

Agenda items #1:	CALL MEETING TO ORDER.....	2
Members in attendance (Exhibit A):.....		2
Agenda item #2:	ADMINISTRATIVE HEARINGS.....	3
Agenda item 2a:	In the Matter of Virtue Medical Supply Company (Case #2011HME0035).....	3
Agenda item 2b:	In the Matter of Sandra S. VonSeggern (Case #2011ORCB092).....	3
Agenda item #3:	CASE DELIBERATIONS IN EXECUTIVE SESSION .	4
Agenda item 3a:	In the Matter of Virtue Medical Supply Company (Case #2011HME0035).....	4
Agenda item 3b:	In the Matter of Sandra S. VonSeggern (Case #2011ORCB092).....	4
Agenda item #4:	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES.....	5
Agenda item 4a:	In the Matter of Virtue Medical Supply Company (Case #2011HME0035) (Exhibit B).....	5
Agenda item 4b:	In the matter of Sandra S. VonSeggern (Case #2011ORCB092) (Exhibit C).....	9
Agenda item #5:	OFFICER AND STAFF REPORTS	12
Agenda item 5a:	President’s Report.....	12
Agenda item #1:	CALL MEETING TO ORDER CONTINUED.....	12
Agenda item 1a:	Adoption of Proposed Meeting Agenda (Exhibit D)	12
Agenda item 1b:	Approval of Prior Meeting Minutes (Exhibit E)	13
STANDING COMMITTEE MEETINGS		13
Agenda item #5:	OFFICER AND STAFF REPORTS CONTINUED	13
Agenda item 5c:	HME Manager’s Report (Exhibit F).....	13
Agenda item 5b:	Executive Director’s Report (Exhibit G)	14
Agenda item #7:	PROBABLE REVIEW COMMITTEE REPORT.....	15
Agenda item 7b:	Approval of Notices of Opportunity for Hearing (Exhibit H and I).....	15
Agenda item 7b:	Withdrawal of Notices of Opportunity for Hearing (Exhibit J)	16
Agenda item 7c:	Consent Agreement Approval (Exhibits K - P)	16
Agenda item 7e:	Probation compliance report.....	17
Agenda item #6:	STANDING COMMITTEE REPORTS.....	17
Agenda item 6a:	HME Committee’s Report	17

Agenda item 6b:	Scope of Practice Committee's Report (Exhibit Q, R, and S)	18
Agenda item #8:	NEW BUSINESS.....	18
Agenda item 8a:	Application ratification for licenses and limited permits (Exhibit T collective).....	18
Agenda item 8b:	Application ratification for HME licenses and certificates of registration (Exhibit U).....	19
Agenda item 8c:	Annual Report (Exhibit V)	19
Agenda item 8d:	Approval of 2012/2013 Strategic Plan (Exhibit W).....	19
Agenda item #9:	OPEN FORUM.....	19
Agenda item #10:	FOR THE GOOD OF THE BOARD	19
Agenda item #11:	ADJOURNMENT	20

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF AUGUST 17, 2011

Agenda items #1: CALL MEETING TO ORDER

Presiding: Marc Mays, President, called the meeting to order on August 17, 2011 at 9:12 a.m. in room West B&C, 31st Floor of the Vern Riffe Building for Government and the Arts, 77 South High Street, Columbus, OH, 43215 for the purpose of holding a regular board meeting. Present were Marc Mays, R.R.T., R.C.P., President, Joel Marx, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T., Anita Adams, M.B.A., R.C.P., Scott Pettinichi, MEd, R.R.T., and Sandra Stabile Harwood, J.D. 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

Sandra Stabile Harwood, J.D.

Joel Marx, HME Provider Member

Robert Cohn, M.D.

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

Anita Adams, M.B.A., R.C.P.

Scott Pettinichi, MEd, R.R.T.

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Marcia Tatum, HME Manager

Others in Attendance:

Michelle Sutter, Assistant Attorney General

Agenda item #2: ADMINISTRATIVE HEARINGS

Agenda item 2a: In the Matter of Virtue Medical Supply Company (Case #2011HME0035)

The matter of Virtue Medical Supply Company, came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Scott Pettinichi, MEd, R.R.T., R.C.P., Anita Adams, M.B.A, R.C.P. Joel Marx recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Michelle T. Sutter, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

The hearing began at 9:15 a.m. and concluded at 9:43 a.m.

Agenda item 2b: In the Matter of Sandra S. VonSeggern (Case #2011ORCB092)

The matter of Sandra S. VonSeggern, came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Scott Pettinichi, MEd, R.R.T., R.C.P., Anita Adams, M.B.A, R.C.P. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review. Also, Kenneth Walz, J.D., R.R.T, R.C.P. recused himself from participating in the hearing proceedings based upon a disclosed conflict of interest.

Sandra Stabile Harwood, J.D. was the appointed hearing officer in this matter.

Michelle T. Sutter, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

The hearing began at 9:46 a.m. and concluded at 10:06 a.m.

The Board members took a break at 10:06 a.m. and returned to public session at 10:20 a.m.

Agenda item #3: CASE DELIBERATIONS IN EXECUTIVE SESSION

Agenda item 3a: In the Matter of Virtue Medical Supply Company (Case #2011HME0035)

Motion #1: Mr. Walz moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, 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). Dr. Cohn seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Yes	Joel Marx -	Abstained
Sandra Stabile Harwood -	Absent for the vote	Robert Cohn, M.D. -	Yes
Scott Pettinichi -	Yes		

Motion carried.

The Board entered executive session at 10:22 a.m. and returned to regular, public session at 10:48 a.m. Mr. Marx and Ms. Harwood were excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3b: In the Matter of Sandra S. VonSeggem (Case #2011ORCB092)

Motion #2: Mr. Pettinichi moved to enter Executive Session for the purpose of entering into quasi-deliberation concerning proposed disciplinary action against a licensee, 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. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Anita Adams -	Yes
Kenneth Walz -	Abstained	Joel Marx -	Yes
Sandra Stabile Harwood -	Absent for the vote	Robert Cohn, M.D. -	Abstained
Scott Pettinichi -	Yes		

Motion carried.

The Board entered executive session at 10:59 a.m. and returned to regular, public session at 11:07 a.m. Dr. Cohn and Mr. Walz were excused from the meeting room and did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room. Ms. Harwood arrived at 11:03 a.m. and was permitted to attend executive session on the matter.

Agenda item #4: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Agenda item 4a: In the Matter of Virtue Medical Supply Company (Case #2011HME0035) (Exhibit B)

After votes were taken in public session, the Board adopted the following Order in the matter of Virtue Medical Supply Company, LLC (HMEL.11236):

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Virtue Medical Supply Company, LLC
4889 Sinclair Road, Suite #108
Columbus, OH 43229

Attn: Sabatha B. Umoette, R.N., B.S.N., Owner

THE MATTER OF VIRTUE MEDICAL SUPPLY COMPANY, LLC, HMEL.11236 CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 17, 2011 AT 9:15 A.M. IN ROOM WEST B & C, 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, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., SCOTT PETTINICHI, R.R.T., R.C.P., AND ANITA ADAMS, M.B.A, R.C.P. JOEL MARX, HME MEMBER RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. WAS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MICHELLE SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

VIRTUE MEDICAL SUPPLY COMPANY, LLC DID NOT REQUEST A HEARING BEFORE THE BOARD. THIS HEARING WAS HELD PURSUANT TO *GOLDMAN VS. STATE MEDICAL BOARD OF OHIO*, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

EVELYN RICHARDSON, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

There were no preliminary matters addressed by the State.

State's Exhibits admitted:

- A-1 - Notice of Opportunity for Hearing approved on June 22, 2011 and mailed to Virtue Medical Supply Company, LLC by certified mail/return receipt # 7005 1820 0000 0296 0224 on June 27, 2011.
- A-2 - Certified mail return receipt for article #7005 1820 0000 0296 0224 and a signed return receipt, signed by Joy Miley, dated June 28, 2011.
- B-1 - Hearing scheduling letter, dated July 28, 2011, mailed to Virtue Medical Supply Company, LLC by certified mail/return receipt # 7005 1820 0000 0296 0415 on July 28, 2011.
- B-2 - Certified mail return receipt for article #7005 1820 0000 0415, dated July 28, 2011 and a signed return receipt, signed by Joy Miley, dated July 29, 2011.
- C - Letter of Introduction for Facility Inspection, dated September 23, 2010 and sent to Virtue Medical Supply Company, LLC.
- D - Home Medical Equipment Inspection Survey, dated October 25, 2010 – 10 pages.
- E - Letter of Facility Inspection Findings, dated October 27, 2010 and sent to Virtue Medical Supply Company, LLC.
- F - Inspection Response Reminder letter, dated December 7, 2010 and sent to Virtue Medical Supply Company, LLC.
- G - Copies of electronic mail – 3 pages:
 - 1- Electronic mail from Joy Miley to Marcia Tatum, dated March 11, 2011.
 - 2- Electronic mail from Marcia Tatum to Joy Miley, dated March 11, 2011.
 - 3- Electronic mail from Joy Miley to Marcia Tatum, dated January 25, 2011.
 - 4- Electronic mail from Marcia Tatum to Kris Ravotti, Inspector, dated February 7, 2011.
 - 5- Electronic mail from Kris Ravotti, Inspector to Marcia Tatum, dated February 7, 2011.
 - 6- Electronic mail from Marcia Tatum to Kris Ravotti, Inspector, dated February 7, 2011.
 - 7- Electronic mail from Marcia Tatum to Joy Miley, dated February 4, 2011.
 - 8- Electronic mail from Joy Miley to Marcia Tatum, dated January 25, 2011.
- H - Immediate Inspection Response Requested letter, dated April 18, 2011 sent to Virtue Medical Supply Company, LLC.

Respondent's Exhibits admitted:

None.

FINDINGS OF FACT

1. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board complied with ORC 119.07 in the mailing of the Notice of Opportunity for Hearing.
2. Based upon a preponderance of the evidence, Virtue Medical Supply Company, LLC was properly served the Notice of Opportunity for Hearing, in accordance with ORC 119.07.
3. An inspection of Virtue Medical Supply Company, LLC was conducted on October 25, 2010 by Kris Ravotti, contracted inspector for the Ohio Respiratory Care Board.
4. Upon completing the inspection of Virtue Medical Supply Company, LLC on October 25, 2010, Kris Ravotti reviewed the finding of the inspection with Sabatha B. Umoette, R.N., administrator for Virtue Medical Supply Company, LLC as indicated by Sabatha B. Umoette's signature on the Home Medical Equipment Inspection Survey. (Exhibit D, page 10)
5. On October 27, 2010, the Ohio Respiratory Care Board mailed Virtue Medical Supply Company, LLC a "Letter of Facility Inspection Findings" requesting a written remedial response within 90 days of the date of the letter.
6. On December 7, 2010, the Ohio Respiratory Care Board mailed Virtue Medical Supply Company, LLC an "Inspection Response Reminder" letter advising Virtue Medical Supply Company, LLC that a written remedial response to the findings of inspection was due by January 2011.
7. Correspondence between representatives of Virtue Medical Supply Company, LLC and the Board's HME Manager, Marcia Tatum, demonstrates that Virtue Medical Supply Company, LLC was aware of the deadlines for filing a written remedial response and indicated that they were working toward a written remedial response as late as March 11, 2011.
8. On April 18, 2011, the Ohio Respiratory Care Board mailed Virtue Medical Supply Company, LLC an "Immediate Inspection Response Required" letter advising Virtue Medical Supply Company, LLC that a written remedial response was past due.

CONCLUSIONS OF LAW

- A. Based upon a preponderance of the evidence presented, the Ohio Respiratory Care Board concludes that Virtue Medical Supply Company, LLC failed to comply with a directive of Ohio Respiratory Care Board with respect to providing a written remedial action plan to the Board that addressed the deficiencies found during an authorized inspection of the facility conducted on October 25, 2010. A failure to comply with a directive of the Ohio Respiratory Care Board to attain compliance with deficient standards of practice is a violation of Section 4752.08 (C) of the Ohio Revised Code. Count I of the Notice of Opportunity for Hearing is proved.
- B. Based upon a preponderance of the evidence presented, the Ohio Respiratory Care Board concludes that Virtue Medical Supply Company, LLC has not met compliance with any of the deficiencies found by the Ohio Respiratory Care Board during the October 25, 2010 inspection. This conclusion is aggravated by the lack of response filed by

Virtue Medical Supply Company, LLC over the course of nearly eight months since the completion of the inspection. A failure to meet the standards of home medical equipment practice under chapter 4761:1-9 of the Ohio Administrative Code is a violation of Board rules. Count II of the Notice of Opportunity for Hearing is proved.

C. Section 4752.09 of the Ohio Revised Code states, in part:

- (A) The Ohio respiratory care board may, in accordance with Chapter 119. of the Ohio Revised Code, suspend or revoke a license issued under this chapter or discipline a license holder by imposing a fine of not more than five thousand dollars or taking other disciplinary action on any of the following grounds:
- (1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter; *** (Emphasis added)

ORDER OF THE BOARD

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:
In consideration of these findings and conclusions, the Board hereby INDEFINITELY SUSPENDS Virtue Medical Supply Company's license to provide home medical equipment services in the State of Ohio, as defined under ORC 4752.01. The license is not eligible for reinstatement until such time as Virtue Medical Supply Company, LLC:

1. Demonstrates through a scheduled inspection of the facility located at 4889 Sinclair Road, Suite #108 Columbus, OH 43229 (the address of record) that Virtue Medical Supply Company, LLC has complied with all of the standards of practice for a licensed home medical equipment facility under rules contained in chapter 4761:1-9 of the Ohio Administrative Code and as published in the "HME standards for inspection" handbook (7/2010). Virtue Medical Supply Company, LLC is responsible for contacting the Board to schedule this inspection.
2. Virtue Medical Supply Company, LLC pays a FINE in the amount of two thousand, five hundred dollars (\$2,500.00) payable to the Treasurer, State of Ohio.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #3: SANDRA HARWOOD, J.D. MOVED FOR FINDINGS OF FACT; ANITA ADAMS, M.B.A, R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE – 6/NAY – 0/ABSTAINED – 1).

Motion #4: SANDRA HARWOOD, J.D. MOVED FOR CONCLUSIONS OF LAW; KENNETH WALZ, J.D., R.R.T., R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE – 6/NAY – 0/ABSTAINED – 1).

Motion #5: SANDRA HARWOOD, J.D. MOVED FOR ORDER OF THE BOARD; KENNETH WALZ, J.D., R.R.T., R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE – 6/NAY – 0/ABSTAINED – 1).

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 4b: In the matter of Sandra S. VonSeggern (Case #2011ORCB092) (Exhibit C)

After votes were taken in public session, the Board adopted the following Order in the matter of Sandra S. VonSeggern, RCP.8995:

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Sandra S. VonSeggern
5538 Yarmouth
Toledo, OH 43537

THE MATTER OF SANDRA S. VONSEGGERN, RCP.8995 CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 17, 2011 AT 9:46 A.M. IN ROOM WEST B & C, 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, ROBERT COHN, M.D., SANDRA STABLE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., SCOTT PETTINICHI, R.R.T., R.C.P., AND ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE. KENNETH WALZ, J.D., R.R.T., R.C.P. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON A CONFLICT OF INTEREST CONCERN.

SANDRA STABLE HARWOOD, J.D., PUBLIC MEMBER SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MICHELLE SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

SANDRA S. VONSEGGERN DID NOT REQUEST A HEARING BEFORE THE BOARD. THIS HEARING WAS HELD PURSUANT TO *GOLDMAN VS. STATE MEDICAL BOARD OF OHIO*, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

EVELYN RICHARDSON, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

There were no preliminary matters addressed by the State.

State's Exhibits admitted:

A-1 - Notice of Opportunity for Hearing approved on June 22, 2011 and mailed to Sandra S. VonSeggern by certified mail/return receipt # 7005 1820 0000 0296 0187 on June 27, 2011.

- A-2 - A signed return receipt for article #7005 1820 0000 0296 0187.
- B - Evidentiary hearing scheduling letter, dated July 28, 2011, mailed to Sandra S. VonSeggern by certified mail/return receipt # 7005 1820 0000 0296 0422 on July 28, 2011.
- C - Amended evidentiary hearing scheduling letter, dated August 4, 2011, mailed by certified mail/return receipt article #7005 1820 0000 0296.
- D - Letter dated August 6, 2010 from the Ohio Respiratory Care Board to Sandra VonSeggern with copy of check #1248, returned for insufficient funds.
- E - Screen print of Ohio Respiratory Care Board's elicense ledger for Sandra S. VonSeggern.

Respondent's Exhibits admitted:
None.

FINDINGS OF FACT

1. On June 27, 2011, the Ohio Respiratory Care Board mailed a Notice of Opportunity for Hearing to Sandra S. VonSeggern by registered mail/return receipt, article # 7005 1820 0000 0296 0187.
2. Sandra S. VonSeggern received and signed for registered mail/return receipt, article # 7005 1820 0000 0296 0187.
3. Sandra S. VonSeggern did not request a hearing before the Ohio Respiratory Care Board concerning the allegations contained in the Notice of Opportunity for Hearing sent to Sandra S. VonSeggern by registered mail/return receipt, article # 7005 1820 0000 0296 0187.
4. On or about July 20, 2010, Sandra VonSeggern filed an application to reinstate her license to practice respiratory care in the state of Ohio. Along with the application filed, Sandra Von Seggern submitted a license reinstatement fee of \$150.00, which included a \$50.00 late fee.
5. On or about August 6, 2010, the Ohio Respiratory Care Board received notification from the Ohio Treasurer's office that Sandra S. VonSeggern's check for \$150.00, #1248 was returned for "insufficient funds". Records of the Ohio Respiratory Care Board show that Sandra S. VonSeggern was immediately notified in writing requesting that Sandra S. VonSeggern make good on the insufficient funds check by filing a money order or cashier's check.
6. Sandra S. VonSeggern has not sent a fee for the license issued to her on July 22, 2010.

CONCLUSIONS OF LAW

- A. Based upon a preponderance of the evidence presented, the Ohio Respiratory Care Board concludes that Sandra S. VonSeggern did not submit a license renewal fee and renewal late fee as required by ORC 4761.06 (A) and 4761.07. Accordingly, Sandra S. VonSeggern did not file a complete application in violation of ORC 4761.06. Count I of the Notice of Opportunity for Hearing is proved.
- B. Under Section 4761.09 of the Revised Code the Ohio Respiratory Care Board may refuse to issue or renew a license, may issue a reprimand, may suspend or permanently revoke a license, or may place a license on probation for grounds, including:

ORC 4761.09 (A)(2), which states:

"Violating any provision of this chapter or an order or rule of the board;" ***

ORDER OF THE BOARD

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

- A. MS. VONSEGGERN's license shall be INDEFINITELY SUSPENDED until such time as MS. VONSEGGERN completes the following:
- i. MS. VONSEGGERN issues a money order or cashier check to the Ohio Attorney General's Office, Revenue Recovery Section made payable to the Treasurer, State of Ohio for \$150.00 plus interest and all other charges owed arising from the failure to timely pay the application fee. MS. VONSEGGERN is responsible for contacting the Ohio Attorney General's Office, Collections Enforcement Section, at 614-466-6942 to determine the full payment requirements. NO PERSONAL CHECKS ACCEPTED.
 - ii. MS. VONSEGGERN shall be FINED in the amount of TWO HUNDRED dollars (\$200.00), payable to the Treasurer, State of Ohio. The fine shall be mailed to the office of the Ohio Respiratory Care Board, 77 South High Street, 16th Fl., Columbus, Ohio, 43215, payable by certified check or money order, payable to Treasurer, State of Ohio. NO PERSONAL CHECKS ACCEPTED.
- B. MS. VONSEGGERN will not pay any further fees, fines or charges owed to the BOARD by personal check. Instead, MS. VONSEGGERN will use a credit card (if the Board has that option available), a money order or a cashier's check.
- C. MS. VONSEGGERN'S employer of record on file with the Board shall be mailed a certified copy of this Order of the Board.

The Order of the Board shall become effective on the fifth day after the date of mailing of the Order.

Motion #7: JOEL MARX, HME MEMBER MOVED FOR FINDINGS OF FACT; ANITA ADAMS, R.C.P. SECONDED THE MOTION. MOTION PASSED (AYE - 5/NAY - 0/ABSTAINED - 2).

Motion #8: ANITA ADAMS, R.C.P. MOVED FOR CONCLUSIONS OF LAW; JOEL MARX, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE - 5/NAY - 0/ABSTAINED - 2).

Motion #9: JOEL MARX, HME MEMBER MOVED FOR ORDER OF THE BOARD; SCOTT PETTINCHI SECONDED THE MOTION. MOTION PASSED (AYE - 5/NAY - 0/ABSTAINED - 2).

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

The Board broke for lunch at approximately 11:30 a.m. and returned to public session at 1:00 p.m. Following lunch, standing committees met.

Agenda item #5: OFFICER AND STAFF REPORTS

Agenda item 5a: President's Report

Mr. Mays noted the attendance of Ms. Susan Ciarlariello. Mr. Mays recognized Ms. Ciarlariello and discussed her record as a member of the Ohio Respiratory Care Board and as a member of the Ohio Society for Respiratory Care. Mr. Mays read a resolution recognizing Ms. Ciarlariello.

Whereas: GOVERNOR, BOB TAFT appointed SUSAN M. CIARLARIELLO, RRT, RCP, MBA to serve as a member of the Ohio Respiratory Care Board for a term beginning on MAY 7, 1999 and ending MARCH 13, 2002. followed by a re-appointment for a second term ending on MARCH 13, 2005, followed by another re-appointment for a third term ending on MARCH 13, 2008, and GOVERNOR, TED STRICKLAND re-appointed SUSAN M. CIARLARIELLO on April 3, 2008 for her fourth term on the Board, ending on MARCH 13, 2011, to date, making her the longest serving member of the Ohio Respiratory Care Board; and

Whereas: SUSAN M. CIARLARIELLO was elected by her peers to serve as President of the Ohio Respiratory Care Board for three consecutive years and Secretary for two consecutive years; and

Whereas: SUSAN M. CIARLARIELLO served as Chairperson for the Board's Rules Committee, Education Committee and Probable Review Committee during her tenure; and actually appointed herself to serve as Chair of the Rules Committee and Education Committee during her first year as President of the Board.

Be it Resolved; That on this day AUGUST 17, 2011, the Ohio Respiratory Care Board officially recognizes the outstanding contributions made by SUSAN M. CIARLARIELLO to the citizens of Ohio and the profession of Respiratory Care for her twelve-year commitment on the Ohio Respiratory Care Board. Her accomplishments as a member and leader of the Board and her dedication to the furthering the work of the Board and the profession of respiratory Care are immeasurable. To think of the Board without her is difficult, but to have known her and her accomplishments defines the word, "respect", making her time here unforgettable and her achievements secure.

Motion #10: Dr. Cohn moved to approve the resolution on recognition of service for Susan M. Ciarlariello. Mr. Pettinichi seconded the motion. Discussion: Ms. Ciarlariello stated a few words of thanks to the sitting members of the Board and the Executive Director for all of the support throughout her many years of service. No further discussion: Motion was approved: 7 – 0.

Agenda item #1: CALL MEETING TO ORDER CONTINUED

Agenda item 1a: Adoption of Proposed Meeting Agenda (Exhibit D)

Motion #11: Mr. Walz moved to approve the proposed meeting agenda. Ms. Harwood seconded the motion. Discussion: Mr. Mays asked that approval of prior minutes be added as item 1b. Motion carried: 7 – 0.

Agenda item 1b: Approval of Prior Meeting Minutes (Exhibit E)

Motion #12: Mr. Walz moved to approve the June 21 & 22, 2011 meeting minutes. Mr. Pettinichi seconded the motion. Discussion: Mr. Marx noted a correction on motion 12.2, stating that he abstained from the vote. Mr. Walz accepted Mr. Marx's change as a friendly amendment to his main motion. No further discussion. Motion carried: 7 – 0.

Next, due to scheduling, Mr. Mays stated that the Board would directly into Committee Meetings and then back to the regular agenda, completing agenda item 5 and then moving on to agenda item 7 through 11.

STANDING COMMITTEE MEETINGS

The Board's Home Medical Equipment Committee and Scope of Practice Committee met. Minutes for each committee are available, but are maintained separate of the minutes of the regular business.

The Home Medical Equipment Committee met in room West B & C, 31st Floor of the Vern Riffe Building, 77 South High Street, Columbus, OH 43215. The committee meeting began at 12:20 p.m. and ended at 1:40 p.m. Present for the committee meeting were Joel Marx, HME Member, Chairperson, Sandra Stabile Harwood, J.D., Public Member, and Anita Adams, M.B.A., R.C.P. Committee report to be provided during regular business.

Ms. Adams was excused from the meeting at 1:50 p.m.

The Scope of Practice Committee met in room West B & C, 31st Floor of the Vern Riffe Building, 77 South High Street, Columbus, OH 43215. The committee meeting began at 1:41 p.m. and ended at 2:20 p.m. Present for the committee meeting were Robert Cohn, M.D., Chairperson, Kenneth Walz, J.D., R.R.T., R.C.P., and Marc Mays, R.R.T., R.C.P. Committee report to be provided during regular business.

The Board took a break from 2:20 p.m. to 2:30 p.m.

Mr. Mays asked members if he could address agenda item #5a out of turn. Hearing no opposition, the Board began the afternoon session with item 5a, President's Report.

Agenda item #5: OFFICER AND STAFF REPORTS CONTINUED

Agenda item 5c: HME Manager's Report (Exhibit F)

Ms. Tatum filed a written report with the Board. A verbal review of her report was provided.

1. Ms. Tatum reported that the staff reviewed and approved 4 HME license applications and 9 HME Certificate of Registration applications. She reported that 7 applications are pending.
2. Ms. Tatum reported that the Board issued five independent inspector contracts and received all five contracts.
3. Ms. Tatum reported that the staff is using the new inspection checklist for FY 2012.

4. Ms. Tatum reported that the staff held a teleconference with HME accrediting organizations recognized by the Board. She reported that six of the eight organizations recognized attended the conference call, which reviewed the cooperative agreement requirements.
5. Ms. Tatum reported that the HME division had collected \$2,900 in revenue as of July 26, 2011.

Agenda item 5b: Executive Director's Report (Exhibit G)

Mr. Logsdon filed a written report. A verbal review of his report was provided.

1. Mr. Logsdon presented the FY 2012, financial activity report. Mr. Logsdon reported that FY 2012 had just begun and current expenses were unremarkable. Mr. Logsdon stated that he would be working on encumbering funds for FY 2012 mandatory obligations and updating any personal service contracts. Mr. Logsdon explained that FY 2012 had been budgeted for 27 pay periods, but the Office of Budget and Management (OBM) paid the final pay of FY 2011 from prior year funds. Mr. Logsdon advised the Board that the outcome of S.B. 5 would have some impact on the Board's budget. Mr. Logsdon also reported that the OBM had swept the 4K90 professional occupations licensing fund of 30 million dollars.
2. A written review of the board's expenditures was reviewed and a summary presented.
3. Mr. Logsdon provided the Board with a written review of revenue collected since the beginning of fiscal year 2012 and the current statistics showing the number of active, inactive, active in renewal, or expired licensees.
4. Mr. Logsdon reported on legislation he had been monitoring.
5. Mr. Logsdon reported on the progress of the Ohio Examination Requirements Workgroup. Mr. Logsdon stated that the workgroup met twice and will meet again on September 2, 2011. Mr. Logsdon stated that an employer survey had been completed and would be reviewed by the workgroup on September 2, 2011.
6. Last, Mr. Logsdon reported on his meetings and travel since the Board's last regular meeting.

Motion #13: Ms. Harwood moved to enter Executive Session for the purpose of conferencing with the Board's attorney for pending or imminent court action under R.C. 121.22(G)(3). Mr. Pettinichi seconded the motion. Discussion: None. Roll Call vote:

Sandra Stabile Harwood -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Kenneth Walz -	Absent
Scott Pettinichi -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The board entered executive session at 2:30 p.m. and returned to regular, public session at 2:50 p.m. Voting members of the board, Mr. Logsdon, and Ms. Michelle T. Sutter were present during executive session.

Motion #14: Mr. Walz moved to approve the Executive Director's report. Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 - 0.

Motion #15: Ms. Walz moved to approve the HME Manager's report. Mr. Pettinichi seconded. Discussion: None. Motion carried: 5 – 0.

Mr. Mays stated that he would again be going out of turn with the approved agenda and asked members to turn to agenda item #7 and then the Board will return to agenda item # 6 and the remaining items.

Agenda item #7: PROBABLE REVIEW COMMITTEE REPORT

Motion #16: Mr. Walz 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. 4761.03(E) and 4752.08 (B). Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Sandra Stabile Harwood -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Scott Pettinichi -	Yes
Kenneth Walz -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The board entered executive session at 3:00 p.m. and returned to regular, public session at 3:04 p.m. All voting members of the board, Mr. Logsdon, Ms. Sutter and Mr. Isom were present during executive session.

**Names and identifying information of persons reviewed during executive session were redacted from 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 7b: Approval of Notices of Opportunity for Hearing (Exhibit H and I)

Motion #17: Mr. Walz moved to issue notices of opportunity for hearing as presented to the Board and attached hereto as exhibits to the minutes 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	2010ORCB095 (Thomas P. Knowles, RCP.9594)	Unlicensed practice	ORC 4761.09(A)(2)

HME Opportunity for Hearing Notices

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
I.	2011HME036 (Essex IV, LLC, HMEL.11415)	Unlicensed Practice	ORC 4752.09 (A) (1)

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 - abstained (Marx).

Agenda item 7b: Withdrawal of Notices of Opportunity for Hearing (Exhibit J)

Motion #18: Ms. Harwood moved to withdraw the Notices of Opportunity for Hearing issued to:

J. Case #2011ORCB071 (Robert A. Farren, RCP.3476) – OHN approved April 6, 2011

Mr. Pettinchi seconded the motion. Discussion: Mr. Walz inquired about the reason for withdrawing the motion and if an amended Notice of Opportunity for Hearing would be issued. Mr. Logsdon stated that the Notice of Opportunity for Hearing was being withdrawn due to an error in the notice, but that the Board's Probably Review Committee would re-evaluate to need to reissue the Notice of Opportunity for Hearing. No further discussion. Motion carried: 6 - Yes.

Agenda item 7c: Consent Agreement Approval (Exhibits K - P)

** Names and identifying information of persons reviewed during executive session were redacted 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.*

Motion #19: Mr. Walz moved to approve the consent agreement between the Board and the following cases:

RCB Agreements

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Violation</u>	<u>Disposition</u>
K.	Case #2010ORCB033 (Jean L. Lyman, RCP.1962)	Negligent act in violation of ORC 4761.09 (A) (5)	Reprimand/fine
L.	Case #2011ORCB070 (Meritta S. Eby, RCP.0825)	Practicing beyond scope in violation of ORC 4761.09(A)(2).	Reprimand
M.	Case #2011ORCB093 (Joshua I. Knipp, RCP.12115)	Failed to file fee in violations of ORC 4761.09 (A)(2).	Indefinite Suspension/with conditions for reinstatement

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 6 – Yes.

Motion #20: Mr. Walz moved to approve the consent agreement between the Board and the following cases:

HME Agreements

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Violation</u>	<u>Disposition</u>
N.	Case #2011HME025 (WeCare Medical, LLC, HMEL.11342)	Unlicensed practice in violation of ORC	Reprimand/fine

4752.09 (A)(1).

- | | | | |
|----|---|--|----------------|
| O. | Case #2011HME026 (Specialty Medical Group, LLC, HMEL.11444) | Unlicensed practice
in violation of ORC
4752.09 (A) (1). | Reprimand/fine |
| P. | Case #2011HME031 (Third Day Health Holdings, LLC, HMEL.11447) | Unlicensed practice
in violation of ORC
4752.09 (A) (1). | Reprimand/fine |

Ms. Harwood seconded the motion. Discussion: Mr. Marx questioned the amount of the fine contained in the consent agreement for Case #2011HME025. Mr. Logsdon explained the reasoning. Motion carried: 5 – Yes, 1 – Abstained (Mr. Marx).

Dr. Cohn was excused from the meeting at 3:25 p.m.

Agenda item 7e: Probation compliance report

Motion #21: Mr. Walz moved to close the following probation case having met their obligations to the Board:

Probation cases:

	<u>Respondent</u>	<u>Case #</u>	<u>Reason for closure</u>
1.	Leah Shumney, RCP.12456	Case #2011ORCB061	Reprimand issued
2.	Charles S. Meadows, RCP.12445	Case #2011ORCB060	Fine paid/reprimand issued
3.	Daniel K. Sell, RCP.6585	Case #2011ORCB032	Completed suspension with conditions
4.	Nancy L. Helldobler, RCP.0719	Case #2011ORCB069	Fine paid/reprimand issued
5.	The Creative Mobility Group, HMEL.11439	Case #2011HMEL015	Fine paid/reprimand issued
6.	Eric Coast Chest Physicians , HMEL.11442	Case #2011HMEL021	Fine paid/reprimand issued

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 5 – Yes.

Ms. Sutter departed the meeting at 3:30 p.m.

Agenda item #6: STANDING COMMITTEE REPORTS

Agenda item 6a: HME Committee's Report

Mr. Marx reported that the HME Committee reviewed a list of home medical equipment facilities that were issued certificates of registration and licenses since the last Board meeting. Mr. Marx stated that the Board's HME Manager, Ms. Tatum, provided the committee with an update on the FY 2012 inspector contract and the initial use of the Board's new Inspection Standards Checklist form for field inspectors. Mr. Marx reported that the staff held a teleconference with six of the Board's eight recognized accrediting organizations to review the cooperative agreements each organization has entered into with the Board. Mr. Marx stated that the presentation was well attended and well presented. Last, Mr. Marx stated that the Committee reviewed the recommendations and comments of one of the Board's field inspectors on the re-inspection of Premier Medical Supplies, HMEL.11188. Mr. Marx stated that the Committee moved to not re-inspect the licensee based upon the response filed.

Agenda item 6b: Scope of Practice Committee's Report (Exhibit Q, R, and S)

Mr. Mays gave a report, on behalf of Dr. Cohn (absent), on the actions of the Board's Scope of Practice Committee. Mr. Mays stated that the Committee reviewed three scope of practice inquiries. The first, he stated, inquired if administering IV medication for chemical cardiac stress testing was within the scope of respiratory care practice. Mr. Mays stated that the Committee would be recommending that the Board pass a motion approving the Committee's response (Exhibit Q). The second, Mr. Mays stated, inquired about the definition of terms used under ORC 4761.10 concerning the exceptions for respiratory care tasks performed in the practice of polysomnography. Mr. Mays stated that the Committee had prepared a written response and the Committee would be recommending that the Board pass a motion approving the Committee's response (Exhibit R). Mr. Mays reported that the Committee reviewed an inquiry asking if respiratory therapists could topically administer Nystatin orally for thrush or ventilator acquired pneumonia (VAP). Mr. Mays stated that the Committee had completed a draft response for the third inquiry and recommends that the Board pass a motion approving the written response (Exhibit S). Last, Mr. Mays reported that the Committee discussed a request submitted to the Board in June 2011 by Dr. Welko representing the Undersea & Hyperbaric Medical Association (UHMS) and the National Board of Diving and Hyperbaric Medical Technology. Mr. Mays reminded members that Dr. Welko inquired about the application of oxygen by CHT certified personnel. Mr. Mays stated that the Committee believes that Dr. Welko's request would require an amendment to the existing law or some type of rule definition of the term, "limited aspects of respiratory care", as stated in ORC 4761.10.

Discussion: Mr. Logsdon stated that the matter would be placed on the Board's October agenda for a more definite discussion. Mr. Logsdon discussed the Board's potential options for rule drafting and he answered a few questions from Board Members.

Motion #22: Mr. Walz moved to approve the HME Committee report. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 5 - 0.

Mr. Walz inquired if a motion was needed to not approve a re-inspection of HMEL.11188, Premier Medical Supplies. Mr. Marx stated that the HME Committee handled the matter administratively.

Motion #23: Mr. Walz moved to approve the Scope of Practice Committee report. Mr. Pettinichi seconded the motion. Discussion: None. Motion carried: 5 - 0.

Motion #24: Mr. Walz moved to approve the Scope of Practice Committee's written response to an inquiry filed by Robert Molnar, Advanced Specialty Hospital - Toledo. Mr. Pettinichi seconded the motion. Discussion: None. Motion carried: 5 - 0.

Motion #25: Mr. Walz moved to approve the Scope of Practice Committee's written response to an inquiry filed by Jeffrey Hamilton, Mercy Hospital - Willard. Ms. Harwood seconded the motion. Discussion: None. Motion carried: 5 - 0.

Motion #26: Mr. Walz moved to approve the Scope of Practice Committee's written response to an inquiry filed by Terri Gold, DASCO Home Medical Equipment. Mr. Pettinichi seconded the motion. Discussion: None. Motion carried: 5 - 0.

Agenda item #8: NEW BUSINESS

**Agenda item 8a: Application ratification for licenses and limited permits
(Exhibit T collective)**

Motion #27: Mr. Walz moved to ratify and place upon the minutes of the August 17, 2011 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:

Limited Permits: Limited Permits issued on June 24, 2011, June 30, 2011, July 7, 2011, July 14, 2011, July 15, 2011, July 21, 2011, and July 28, 2011.

Respiratory Care Professional Licenses issued on June 24, 2011, June 30, 2011, July 1, 2011, July 7, 2011, July 14, 2011, July 21, 2011, and July 28, 2011.

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 - 0.

Agenda item 8b: Application ratification for HME licenses and certificates of registration (Exhibit U)

Motion #28: Mr. Walz moved to ratify and place upon the minutes of the August 17, 2011 meeting, the names of Home Medical Equipment provider who having met the qualifications for their respective authorization, pursuant to Sections 4752.05 and 4752.12 of the Revised Code and associated rules there under, and who were issued a license or certificate of registration by the Executive Director of the Board on the following dates:

HMEL

June 24, 2011, June 28, 2011, July 1, 2011, and July 19, 2011.

HMER

June 7, 2011, June 24, 2011, July 6, 2011, July 12, 2011, July 13, 2011, and July 19, 2011.

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 - 0.

Mr. Logsdon stated that the list would be attached as an exhibit to the record.

Agenda item 8c: Annual Report (Exhibit V)

Motion #29: Mr. Walz moved to approve the FY 2011 Annual Report. Mr. Pettinichi seconded the motion. Discussion: Mr. Walz addressed one typographical error and Mr. Mays asked that Mr. Pettinichi's name be added to the report. No further discussion. Motion carried: 5 - 0.

Agenda item 8d: Approval of 2012/2013 Strategic Plan (Exhibit W)

Motion #30: Mr. Walz moved to approve the FY 2012/2013 Strategic Plan for the Board. Ms. Harwood seconded the motion. Discussion: None. Motion as amended carried: 5 - 0.

Agenda item #9: OPEN FORUM

No one appeared.

Agenda item #10: FOR THE GOOD OF THE BOARD

No issues presented.

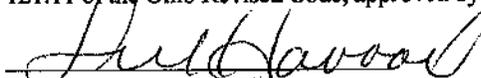
Agenda item #11:

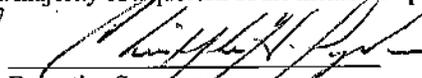
ADJOURNMENT

Motion #31: Ms. Harwood moved to adjourn the meeting. Mr. Pettinichi seconded the motion. Discussion: None. Motion as amended carried: 5 – 0.

Hearing no further matters, the meeting adjourned the meeting at 4:00 p.m.

Secretary's Certification: to the best of my knowledge, 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 October 12, 2011.


Secretary


Executive Secretary