following proposed rules:

**Home Medical Equipment Services ORC 4752 rules proposed as “no change” rules:**

- OAC 4761:1-6-01: Qualifications to obtain a certificate of registration.
- OAC 4761:1-9-03: Standard for maintaining equipment.
- OAC 4761:1-9-04: Client records.
- OAC 4761:1-15-04: Requirement to provide board contact information to clients.

- C (4) - Full copy of the proposed “amended” rules relating to the regulation of home medical equipment under ORC 4752 and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission for the following proposed rules:

**Home Medical Equipment Services ORC 4752 rules proposed:**

- OAC 4761:1-5-02: Application form requirements.
- OAC 4761:1-6-02: Application form requirements to apply for a certificate of registration.
- OAC 4761:1-9-02: Standards for maintaining a facility.
- OAC 4761:1-15-03: Transfer of authorization to new facility or new ownership.

- D - Letters of confirmation of Electronic Rules Filing dated 10/28/2013 with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission.
- E - Letters of Withdraw of Electronic Rules Filing dated 11/07/2013 with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission.
- F - Copy of Memorandums of Review from the Office of Common Sense Initiative for rules filed (6 memorandums total) and the associated Business Impact Analyses for rules filed with the Office of Common Sense Initiative.
- G. Memorandum of intent to file rules filed with the Office of Common Sense Initiative on October 21, 2013.

H - Copies of collective correspondence received by the Ohio Respiratory Care Board in response to rules filed.

Mr. Kochheiser moved to admit exhibits A – H inclusive. Hearing no objection to the admission of the exhibits, Mr. Mays admitted State’s Exhibits A through H inclusive.

Motion #4: Ms. Riffe Biemel moved to waive the reading of the rules. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 9 – 0.

Mr. Mays recognized the Assistant Attorney General for calling witnesses for testimony on the proposed rules. No witnesses appeared.

The hearing concluded at 1:26 p.m.

### **Agenda item #3: OFFICER AND STAFF REPORTS**

Agenda item 3a: President’s Report

Mr. Mays gave a brief verbal report stating he had not completed the Executive Director’s annual performance review, but expected to have it ready for the Board’s next business meeting.

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

Mr. Logsdon submitted a written report to the Board. He verbally reviewed the report.

1. Mr. Logsdon reviewed the financial activity report for FY 2014. Mr. Logsdon reported that an analysis of the Board’s expenditures during the first quarter demonstrate that spending is within the planned budget and allotments. Mr. Logsdon reported he would be transferring funds to the 510 account for hearing examiner expenses.
2. Mr. Logsdon reported on the current number of active licensees and the current FY 2014 revenue totals and sources.
3. Mr. Logsdon reported on his travel and meetings since the Board’s August board meeting, including attending a three-hour training program in Human Trafficking.
4. Mr. Logsdon reported that he was monitoring the budget bill and H.B. 165, which proposes to exempt Certified Hyperbaric Technologists from ORC 4761 for oxygen delivery in a hyperbaric environment. Mr. Logsdon reported that several amendments had been added in the Senate Committee to address credentialing and supervision concerns.
5. Mr. Logsdon reported on several reports and projects currently being addressed by management staff.
6. Last, Mr. Logsdon reviewed a number of potential clean-up amendments for Section 4761 of the Revised Code.

Discussion: Members discussed the matter of Human Trafficking in the state of Ohio. Members had several questions concerning H.B. 165 concerning the proposed language requiring Certified Hyperbaric Technologists register with the Board. Members also discussed 2014 licensing renewal, including a recommendation by Mr. Walz to require email communications to save the agency costs.

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

Ms. Tatum filed a written report. Ms. Tatum reviewed her report, stating that the Board had issued 26 HME licenses and 13 HME certificates of registration since the October 2013 Board meeting. In addition, Ms. Tatum reported that October, November, and December inspections schedules have been sent to the Board’s five contracted inspectors. Ms. Tatum reported on the revenue generated from initial applications. Ms. Tatum also reported that the HME Committee has approved a strategic planning committee and a draft agenda has been filed with the Committee.

Discussion: Dr. Kalra inquired if the HME program had looked at sleep testing by dentists. Dr. Kalra stated that he had become aware of sleep testing being conducted by dentists to diagnose sleep apnea. The dentist, he stated, develop oral devices to reduce airway obstruction. Mr. Mays asked the Executive Director to contact the Ohio Dental Board to inquire about the practice.

Motion #5: Ms. Gilligan moved to approve the President's Report. Mr. Pavlak seconded the motion. Discussion: Mr. Logsdon inquired about the inspection process and the common deficiencies noted on new applications. Ms. Tatum reported that proof of qualifying insurance was the number one deficiency noted. No further discussion. Motion carried: 9 – 0.

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

Motion #7: Ms. Gilligan moved to approve the Home Medical Equipment Manager's report. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 9 – 0.

The Board took a break from 2:23 p.m. to 2:29 p.m.

#### **Agenda item #4: COMMITTEE REPORTS**

##### Agenda item 4.a: Scope of Practice Committee Report (Exhibits F and G)

Ms. Yagodich reported that the Scope of Practice Committee met prior to the Board meeting. Ms. Yagodich reported that the Committee approved the prior meeting minutes and then reviewed two scope of practice inquiries.

Ms. Yagodich stated that the Committee was recommending approval of the following summarized responses:

1. Ms. Yagodich reported the Committee reviewed an inquiry filed by Dave Maxwell asking if inserting arterial lines, performing unassisted bronchoscopy for mucous plug removal, performing bronchoscopy assistance, and administering medications to induce minimal sedation was within the scope of respiratory care practice. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. Ms. Yagodich stated that the Committee recommended approval of the draft response that concluded RCPs could, within their legal scope of practice, insert arterial lines, perform unassisted bronchoscopy for mucous plug removal, perform bronchoscopy assistance, and administering medications to induce minimal sedation. Ms. Yagodich emphasized the Committee included a statement concerning practitioner competency and training responsibilities of the practitioner by the institution. (Exhibit F)
2. Ms. Yagodich the Committee reviewed a second inquiry filed by Craig Gordon asking if respiratory therapists could administer wound packing procedure and/or topical antibiotic ointments to tracheostomy sites that show erosion or staged ulceration. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. Ms. Yagodich stated that the Committee recommended approval of the draft response that concluded RCPs could, within their legal scope of practice, perform the procedures if adequately trained and competent. (Exhibit G)

Motion #8: Ms. Riffe Biemel moved to approve the Scope of Practice Committee report and the two inquiry responses reported. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

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

Mr. Marx reported that the HME Committee met prior to regular business. Mr. Marx reported that the HME Committee approved the prior meeting minutes. The HME Committee, he stated, reviewed the statistics on HME licenses and certificates of registration issued, and inspections completed since the prior committee meeting. Mr. Marx stated that the Committee is recommending the ratification of HME licenses and certificates of registration issued by the Executive Director. Mr. Marx stated

the Committee also spent time discussing how field inspectors, in light of a recent increase in re-inspection recommendations, are evaluating HME standards.

Motion #9: Mr. Slabodnick moved to approve the HME Committee report. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 - 0.

#### Agenda item 4.c: Rules Committee Report

Mr. Pavlak reported that the Rules Committee met prior to regular business. Mr. Pavlak stated that the Committee approved the prior meeting minutes and then reviewed rule 4761:1-13-01. Mr. Pavlak stated that the Committee recommended several amendments to the rule, which the Executive Director will draft. In addition, the Committee reviewed draft recommended amendments to rule 4761-9-02 concerning the waiver of continuing education for licensees on active duty military service or licensees that are spouses of persons on active duty military service. The Committee, Mr. Pavlak stated, accepted the recommendations of the Executive Director. The amendment will be finalized and presented to the Committee in February 2014. Last, Mr. Pavlak reported the Committee reviewed H.B. 98 and the requirement to promulgate rules identifying which military training/education programs are substantially equivalent to or exceed the educational requirements for licensure in Ohio. The Committee, Mr. Pavlak stated, believes the rule would identify the military programs that meet Ohio's requirement and, therefore, would not be very complex or difficult to draft.

Motion #10: Ms. Riffe Biemel moved to approve the Rules Committee report. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 9 - 0.

### **Agenda item #5: PROBABLE REVIEW COMMITTEE REPORT**

Motion #11: Mr. Slabodnick 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:

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

Motion carried.

The Board entered executive session at 2:36 p.m., and returned to regular, public session at 2:52 p.m. Eight Board members were present during executive session. Mr. Slabodnick was excused from participating in executive session. Mr. Logsdon, Mr. Isom, Ms. McDonald, and Mr. Kochheiser were present during Executive Session.

*\*Names and identifying information was redacted from discussion and 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 5.b: Approval of Opportunity for Hearing Notices (Exhibits H and I)

Motion #12: Ms. Gilligan moved to issue an opportunity for hearing notice in accordance with ORC 119.07 as presented to the Board in the matters of:

**RCB Opportunity for Hearing Notices**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
H.	2014ORCB024 (LaDonna M. Hicks, RCP.1001)	Professional Conduct	ORC 4761.09 (A) (2) and OAC rule 4761-10-01 (N)
I.	2014ORCB025 (Angela D. Hershiser, RCP.7487)	Professional Conduct	ORC 4761.09 (A) (2) and OAC rule 4761-10-01 (N)

Ms. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – Abstained (Mr. Slabodnick).

Agenda item 5.c: Approval of Consent Agreements (Exhibits J and K)

Motion #13: Ms. Gilligan moved to approve the following consent agreements:

**RCB Agreements**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
J.	2014ORCB011 (Christine M. Flynn, RCP.13578)	Unlicensed practice	Violation of ORC 4761.09 (A) (2), and OAC 4761-8-01 (F)
K.	2014ORCB014 (Mesmer A. Gebreberhane, Lic. # N/A)	Conviction of offense Involving moral turpitude	Violation of ORC 4761.09(A)(1)

Mr. Marx seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – Abstained (Mr. Slabodnick).

Agenda item 5.e: Probation compliance (Exhibit L)

Case 2012ORCB030: Nakia J. Hudson.

A petition to terminate probation was filed by Nakia J. Hudson. Mr. Mays asked staff to summarize Ms. Hudson's compliance with the terms of her probation. Members discussed Ms. Hudson's petition and debated the provisions of her probation. Most members opposed terminating the licensee's probation concluding terminating the licensee's probation was not appropriate, but limiting the requirements of the probation could be considered. However, this conclusion was not unanimous. Ms. Gilligan moved the following:

Motion #14: Ms. Gilligan moved to amend paragraph 13 (B) of the CONSENT AGREEMENT in the matter of Nakia J.

Hudson, Case #2012ORCB030 as follows:

“Upon issuance of a respiratory care professional license, MS. HUDSON’s license shall be placed on PROBATION under the conditions and for the remaining term of the PROBATION that remains active for her limited permit. MS. HUDSON’s PROBATION as to her respiratory care professional license shall end on ~~February 17, 2015~~ **December 4, 2013**, unless there is a breach of this CONSENT AGREEMENT or the BOARD determines that MS. HUDSON has breached the terms of her PROBATION regarding her respiratory care professional license.

Mr. Marx seconded the motion. Discussion: Mr. Mays strongly opposed terminating the probation. Ms. Yagodich agreed. Mr. Slabodnick agreed that the probation should be retained, but possibly modified. Mr. Marx stated that retaining probation would provide incentive to remain compliant. Members verbalized recommendations to modify the motion.

Ms. Gilligan **withdrew** the motion. Motion #14 was withdrawn.

Motion #15: Mr. Walz moved to amend the CONSENT AGREEMENT in the matter of Nakia J. Hudson, Case #2012ORCB030 as follows:

1. To continue Ms. Hudson’s probation until February 17, 2015,
2. To continue interviews every six months with Board staff,
3. To remove requirements of paragraph (A)(3) to attend Alcoholics or Narcotics Anonymous, or other board approved meetings,
4. To remove requirements of paragraph (A)(6) to submit to random drug and alcohol testing,
5. To remove requirements of paragraph (A)(8) to cause her employer to file quarterly performance reviews.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 9 – 0.

**Agenda item #6: NEW BUSINESS**

Agenda item 6.a: Application ratification for licenses and limited permits issued since the last meeting (Exhibit M)

Motion #16: Ms. Riffe Biemel moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: October 3, 2013, October 4, 2013, October 10, 2013, October 17, 2013, October 22, 2013, October 24, 2013, October 31, 2013, November 7, 2013, and November 13, 2013.

Respiratory Care Professional Licenses issued on: October 3, 2013, October 10, 2013, October 17, 2013, October 24, 2013, October 31, 2013, November 7, 2013, and November 13, 2013. Mr. Pavlak seconded the motion. Discussion: None. Motion carried 9 - 0.

Agenda item 6.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit N)

Motion #17: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

October 8, 2013, October 10, 2013, October 11, 2013, October 17, 2013, October 22, 2013, October 24, 2013, October 25, 2013, October 30, 2013, November 4, 2013, November 6, 2013, November 7, 2013, November 12, 2013, November 13, 2013, and November 21, 2013.

HMER

October 8, 2013, October 17, 2013, October 22, 2013, October 25, 2013, October 30, 2013, November 4, 2013, November 4, 2013, November 12, 2013, November 15, 2013, November 19, 2013, and November 21, 2013. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item 6.c: Re-Inspection recommendation for HMEL.11504 (Exhibit O)

Mr. Logsdon presented the re-inspection recommendation for HMEL.11504, Tubbs Chiropractic Office, LLC. The Board reviewed the inspection findings and a summary of the inspection response provided by the licensee. Following a review of the material provided, the follow motion was presented:

Motion #18: Mr. Walz moved to not approve the recommendation of the HME Independent Inspector to re-inspect HMEL.11504, Tubbs Chiropractic Office, LLC. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item 6.d: Resolution to Adopt Order of Surrender – True Health Chiropractic, Inc. (Exhibit P)

Motion #19: Mr. Walz moved to approve the resolution entering an order of surrender upon the journal of the Ohio Respiratory Care Board in the matter of True Health Chiropractic (HMEL.11509). Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item 6.e: Recognition of Saudi Commission for Health Specialties CME as an approved RCCE source (Exhibit Q)

Members reviewed a submission filed by Zakaria Abdullahi Ahmed requesting recognition of his Rapid Response System Course approved by the Saudi Commission for Health Specialties. After general discussion, the Board did not take any action on the request. Instead, the members directed the Executive Director to request more information on the Rapid Response System Course.

Agenda item 6.f: Resolution to file rules

Motion #20: Mr. Walz moved to final file the following rules once the Joint Committee on Agency Rule Review's jurisdiction ends:

[Respiratory Care Licensing ORC 4761 rules proposed amendments:](#)

- OAC 4761-1-01: Public hearings on adoption, amendment, or rescission of rules: methods of public notice.
- OAC 4761-3-01: Definition of terms.
- OAC 4761-4-01: Approval of educational programs.
- OAC 4761-4-02: Monitoring of Ohio respiratory care educational programs by the education committee of the Ohio respiratory care board.
- OAC 4761-10-01: Ethical and professional conduct.

[Respiratory Care Licensing ORC 4761 rules proposed as “no change”:](#)

OAC 4761-1-02	<u>Notice of board meeting.</u>
OAC 4761-2-03	<u>Board records.</u>
OAC 4761-5-04	<u>License application procedure.</u>
OAC 4761-5-07	<u>Criminal background check.</u>
OAC 4761-7-01	<u>Original license or permit and identification card.</u>
OAC 4761-8-01	<u>Renewal of license or permits.</u>
OAC 4761-9-01	<u>Definition of respiratory care continuing education.</u>
OAC 4761-9-05	<u>Approved sources of RCCE.</u>
OAC 4761-11-15	<u>Exchange of documents and witness lists.</u>

**Home Medical Equipment Licensing ORC 4752 rules proposed amendments:**

OAC 4761:1-5-01	<u>Qualifications for licensure.</u>
OAC 4761:1-9-01	<u>Standards of practice for license holders.</u>
OAC 4761:1-13-01	<u>Continuing education standards.</u>

**Home Medical Equipment Licensing ORC 4752 rules proposed as “no change”:**

OAC 4761:1-1-02	<u>Notice of board meetings.</u>
OAC 4761:1-2-03	<u>Board records.</u>
OAC 4761:1-9-05	<u>Personnel.</u>
OAC 4761:1-12-07	<u>Exchange of documents and witness lists.</u>

Mr. Pavlak seconded the motion. Discussion: Members discussed the Joint Committee on Agency Rule Review’s (JCARR) refiling process. The member then took time to review the proposed amendments to the respiratory care and home medical equipment rules. Mr. Walz inquired about rules 4761-4-01 and 4761-4-02 as they relate to recommendations filed by the Commission on Accreditation for Respiratory Care (CoARC). The members discussed, in depth, the difference between 200-level and 300-level programs. Following discussion, Mr. Walz proposed to amend proposed rules 4761-4-01 and 4761-4-02 to reflect the recommendations filed by the CoARC. Next, Mr. Walz inquired about proposed amended rule 4761-10-01. Mr. Walz reminded members that the Board discussed newly proposed paragraph (T) concerning the use of dangerous drug or non-prescribed drugs in relation to respiratory care employment. Mr. Walz expressed concern that the new language did not address alcohol use. Members discussed the practical application of the rule and concluded that the language may not accomplish the objective of the board or meet the board’s intent.

Following discussion, Mr. Walz withdrew the motion. Motion #20 was withdrawn.

Motion #21: Mr. Walz moved to final file the following rules once the JCARR’s jurisdiction ends:

**Respiratory Care Licensing ORC 4761 rules proposed amendments:**

OAC 4761-1-01:	<u>Public hearings on adoption, amendment, or rescission of rules: methods of public notice.</u>
OAC 4761-3-01:	<u>Definition of terms.</u>

**Respiratory Care Licensing ORC 4761 rules proposed as “no change”:**

OAC 4761-1-02	<u>Notice of board meeting.</u>
OAC 4761-2-03	<u>Board records.</u>
OAC 4761-5-04	<u>License application procedure.</u>
OAC 4761-5-07	<u>Criminal background check.</u>
OAC 4761-7-01	<u>Original license or permit and identification card.</u>
OAC 4761-8-01	<u>Renewal of license or permits.</u>

OAC 4761-9-01 Definition of respiratory care continuing education.  
OAC 4761-9-05 Approved sources of RCCE.  
OAC 4761-11-15 Exchange of documents and witness lists.

**Home Medical Equipment Licensing ORC 4752 rules proposed amendments:**

OAC 4761:1-5-01 Qualifications for licensure.  
OAC 4761:1-9-01 Standards of practice for license holders.  
OAC 4761:1-13-01 Continuing education standards.

**Home Medical Equipment Licensing ORC 4752 rules proposed as “no change”:**

OAC 4761:1-1-02 Notice of board meetings.  
OAC 4761:1-2-03 Board records.  
OAC 4761:1-9-05 Personnel.  
OAC 4761:1-12-07 Exchange of documents and witness lists.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #22: Mr. Walz moved to refile draft rule 4761-4-01 with the following changes:

Paragraph (A)(2):

From: (2) ~~Require a minimum of an associate degree or its equivalent with a major in respiratory care~~Are defined as 200-level programs by the COARC.

To: (2) Require a minimum of an associate degree ~~or its equivalent~~ with a major in respiratory care.

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #23: Mr. Walz moved to refile draft rule 4761-4-02 with the following changes:

Paragraph (A):

From: (A) Annually, each respiratory care educational program in Ohio shall submit proof of compliance with the accreditation standards developed by the committee on accreditation for respiratory care (CoARC) under the auspices of the commission of accreditation of allied health educational programs (CAAHEP) or their successor organization(s). \*\*\*

To: (A) Annually, each respiratory care educational program in Ohio shall submit proof of compliance with the accreditation standards developed by the ~~committee~~commission on accreditation for respiratory care (CoARC) ~~under the auspices of the commission of accreditation of allied health educational programs (CAAHEP)~~ or their successor organization(s). \*\*\*

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #24: Mr. Walz moved to delete paragraph (T) from draft rule 4761-10-01 and refile the rule. Ms. Riffe Biemel seconded. Discussion: None. Motion carried: 9 – 0.

Agenda item 6.g: Records retention schedules (Exhibit R collective)

Motion #25: Mr. Walz moved to approve the following records retention schedules:

New:

RCB-041: Miscellaneous Scanned Documents  
RCB-042: Annual/Biennial Renewal Records  
RCB-043: Board correspondence  
RCB-044: Public Records Requests  
RCB-045: Executive Budget Proposals  
RCB-046: Non-public Personal Information Access Logs  
RCB-047: Home Medical Equipment Inspector Invoices for Service Rendered  
RCB-048: Home Medical Equipment Inspection Survey

Amended:

RCB-017: Listing of Renewal Cards Issued/Lists of Renewals approved and Stock numbers assigned.

Mr. Pavlak seconded the motion. Discussion: Mr. Marx inquired why the Board would need to delete electronic records. Mr. Logsdon explained that all records of the Board must be maintained and managed in accordance with approved retention schedules. Mr. Logsdon stated the Board should have records retention schedules for all of the records and each record is evaluated to determine its administrative, historical or legal usefulness. Mr. Marx inquired about several of the proposed new schedules. No further discussion. Motion carried: 9 – 0.

Agenda item 6.h: 2014 Board meeting schedule

Motion #26: Mr. Walz moved to approve the following 2014 meeting schedule:

February 19, 2014  
April 16, 2014  
June 18, 2014  
August 20, 2014  
October 15, 2014  
December 17, 2014

Ms. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 9 – 0.

**Agenda item #7: OPEN FORUM**

No one appeared to speak at open forum.

**Agenda item #8: FOR THE GOOD OF THE BOARD**

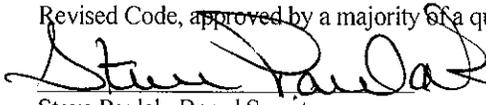
There was discussion.

**Agenda item #9: ADJOURNMENT**

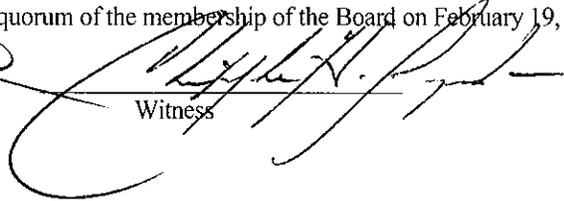
Mr. Mays asked if there was any other business to bring before the Board. Hearing none and seeing no objection, he adjourned the meeting.

The meeting adjourned at 4:42 p.m.

Board President'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 19, 2014.



Steve Pavlak, Board Secretary



Witness