

OHIO RESPIRATORY CARE BOARD

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

Contents

MEMBERS IN ATTENDANCE (Exhibit A).....2

CALL REGULAR MEETING TO ORDER.....3

Agenda item 1: Approval of Previous Meeting Minutes (Exhibit B).....3

Agenda item 2: Adoption of Proposed Meeting Agenda (Exhibit C).....3

OFFICER AND STAFF REPORTS.....3

Agenda item 3.a: President’s Report3

Agenda item 3.b: Executive Director’s Report (Exhibit D).....4

Agenda item 3.c: HME Manager’s Report (Exhibit E).....5

COMMITTEE REPORTS.....5

Agenda item 4.a: Rules Committee Report.....5

Agenda item 4.b: Scope of Practice Committee Report.....6

PROBABLE REVIEW COMMITTEE REPORTS (Exhibits F – Enforcement Report & G – Probable Review Committee Report).....7

Agenda item 5a: Enforcement Report7

Agenda item 5b: Approval of Opportunity for Hearing Notices (Exhibit H).....7

Agenda item 5c: Approval to Close Investigations8

Agenda item 5d: Probation Compliance Report8

OLD BUSINESS.....8

Agenda item 6.a: FY16-FY17 Budget Update (Exhibit I).....8

Agenda item 6.b. Legislative Update.....8

Agenda item 6.c. Ethics Training (Exhibit J).....8

OSRC RECOGNITION OF MARC MAYS.....9

NEW BUSINESS.....9

Agenda item 7.a: Application ratification for RCP Licenses and Limited Permits issued since the last meeting (Exhibit K).....9

Agenda item 7.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration issued since the last meeting (Exhibit L).....9

Agenda item 7.c: Future Rules Hearing and Review Schedule (Exhibit M).....10

Agenda item 7.d: Education Committee (Exhibit N).....10

Agenda item 7.e: FY2015 Annual Report (Exhibit O).....10

Agenda item 7.f: Newsletter (Exhibit P).....10
FOR THE GOOD OF THE BOARD.....10
ADJOURNMENT.....11

OFFICIAL BOARD MEETING MINUTES OF JUNE 10, 2015

REGULAR BUSINESS MEETING

MEMBERS IN ATTENDANCE (Exhibit A):

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

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

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

Melissa Cross, HME Member

Carol Gilligan, HME Member

Maninder Kalra, M.D., Physician Member

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

Andrea Yagodich, 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:

Sue Ciarlariello, OSRC Legislative Committee Chair

Chris Schwanenberger, OSRC President

Sarah Varekojis, OSRC Past President

David P. Corey, OSRC Executive Director

F. Herbert Douce, Consultant

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

Bobby Robbins, Contract Investigator

CALL REGULAR MEETING TO ORDER

Mr. Walz called the meeting to order at 11:30 a.m. Mr. Walz indicated that with new members present and other members having missed the prior meeting it would be good for all present to introduce themselves and give a little bit of their background.

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

Mr. Walz asked if members had an opportunity to review the meeting agenda. With affirmations given, Mr. Walz asked for a motion to approve the agenda.

Motion #1: Mr. Mays moved to approve the proposed agenda. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 8 – 0.

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

Mr. Walz asked if everyone had a chance to read the minutes from the prior Board meeting. Mr. Walz then asked for a motion to approve the minutes.

Motion #2: Mr. Pavlak moved to approve the April 22, 2015 meeting minutes. Ms. Yagodich seconded the motion. Discussion: Mr. Mays indicated that he had found some items needing changes which he had forwarded to Mr. Schaal. Mr. Walz asked if those changes had been incorporated into what had been sent to the Board. Mr. Schaal indicated that the changes were received after the minutes had been distributed to the Board via email, but had been added into the version in the binder. Mr. Walz asked if the items were substantive in nature. Mr. Mays indicated that they were not. With no other changes indicated, Mr. Walz asked for the amended minutes to be approved. Motion carried: 6 – 0 (Dr. Colletti and Ms. Gilligan abstained).

OFFICER AND STAFF REPORTS

Agenda item 3.a: President's Report

Mr. Walz did not have a President's Report, but he shared that he did talk with Mr. Schaal regarding the Board's committees. He put some thought into the membership of the committees. If any member of the Board had strong feelings one way or the other to let him know. Mr. Walz indicated that he believed that the makeup of the committees would be best as presently set-up. But, he would like to occasionally rotate the members on the committees. Dr. Kalra asked whether Mr. Walz planned to change the operation or structure of the committees. Specifically, the Scope of Practice Committee, which has had a consultant, had previously discussed whether issues should continue to come to the committee which responds to issues after meeting every two months. Mr. Walz indicated that he plans to speak subsequently with Mr. Douce. Mr. Schaal indicated that Mr. Douce had left that day for vacation and would be back and still available under contract for the last week of the month of June, but only had

18 hours left under his contract. Mr. Walz indicated that he would subsequently speak with Mr. Schaal regarding this matter.

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. **Board Vacancy** – The Public Member position on the Board remains vacant. Mrs. Verna Riffe Biemel's ability to continue on with the Board ended on May 13, sixty days passed the expiration date of her term. Since there is a possibility that Mrs. Riffe Biemel could still be reappointed to the Board, recognition of her service is on hold until a final decision on the appointment has been made.
2. **Biennial State Audit** – Our biennial state audit commenced on April 27th. The majority of the work set to take place in our office has been completed. The Board has already received the first of possibly several invoices which will cover the cost of the audit. While we've just authorized payment of a little over \$8,100 for the work to date, the entire audit is expected to cost the Board approximately \$10,600 dollars.
3. **Document Management Contracts** – The Board has encumbered \$3,000 to cover half the cost of renewing and updating our document management system – iSynergy. The Board submitted a purchase order to cover anticipated expenditures for Coleman Data Services. The \$6,000 total cost is being split almost equally with the Chemical Dependency Professionals Board. With slightly more than half the data being stored on the rented servers, the other agency is covering a slightly larger portion of the cost. Once new computers are purchased in the new fiscal year, the operating software will be upgraded to a version which is still being supported.
4. **OCSEA** – The Ohio Civil Service Employees Association ratified a new tentative agreement with the state on May 21st. Under the agreement, the Board's union employees will receive 2.5% general wage increases in July for each of the next three years along with a one-time bonus of \$750 dollars on August 1, 2015.
5. **Respiratory-themed artwork** – While presenting to students at North Central State College, former Board member Robert Slabodnick showed off a print to me from a 1984 Respiratory Conference held in Kentucky. The print contains items related to respiratory therapy. In our ensuing discussion, the notion of donating the piece to the Board was raised. Please feel free to stop by the Board's office to see the addition to our lobby.
6. **Happy Silver Anniversary Herb Douce!** – Saturday, June 13th, marks the 25th anniversary of the issuance of the first RCP licenses. With License #2, former Board member Herb Douce has the longest active license in the state. Approximately 4,000 licenses went into effect on that day.

7. Mr. Schaal then reviewed the Boards expenditures and summarized the attached Revenue and Credential Reports.

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

Ms. Stephenson reported that since the last meeting staff had approved 58 HME License applications, 15 HME Certificates of Registration applications and there are currently 4 new applications pending. Inspection schedules are being completed for the remainder of the fiscal year. As of May 29th, the Licensing Division has collected \$95,905 in revenue so far for FY 2015. Staff is happy to report that all the HME license files have been prepped and scanned and staff is midway through the scanning of registration files.

Mr. Walz inquired as to whether Walgreens had chosen to seek license for their stores as opposed to certificates of registration. Ms. Stephenson indicated that Walgreens probably did not want to have 50 new stores go through accreditation all at once. Ms. Gilligan shared that accrediting that many store would be an ominous task and that seeking licenses is the path of least resistance. Mr. Walz reflected then that it should not be surprising that Walgreens has gone the license route.

Mr. Schaal added that the scanning project has been an arduous task, but that the staff, specifically Ms. McDonald, has significantly reduced the amount of space that had been utilized by these files. As such, Mr. Schaal is looking into possibly relocating materials from offsite at the Fireproof storage facility to the office in an effort to reduce storage costs and to possibly prepare for future scanning work.

Ms. Gilligan inquired about whether we pass the cost of inspection on to each licensee, especially in light of the large number of additional licenses issued to Walgreen's facilities. Mr. Schaal indicated that we actually lose a little on most inspections as the cost of each inspection is \$275 for the inspection, \$25 for the report and any applicable mileage involved. The Board recoups \$300 per inspection, but loses out when an inspection involves mileage reimbursement.

ROLL CALL

While each member present had introduced themselves at the beginning of the meeting, a roll of attendance had not been taken. Mr. Pavlak took roll call and eight members were present (see exhibit A). At present the Public Member position on the Board is currently vacant. Mr. Walz noted there had been a quorum of the Board at the meeting.

OFFICER AND STAFF REPORTS (continued)

Motion #3: Mr. Mays. moved to approve the President's Report, the Executive Director's Report and the HME Manager's Report. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8 – 0.

COMMITTEE REPORTS

Agenda item 4.a: Rules Committee Report

Mr. Pavlak indicated that a quorum of the committee was present at the meeting at 10:30 that morning. The minutes were reviewed and approved. The group discussed three items: the five year review of OAC rule changes, the

proposed revised rule dates, and the reinstatement requirements for long term, five years or longer, lapsed or inactive licenses. Speaking with Mr. Schaal, the large number of rules to be reviewed by the staff in the Common Sense Initiative office necessitated an extension being sought by JCARR. The extension had been granted and the rules will tentatively be up for approval at the meeting in August. Mr. Schaal had also shared a proposed revision of future rule dates. Lastly, the group discussed licensees from Hawaii, Pennsylvania and Wyoming who had licenses expired for more than five years and the current requirement that they seek re-credentialing from NBRC. The group asked that Mr. Schaal develop a recommendation of a rewording of the license reinstatement provision as it applies to licensees with licenses expired for more than five years.

Agenda item 4.c: Scope of Practice Committee Report

Ms. Yagodich indicated that minutes had not been approved from the meeting held at 9:30 that morning and asked if anyone had any concerns. She then shared that Mr. Schaal had provided an update with regards to the Exercising with Oxygen issue which had previously been brought to the attention of the Board by the Executive Director of the Chiropractic Board. The Pharmacy Board had indicated that a license was not needed from them for the use of these machines as it was not considered to be providing medical oxygen. Ms. Yagodich reported that the committee had met that morning with Mr. Douce in attendance and reviewed four scope of practice inquiries. It was the first time that the committee had seen the questions and the members have asked Mr. Schaal to provide the questions and drafted response in advance of the committee meetings. The first inquiry related to a licensee working with a Limited Permit holder in a 200 bed facility. The committee decided that this was a request for a comment and not really a question. The second inquiry related to whether a non-credential DME technician can replace an old nasal cannula and it was decided that the response depended upon who was providing supervision of the technician. The third inquiry was related to a trach change and the individual essentially self-reported on an incident that led to the patient being admitted to the hospital. There would be no Scope of Practice Committee response as this matter was referred to the Probable Review Committee for their consideration. The fourth inquiry dealt with a CRT working under a limited permit and what the rules and responsibilities that the individual would have to follow. Similar to the first inquiry, the response would reflect that the inquiry was not specifically a scope of practice question. Mr. Walz asked if the responses were to be drafted by Mr. Douce. Mr. Schaal indicated that interim responses had not been sent to those posting inquiries. However, Mr. Schaal indicated that he hadn't wanted to send interim responses, but that he would send subsequent inquiries and draft responses to the committee prior to the next Board meeting. Mr. Mays asked whether Mr. Douce would be writing these responses. Mr. Schaal indicated that he had written the prior draft responses and he would continue to write the actual response letters. Lastly, the committee discussed a web page specifically for Scope of Practice inquiries. The committee reviewed the commonly asked questions and draft language discussing the scope of practice for respiratory therapists. Mr. Walz asked for clarification regarding the contract for Mr. Douce. Mr. Schaal and Mr. Mays explained the situation regarding Mr. Douce renewing his contract with the Ohio Department of Medicaid and his decision to remain in the area in the interim. Mr. Walz asked everyone to keep in the back of their mind possible alternates if Mr. Douce decides to no longer be involved with the committee.

Mr. Walz asked if Ms. Yagodich wished to have a motion to approve the minutes of the Scope of Practice Committee. Ms. Yagodich indicated that it would be a good idea. Mr. Walz suggested that Ms. Yagodich make a motion to approve the minutes with votes just coming from the committee members. Ms. Yagodich made that motion which was seconded by Mr. Mays and approved by all the committee members. Mr. Walz then asked for motions to individually approve the committee reports.

Motion #4: Mr. Mays moved to approve the Rules Committee Report. Ms. Cross seconded the motion.
Discussion: None. Motion carried: 8 – 0.

Motion #5: Mr. Pavlak moved to approve the Scope of Practice Committee Report. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 8 – 0.

PROBABLE REVIEW COMMITTEE REPORT (Exhibits F & G)

Agenda item 5a: Enforcement Report

Motion #6: Mr. Mays moved to enter Executive Session for the purpose of considering the investigation of charges or complaints against licensees under R.C. 121.22(G)(1) and which involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.03(E) and 4752.08 (B). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

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

Motion carried.

The Board entered executive session at 1:16 p.m. and returned to regular, public session at 1:56 p.m. As members of the Probable Review Committee, Ms. Yagodich and Ms. Gilligan excused themselves from participating in this portion of the meeting. Aside from the six remaining Board members, also present during executive session were Mr. Schaal, Mrs. Stephenson, 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:

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

Motion #7: Mr. Mays 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 #/Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
H.	2015-ORCB-32 (Aaron Pyke)	Misleading & Material Misrepresentation	§4761.09(A)(1)

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

Agenda item 5.c: Closed Case Review

Motion #8: Mr. Mays moved to approve the closure of the following cases:

2015 ORCB 039

Dr. Kalra seconded the motion. Discussion: None. Motion carried: 6 – 0 (Ms. Gilligan and Ms. Yagodich abstained).

Agenda item 5d: Probation Compliance Report

Motion #9: Mr. Pavlak moved to approve the Probation Compliance Report. Dr. Colletti seconded the motion. Discussion: None. Motion carried: 6– 0 (Ms. Gilligan and Ms. Yagodich abstained).

OLD BUSINESS

Agenda item 6.a: FY16-FY17 Budget Update (Exhibit I)

Mr. Schaal provided a copy of the testimony which he provided before a subcommittee of the Senate Finance Committee. In addition, Mr. Schaal provided a copy of the budget in detail as it pertains to the Board. The amount of funding has remained constant from what was proposed by the Governor. Mr. Schaal provided additional information regarding some of the changes being proposed for other Boards and Commissions. He also provided some background with regards to the budget process in the General Assembly. Lastly, Mr. Schaal explained that he wanted approval from the Board to spend funds, once appropriations were finalized, on two new computers for use in the office by Ms. Hux and Ms. McDonald. The funds had been budgeted to cover the cost of 2 new computer boxes, but Board approval was required under OAC 4761-2-02. That provision requires Board approval for Capital expenditures in excess of five hundred dollars. By seeking pre-emptive Board approval, Mr. Schaal can move forward on the purchase once funds are approved instead of having to wait until the next Board meeting.

Motion #10: Mr. Mays moved to approve the capital expenditure for the purchase of two new computers with funds appropriated for such purposes in FY 2016. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 8-0.

Agenda item 6.b: Legislative Update

Mr. Schaal indicated that he has spoken with Graham McCready, Representative Kirk Schuring's aide, and it was the Representative's intent to introduce the proposed Modification of Ohio's Respiratory Care Law in the near future. The sponsor was looking for other members to potentially co-sponsor the measure and was unsure as to whether the bill would be introduced before or after the passing of the state budget.

Mr. Schaal also reported that he had heard nothing back from the Ohio Society for Respiratory Care with regards to any position they may have taken with regards to House Bill 39 – the asthmatic inhaler licensure exemption for schools and camps.

Agenda item 6.c: Ethics Training (Exhibit J)

In their binders, Mr. Schaal indicated that there was a communication from Susan Wilke of the Ohio Ethics Commission. The email and our attendance sheet will suffice for proof of credit for the annual ethics requirement for Board members. The Ohio Ethics Commission provides certificates for participating in online courses, but does not provide certificates for individuals participating in webinars.

OSRC RECOGNITION OF MARC MAYS

Sue Ciarlariello, Sarah Varekojis and Chris Schwanenberger of the Ohio Society for Respiratory Care presented Marc Mays with a plaque publicly recognizing his service as President of the Ohio Respiratory Care Board. The plaque reflects that the Society recognizes Mr. Mays' leadership in the pursuit of quality education and advanced credentials for licensed RCPs to promote safe and effective respiratory care for all Ohioans. He successfully collaborated with stakeholders to make Ohio the first state in the country to require the RRT credential for state licensure. As such, the OSRC would like to thank him for his vision and his lasting impact on the profession.

Mr. Mays was very appreciative and at a loss for words to adequately express his gratitude.

NEW BUSINESS

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

Motion #11: Mr. Mays moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Respiratory Care Professional Licenses and Limited Permits issued between 4/23/2015 – 6/4/2015.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried 8 - 0.

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

Motion #12: Mr. Mays moved to ratify HME licenses and certificates of registration issued on the following dates:

Home Medical Equipment Licenses and Certificates of Registration issued between 4/23/2015 – 6/9/2015.

Mr. Pavlak seconded the motion. Discussion: Ms. Gilligan expressed surprise that American HomePatient was seeking a HME License and not a Certificate of Registration. Ms. Cross sought clarification as to whether Apria was receiving a Motion carried: 8 – 0.

Agenda item 7.c: Future Rules Hearing and Review Schedule (Exhibit M)

Mr. Schaal indicated that the proposal would be changing the years for five-year review to a schedule which allows for approximately 1/5 of all rules being reviewed each year. The matter had been discussed and approved in the Rules Committee which met earlier in the day. The rules to be reviewed would also be grouped by chapters so that similar rules would be reviewed at the same time. Mr. Walz indicated that it made sense to him to do it this way. Ms. Gilligan expressed the impression that the rules had to be reviewed at their scheduled time. Mr. Walz clarified that no rule was having a review date extended beyond five years, but that the review schedule may be shortened in the short term to allow for the balancing out of the rules more evenly over each of the five years in the cycle.

Motion #13: Mr. Pavlak moved to approve the proposed rules hearing and review schedule. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8-0.

Agenda item 7.d: Education Committee (Exhibit N)

Mr. Schaal raised as examples for the Board two recent requests for approval of RCCE Ethics Trainings. Mr. Schaal sought clarification from the Board regarding what potential role, if any, was to be handled by the Education Committee or the full Board in reviewing and approving these particular trainings. Previously, the Board allowed the Executive Director to make the determination of whether the training was sufficient. Mr. Walz indicated that this could continue and Mr. Mays suggested that Mr. Schaal could email a member of the Board to seek insight regarding a particular topic. Mr. Walz inquired as to why the issue was referenced on the agenda under the Education Committee. Mr. Schaal indicated that he was just seeking clarification as to whether the Education Committee should be involved and Mr. Schaal indicated that he would report to the Education Committee with regards to any Ethics trainings that he would approve.

Subsequently, the Board discussed whether or not an application for an Ethics training needed to include an evaluation measure. It was decided that it was not necessary for any RCCE training to include a testing or evaluation measure. Additionally, the Board discussed future reports regarding educational programs and what role the Education Committee may have in preparing such a report. Mr. Schaal indicated that he would email the program directors from each school requesting a copy of their annual report to CoARC. Mr. Mays also asked that the Education Committee consider gathering information and sharing the Board's perspective of Respiratory Care with the Board of Regents regarding the limits placed on the number of hours that a program can require for associate degrees. The Board discussed involving Herb Douce in this work.

Agenda item 7.e: FY2015 Annual Report (Exhibit O)

Mr. Schaal provided the FY2014 Annual Report and asked the Board members to subsequently submit to him, by the end of June, any thoughts that they may have regarding potential recommendations to the General Assembly

Agenda item 7.f: Newsletter (Exhibit P)

Mr. Schaal provided the last newsletter published by the Board in February of 2014 and provided an outline of items that could appear in a newsletter that is planned to be published in the summer.

FOR THE GOOD OF THE BOARD

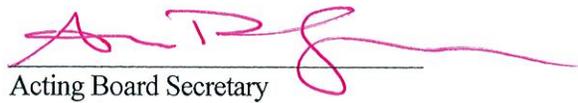
Mr. Walz asked if anyone had any other matters for the good of the Board. Nothing was raised.

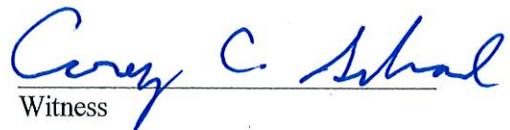
ADJOURNMENT

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

Hearing none, Mr. Walz adjourned the meeting at 3:40 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 August 12, 2015.


Acting Board Secretary


Witness