

**OHIO RESPIRATORY CARE BOARD**

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

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**OFFICIAL BOARD MEETING MINUTES OF DECEMBER 14, 2016**

**REGULAR BUSINESS MEETING**

**MEMBERS IN ATTENDANCE (Exhibit A):**

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

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

Michael C. Aquillo, Public Member

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

Melissa Cross, HME Member

Carol Gilligan, HME Member

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

Dr. Madhu Sasidhar, M.D., F.C.C.P.

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

**Staff in attendance:**

Corey C. Schaal, J.D. /M.P.A., Executive Director

Marcia L. Stephenson, HME Manager

Mark Kimmerle, Investigator

Traci L. McDonald, Administrative Professional I

**Others in Attendance:**

Steve Kochheiser, Asst. Attorney General

Melissa L. Wilburn, Senior Asst. Attorney General

David P. Corey, OSRC Executive Director

**CALL REGULAR MEETING TO ORDER**

President Walz called the meeting to order at 11:10 am. President Walz requested roll be taken by the Board Secretary, Steven Pavlak. In attendance is as follows: Mr. Walz, Mr. Aquillo, Ms. Cross, Dr. Colletti, Ms. Gilligan, Mr. Mays, Mr. Pavlak, Dr. Sasidhar and Ms. Yagodich.

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

President Walz requested a motion to approve the agenda.

**Motion # 1:** Mr. Pavlak moved to approve the meeting agenda, Dr. Sasidhar seconded the motion. The motion carried: 9-0.

**Agenda item 1.b: Approval of Prior Meeting Minutes (Exhibit C)**

President Walz requested a motion to approve the prior meeting minutes.

**Motion # 2:** Ms. Colletti moved to adopt the meeting minutes from October 26, 2016. Mr. Aquillo seconded the motion. The motion carried: 9-0.

**OFFICER AND STAFF REPORTS**

**Agenda item 2.a: President's Report**

President Walz had no report, but requested that time for an Executive session be placed on the agenda of the next Board meeting.

**Agenda item 2.b: Executive Director's Report (Exhibit D)**

**Board Reorganization Concerns-** In order to allay concerns in the office regarding the proposal to abolish the Respiratory Care Board, I met with the staff and provided them with the memo and fact sheet provided to us by CSA immediately after informing President Walz about the situation. All members of the Board were notified of the proposal that same day – I spoke to each Board member within the first day of the Bill being introduced. Subsequently, it was the main item for discussion at our monthly staff meeting and I've periodically updated the staff in impromptu announcements as events have unfolded.

**End of the Calendar Year Projects-** First, the Board is required to submit an inventory of its physical assets every two years. This is in addition to a yearly electronic certification done in conjunction with the Asset Management Office of DAS. Second, we have been asked to submit a Workforce Development Plan to DAS in January. This has been a yearly requirement for the past few years. However, we were given a 30-day extension due to the fact that DAS did not provide us the guidance on this year submission under the belief that the Board would not exist in the new fiscal year. Once it became apparent that the legislation abolishing the Boards would not be enacted in the lame duck session, the staff at CSA then informed us of the requirements for this year's plan.

**Ethics Training-** As a reminder, to fulfill the ethics training required of every Board and Commission member, the Board will be participating in an online eLearning course over the lunch break today. There will be an opportunity while we finalize the set-up to access the convenience area located on the 19th floor to obtain beverages.

**Assistant Attorneys Generals-** It is sad to confirm that this is Steve Kochheiser's last meeting with the Board. As was mentioned at the last meeting, Steve is being assigned solely to the Pharmacy Board who will be paying for his services. While I tried to retain him through the end of the fiscal year, this request was not able to be fulfilled. Later

today, we will be joined by Melissa Wilburn. Ms. Wilburn stepped in to help while Steve was away on JAG training. Ms. Wilburn is our new Assistant Attorney General.

**Travel Reimbursements** – Please be mindful and submit your parking receipts in a timely manner, or notify us if you do not plan to submit any receipts. Marcia Stephenson is the designated proxy to enter your travel reimbursements into the OAKS system. However, she has had to delay submitting mileage reimbursements while waiting for possible parking receipts. This is extra important for this meeting in that we will be preparing documentation in early January that you will need next year for your financial reporting to the Ohio Ethics Commission.

**NBRC has Relocated** – Just an FYI, as was mentioned at our October meeting, the National Board for Respiratory Care has relocated from Olathe to Overland Park, Kansas which is closer to the center of the Kansas City Metropolitan Area. We will be posting this update on our website to be helpful to our applicants.

### **BUDGET OVERVIEW (As of December 12, 2016) (See exhibit D)**

#### **REVENUE OVERVIEW (Attachment 1)**

As of December 9, 2016 – with Deposit ID 17068, the Board had received total revenues of \$56,988.69 for the 2017 fiscal year. This amount is split fairly equally between RCP (\$29,338.69) and HME (\$27,650.00). This reflects an increase of \$10,777.50 reported at the prior Board Meeting.

#### **STATUS OF LICENSES (As of December 12, 2016) (Attachment 2)**

#### **EXPENDITURE REPORT (As of December 9, 2016) (Attachment 3)**

#### **Agenda item 2.c: HME Manager's Report (Exhibit E)**

Marcia Stephenson, HME Manager was out due to illness. Director Schaal shared with the board that since the last meeting the staff has approved 12 HMEL applications and 11 HMER application. There are 9 Applications pending.

Discussion: A new list with more inspections have been sent out to the inspectors; awaiting date confirmation. There are approximately 20 outstanding inspections for FY'17.

As of December 9, 2016, the HME Licensing division has collected \$27,650.00 aggregate revenue for Fiscal Year 2017.

There was a discussion regarding Whole Body Health, a licensee reapplying for licensure after having signed a surrender agreement. The staff will gather additional information and discuss the matter with the Assistant Attorney General before raising the matter back with the HME Committee.

Director Schaal reiterated that information regarding the HMEL inspection schedules would be revised and distributed to the Board prior to the next meeting.

**Motion # 3:** President Walz entertained a motion to approve the President's Report, Executive Director's Report and HME Manager's Report. Mr. Pavlak moved and Ms. Cross seconded the motion. Motion carried: 9 – 0.

## OHIO ETHICS COMMISSION e-COURSE: *THE OHIO ETHICS LAW*

### **Agenda item 3: Ethics Training**

To fulfill the annual ethics training requirement, the entire Board participated over lunch in an online e-Course, *The Ohio Ethics Law*, which is provided by the Ohio Ethics Commission. All members of the Board were present.

## OSRC UPDATE

### **Agenda item 4: Ohio Society for Respiratory Care Update (Exhibit F)**

David Corey gave an update by presenting a couple documents. First was a letter from the Coalition that OSRC helped create regarding Senate Bill 366 and House Bill 617; Second document is from the American Association of Respiratory Care, a letter that they wrote on our behalf.

Senate Bill 366 was introduced by a very competent sponsor, Senate Bill Seitz out of the Cincinnati area. He has been an attorney, been in the House and the Senate, and now going back to a House Seat. He is an Anti-Trust guy in addition to a lot of other issues he is involved in. House Bill 617 was sponsored by Sarah LaTourette, daughter of former Congressman Steve LaTourette. These are two very competent sponsors. I think we were successful in not seeing those move forward. It was a significant win for all the members on the coalition. This was introduced at 4:00 pm on Tuesday before Thanksgiving. David Corey stated that he heard about it 20 minutes before it was introduced. You have 40-year Lobbyist on the list and nobody knew about this, which is important. In the Administration, they are really good at keeping things close to the vest. This was successful for two reasons, 1) we highlighted an educated the members of the General Assembly, the Anti-Trust issue and the Board Consolidation issue, most did not have an issue with the Anti-Trust provisions. We reminded the members of the General Assembly also that we have a competent AG and they are to stop any Anti-Trust issues in its tracks, do we really need to additional oversight? Moving forward it is very important to educate the members of the General Assembly because we have 25 new members coming in. We had some major grass roots support. On the back of one we had a letter to the editor from the Optometrist Association, that letter was duplicated in 8 other papers around the state of Ohio from local Optometrists. Respiratory Therapist contacted their local legislators and we sent out a couple blast emails. Several phone calls were received by the OSRC requesting more information.

House Bill 617 did have sponsor testimony the week after Thanksgiving. It stated that it would create efficiencies, no specifics, reduce the number of appointments and they wanted to put together similar entities.

David Corey has plans to meet and put together a game plan with this coalition possibly the second week of January. We should thank Senator Keith Faber. He was one of those that put the brakes on this at this point in time.

## COMMITTEE REPORTS

### **Agenda item 5.a: Scope of Practice Committee**

Ms. Yagodich presented the questions from Dr. Vanek to the committee for review today at the Scope of Practice Committee meeting. Everyone was present for the discussion. The questions from Dr. Vanek were presented by

Steven Pavlak at the October 2016 Board meeting. After the questions were framed and a draft response emailed to the Board for review the committee approved a response today. It also appeared that minutes from the October 2016 Board meeting were missing. Director Schaal indicated that the committee had approved 2 responses at that meeting and those minutes would be provided to the Board for approval.

### **Agenda item 5.b: HME Committee Report**

Ms. Gilligan gave a brief update on the HME Committee Meeting. All were present during the meeting with the exception of Marcia Stephenson, HME Manager. Changes that need to be made to previous meeting minutes, Michael Aquillo was not listed as attending, correction will be made. Question of concern from Ms. Yagodich, who is not on this committee, regarding the new column of license information that was recently added to the inspection spreadsheet. The column that reads, License Prior to 2016 was topic of discussion. Did these facilities have inspections yet, if no, then can these facilities take top priority for having an inspection scheduled? The requirement for the facility inspections is currently once every 4 years and historically we try to do this every 3 years. The Board has had the desire to increase that, to do this as soon as possible. The facility needs to have something to inspect before the inspections are scheduled.

Inspections are scheduled by Marcia Stephenson with the Inspectors based on the location, divided up by area, then dates are set in 3-month periods of time.

HME Committee approved 12 HMEL, 11 HMER and 9 pending applications. Ms. Gilligan stated that the committee went through the list of inspections and requested for the next Board meeting, anyone licensed before 1/1/2016 be scheduled for an inspection. Request for the spreadsheet report to be changed to add the date of last inspection as well as showing anyone who has not yet been inspected. We asked for 2017 re-inspection list so we can start to prepare for those. The Whole Body Health request for a license after signing an order or surrender has been tabled until legal counsel can be consulted. Ms. Gilligan would also like some background information as to why they had surrendered the license.

### **Agenda item 5.c: Rules Committee Report**

Mr. Pavlak stated that quorum was present and the committee did not have previous meeting minutes. The committee has 25 Rules for the 5-Year review, 24 were reviewed two years ago. The last one was set for 2018 and we are pulling that forward to this year. These will be reviewed by the committee, submit any recommend changes and return to Director Schaal by the second week in January. We have a proposal for any of those changes for a filing after the February 2017 meeting. Ms. Gilligan has a question about the HME changes which is in the Rules meeting notes.

**Motion # 4:** President Walz entertained a motion to approve the Scope of Practice, HME and Rules Committee reports. Mr. Aquillo moved and Dr. Colletti seconded the motion. Motion carried: 9 – 0.

## **PROBABLE REVIEW COMMITTEE (PRC) REPORT (Exhibit G)**

### **Agenda item 6.a: Enforcement Report (Exhibit H)**

**Motion # 5:** Ms. Gilligan moved to enter Executive Session for the purpose of considering the investigation of charges or complaints against licensees under R.C. 121.22(G)(1) and which involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.03(E) and 4752.08 (B). Dr. Sasidhar seconded the motion. Discussion: None. Roll Call vote:

Kenneth Walz -	Yes	Michael Aquillo -	Yes
Dr. Nancy Colletti -	Yes	Marc Mays -	Yes
Melissa Cross -	Yes	Carol Gilligan -	Yes
Andrea Yagodich -	Yes	Steven Pavlak -	Yes
Dr. Madhu Sasidhar -	Yes		

Motion carried: 9 – 0

The Board entered executive session at 3:06 p.m. and returned to regular, public session at 3:37 p.m. As members of the Probable Review Committee, Ms. Yagodich and Ms. Gilligan excused themselves from participating in this portion of the meeting. Aside from the remaining Board members, also present during executive session were Director Schaal, Mr. Kimmerle, Ms. Wilburn and Mr. Kochheiser.

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

In public session, the Board took the following actions:

**Agenda item 6b: Approval of Consent Agreements (Exhibits I, J & K)**

**Motion # 6:** Mr. Aquillo made a motion to approve the following Consent agreements, Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0. Ms. Yagodich and Ms. Gilligan abstained.

2016-ORCB-24  
2017-RCB-25  
2017-RCB-35

**Agenda item 6.c: Approval of Notices of Opportunity for Hearing (Exhibits L & M)**

**Motion # 7:** Mr. Pavlak made a motion to approve the following Notices of Opportunity for Hearing, Dr. Colletti seconded the motion. Discussion: None. Motion carried: 7 – 0. Ms. Yagodich and Ms. Gilligan abstained.

2017-RCB-33  
2017-RCB-34

**Agenda item 6.d: Probation Compliance Report**

**Motion # 8:** Mr. Aquillo moved to approve the Probation Compliance Report. Dr. Colletti seconded the motion. Discussion: None. Motion carried: 7-0. Ms. Yagodich and Ms. Gilligan abstained.

**OLD BUSINESS**

**Agenda item 7.a: 2016 Annual Report (Exhibit N)**

Director Schaal presented the 2016 Ohio Respiratory Care Board Annual Report. Mr. Mays inquired as to where the cover photos had come from for the report. Director Schaal indicated that the photos were provided to the Board from Steve DeGenaro, a RCP licensee and an HME contract inspector with the Board. President Walz requested a motion to approve the RCB 2016 Annual Report.

**Motion # 9:** Dr. Colletti made the motion, Mr. Mays seconded the motion. Discussion: None. Motion carried: 9 - 0.

**Agenda item 7.b: eLicense 3.0 Update**

Director Schaal gave a quick update of the new eLicense system. We have had about 5 off site meetings with DAS/OIT to work on the new playbook, which is a mega-spreadsheet. This will be called the “enterprise”. We currently are going through D-Duplication and cleaning up any data from the old system, such as 8-digit SSN’s or incorrect DOB. At one point the staff was only using the last-4-digits of the SSN. DAS has the ability to put back in the missing digits of the SSN and we are looking to have them do that.

We will have DAS in the office working with the staff and start doing “Sprints”. We are going to be expected to do 40 hours a week and that will be divided that up equally, on average a person will spend 8 hours each week working to get this up and running. We have shared with them what had been introduced into legislation to let them know that all the work they are doing may need to be changed 7 days before this is supposed to go live for us. As of now, we are working towards the process of having it updated and usable for us. Recently Mark Kimmerle and I went to learn about the Enforcement portal and that looks really good.

**Agenda item 7.c: Discussion of April 19, 2017 Board Meeting Date (Exhibit O)**

Question from Mike Aquillo regarding the April 19th meeting for 2017 Board Scheduled meetings. After discussion among members, the April 19th date will remain.

**NEW BUSINESS**

**Agenda item 8.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last meeting (Exhibit P)**

**Motion # 10:** Ms. Gilligan moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Respiratory Care Professional Licenses and Limited Permits issued between 10/20/2016-12/02/2016.

Mr. Mays seconded the motion. Discussion: None. Motion carried 9 - 0.

**Agenda item 8.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration (Exhibit Q)**

**Motion # 11:** Ms. Gilligan moved to ratify HME licenses and certificates of registration issued on the following dates:

Home Medical Equipment Licenses and Certificates of Registration issued between 10/14/2016-12/02/2016.

Mr. Aquillo seconded the motion. Discussion: None. Motion carried: 9 - 0.

**FOR THE GOOD OF THE BOARD**

President Walz asked if anyone had any other matters for the good of the Board. There was no further discussion.

**ADJOURNMENT**

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

Hearing none, President Walz adjourned the meeting at 4:03 p.m.

Board Secretary's Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on February 8, 2017.



Board Secretary



Witness