



**Agenda item #9: FOR THE GOOD OF THE BOARD .....12**  
**Agenda item #10: ADJOURNMENT .....12**

---

## **OHIO RESPIRATORY CARE BOARD**

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

COLUMBUS, OHIO 43215-6108

### **OFFICIAL BOARD MEETING MINUTES OF FEBRUARY 10, 2010**

#### **NOTE ON COMMITTEE MEETINGS**

The Board's Scope of Practice Committee met prior to the regular business meeting. The Scope of Practice Committee met at 9:00 a.m. in room West B&C on the 31<sup>st</sup> floor, Vern Riffe Center for the Government and Arts. The Home Medical Equipment Committee was scheduled to meet at 9:00 a.m. in the Ohio Respiratory Care Board office located on the 16<sup>th</sup> floor of the Vern Riffe Center for the Government and Arts, but due to weather condition was not able to establish a quorum. Mr. Marx, HME Committee Chair reviewed the material provided for the committee and stated he would provide a report during regular meeting business. Official minutes of the scope of practice committee meeting was taken and is maintained separate of this journal. Committee Chairpersons for each committee gave a report during the course of the regular business meeting.

**February 10, 2010**

#### **Regular Business Meeting**

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

Presiding: Marc Mays, President, called the meeting to order on February 10, 2010 at 10:03 a.m. in room West B&C, 31<sup>st</sup> 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, Susan M. Ciarlariello, R.R.T., R.C.P., Joel D. Marx, HME member, Robert Cohn, M.D., M.B.A., and Esther L. Kester, R.R.T., R.C.P. Darrell L. Heckman, J.D., Public Member arrived at 11:30 a.m. Ken Walz, J.D., R.R.T, R.C.P., Carol Gilligan, HME member, and Anita Adams, M.B.A, R.C.P., were 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

E. Lucille Kester, R.R.T., R.C.P.

Joel Marx, HME Provider Member, Secretary

Robert Cohn, M.D., M.B.A.

Susan Ciarlariello, M.B.A, R.R.T, R.C.P

Darrell L. Heckman, J.D.

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator (1:00 p.m.)

Marcia Tatum, HME Manager

**Others in Attendance:**

F. Herbert Douce, The Ohio State University

**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 informed the Board that due to the weather conditions in many Ohio counties, members telephoned to explain they would not be able to attend. Mr. Logsdon stated that Mr. Heckman telephoned and stated he could not make it due a level 3 weather emergency. In response, Mr. Logsdon stated that he cancelled the 119 hearing scheduled for 1:00 p.m. Since this time, Mr. Logsdon stated that Mr. Heckman telephoned and stated he would try to attend the meeting; however, the hearings remain cancelled. Mr. Mays affirmed that Agenda item #5 would be pulled from the agenda. Ms. Ciarlariello asked to discuss the Ethic continuing education requirement for licensees under "For the Good of the Board."

Motion #1: Ms. Kester moved to approve the amended meeting agenda for February 10, 2010. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 5 - 0.

**Agenda item 1.2: Approval of previous Board Meeting Minutes (Exhibit C)**

Mr. Mays asked the membership if they had the opportunity to review the minutes. All answered affirmatively. Mr. Marx noted that the members were being asked to amend minutes previously approved. Mr. Mays stated that he noted two errors while reviewing documentation for Mr. Logsdon's annual review.

Motion #2: Dr. Cohn moved to approve the meeting minutes from December 16, 2009. Ms. Kester seconded the motion. Discussion: No further discussion. Motion carried: 5 - 0.

Motion #3: Dr. Cohn moved to approve the following amendments to the August 26, 2009 and October 21, 2009 meeting minutes, respectively:

Page 3, August 26, 2009: delete paragraph after attendance list, beginning: "Mr. Mays informed the Board..."

Page 3, October 21, 2009: delete second paragraph, agenda item #2.1, beginning: "Next, Mr. Mays stated ..."

Ms. Kester seconded the motion. Discussion: None. Motion carried: 5-0.

**Agenda item #2: BOARD OFFICER AND STAFF REPORT**

Agenda item 2.1: President's Report

Motion #4: Ms. Ciarlariello moved to enter executive session pursuant to ORC 121.22 for the purpose of deliberating the performance and appointment of the Board's Executive Director. Dr. Cohn seconded the motion. Discussion: None. Roll call vote:

Susan M. Ciarlariello -	Yes	Marc Mays -	Yes
Robert Cohn, M.D. -	Yes	Joel Marx -	Yes
Esther L. Kester -	Yes		

Motion carried.

The Board entered executive session at 10:16 a.m. All members were present in executive session. Visitors and staff were dismissed. The Board returned to public session at 11:00 a.m.

Motion #5: Ms. Ciarlariello moved to approve the Executive Director's performance review for FY 2010 and his continued employment. Ms. Kester seconded the motion. Discussion: Ms. Ciarlariello stated that Mr. Logsdon does an excellent job. Mr. Mays stated that the Board strongly endorses the Director and he does an excellent job in all aspects of his position. Motion carried: 5 – 0.

Mr. Marx reminded the members that he did not conduct a roll call of attendance for the minutes. Mr. Mays asked the Secretary to proceed. Mr. Marx called the roll. The following members were present: Susan M. Ciarlariello, Marc Mays, Robert Cohn, Joel Marx, and Esther L. Kester. Mr. Logsdon informed the Board that Mr. Heckman had telephoned an intend on being at the meeting, if he is able to safely navigate the roads.

Agenda item 2.2: Executive Director's Report (Exhibit D collective)

Mr. Logsdon issued a written report. He verbally reviewed the following matters:

1. Mr. Logsdon reported that the Board's current expenses, in all accounts, are within budget parameters. Mr. Logsdon reported that the Board has completed the second quarter of FY 2010. Mr. Logsdon reported that payroll is well within parameters, because one employee has been on extended leave. Mr. Logsdon reported that he is considering a temporary worker to assist during the start of license renewal.

Discussion: Mr. Marx inquired if the Board could permanently get by with .5 FTE fewer or reallocate resources. Mr. Logsdon stated that it would be incorrect to assume the agency could get by with fewer FTEs. Mr. Logsdon stated that everyone in the office has stepped up to cover the workload of the employee on leave. In doing so, he reported the employees are very busy and has reprioritized work to meet current needs.

Mr. Logsdon reported that the Board will incur approximately \$6,900.00 in expenses relating to printing and mailing license renewal forms to over 7600 licensees. Mr. Logsdon stated that the staff will stuff and mail the HME and Limited Permit renewal applications. Mr. Logsdon reported that the agency has estimated the cost of on-line license renewal for financial transactions at \$12,000.00. Mr. Logsdon stated that these funds have been encumbered. In addition, Mr. Logsdon reported that the data management contract is due and it will cost approximately \$2,700.00. Mr. Logsdon discussed the encumbered funds balances and

the equipment balances, which he stated will be used to replace three PCs reaching obsolescence age. Last, Mr. Logsdon reported that inspection costs are down from the prior year, attributable to the 15% decrease negotiated with the HME inspectors in the annual contract.

Mr. Logsdon reported that FY 2011 is not fully funded for inspection funds. FY 2011, he stated is the first year of a four year inspection cycle. He stated that the Board would need to file a Controlling Board request to seek funding to sustain the program at past levels. Mr. Logsdon stated that he would work with the Central Service Agency to file the request.

2. Mr. Logsdon advised the Board that license renewals forms and limited permit renewal forms for respiratory care and HME license and registration renewal forms would be mailed on or about February 26, 2010. Mr. Logsdon provided a review of the on-line renewal application. He reviewed the renewal process for each credential type. Mr. Logsdon reported that he made preparation to mail approximate 8000 respiratory care license renewal forms.
3. Mr. Logsdon directed members of the Board to the revenue and expenditures listed in his written report and inquired if there were any questions. There were no questions.
4. Mr. Logsdon reviewed the current license status report for all credential types. He noted the active status statistics for each license type and reported that HME license holders will be informed through their renewal forms about the registration process if they are accredited.
5. Next, Mr. Logsdon reviewed the 2009 Financial Disclosure requirements for Board Members. He encouraged members to file the forms on or before April 15, 2010.
6. Mr. Logsdon reported on travel he had conducted on the Board's behalf. He stated that he had chosen not to accept travel reimbursement for the travel presented.
7. Mr. Logsdon provided members with a list of available Ethics training courses to meet their biennial training requirements. Members inquired about previous education courses taken and asked how to determine when they reported them. Mr. Logsdon stated that each member is required to report their attendance at a recognized Ethics training to the Governor's office. He stated that this is done through the Governor's website and recommended that members contact the Governor's office to determine when the last reported training was logged.
8. Next, Mr. Logsdon discussed ORC 1347.15, which requires each agency to draft rules on logging access to personal confidential information. Mr. Logsdon reported that the Department of Administrative Services recently completed a draft template for such rules. He presented the Board with the draft. Mr. Logsdon expressed his concern that the template rule is very similar to the existing statute and it provides very little clarification of the existing law. To this extent, he stated that he was a bit disappointed.
9. Next, Mr. Logsdon discussed the procedure he developed to scan, quality check, review and dispose of license application records. He informed the Board that beginning January 1, 2010, license and limited permit applications for respiratory care were scanned. The license certification examiner reviewed the scan for integrity and readability. The record would be indexed and then the file would go to a Supervisor for quality review. Once completed, the file jacket would be stamped and signed. The file jacket would then be scanned before records retention was completed.
10. Next, Mr. Logsdon provided an update on legislation he had been monitoring on the Board's behalf. The following bills were reviewed: HB 215, HB 230, HB 127, HB 62, SB 200, and SB 155.
11. Last, Mr. Logsdon discussed a Tenth District Court of Appeals decision, Gary Holben v. Ohio State Medical Board, 09AP-215, 2009-Ohio-6323: No implied authority to accept employee resignation. Mr. Logsdon stated that the Ohio Attorney General's office met to review the decision with all of the Boards and Commissions. Mr. Logsdon presented a draft resolution for consideration, which he stated would address the recommendations of the Ohio Attorney General's office and broader representation matters.

Mr. Heckman arrived at 11:30 a.m.

The Board took a break for lunch at 11:40 a.m. and returned to public session at 12:35 p.m.

Following lunch, Mr. Mays noted that Mr. Douce was in attendance to present the draft Ohio Education Report and the 2009 Demand and Future Needs survey. Mr. Mays recommended proceeding to Old Business, then returning to Staff and Committee Reports. Hearing no objections, Mr. Mays proceeded to Old Business.

**Agenda item #4: Old Business**

Agenda item 4.1: Ohio Education Report and 2009 Demand and Future Needs Survey – F. Herbert Douce, M.S., R.C.P., R.R.T.-N.P.S., R.P.F.T., F.A.A.R.C., Associate Professor Emeritus, The Ohio State University (Exhibits E, F, and G)

Mr. Douce gave a PowerPoint presentation reviewing the draft report of findings from the Board's 2009 Demand and Future Needs Survey for Respiratory Therapists in Ohio Hospitals. After this presentation, Mr. Douce presented the Board's 2009 draft analysis of program outcomes for Ohio's Respiratory Care Programs.

Mr. Douce reported that the sampling distribution obtained for the Board's 2009 Demand and Future Needs Survey for Respiratory Therapists in Ohio Hospitals may not be true distribution of hospitals in Ohio, but the survey does include all state OSRC districts and hospital types. Knowing who responded to the survey, he stated, may allow for a better projection to the whole distribution, because some responders may be outliers resulting in a skewed outcome. Mr. Douce cautioned the Board that the survey was a first attempt, response could have been better, and the questions could have been better constructed. Last, Mr. Douce discussed responses to the final question on the survey concerning advances practice respiratory therapy. Mr. Douce stated that he was encouraged to find that approximately 39% of respondents foresee a need to for practitioner-level therapists and the positives responses were predominantly from rural hospitals, which Mr. Douce found surprising.

Next, Mr. Douce reviewed the 2009 draft analysis of program outcomes for Ohio's Respiratory Care Programs. Mr. Douce stated that he was consulted under contract to review the annual Commission on Accreditation for Respiratory Care (CoARC) reports filed by each Ohio Respiratory Care program with the Board pursuant to rule. Each Ohio respiratory care program, he stated is required to submit a report of its annual CoARC outcomes with the Board. Mr. Douce stated that the report analyzes the data from each program's CoARC report submitted for 2008 and 2009. Mr. Douce cautioned the Board to remember that the report represents a snapshot in time of the outcome status of Ohio's Respiratory Care Programs. The data reviewed, he stated, was submitted on September 15, 2009. Mr. Douce reported that his analysis of the data indicates that applications for program enrollment exceeds capacity, that actual enrollment is near capacity, and that capacity, since 2008, has declined. Mr. Douce reported that the data suggests the number of graduates, at the time the data was collected, remains constant. In 2010, however; the data predicts the number of graduates will decline slightly. Mr. Douce reported that employer/graduate surveys were unanimously positive for all Ohio programs. Mr. Douce stated that CoARC uses a 3-year and 5-year attrition rate as one of its quality measures and five programs reported not meeting the 30% allowable attrition rate. Mr. Douce reported that five program reported not meeting CoARCs NBRC registered respiratory therapist examination pass rate percentage. Mr. Douce then concluded his presentation by reviewing the data by OSRC district. Mr. Douce stated that the next CoARC report will be April 15, 2011.

Discussion: Members inquired about the validity of the data contained in the report. Mr. Douce stated that the report is based upon the 2009 CoARC reports each program filed with the Board in response to the Board's request. Ms. Ciarlariello inquired about the examination pass rates and the reported data. Mr. Douce stated that the report is only valid for the data filed by each program. The pass rates, Mr. Douce stated, change continually and each program should periodically search the NBRC's credential website to update their records and the next CoARC report; otherwise, he stated, a program would not know if a student took and passed the registry

examination. In addition, Mr. Douce reported that variability in program graduation dates and student employment would heavily influence the reported data.

Mr. Logsdon reported that he emailed a redacted version of the draft Ohio Education Report to Ohio's educational programs, requesting comments on the accuracy of the data and any other comments. Mr. Logsdon reported that he received comments from Washington State Community College, Bowling Green State University, and Southern State University. Mr. Logsdon stated that he attempted to prompt a few programs by telephone that raised earlier concerns with the Education committee, but did not receive any follow up.

The members discussed the approval of the reports and if it would be published on the Board's website. Mr. Heckman stated that the Board can accept the reports, but does not need to publish the reports. Mr. Mays recommended that the Board accept Mr. Heckman's suggestion.

Motion #6: Mr. Heckman moved to approve the reports. Ms. Ciarlariello seconded the motion. Discussion: Ms. Ciarlariello suggested that the website reflect that the reports are approved. Mr. Logsdon stated that the minutes would also reflect the adoption of the report. No further discussion. Motion carried: 6-0.

Mr. Mays inquired if the Executive Director needed a motion to place notification of report approval on the Board's website. Mr. Logsdon stated, "No." He stated that he would accept the Board's consensus as a directive on the matter. Ms. Ciarlariello discussed the Educations Committee's struggle to get this report completed. Mr. Mays charged the Education Committee to review the reports filed by each of Ohio's Education programs and file appropriate reports with the Board in response to that review. Mr. Logsdon directed the members of the Education Committee to OAC 4761-4-02, which outlines the Committee's authority to collect CoARC reports and monitor Ohio programs.

The Board took a brief break at 1:45 p.m. and returned to public session at 2:00 p.m.

## **Agenda item #2: BOARD OFFICER AND STAFF REPORT CONTINUED**

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

Ms. Tatum issued a written report. A brief verbal review was provided. Ms. Tatum reported that the Board has approved two new HME licenses and 19 new HME Registrations since the last meeting. Ms. Tatum reported that six applications are currently pending. Ms. Tatum also reported that she has scheduled HME facility inspections through February. Ms. Tatum also discussed the HME license and certification of registration renewal procedures, highlighting changes made to the forms and process. Last, Ms. Tatum updated the Board on the annual revenue collected since July 1, 2009.

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

### Agenda item 3.1: HME Committee Report

Mr. Marx stated that the HME committee did not meet this morning due to the inability of members to make the meeting due to weather. Mr. Marx stated that he did review all of the material submitted by staff and was prepared to report on his review. Mr. Marx stated that the HME Committee was provided a list of recommended HME licenses and certificates of registration for ratification of issuance. Mr. Marx stated that the list was complete and he would recommend the ratification of the list. Mr. Marx stated that he also reviewed the staff report on HME license inspections performed and found the report to be up-to-date and all outstanding issues resolved. Mr. Marx also reviewed an inquiry submitted by staff concerning the need to re-inspect a facility following an address change. Mr. Marx concluded that the Board's rules and general practice would dictate that a new inspection is required. Mr. Logsdon

agreed with Mr. Marx's assessment of the rule. Mr. Marx recommended that a new inspection be scheduled. Last, Mr. Marx stated that the staff is scheduling an inspector training day. Mr. Logsdon asked Mr. Marx or Ms. Gilligan to participate in the training. Mr. Marx offered to participate and inquired about the general training agenda. No further report provided.

#### Agenda item 3.2: Scope of Practice Committee Report (Exhibit I collective)

Dr. Cohn stated the Committee reviewed and approved the previous meeting minutes and reviewed a number of scope of practice inquiries. Dr. Cohn then reviewed each issue and the proposed response from the Committee. Dr. Cohn summarized the inquiries and recommended responses as follows, which will be attached to the minutes as exhibits:

##### Inquiry #1: Julie Vess, RRT

Ms. Vess filed an inquiry asking if arterial line insertion was within the scope of respiratory care practice. Dr. Cohn stated that the committee and board had addressed the issue at prior meetings. The Committee adopted the prior position, which supported the insertion of arterial lines, given the therapist is appropriately trained and competent.

##### Inquiry #2: Nicole Wagner, MBA, RRT

Dr. Cohn stated that Ms. Wagner requested clarification on the scope of respiratory care practice for a list of job responsibilities. Dr. Cohn stated that the Committee determined that the list of duties provided were both respiratory care and non-respiratory care. Dr. Cohn stated that the list of duties included vital signs, documenting apnea and bradycardia, performing arterial line draws, and stocking respiratory care supplies, which the Committee concluded were within the scope of respiratory care. On the other hand, Dr. Cohn stated, the Committee concluded her inquiry regarding other duties were not within the scope of respiratory care. Dr. Cohn stated that the Committee believes Ms. Wagner should contact the Ohio Board of Nursing for further clarification.

##### Inquiry #3: Deborah J. Rivera

Dr. Cohn stated that Ms. Rivera submitted an inquiry asking if a licensed respiratory therapist could conduct postpartum assessments of mothers and infants. Dr. Cohn stated that Ms. Rivera indicates that her position description requires a "health professional" to perform the assessments. The Committee, he stated, noted that much of the assessment was not within the scope of respiratory care practice and that the assessment tool seemed to lean toward a nursing license, not respiratory care.

##### Inquiry #4: Cynthia J. Campbell, Director Respiratory Care, UC Health –University Hospitals

Dr. Cohn stated that Ms. Campbell inquired if a limited permit holder could provide nocturnal CPAP/BiPAP to Obstructive Sleep Apnea patients on a non-critical care unit. Dr. Cohn stated that the Committee determined that a student could only provide the procedure if the respiratory care educational program had checked off the activity on the Limited Permit Holder's verification of education form. The Committee, Dr. Cohn stated, noted that the verification of education form did not contain a specific mention of CPAP/BiPAP. The Committee, Dr. Cohn said, discussed how to classify CPAP/BiPAP, concluding that the verification of education form should be modified to specifically address the procedure.

The Committee, Dr. Cohn reported, concluded that the intent of the rules on supervision under OAC 4761-7-04 requires an employer to assign duties, based, in part, on the competency documented on the verification of education form. The committee noted that the form did not contain a check off for CPAP/BiPAP and therefore the Committee recommends directing Ms. Campbell to contact the program director from the student's college to obtain documentation that a limited permit holder has been adequately instructed and checked on the application of CPAP/BiPAP. The Committee also recommended that the Verification of Education form be updated to include non-invasive ventilation.

Motion #6: Ms. Kester moved to approve the Staff Reports, Officer Reports, and Board Committee Reports. Mr. Heckman seconded the motion. Discussion: None. Motion passed: 6 – 0.

### Resolution approval (Exhibit J)

Motion #7: Ms. Ciarlariello moved to adopt the following resolution, which shall be attached to the minutes as an exhibit:

We, the members of the Ohio Respiratory Care Board, hereby delegates to the duly employed Executive Director of the Ohio Respiratory Care Board, employed pursuant to the provisions of ORC 4761.02, authority to:

- A. Employ office staff and contract for services as necessary to carry out the Boards responsibilities under Chapter 4761 and 4752 of the Revised Code. The Executive Director may hire, discipline, or terminate board staff in accordance with the Ohio civil service employees association, AFSCME local 11, contract with the state of Ohio. The Executive Director may hire, discipline, or terminate unclassified, exempt staff.
- B. Accept employee resignations on the Board's behalf. An acceptance of resignation should be made in writing, including through written documentation, which may be, for example, electronic mail, instant messaging, text messaging, or other electronic means.
- C. Sign, on behalf of the Board, Position Description Authorizations and Personnel Actions authorizing any of the above actions.
- D. Serve as the authorized representative of the Ohio Respiratory Care Board for filing business forms required to carry out the daily responsibilities of the agency, including filing rules on the Board's behalf.

Mr. Marx seconded the motion. Discussion: None. Motion carried: 6-0.

### **Agenda item #4: Old Business Continued**

#### Agenda item 4.2: MOU with Ohio Department of Job and Family Services (Exhibit K)

Motion #8: Mr. Marx moved to approve the memorandum of understanding between the Ohio Respiratory Care Board and the Ohio Department of Job and Family Services. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6-0.

### **Agenda item #6: PROBABLE REVIEW COMMITTEE REPORT**

Motion #9: Mr. Marx moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, which is pending or imminent court action under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Ms. Ciarlariello seconded the motion. Discussion: None. Roll Call vote:

Darrell L. Heckman -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Esther Lucile Kester -	Yes
Susan Ciarlariello -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The board entered executive session at 2:20 p.m. and returned to regular, public session at 2:45 p.m. All voting members of the board, Mr. Logsdon and Mr. Isom 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 6.1: Open Investigation Report

Motion #10: Mr. Heckman moved to approve the open investigation report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 5 – yes, 1 – abstained (Mr. Mays).

Agenda item 6.2: Approval of Opportunity for Hearing Notices (Exhibit L)

Motion #11: Mr. Heckman moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

**RCB Proposed Opportunity for Hearing Notices**

<u>Case no./Respondent</u>	<u>Issue</u>	<u>ORC Code</u>
1. 2010ORCB021 (Dominic Tiberio)	Falsifying Patient Records	ORC 4761.09 (A)(2)

Dr. Cohn seconded the motion. Discussion: None. Motion carried: 5 – yes, 1 – abstained (Mr. Mays).

Agenda item 5.3: Approval of Consent Agreements (Exhibit M - N)

Motion #12: Mr. Heckman moved to approve the following consent agreements between the Board and the following respective respondents:

**RCB Agreements**

<u>Case no.</u>	<u>Respondent</u>
2010ORCB006	Scott McChristy RCP.10020
2010ORCB014	Dawn Clark RCP.11834

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

Motion #13: Mr. Heckman moved to deny approval of the proposed consent agreement in the matter of Case#2010ORCB016. Ms. Kester seconded the motion. Discussion: None. Motion carried: 5 – yes, 1 – abstained (Mr. Mays).

**Agenda item #7: NEW BUSINESS**

Agenda item 7.1: Application ratification for licenses and limited permits (Exhibit O)

Motion #14: Mr. Marx moved to place upon the minutes of the February 10, 2010 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: December 10, 2009, December 17, 2009, December 18, 2009, December 24, 2009, January 7, 2010,

January 14, 2010, January 21, 2010, January 22, 2010, and January 28, 2010, Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6- 0.

Agenda item 7.2: Application ratification for HME licenses and certificates of registration (Exhibit P)

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

**HMEL**

December 24, 2009 and January 14, 2010.

**HMER**

December 9, 2009, December 11, 2009, December 17, 2009, December 18, 2009, December 24, 2009, January 5, 2010, January 6, 2010, January 13, 2010, January 21, 2010, and January 26, 2010.

Ms. Kester seconded the motion. Discussion: None. Motion carried 6 – 0.

Agenda item 7.3: Discussion on Impairment under ORC 4761.09 (A)(8)

The Board reviewed ORC 4761.09 (A)(8) concerning impairment in the practice of respiratory care. Mr. Logsdon noted the Board's previous discussion concerning its goal to seek clean up language concerning the language contained in ORC 4761.09(A)(8). Mr. Logsdon stated that the law sets a high standard due to the statute's requirement that competency must be impaired. Mr. Logsdon stated that the Probable Review Committee has, on occasion, struggled with the issue and would like some guidance on how to handle cases that indicate a licensee may have a recognized addiction, but does not fit into the exact provisions of law. Mr. Mays stated that the Board has proposed voluntary consent agreements in the past. In some cases, he stated, licensees agree to the terms and conditions and in other cases the matter may be closed. Members discussed the staff's concerns and resolved to continue the same practices, concluding that a consent agreement is a valid option. No action taken.

Agenda item 7.4: Policy Review – Online License Verification

Mr. Logsdon stated he has reviewed all administrative actions taken by the Board since the agency's inception date. Mr. Logsdon stated that the licensing system sets a flag for each action that shows on the Board's license verification site as a "Yes" flag, indicating that additional information may be available. Mr. Logsdon stated that the review reveals that all actions, derogatory or not, are listed on the website. Mr. Logsdon recommended three policy changes:

1. Review all administrative flags to determine if the action is a sanction-based event. If it is, leave the flag on the system. If not, designate the record, but not as an action flag.
2. Define all status types.
3. Include a "verification performed" date on the online look up system.

Motion #16: Mr. Heckman moved to adopt the recommendations of the Executive Director. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6-0.

**Agenda item #9: FOR THE GOOD OF THE BOARD**

Ms. Ciarlariello stated that her staff has heard from Board staff that licensees must complete the free laws and rules course on the Board's website. Mr. Logsdon refuted that information, stating that it was not correct. He apologized if information from Board staff indicated otherwise.

**Agenda item #10: ADJOURNMENT**

Hearing no further matters, Mr. Mays adjourned the business meeting at 3:40 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 April 14, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Witness