

NOTE ON STANDING COMMITTEE MEETINGS	2
Members in attendance (Exhibit A):.....	2
Agenda item #1: CALL MEETING TO ORDER (Exhibit B).....	3
Agenda item #2: ADMINISTRATIVE HEARINGS.....	3
Agenda item 2.b: In the matter of Deborah A. Makowski.....	3
Agenda item 2.a: In the matter of Tracy Elaine Pittinger	4
Agenda item 2.c: In the matter of Judy K. Kackley	5
Agenda item #4: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit C)	6
Agenda item 4.a: Approval of meeting minutes for October 10, 2012.....	6
Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION.....	6
Agenda item 3.a: In the matter of Tracy Elaine Pittinger	6
Agenda item 3.b: In the matter of Deborah A. Makowski.....	6
Agenda item 3.c: In the matter of Judy K. Kackley	6
Agenda item #5: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES.....	7
Agenda item 5.a: In the matter of Tracy Elaine Pittinger (Case #2013ORCB007) (Exhibit D).....	7
Agenda item 5.C: In the matter of Judy K. Kackley (Case #2012ORCB065) (Exhibit E).....	9
Agenda item #6: OFFICER AND STAFF REPORTS.....	13
Agenda item 6.a: President's Report.....	13
Agenda item 6.b: Executive Director's Report (Exhibit F)	13
Agenda item 6.c: HME Manager's Report (Exhibit G)	13
Agenda item #7: PROBABLE REVIEW COMMITTEE REPORT	13
Agenda item 7.b: Approval of Opportunity for Hearing Notices (Exhibit H)	14
Agenda item 7.c: Withdrawal of Opportunity for Hearing Notices (Exhibits I-1 to I-7).....	14
Agenda item 7.d: Consent Agreement Approval (Exhibits J through V)	15
Agenda item #8: COMMITTEE REPORTS	16
Agenda item 8.a: HME Committee Report.....	16
Agenda item 8.b: Rules Committee Report (Exhibit W).....	17
Agenda item 8.c: Scope of Practice Committee Report (Exhibits X – BB)	17
Agenda item #9: NEW BUSINESS	18
Agenda item 9.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit CC)	18
Agenda item 9.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit DD)	18

Agenda item 9.c: Complaint processing and Disciplinary Guidance (Exhibit EE) 19
Agenda item 9.d: Records Retention Schedules (Exhibit FF - JJ) 19
Agenda item 9.e: Forms approval (Exhibit KK - NN)..... 19
Agenda item #10: OPEN FORUM 19
Agenda item #11: FOR THE GOOD OF THE BOARD 20
Agenda item #12: ADJOURNMENT 20

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR
COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF DECEMBER 12, 2012

NOTE ON STANDING COMMITTEE MEETINGS

The Board’s Rule Committee met prior to regular business at 8:04 a.m. in room West B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Joel Marx, HME Member, Robert Slabodnick, MEd, R.R.T., R.C.P. and Steven Pavlak, M.S., R.R.T., R.C.P. were present. Carol Gilligan, HME Member was excused. Mr. Pavlak chaired the meeting. Official minutes of the Board’s Rule Committee were prepared and are maintained separate of this journal. The Rules Committee meeting adjourned at 8:25 a.m.

The Board’s Home Medical Equipment Committee met prior to regular business at 8:29 a.m. in room West B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Joel Marx, HME Member and Steven Pavlak, M.S., R.R.T., R.C.P. were present. Carol Gilligan, HME Member was excused. Mr. Marx chaired the meeting. Official minutes of the Board’s Home Medical Equipment Committee were prepared and are maintained separate of this journal. The HME Committee meeting adjourned at 9:00 a.m.

The Board’s Scope of Practice Committee met prior to regular business at 8:30 a.m. in office of the Ohio Respiratory Care Board, 16th Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Dr. Cohn chaired the meeting. Official minutes of the Board’s Scope of Practice Committee were prepared and are maintained separate of this journal. The Scope of Practice Committee meeting adjourned at 9:00 a.m.

Members in attendance (Exhibit A):

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

Joel Marx, HME Member

Robert Slabodnick, MEd, R.R.T., R.C.P.

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

Robert Cohn, M.D. (arrived at 9:16 a.m.)

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

Staff in attendance:

Christopher H. Logsdon, Executive Director

Marcia Tatum, HME Manager

Anthony Isom, Investigator

Others in Attendance:

Michelle T. Sutter, Assistant Attorney General

Brad Childers, Ohio Society for Respiratory Care

Tracy Pittinger

Deborah Makowski

Nicole Cramer

Agenda item #1: CALL MEETING TO ORDER (Exhibit B)

Mr. Mays called the meeting to order at 9:12 AM. Mr. Mays asked Mr. Marx to call the roll. Present were Joel Marx, Marc Mays, Robert Cohn, M.D., Robert Slabodnick, Steven Pavlak, and Kenneth Walz. Carol Gilligan was excused. Mr. Mays announced there was a quorum of the Board present to conduct business.

Motion #1: Mr. Walz moved to approve the December 12, 2012 meeting agenda. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #2: ADMINISTRATIVE HEARINGS

Agenda item 2.b: In the matter of Deborah A. Makowski

The matter of Deborah A. Makowski came before the following members of the Ohio Respiratory Care Board : Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Robert Slabodnick, R.R.T., R.C.P. Dr. Cohn recused himself from the proceedings based upon his role as the board's 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 T. Sutter, Assistant Attorney General, represented the state of Ohio.

Deborah A. Makowski appeared Pro Se.

Cheryl Collins-Johnson was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Before proceeding, Mr. Walz asked Ms. Makowski if she had received the Board Opportunity for Hearing Notice, which advised her of her right to be represented by an attorney. Ms. Makowski stated that she did receive the Board's Opportunity for Hearing Notice. Mr. Walz asked Ms. Makowski if she was prepared to proceed without an attorney. Ms. Makowski states that she was prepared to proceed.

The hearing began at 9:15 a.m.

Preliminary matters: Ms. Sutter moved for separation of witnesses and to have State's exhibit D-2 seal due to its confidential nature. Hearing no objection, Mr. Walz ordered that witnesses would be separated. Mr. Walz stated that he would take up the matter of State's exhibit D-2 at the appropriate time during the hearing.

Both, Ms. Sutter and Ms. Makowski gave a brief opening statement.

During the hearing, the State called three witnesses: Ms. Makowski as on cross-examination, Timothy Buckley, Director of Respiratory Care, Summa Health System, and Anthony Isom, Investigator. At the conclusion of the State's case-in-chief, Ms. Sutter moved to have State's exhibits A, B, C, D, D-2 (under seal), E, and F admitted. Mr. Walz asked Ms. Makowski if she had any objection to the admission of State's Exhibits A, B, C, D, D-2, E, and F. Hearing no objection, Mr. Walz admitted State's Exhibits A, B, C, D, D-2, E, and F and ordered that State's Exhibit D-2 be sealed. Ms. Makowski then presented her case-in-chief. Ms. Makowski testified on her own behalf and called no other witnesses. At the conclusion of Ms. Makowski's case, she moved to have Respondent's Exhibits 1 through 15 admitted. Mr. Walz asked Ms. Sutter if she had any objection to the admission of Respondent's Exhibits 1 through 15. Ms. Sutter objected to the admission of Respondents Exhibits 1, 3, 4, 5, 7, 8, 9, 11, 12, 13 arguing lack of relevance to the issue contained in the Board's Opportunity for Hearing Notice and Ms. Sutter objected to the admission of Respondent's Exhibits 14 and 15 (both consisting of 2 audio CD's) arguing that she had no opportunity to listen to the CDs. Mr. Walz admitted Respondent's Exhibits 2, 6, and 10 without objection. Mr. Walz then considered the remaining exhibits. Mr. Walz admitted the following Respondent's Exhibits over the objection of the State of Ohio: 1, 2, 4, 5, 7, 8 (admitted under seal), 9, 11, and 13. Mr. Walz did not admit Respondent's Exhibit 12. Ms. Makowski agreed to withdraw Respondent's Exhibits 14 and 15, and instead requested only the admission of diskette #1 of Respondent's Exhibit 14. Ms. Sutter objected to the admission of diskette #1 of Respondent's Exhibit 14 arguing she did not have the opportunity to listen to the CD. Mr. Walz admitted newly labeled Respondent's Exhibit 14 over the objection of the State of Ohio. Both sides gave a closing statement and the hearing concluded at 12:00 p.m.

The Board took a break for lunch at 12:01 p.m. and returned for public session at 12:45 p.m.

Agenda item 2.a: In the matter of Tracy Elaine Pittinger

The matter of Tracy Elaine Pittinger came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T., R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Robert Slabodnick, R.R.T., R.C.P. Dr. Cohn recused himself from the proceedings based upon his role as the board's 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 T. Sutter, Assistant Attorney General, represented the state of Ohio.

Tracy Elaine Pittinger appeared Pro Se.

Cheryl Collins-Johnson was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Before proceeding, Mr. Walz asked Ms. Pittinger if she had received the Board Opportunity for Hearing Notice, which advised her of her right to be represented by an attorney. Ms. Pittinger stated that she did receive the Board's Opportunity for Hearing Notice. Mr. Walz asked Ms. Pittinger if she was prepared to proceed without an attorney. Ms. Pittinger stated that she was prepared to proceed.

The hearing began at 12:50 p.m.

Preliminary matters: None.

Both, Ms. Sutter and Ms. Pittinger gave a brief opening statement.

During the hearing, the State called two witnesses: Ms. Pittinger as on cross-examination and Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board. At the conclusion of the State's case-in-chief, Ms. Sutter moved to have State's exhibits A through E admitted. Mr. Walz asked Ms. Pittinger if she had any objection to the admission of State's Exhibits A through E. Hearing no objection, Mr. Walz admitted State's Exhibits A through E. Ms. Pittinger then presented her case-in-chief. Ms. Pittinger testified on her own behalf and called no other witnesses. At the conclusion of Ms. Pittinger's case, she moved to have Respondent's Exhibits 1 through 6 admitted. Mr. Walz asked Ms. Sutter if she had any objection to the admission of Respondent's Exhibits 1 through 6. Hearing no objection, Mr. Walz admitted Respondent's Exhibits 1 through 6. Both sides gave a closing statement and the hearing concluded at 1:29 p.m.

Agenda item 2.c: In the matter of Judy K. Kackley

The matter of Judy K. Kackley came before the following members of the Ohio Respiratory Care Board : Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Robert Slabodnick, R.R.T., R.C.P. Dr. Cohn recused himself from the proceedings based upon his role as the board's 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 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).

Cheryl Collins-Johnson was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 1:30 p.m.

Preliminary matters: None.

Ms. Sutter gave a brief opening statement.

During the hearing, the State called one witness: Anthony Isom, Investigator, Ohio Respiratory Care Board. At the conclusion of the State's case-in-chief, Ms. Sutter moved to have State's exhibits A through D admitted. Mr. Walz admitted State's Exhibits A through D. Ms. Sutter gave a closing statement and the hearing concluded at 1:48 p.m.

Agenda item #4: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit C)

Agenda item 4.a: Approval of meeting minutes for October 10, 2012

Motion #2: Mr. Walz moved to approve the October 10, 2012 meeting minutes. Mr. Pavlak seconded the motion. Discussion: Mr. Marx stated that motion #16 on page 16 of the minutes was wrong. Mr. Marx stated that the motion was to approve the Executive Director report. Mr. Marx also noted a format error on page 20 regarding the header for the Rules Committee. Last, Mr. Marx stated that he abstained from voting on motion #27. Mr. Logsdon stated that he would check his records and make all required corrections. No further discussion. Motion carried: 6-0.

Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION

Agenda item 3.a: In the matter of Tracy Elaine Pittinger

Motion #3: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed refusal to issue a limited permit to Tracy Elaine Pittinger. Mr. Slabodnick seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Robert Cohn, M.D. -	Yes
Steven A. Pavlak -	Yes	Robert Slabodnick -	Yes

Motion carried.

The Board entered private session at 2:00 p.m. and returned to regular, public session at 2:10 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.b: In the matter of Deborah A. Makowski

Deliberation in the matter of Deborah A. Makowski was tabled.

Agenda item 3.c: In the matter of Judy K. Kackley

Motion #4: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Judy K. Kackley. Mr. Mays seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Robert Cohn, M.D. -	Yes
Steven A. Pavlak -	Yes	Robert Slabodnick -	Yes

Motion carried.

The Board entered private session at 2:11 p.m. and returned to regular, public session at 2:22 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item #5: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Agenda item 5.a: In the matter of Tracy Elaine Pittinger (Case #2013ORCB007) (Exhibit D)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Tracy Elaine Pittinger
2813 Mull Avenue
Copley, OH 44321

THE MATTER OF TRACY ELAINE PITTINGER CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD (HEREAFTER REFERRED TO AS "THE BOARD") ON DECEMBER 12, 2012 AT 12:50 P.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., KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., AND ROBERT SLABODNICK, R.R.T, M.Ed. 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. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

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

TRACY ELAINE PITTINGER (HEREAFTER REFERRED TO AS "RESPONDENT") APPEARED PRO SE.

CHERYL COLLINS-JOHNSON WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

PRIOR TO CONDUCTING THE HEARING, MR. WALZ ASKED THE RESPONDENT IF SHE RECEIVED THE BOARD'S OPPORTUNITY FOR HEARING NOTICE IN WHICH SHE WAS ADVISED OF YOU RIGHT TO BE REPRESENTED BY AN ATTORNEY. THE RESPONDENT AFFIRMED RECEIPT OF THE OPPORTUNITY FOR HEARING NOTICE AND STATED SHE WAS PREPARED TO PROCEED WITHOUT REPRESENTATION.

Preliminary matters:

None.

State's Exhibits admitted:

- A - Notice of Opportunity for Hearing approved on October 10, 2012 and mailed to the respondent by certified mail/return receipt # 7011 1150 0001 6788 5324 on October 17, 2012, and a signed return receipt for article #7011 1150 0001 6788 5324.
- B - Request for hearing submitted by the Respondent, to the Board, received on November 13, 2012.

- C - Hearing scheduling letter, dated November 13, 2012, mailed to the Respondent by certified mail/return receipt # 7011 1150 0001 6788 5195 on November 14, 2012, and a signed return receipt for article #7011 1150 0001 6788 5195.
- D - Copy of initial application for limited permit received by the Board on August 9, 2012.
- E - Certified copy of a Journal Entry, Summit County Court of Common Pleas, Summit County, Ohio, Case #08 07 2431 for Theft, in violation of Section 2913.02 of the Ohio Revised Code.

Witnesses called by the State:

1. Tracy Elaine Pittinger, as on cross examination
2. Christopher H. Logsdon, Executive Director of the Board

Respondent's Exhibits admitted:

- 1 - Reference Letter, dated December 10, 2012, submitted by Mary E. Skowronski, Med, RRT, on behalf of the Respondent.
- 2 - Reference Letter, dated December 11, 2012, submitted by Kellie Svendsen RRT, on behalf of the Respondent.
- 3 - Reference Letter, dated December 11, 2012, submitted by Terri Wolfong, SPHR, Human Resource Manager, on behalf of the Respondent.
- 4 - Reference Letter, dated December 10, 2012, submitted by Christie N. Tatman-Stroh, Manager of Permanent Supportive Housing Projects, on behalf of the Respondent.
- 5 - Student Clinical Evaluation Form, dated December 06, 2012, completed by Kellie Svendsen RRT.
- 6 - Student Clinical Evaluation Form, dated July 27, 2012, completed by Abby Fischer RRT.

Witnesses called by the Respondent:

1. Tracy Elaine Pittinger, appeared on her own behalf

FINDINGS OF FACT

1. The Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.
2. On or about August 15, 2008, the Respondent was convicted of THEFT, in violation of Section 2913.02 (A)(1)(A)(3) of the Ohio Revised Code, a felony of the 5th degree in the Summit County Court of Common Pleas, Summit County, Ohio, case #08 07 2431.
3. The Board finds that the Respondent was convicted of a felony in violation of Section 4761.09 (A)(1) of the Ohio Revised Code. Accordingly, the Board finds that sufficient evidence existed to issue the Respondent a Notice of Opportunity for Hearing proposing to refuse to issue a limited permit or after issuance of a limited permit, impose a disciplinary sanction on the Respondent.
4. The Board finds that the Respondent did disclose her conviction on the initial application for a limited permit filed on August 9, 2012.

5. The Board finds that the Respondent's testimony demonstrated remorsefulness for her past conviction. The Board also finds that the Respondent was open and forthright in reporting the conviction to the Board.

CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4761.09 states in pertinent part:
- A. The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
- (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter; ***
- B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved by a preponderance of the evidence.

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 issues the Respondent a limited permit to practice respiratory care under the supervision of a licensed respiratory care professional.

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

Motion #5: JOEL MARX, HME MEMBER MOVED FOR FINDINGS OF FACT. ROBERT SLABODNICK, R.R.T., M.Ed. SECONDED THE MOTION. MOTION CARRIED. (AYE - 5/NO - 0, ABSTAINED - 1 (DR. COHN)).

Motion #6: JOEL MARX, HME MEMBER MOVED FOR CONCLUSIONS OF LAW; ROBERT SLABODNICK, R.R.T., M.Ed. SECONDED THE MOTION. MOTION CARRIED. (AYE - 5/NO - 0, ABSTAINED - 1 (DR. COHN)).

Motion #7: JOEL MARX, HME MEMBER MOVED FOR ORDER OF THE BOARD; KENNETH WALZ, J.D., R.R.T., R.C.P. SECONDED THE MOTION. MOTION CARRIED. (AYE - 5/NO - 0, ABSTAINED - 1 (DR. COHN)).

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 5.C: In the matter of Judy K. Kackley (Case #2012ORCB065) (Exhibit E)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Judy K. Kackley

255 N. Wheatland Avenue
Columbus, OH 43204

THE MATTER OF JUDY K. KACKLEY CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD (HEREAFTER REFERRED TO AS "THE BOARD") ON DECEMBER 12, 2012 AT 1:30 P.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., KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., AND ROBERT SLABODNICK, R.R.T, M.Ed. 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. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

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

JUDY K. KACKLEY (HEREAFTER REFERRED TO AS "MS. KACKLEY") 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).

CHERYL COLLINS-JOHNSON WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

Preliminary matters:

None.

State's Exhibits admitted:

- A – Notice of Opportunity for Hearing approved on August 16, 2012 and mailed to Ms. Kackley by certified mail/return receipt #7005 1820 0000 0296 2181 on August 28, 2012, and signed return receipt for article #7005 1820 0000 0296 2181.
- B – Evidentiary review hearing scheduling letter mailed to Ms. Kackley by certified mail/return receipt #7005 1820 0000 0296 2433 on September 28, 2012 and signed return receipt for article #7005 1820 0000 0296 2433.
- C – Certified copies of Ms. Kackley's notice of termination and prior disciplinary actions, submitted to the Board by Mount Carmel Hospital.
- D – Statement of facts, given in person, to the Board by Ms. Kackley on May 31, 2012.

Witnesses called by the State:

1. Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board

Respondent's Exhibits admitted:

None

FINDINGS OF FACT

1. The Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Board mailed the Notice of Opportunity for Hearing on August 16, 2012 by certified mail/return receipt. Ms. Kackley received and signed for the Notice of Opportunity for Hearing on August 30, 2012.
2. The Board finds that Ms. Kackley did not request a hearing in this matter.
3. Based on a preponderance of the evidence, on or about May 17, 2012, Ms. Kackley was suspected to be under the influence of alcohol while employed as a respiratory therapist at Mount Carmel West Hospital, Columbus, Ohio. An evaluator at the hospital documented Ms. Kackley as having the smell of alcohol on her breath and exhibiting physical signs consistent with being under the influence, including rambling speech, sarcastic demeanor, erratic actions, and flushed facial appearance. When interviewed, Ms. Kackley admitted to drinking a vodka and tonic beverage one hour before beginning her shift.
4. Ms. Kackley, in her written statement to the Board, admitted to the Board that she was under the influence of alcohol on May 17, 2012 when she reported to work as a respiratory care professional.
5. Ms. Kackley, in her written statement to the Board, stated that she has a "disease" and realized that her employer (Mount Carmel West Hospital) has to protect its patients.

CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4761.09 states in pertinent part:

The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

- (8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;

- B. Based upon a preponderance of the evidence presented, the Board concludes that Count 1 contained in the Notice of Opportunity for Hearing is true.

ORDER OF THE BOARD

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

In consideration of these findings and conclusions, the Board hereby SUSPENDS Judy K. Kackley's license to practice respiratory care in the state of Ohio for a minimum of two (2) years, beginning on the effective date of this Order. Following the term of suspension, Judy K. Kackley may be eligible for reinstatement of her license upon approval of the Board by an affirmative vote of a majority of a quorum of the Board following a hearing upon such issue before the Board. If reinstated, Judy K. Kackley will immediately be placed on PROBATION for a period of three (3) years from the effective date of license reinstatement.

The following provisions of Judy K. Kackley's probation shall remain in effect during the active term of the Probation, if the license is reinstated:

1. Judy K. Kackley shall obey all federal, state and local laws, and all rules governing the practice of respiratory care in Ohio. Any arrest, criminal charge, citation, guilty or no contest plea, criminal jury verdict, conviction or treatment in lieu of

conviction for any crime other than a minor misdemeanor traffic offense after the effective date of this order shall constitute a violation of an order of the Board.

2. Judy K. Kackley shall sign a valid release, allowing the Board to obtain records from any drug and alcohol treatment programs and or drug and alcohol testing programs.
3. Judy K. Kackley shall attend Alcoholics or Narcotics Anonymous, or other board approved meetings, no less than four times per week. Judy K. Kackley is responsible for providing the Board with weekly documentation showing attendance of such meetings. Declarations are due to the Board's offices each week on Mondays.
4. Judy K. Kackley shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
5. Judy K. Kackley shall not use or possess prescription drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Judy K. Kackley's history of chemical dependency, as evidenced by a written acknowledgement by that person of having reviewed this order. Any use of a prescription drug in a manner or dosage inconsistent with a physician's prescription will constitute a violation of this order.
6. Judy K. Kackley shall submit to random drug and alcohol testing in the manner prescribed by the Board. Judy K. Kackley shall pay for such testing. If such drug test evidences the use of alcohol, illegal or non-prescribed prescription drugs, it shall be deemed a violation of this Order. A failure to submit a drug screen upon request, or a submission of any adulterated OR diluted toxicology result, shall constitute a positive screen for the purposes of this Order. It is the responsibility of the respondent to have a working phone number with messaging system on file with the Board. Failure to do so will be a violation of this Order. A request from the Board's Investigator or designated alcohol and drug screening service to provide a drug screen shall constitute an authorized drug screen request for the purpose of this Order.
7. Judy K. Kackley shall appear in person for interviews every six (6) months before the Board or its designated representative, or as otherwise directed by the Board or its designated representative. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

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

Motion #8: ROBERT SLABODNICK, R.R.T., M.Ed. MOVED FOR FINDINGS OF FACT. STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(DR. COHN)).

Motion #9: STEVEN PAVLAK, R.R.T., M.S. MOVED FOR CONCLUSIONS OF LAW; ROBERT SLABODNICK, R.R.T., M.Ed. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (DR. COHN)).

Motion #10: JOEL MARX MOVED FOR THE ORDER OF THE BOARD; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED. (AYE – 5, NO – 0/ ABSTAINED – 1 (DR. COHN)).

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 #6: OFFICER AND STAFF REPORTS

Agenda item 6.a: President's Report

Mr. Mays reported that he was beginning to prepare the Executive Director's annual performance review. He reported that he would be contacting members individually for input into the review.

Agenda item 6.b: Executive Director's Report (Exhibit F)

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

1. Mr. Logsdon reviewed the financial activity report for FY 2013. Mr. Logsdon reported that the Board would soon complete the second quarter of FY 2013. Mr. Logsdon stated that expenditures were in line with the Board's annual allotment plan and otherwise unremarkable. Disbursements and funds balances were provided.
2. Mr. Logsdon reported on staffing levels.
3. Mr. Logsdon reviewed the FY 2013 revenue totals and sources.
4. Mr. Logsdon then reviewed the license statistics report as of November 21, 2012.
5. Mr. Logsdon reported on his travel and meetings since the Board's prior meeting.
6. Mr. Logsdon reported on the NBRC disciplinary database and stated that he is requesting a review by the Board's attorney to determine if participation in the database would violate state laws and rules.
7. Mr. Logsdon reported on the sale and rental of TENs units by Chiropractors. Mr. Logsdon reported that he has met with the Executive Director of the Ohio Chiropractic Association and he will be working with the association to provide educational direction to encourage compliance with HME laws and rules.
8. Mr. Logsdon reviewed the current legislation being monitored. Mr. Logsdon presented language that he would like to pursue lobbying to add a bootstrap provision to ORC 4761.09.
9. Mr. Logsdon presented the results of the Board's customer service survey January 2012 to present.

Discussion: Mr. Marx commented on some of the customer service statistics. Mr. Logsdon stated that the survey is voluntary and the Board may expect a percentage of negative responses on a voluntary survey, because persons with those opinions may be naturally inclined to express themselves. Mr. Logsdon stated that the results are shared with staff and used as a learning tool to improve outcomes. Mr. Logsdon also pointed out that some of the negative responses were related to issues that were not within the jurisdiction of the Board to address.

Agenda item 6.c: HME Manager's Report (Exhibit G)

Ms. Tatum filed a written report and gave a brief verbal overview of the report.

Motion #11: Mr. Pavlak moved to approve the Officer and staff reports. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 - 0.

Agenda item #7: PROBABLE REVIEW COMMITTEE REPORT

Motion #12: Mr. Marx moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees 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). Mr. Slabodnick seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -

Yes

Kenneth Walz -

Yes

Joel Marx -	Yes	Robert Cohn, M.D. -	Yes
Steven A. Pavlak -	Yes	Robert Slabodnick -	Yes

Motion carried.

The Board entered executive session at 2:55 p.m., and later returned to regular, public session at 3:03 p.m. Six Board members were present during executive session. Mr. Logsdon, Mr. Isom and Ms. Sutter were present during Executive Session.

**Names and identifying information was redacted from discussion and proposed notices of opportunity for hearing during the course of executive session deliberation and the public meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed notices of opportunity for hearing through a motion on the record during public session.*

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

Motion #13: Mr. Pavlak moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

RCB Opportunity for Hearing Notices

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
H.	2013ORCB051 (Jodi Leigh Evans, RCP.12357)	Proposed denial of license Reinstatement	Violation of Board ORC4761.09 (A)(2)

Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – abstained (Mr. Slabodnick).

Agenda item 7.c: Withdrawal of Opportunity for Hearing Notices (Exhibits I-1 to I-7)

Motion #14: Mr. Marx moved to approve staff motions to withdraw opportunity for hearing notices approved by the Board on October 10, 2012 in the matters of:

Case no. /Respondent

1. 2013ORCB017 (Ronald D. Hinebaugh, RCP.2544)
2. 2013ORCB021 (Annette Hall, RCP.6120)
3. 2013ORCB029 (Amy Gail Teasley, RCP.8038)
4. 2013ORCB030 (Shelley Lynn Berry, RCP.8041)
5. 2013ORCB031 (Heather M. Ashley, RCP.8554)
6. 2013ORCB033 (Daniel Dwight Rhoades, RCP.8574)
7. 2013ORCB034 (Todd Wayne Farmer, RCP.12109)

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

Agenda item 7.d: Consent Agreement Approval (Exhibits J through V)

**Names and identifying information was redacted from discussion and proposed consent agreements during the course of executive session deliberation and the 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 #15: Mr. Pavlak 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>Action</u>
J.	Case #2013ORCB010 (Susan K. Howard, RCP.12382)	Unlicensed Practice in violation of OAC 4761-9-02	Reprimand/fine
K.	Case #2013ORCB011 (Sue A. Gray, RCP.3483)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
L.	Case #2013ORCB012 (John Franklin Selbee, RCP.5960)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand/fine
M.	Case #2013ORCB013 (Laura Beth Flanagan, RCP.3934)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand/fine
N.	Case #2013ORCB015 (Gary Robert Bennett, RCP.4731)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand/fine
O.	Case #2013ORCB016 (James Wick Miller, RCP.6169)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
P.	Case #2013ORCB013 (Julie Ann Dillingham, RCP.2278)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
Q.	Case #2013ORCB013 (Lisa K. Hadding, RCP.5172)	Failed to complete Continuing education in term in violation of	Reprimand

		OAC 4761-9-02	
R.	Case #2013ORCB024 (Cheri Lin Pope, RCP.2711)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
S.	Case #2013ORCB025 (Cynthia P. Adamaszek, RCP.3257)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
T.	Case #2013ORCB026 (Sandra Dee Dailey, RCP.10226)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
U.	Case #2013ORCB028 (Rodonna M. Jackson, RCP.7916)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand
V.	Case #2013ORCB032 (Tonya D. Dulaney, RCP.3630)	Failed to complete Continuing education in term in violation of OAC 4761-9-02	Reprimand/fine

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

Agenda item #8: COMMITTEE REPORTS

Agenda item 8.a: HME Committee Report

HME Committee – Joel Marx

Mr. Marx gave a verbal report on the activities of the HME Committee. Mr. Marx stated that the Committee reviewed the HME Certificates of Registration and Licenses issued since the last meeting and inspection report for licensed facilities. In addition, Mr. Marx reported that the Committee also considered two inquiries filed by staff:

- (1) CPAP accessories sold as cash-only sales without prescriptions
- (2) Gamma ray devices for treatment of cancer

Mr. Marx reported that the committee found that Gamma ray devices are not HME as it is defined under the current rules, unless the Board would amend its future rules. Also, the Committee directed the staff to draft a position statement on the sale of CPAP/BiPAP supplies.

Rules Committee – Steven Pavlak

Agenda item 8.b: Rules Committee Report (Exhibit W)

Mr. Pavlak stated that the Board's Rules Committee met prior to the regular business meeting. Mr. Pavlak stated that the Committee considered the following business:

1. Update on the Office of Common Sense Initiative's (CSI) recommendations on draft rules 4761-5-01, 4761-5-04, 4761-8-01, and 4761:1-10-03.
2. Draft OAC rule 4761-9-02, proposal to include one contact hour of continuing education on identifying Human Trafficking.

Discussion: Mr. Logsdon discussed the next steps in filing the draft rules with Joint Committee on Agency Rule Review (JCARR). Mr. Logsdon stated that the Board should consider the CSI recommendations and then determine if the draft rules should be filed with JCARR. Mr. Logsdon also reviewed the proposed rule to add one contact hour of continuing education on Human Trafficking. Mr. Logsdon stated that the rule was based on the recommendations of the Governor's taskforce on Human Trafficking and a bill that has been introduced to mandate that Board require one contact hour of continuing education of the subject for licensees.

Mr. Mays asked when the rules should be filed. Mr. Logsdon responded that the filing should occur on or about January 4, 2013 to have a public hearing on the Board's next meeting date.

Scope of Practice Committee – Dr. Robert Cohn

Agenda item 8.c: Scope of Practice Committee Report (Exhibits X – BB)

Mr. Mays reported on behalf of Dr. Cohn. Mr. Mays stated that the Scope of Practice Committee reviewed five inquiries. The first inquiry, Mr. Mays stated, was presented by Kelly A. Leahy, Attorney at Law on behalf of a client. The inquiry asked if the administration of aerosolized medications by Medical Assistants working in a "Medical Practice" or "Family Health Center (FMC)", as those terms are defined by Ms. Leahy, are precluded under ORC 4761. Mr. Mays stated that the Committee did not formulate a specific response. Dr. Cohn stated that the question before the Committee seeks to apply the exception listed in ORC 4761.11 (A)(8) for Medical Assistants employed in the office of a physician. Mr. Mays invited Ms. Leahy to speak on the matter. Ms. Leahy reviewed the inquiry filed. Ms. Leahy stated that a "Medical Practice" and a FMC are medical practices. Ms. Leahy stated that her client seeks concurrence from the Board on their conclusion that Medicare billing status does not affect the exception listed in ORC 4761.11 (A)(8) for Medical Assistants employed in the office of a physician. Mr. Mays stated that he views "Medical Practices" and FMCs as the current model of a physician office and that the intent of ORC 4761.11 (A)(8) is met. Mr. Slabodnick stated that he is concerned about the physician oversight of Medical Assistants. Ms. Leahy stated that the inquiry is limited to small volume nebulizer medications.

Next, Mr. Mays reviewed an inquiry filed by Brenda Gidley concerning nicotine replacement therapy. Mr. Mays stated that the Committee concluded the therapy was within the scope of practice for respiratory care. Next, the Committee, Mr. Mays stated, reviewed an inquiry from Tom Cahill concerning the assessment and treatment of pressure ulcers caused by respiratory care equipment. Mr. Mays stated that the Committee concluded that all therapists should be trained in the prevention, detection and assessment of pressure ulcers, but that the treatment of pressure ulcers was not within the scope of practice for respiratory care. Next, the Committee, Mr. Mays stated, reviewed an inquiry from William Hill concerning the use of an anesthesia machine as a ventilator during MRIs. Mr. Mays stated that Mr. Hill stated that the anesthesia machine would only be used for ventilatory purposes, and no anesthesia would be administered. The Committee, Mr. Mays stated, concluded that administering ventilation was within the scope of respiratory care practice, but the administration of anesthesia was not. The Committee, he stated, concludes that institutional policy would supersede. Last, Mr. Mays reported, the Committee considered an inquiry from Dr. Ronald Frazier concerning the performance of procedures without orders or the practice of writing a verbal order prior to speaking with a physician. Mr. Mays stated that the Committee concluded that a physician order is required for therapy and a therapist could not write an order prior to speaking to the physician. Mr. Mays stated that the Committee concludes that protocol or order sets should be approved, which could address the issue.

Mr. Mays asked the Board to consider the five draft responses and approve each response.

Motion #16: Mr. Walz moved to approve the Rules Committee report and to authorize the Executive Director to file draft rules 4761-5-01, 4761-5-04, 4761-8-01, 4761:1-10-03, and draft rules 4761-9-02 and 4761-9-05. Mr. Marx seconded the motion. Discussion: Mr. Logsdon stated that draft rules 4761-9-02 and 4761-9-05 would not have a business impact, since the educational requirement is free and it does not add to the total biennial requirement. No further discussion. Motion carried: 6 – 0.

Motion #17: Mr. Marx moved to approve the Home Medical Equipment Committee report. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #18: Dr. Cohn moved to approve the draft inquiry response for Squires and Sanders concerning the administration of aerosolized medications by Medical Assistants working in a “Medical Practice” or “Family Health Center (FMC)”. Mr. Pavlak seconded the motion. Discussion: Mr. Walz stated that he is comfortable with the exception under ORC 4761.11 (A)(8) based upon the changing nature of the traditional physician office and the continued physician oversight. No further discussion. Motion carried: 6 – 0.

Motion #19: Dr. Cohn moved to approve the draft inquiry responses to Brenda Gidley, RRT, CPFT. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #20: Mr. Walz moved to approve the draft inquiry responses to Thomas Cahill, BS, RRT-NPS. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #21: Mr. Walz moved to approve the draft inquiry responses to William Hill, RRT, RPFT. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #22: Ms. Slabodnick moved to approve the draft inquiry responses to Ronald Frazier, M.D. Mr. Pavlak seconded the motion. Discussion: the members discussed the difference between a standing order set and protocols. After some discussion of the draft response, the Board directed Mr. Logsdon to delete the final paragraph. No further discussion. Motion carried: 6 – 0

Agenda item #9: NEW BUSINESS

Agenda item 9.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit CC)

Motion #23: Mr. Walz moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: September 27, 2012, September 28, 2012, October 4, 2012, October 11, 2012, October 18, 2012, October 25, 2012, November 5, 2012, November 15, 2012, November 21, 2012, and November 29, 2012.

Respiratory Care Professional Licenses issued on: September 27, 2012, September 28, 2012, October 4, 2012, October 11, 2012, October 18, 2012, October 25, 2012, November 5, 2012, November 7, 2012, November 15, 2012, November 21, 2012, and November 29, 2012.

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

Agenda item 9.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit DD)

Motion #24: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL
October 26, 2012, November 13, 2012, November 14, 2012, and November 21, 2012.

HMER
October 1, 2012, October 4, 2012, October 5, 2012, October 11, 2012, October 16, 2012, November 9, 2012, November 15, 2012, November 19, 2012, and November 21, 2012.

Mr. Walz seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 9.c: Complaint processing and Disciplinary Guidance (Exhibit EE)

Motion #25: Mr. Walz moved to approve the revised Complaint Processing/Disciplinary Guidance. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 9.d: Records Retention Schedules (Exhibit FF - JJ)

Motion #26: Mr. Walz moved to approve the following retention schedules:

- FF. Revised schedule Agency Series: RCB-0027 – Records of Licensed or Registered HME facilities
- GG. Revised schedule Agency Series: RCB-0034 – Disciplinary Routing Slips
- HH.. Revised schedule Agency Series: RCB-0038 – Journal Entries and Consent Agreement
- II. New schedule Agency Series: RCB-0039 – Home Medical Equipment Inspection records
- JJ. New schedule Agency Series: RCB-0040 – Abandoned Documents

Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 9.e: Forms approval (Exhibit KK - NN)

Motion #27: Mr. Walz moved to approve the following forms:

- KK. Revised Limited Permit Certificate (Form# RCB-003)
- LL. Revised Reinstatement/Renewal form (Form# RCB-023)
- MM. Revised Limited Permit Renewal form (Form# RCB-004)
- NN. Revised RCP Renewal form (Form# RCB-049)

Mr. Pavlak seconded the motion. Discussion: The Board discussed Revised form RCB-049 (RCP Renewal form). After consideration of the RCCE reporting procedures. Mays entertained an amendment to the main motion, by amending form RCB-049 to remove the documentation requirement for RCCE completion. Mr. Walz moved the motion. Hearing no objection to the amendment to the main motion, Mr. Mays called the question on the motion. Main Motion carried: 6 – 0, as amended.

Agenda item #10: OPEN FORUM

There were no appearances for open forum.

Agenda item #11: FOR THE GOOD OF THE BOARD

The members discussed the meeting schedule for February 2013. Based on the needs of the Board, an additional day was added. The Board will now meet on February 13 & 14, 2013

