

OHIO RESPIRATORY CARE BOARD

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

Contents

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

ADMINISTRATIVE HEARINGS & DELIBERATIONS.....3

 Agenda item 1.a: In the mater of Aaron Matthew Pyke, Case #2015ORCB32.....3

 Agenda item 4.a: Deliberation in Quasi-Judicial Session - Aaron Matthew Pyke.....4

 Agenda item 1.b: In the mater of Kevin Lynn Steele, Case #2016ORCB12.....4

 Agenda item 4.a: Deliberation in Quasi-Judicial Session – Kevin Lynn Steele.....5

CALL THE MEETING TO ORDER.....5

 Agenda item 2: Adoption of Proposed Meeting Agenda (Exhibit B).....5

 Agenda item 3: Approval of Previous Meeting Minutes (Exhibit C).....5

FINDINGS OF FACT, CONCLUSIONS OF LAW , AND JOURNAL ENTRIES.....6

 Agenda item 5.a: In the mater of Aaron Matthew Pyke, Case #2015ORCB32 (Exhibit D).....6

 Agenda item 5.b: In the mater of Kevin Lynn Steele, Case #2016ORCB12 (Exhibit E).....11

OFFICER AND STAFF REPORTS.....15

 Agenda item 6.a: President’s Report15

 Agenda item 6.b: Executive Director’s Report (Exhibit F).....15

 Agenda item 6.c: HME Manager’s Report (Exhibit G).....17

COMMITTEE REPORTS.....17

 Agenda item 7.a: Education Committee Report.....17

 Agenda item 7.b: Scope of Practice Report.....18

PROBABLE REVIEW COMMITTEE REPORTS (Exhibits H – Enforcement Report & I – Probable Review Committee Report).....18

 Agenda item 8a: Enforcement Report18

 Agenda item 8c: Approval of Consent/Surrender Agreement (Exhibits J, K & L).....19

 Agenda item 8d: Approval to Close Investigations.....19

 Agenda item 8.e: Probation Compliance Report.....19

OLD BUSINESS.....19

 Agenda item 9.a: Legislative Update (Exhibits M, N, O & P).....19

 Agenda item 9.b: IT Update (Exhibit Q).....20

NEW BUSINESS.....20

Agenda item 10.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last Board meeting (Exhibit R).....20

Agenda item 10.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration issued since the last Board meeting (Exhibit S).....20

EXECUTIVE SESSION.....21

FOR THE GOOD OF THE BOARD.....21

ADJOURNMENT.....21

OFFICIAL BOARD MEETING MINUTES OF FEBRUARY 24, 2016

REGULAR BUSINESS MEETING

MEMBERS IN ATTENDANCE (Exhibit A):

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

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

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

Melissa Cross, HME Member

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

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

Staff in attendance:

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

Marcia L. Stephenson, HME Manager

Michael S. Roever, Investigator

Traci L. McDonald, Administrative Professional I

Others in Attendance:

Alex Armitage, Assistant Attorney General – Office of the Ohio Attorney General

Sue Ciarlariello, Legislative Chair – Ohio Society for Respiratory Care

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

Teresa L. Mantz, Professional Court Reporter – Deposition Specialists, Inc.

Aaron Pyke

Kevin Steele

ADMINISTRATIVE HEARINGS (Agenda Items 1.a)

In the matter of Aaron Matthew Pyke, Case #2015ORCB32

The matter of Aaron Matthew Pyke came before the following members of the Ohio Respiratory Care Board on February 24, 2016 at 9:56 a.m. in Room West B & C, 31st Floor of the Vern Riffe Center for Government and the Arts, 77 S. High Street, Columbus, Ohio 43215. Present were Kenneth Walz, J.D., R.R.T., R.C.P., President; Steven Pavlak, M.S., R.R.T., R.C.P., Secretary; Nancy Colletti, Ph.D., R.R.T., R.C.P.; Melissa Cross, HME Member; and Marc Mays, R.R.T., R.C.P. While present in the room, Andrea D. Yagodich, R.R.T., R.C.P. recused herself from the proceedings based upon her role as the Board's 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.

Steven R. Kochheiser, Assistant Attorney General, represented the State of Ohio.

Aaron Matthew Pyke appeared Pro Se.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Preliminary matters:

Mr. Walz noted that an Attorney did not represent Aaron Matthew Pyke. Mr. Walz asked Mr. Pyke if his observation was correct. Mr. Pyke affirmed Mr. Walz's observation. Mr. Walz asked Mr. Pyke if he received the Ohio Respiratory Care Board's Notice of Opportunity for Hearing wherein he was advised of his right to be represented by an attorney. Mr. Pyke affirmed that he did receive the Ohio Respiratory Care Board's Notice of Opportunity for Hearing. Mr. Walz asked Mr. Pyke, based on his understanding of his right to be represented by an attorney, if it was his wish to proceed without the presence of counsel. Mr. Pyke affirmed that he was prepared to proceed without the presence of counsel. Mr. Walz noted that the record would so reflect his acknowledgement.

Mr. Walz asked the members of the Board to introduce themselves. Mr. Pyke introduced himself.

Mr. Walz briefly reviewed the rules of the hearing and then inquired if there were any other preliminary matters. Mr. Kochheiser stated that he had met with Mr. Pyke prior to the hearing and Mr. Pyke had agreed to stipulate to the admissibility of State's Exhibits 1 through 5.

Mr. Kochheiser gave an opening statement. Mr. Pyke waived the opening statement. The State presented its case in chief. The State called Aaron Matthew Pyke, as on cross-examination. The State of Ohio moved for the admission of State's Exhibits 1 through 5. Hearing no objection from Mr. Pyke, the State's exhibits were admitted.

Mr. Pyke presented his case in chief. Mr. Pyke did not have any exhibits to introduce. Mr. Pyke testified on his own behalf.

Mr. Kochheiser gave a closing statement. Mr. Pyke waived the closing statement. The hearing concluded at 10:30 a.m.

DELIBERATION IN QUASI-JUDICIAL SESSION

Agenda item 4.a: Deliberation in Private Session – Aaron Matthew Pyke (Case #2015ORCB32)

Mr. Walz announced that the Board would be entering into quasi-judicial session for deliberations concerning the matter of Aaron Matthew Pyke (Case#2015ORCB32). The session started at 11:45 a.m. and concluded at 12:04 p.m.

ADMINISTRATIVE HEARINGS (Agenda Items 1.b)

In the matter of Kevin Lynn Steele, Case #2016ORCB12

The matter of Kevin Lynn Steele came before the following members of the Ohio Respiratory Care Board on February 24, 2016 at 1:00 p.m. in Room West B & C, 31st Floor of the Vern Riffe Center for Government and the Arts, 77 S. High Street, Columbus, Ohio 43215. Present were Kenneth Walz, J.D., R.R.T., R.C.P., President; Steven Pavlak, M.S., R.R.T., R.C.P., Secretary; Nancy Colletti, Ph.D., R.R.T., R.C.P.; Melissa Cross, HME Member; and Marc Mays, R.R.T., R.C.P. While present in the room, Andrea D. Yagodich, R.R.T., R.C.P. recused herself from the proceedings based upon her role as the Board's 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.

Steven R. Kochheiser, Assistant Attorney General, represented the State of Ohio.

Kevin Lynn Steele appeared Pro Se.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Preliminary matters:

Mr. Walz noted that an Attorney did not represent Kevin Lynn Steele. Mr. Walz asked Mr. Steele if his observation was correct. Mr. Steele affirmed Mr. Walz's observation. Mr. Walz asked Mr. Steele if he received the Ohio Respiratory Care Board's Notice of Opportunity for Hearing wherein he was advised of his right to be represented by an attorney. Mr. Steele affirmed that he did receive the Ohio Respiratory Care Board's Notice of Opportunity for Hearing. Mr. Walz asked Mr. Steele, based on his understanding of his right to be represented by an attorney, if it

was his wish to proceed without the presence of counsel. Mr. Steele affirmed that he was prepared to proceed without the presence of counsel. Mr. Walz noted that the record would so reflect his acknowledgement.

Mr. Walz asked the members of the Board to introduce themselves. Mr. Steele introduced himself.

Mr. Walz briefly reviewed the rules of the hearing and then inquired if there were any other preliminary matters. Mr. Kochheiser stated that he had met with Mr. Steele prior to the hearing and Mr. Steele had agreed to stipulate to the admissibility of State's Exhibits 1 through 5. Mr. Kochheiser also had agreed to the admissibility of Respondent's Exhibits A through C.

Mr. Kochheiser gave an opening statement. Mr. Steele waived the opening statement. The State presented its case in chief. The State called Kevin Lynn Steele, as on cross-examination. The State of Ohio moved for the admission of State's Exhibits 1 through 5. Hearing no objection from Mr. Steele, the State's exhibits were admitted.

Mr. Steele presented his case in chief. Mr. Steele asked to admit Respondent's Exhibits A through C. Hearing no objection from the State, Mr. Steele's exhibits were admitted. Mr. Steele testified on his own behalf.

Mr. Kochheiser gave a closing statement. Mr. Steele gave a closing statement. The hearing concluded at 1:50 p.m.

DELIBERATION IN QUASI-JUDICIAL SESSION

Agenda item 4.b: Deliberation in Private Session – Kevin Lynn Steele (Case #2016ORCB12)

Mr. Walz announced that the Board would be entering into quasi-judicial session for deliberations concerning the matter of Kevin Lynn Steele (Case#2016ORCB12). The session started at 1:50 p.m. and concluded at 2:16 p.m.

CALL REGULAR MEETING TO ORDER

Mr. Walz called the meeting to order at 2:16 pm.

The Secretary, Mr. Pavlak, took role. Mr. Pavlak reported that all Board members were present with the exception of Ms. Gilligan and Dr. Kalra.

Agenda item 2: Adoption of Proposed Meeting Agenda (Exhibit B)

Mr. Walz requested a motion to approve the agenda.

Motion # 1: Mr. Mays moved to approve the proposed agenda. Dr. Colletti seconded the motion. Motion carried: 6 – 0.

Agenda item 3: Approval of Prior Meeting Minutes (Exhibit C)

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

Motion # 2: Mr. Mays moved to adopt the meeting minutes from December 16, 2015. Mr. Pavlak seconded the motion. Mr. Pavlak indicated that he had reviewed the minutes prior to the meeting and revisions were made. Ms. Cross discussed that she was in the Board meeting at the time of one of the discussions which was not correctly reflected in the minutes. With that correction included in a friendly amendment, the motion carried: 6 – 0.

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER OF THE BOARD

Agenda item 5.a: In the matter of Aaron Matthew Pyke, Case #2015ORCB32 (Exhibit D)

The Ohio Respiratory Care Board

Adjudication Order

Aaron Matthew Pyke
2154 Sinton Avenue, Apt. 3
Cincinnati, OH 45206

THE MATTER OF AARON MATTHEW PYKE CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON FEBRUARY 24, 2016 AT 9:56 A.M. IN ROOMS WEST B & C, 31ST FLOOR OF THE VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO 43215. PRESENT WERE KENNETH C. WALZ, J.D., R.R.T., R.C.P., PRESIDENT; NANCY COLLETTI, PH.D., R.R.T., R.C.P.; MELISSA B. CROSS; MARC K. MAYS, R.R.T., R.C.P., M.S.A.; AND STEVEN A. PAVLAK, R.R.T., R.C.P., C.P.F.T.

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

STEVEN R. KOCHHEISER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

AARON MATTHEW PYKE APPEARED PRO SE.

TERESA L. MANTZ WAS THE COURT REPORTER, DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OHIO 43215.

Preliminary matters: Mr. Walz asked Aaron Matthew Pyke (hereafter, Mr. Pyke) if he received the Ohio Respiratory Care Board's Notice of Opportunity for Hearing wherein he was advised of his right to be represented by an attorney. Mr. Pyke affirmed that he did receive the Ohio Respiratory Care Board's Notice of Opportunity for Hearing. Mr. Walz asked Mr. Pyke, based on his understanding of his right to be represented by an attorney, if it was his wish to proceed without the presence of counsel. Mr. Pyke

affirmed that he was prepared to proceed without the presence of counsel. Mr. Walz noted that the record would so reflect his acknowledgement.

Other preliminary matters: Steven R. Kochheiser, AAG stated he talked with Mr. Pyke prior to the hearing and Mr. Pyke had agreed to stipulate to the admissibility of State's Exhibits 1 through 5. Mr. Pyke confirmed this stipulation.

State's Exhibits admitted:

1. Notice of Opportunity for Hearing
2. Hearing Letter
- 3-A. Application for Licensure (Pages 1-6)
- 3-B. Aaron Matthew Pyke's Application for Licensure (Pages 7-10)
- 3-C. Docket Entry from Kenton County, Kentucky included with Application
- 3-D. Verification of Kentucky licensure
- 4-A. Certification of Court Records from Kenton County, Kentucky
- 4-B. Records related to March 14, 2006 Driving Under the Influence – 2nd Offense within 5 years conviction
- 4-C. Records related to January 14, 2004 Driving Under the Influence – 1st Offense within 5 years conviction
- 4-D. Records related to September 8, 2003 Disorderly Conduct conviction
- 4-E. Records related to March 18, 2002 Possession of Marijuana conviction
- 4-F. Records related to January 7, 2001 Criminal Trespass conviction
- 4-G. Records related to December 6, 2000 Possession of Marijuana conviction
5. Records related to February 22, 2012 Operating a Motor Vehicle Under/Influence of Alcohol/Drugs conviction

Witnesses called by the State:

1. Aaron Matthew Pyke

Respondent's Exhibits:

None

Witnesses called by the Respondent:

1. Aaron Matthew Pyke, appearing on his own behalf.

FINDINGS OF FACT

Upon consideration of all the evidence presented and the testimony of the witness, the Board makes the following FINDINGS OF FACT:

- A. Mr. Pyke was issued an Opportunity for Hearing Notice in compliance with Section 119.07 of the Revised Code.
- B. Mr. Pyke did request a hearing before the Ohio Respiratory Care Board.
- C. The Ohio Respiratory Care Board finds that Mr. Pyke was properly notified of the date, time, and place of the hearing.
- D. The Board finds that on October 20, 2014, you submitted an application for a RCP License with the Board. On Part I of this application, you were asked the following:

#3. Have you EVER been convicted of, found guilty of, pled guilty to, pled no contest to, received intervention or treatment in lieu of conviction, or received diversion in lieu of conviction for a criminal offense (felony or misdemeanor) in any state in violation of any federal, state, or municipal ordinance, excluding minor misdemeanor traffic offenses?

Additional instructions are provided:

NOTE:

- 1. IF YOU INITIALED "YES" TO ANY OF THE QUESTIONS #1 - #8, YOU ARE REQUIRED TO FURNISH COMPLETE DETAILS, INCLUDING DATE, LOCATION, REASON AND DISPOSITION OF THE MATTER. YOU MAY USE THE SPACE BELOW. IF NEEDED, PROVIDE ADDITIONAL INFORMATION ON A SEPARATE SHEET OF PAPER AND SUBMIT WITH APPLICATION.**
- 2. IF YOU INITIALED "YES" TO QUESTION "3, PLEASE SUBMIT CERTIFIED COPIES OF THE COURT JUDGEMENT OR JOURNAL ENTRY.**

- E. The Board finds that you answered “Yes” to question #3 by initialing the “Yes” box. However, you did not use the space provided to furnish complete details, but only submitted a one page uncertified copy of a docket list containing a hand-written disposition for sentencing on a charge of Operating a Motor Vehicle Under/Influence of Alcohol/Drugs originating from an arrest in Kenton County, Kentucky on February 22, 2012.
- F. The Board finds that despite your “YES” response to question #3 and submission of the uncertified copy of a docket list containing a hand-written disposition, an investigation into your background shows that you were convicted of the following:
1. On or about March 14, 2006, in Commonwealth of Kentucky, District Court, Kenton County, case no. 06-T-1644, you pled guilty to and were found guilty of one (1) count of Driving Under the Influence - 2nd Offense within 5 years in violation of Kentucky Revised Statutes section 189A.0105. You were sentenced to 30 days, with 10 days to be served on consecutive weekends and your driving license was suspended for 12 months.
 2. On or about January 14, 2004, in Commonwealth of Kentucky, District Court, Kenton County, case no. 03-T-17396, you pled guilty to and were found guilty of one (1) count of Driving Under the Influence – 1st Offense within 5 years in violation of Kentucky Revised Statutes section 189A.0105. You were sentenced to 7 days and your driving license was suspended for 90 days.
 3. On or about September 8, 2003, in Commonwealth of Kentucky, District Court, Kenton County, case no. 03-M-04671, you pled guilty to and were found guilty of one (1) count of misdemeanor Disorderly Conduct, in violation of Kentucky Revised Statutes section 525.060. You were sentenced to 30 days and your driving license was suspended for 90 days.
 4. On or about March 18, 2002, in Commonwealth of Kentucky, District Court, Kenton County, case no. 02-M-00898, you pled guilty to and were found guilty of one (1) count of misdemeanor Possession of Marijuana in violation of Kentucky Revised Statutes section 218A.1422. You were sentenced to 10 days and you were charged a \$100 fine plus costs.
 5. On or about January 7, 2001, in Commonwealth of Kentucky, District Court, Kenton

County, case no. 01-M-00096, you pled guilty to and were found guilty of one (1) count of misdemeanor Criminal Trespass in the Second Degree in violation of Kentucky Revised Statutes section 511.070. You were charged a \$50 fine plus costs.

6. On or about December 6, 2000, in Commonwealth of Kentucky, District Court, Kenton County, case no. 01-M-06299, you pled guilty to and were found guilty of one (1) count of misdemeanor Possession of Marijuana in violation of Kentucky Revised Statutes section 218A.1422. You were sentenced to 30 days.

G. The Board finds that the convictions found under paragraph (F) are material facts which were not included in your application for a RCP License with the Board.

H. The Board finds as an aggravating fact that the February 22, 2012 conviction for Operating a Motor Vehicle Under/Influence of Alcohol/Drugs was a recent offense.

CONCLUSIONS OF LAW

Upon consideration of the findings of fact and a review of Chapter 4761 of the Revised Code, the Ohio Respiratory Care Board makes the following CONCLUSIONS OF LAW:

1. 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:

(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;

2. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board concludes that Mr. Pyke attempted to obtain a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the Board.

3. The Board finds by a preponderance of the evidence that Count I of the Board's Opportunity for Hearing Notice is TRUE.
4. Pursuant to Section 4761.09 of the Ohio Revised Code, it is within the Board's discretion to refuse to issue a license or, after issuance of a license may issue a reprimand, may suspend or permanently revoke a license, or may place a license holder on probation based upon the Board's finding that Mr. Pyke attempted to obtain a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to 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 REFUSES to issue Aaron Matthew Pyke a license to practice as a respiratory care professional in the state of Ohio.

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

MARC MAYS MOVED FOR FINDINGS OF FACT. STEVEN PAVLAK SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

MARC MAYS MOVED FOR CONCLUSIONS OF LAW. STEVEN PAVLAK SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

MARC MAYS MOVED FOR THE ORDER OF THE BOARD. STEVEN PAVLAK SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

SO ORDERED

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

Agenda item 5.b: In the matter of Kevin Lynn Steele, Case #2016ORCB12 (Exhibit E)

Adjudication Order

Kevin Lynn Steele
8454 Woodcrest Drive, Apt. 1
Westland, MI 48185

THE MATTER OF KEVIN LYNN STEELE CAME BEFORE THE FOLLOWING MEMBERS OF

THE OHIO RESPIRATORY CARE BOARD ON FEBRUARY 24, 2016 AT 1:00 P.M. IN ROOMS WEST B & C, 31ST FLOOR OF THE VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO 43215. PRESENT WERE KENNETH C. WALZ, J.D., R.R.T., R.C.P., PRESIDENT; NANCY COLLETTI, PH.D., R.R.T., R.C.P.; MELISSA B. CROSS; MARC K. MAYS, R.R.T., R.C.P., M.S.A.; AND STEVEN A. PAVLAK, R.R.T., R.C.P., C.P.F.T.

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

STEVEN R. KOCHHEISER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

KEVIN LYNN STEELE APPEARED PRO SE.

TERESA L. MANTZ WAS THE COURT REPORTER, DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OHIO 43215.

Preliminary matters: Mr. Walz asked Kevin Lynn Steele (hereafter, Mr. Steele) if he received the Ohio Respiratory Care Board's Notice of Opportunity for Hearing wherein he was advised of his right to be represented by an attorney. Mr. Steele affirmed that he did receive the Ohio Respiratory Care Board's Notice of Opportunity for Hearing. Mr. Walz asked Mr. Steele, based on his understanding of his right to be represented by an attorney, if it was his wish to proceed without the presence of counsel. Mr. Steele affirmed that he was prepared to proceed without the presence of counsel. Mr. Walz noted that the record would so reflect his acknowledgement.

Other preliminary matters: Steven R. Kochheiser, AAG stated he talked with Mr. Steele prior to the hearing and Mr. Steele had agreed to stipulate to the admissibility of State's Exhibits 1 through 5. Mr. Steele confirmed this stipulation. And, Mr. Kochheiser had agreed to the admissibility of Respondent's Exhibits A through C.

State's Exhibits admitted:

1. Notice of Opportunity for Hearing
2. Hearing Letter
- 3-A. Application for Licensure (Pages 1-6)
- 3-B. Kevin Lynn Steele's Application for Licensure (Pages 7-10)
4. Certified Court Records from the 18th Judicial District
6. Westland Police Department – Case Report

Witnesses called by the State:

1. Kevin Lynn Steele

Respondent's Exhibits:

- A. Letter of Support from Chad Cornelius, VP of Operations for Specialized Medical Services, Inc.
- B. Resume of Kevin Lynn Steele
- C. Westland Police Department – Case Report

Witnesses called by the Respondent:

1. Kevin Lynn Steele, appearing on his own behalf.

FINDINGS OF FACT

Upon consideration of all the evidence presented and the testimony of the witness, the Board makes the following FINDINGS OF FACT:

- A. Mr. Steele was issued an Opportunity for Hearing Notice in compliance with Section 119.07 of the Revised Code.
- B. Mr. Steele did request a hearing before the Ohio Respiratory Care Board.
- C. The Ohio Respiratory Care Board finds that Mr. Steele was properly notified of the date, time, and place of the hearing.
- D. The Board finds that on or about December 23, 2014, you pled guilty to (1) count of DOMESTIC VIOLENCE, a misdemeanor in violation of City of Westland, Code of Ordinances #62-67A.
- E. The Board finds that the act found under paragraph (D) above constitutes an offense involving moral turpitude.

CONCLUSIONS OF LAW

Upon consideration of the findings of fact and a review of Chapter 4761 of the Revised Code, the Ohio Respiratory Care Board makes the following CONCLUSIONS OF LAW:

1. 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;

2. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board concludes that Mr. Steele pled guilty to one prior offense, as noted in the Findings of Fact that constitutes an offense involving moral turpitude.
3. The Board finds by a preponderance of the evidence that Count I of the Board's Opportunity for Hearing Notice is TRUE.
4. Pursuant to Section 4761.09 of the Ohio Revised Code, it is within the Board's discretion to refuse to issue a license or, after issuance of a license may issue a reprimand, may suspend or permanently revoke a license, or may place a license holder on probation based upon the Board's finding that Mr. Steele pled guilty to an offense involving moral turpitude.

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 Kevin Lynn Steele a license to practice as a respiratory care professional in the state of Ohio. Upon issuance of the license, the Board immediately places Kevin Lynn Steele on PROBATION for a minimum period of one (1) year beginning on the effective date of this Order of the Board.

The following provisions apply to Kevin Lynn Steele:

- A. For the term of probation, Kevin Lynn Steele 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.

- B. No earlier than eleven (11) months from the effective date of this order, Kevin Lynn Steele, at his expense, shall have criminal background checks from both the Ohio Bureau of Criminal Identification and Investigation (BCI&I) and the Federal Bureau of Investigation (FBI) submitted to the Board. Failure to have both criminal background checks submitted to the Board within thirteen (13) months from the effective date of this order shall constitute a violation of an order of the Board.
- C. After the minimum probation period of one (1) year beginning on the effective date of this order, the term of probation may be lifted if both criminal background checks found under paragraph (B) above are timely submitted and reflect no acts constituting violations found above under paragraph (A).

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

MARC MAYS MOVED FOR FINDINGS OF FACT. MELISSA CROSS SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

MARC MAYS MOVED FOR CONCLUSIONS OF LAW. STEVEN PAVLAK SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

DR. NANCY COLLETTI MOVED FOR THE ORDER OF THE BOARD. MELISSA CROSS SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1 (ANDREA YAGODICH)).

SO ORDERED

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

OFFICER AND STAFF REPORTS

Agenda item 6.a: President's Report

Mr. Walz shared that he had received correspondence from the AARC inviting the board to take part in an article they are producing related to the transition from CRT to RRT for eligibility for licensure. Further discussing the letter it also indicates that they will let the board see what was written before published. Mr. Walz recommends that the board should respond to the questions. Mr. Walz called upon Marc Mays to participate in this. This was open to discussion and recommended that the Board participate. Mr. Walz would like for Director Schaal to reply via email to inform the AARC of Mr. Mays future participation.

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

Director Schaal reported on a couple items, one being the board had a claim filed against it for unemployment compensation. The Board has successfully won a redetermination in the matter. Director Schaal went on to state that a former Board member had filed an unemployment claim. Director Schaal indicated that statutorily the Board was not an agency that pays into the unemployment compensation fund for Board members and the Board is not supposed to be liable. Director Schaal then provided the Board with information regarding a prior claim from a previous Board member in which working with CSA enabled the Board to get that ruling reversed. While the most recent ruling could be appealed, but it is the belief at this time that the ruling will not be appealed.

Director Schaal went on to discuss the travel reimbursement information he sent out to the board in January 2016 – information for the Board to use in their financial disclosure filing. Director Schaal also made the Board aware that they now have until May 16th to file. He asked that each Board member please email him after they have completed that and he would add that to the individual Board member's files in our office. Mr. Walz advised the board to be careful about the information they disclose on this, as it will become a public record.

Director Schaal then discussed the Ethics training, which is an annual requirement under Executive Order 2011-03 K, last year's Ethics training occurred in the spring; and all but one Board member participated in this. Director Schaal notified the Governor's legal counsel that all board members were in compliance with one Board member completing the ethics training in December.

IT update: Director Schaal mentioned that the computer will eventually need to be replaced for the Board's Investigator. Director Schaal had also worked with Traci McDonald to correct the counties designated in eLicense for RCP licensees as a total of 4.4% had been listed incorrectly. A total of 366 corrections were updated in the eLicense system. Last week, the eLicense system went down Thursday through Friday and this delayed the approval of licenses until Friday. The external side of the system was down until Tuesday morning, but it is currently back up with exception of some functions. The office had been receiving numerous calls about license verifications and licensure. The state is working on this and it is a security related issue. Director Schaal informed the board that the new eLicense 3.0 will be coming to our Board in the spring of 2017. At this time, it will be necessary to renew the contract with Coleman Data Solution for the use of the iSynergy system for document management. eLicense 2.0 was scrapped and we are moving toward the new eLicense. The state is currently looking into incorporating an existing document management system called On Base into eLicense 3.0 to be used for document management. The potential cost at this time is undetermined. Currently, we do not pay to upload the individual documents into eLicense. The concern is with the new document management system being a part of eLicense 3.0 the will be the potential for adding a new cost. The Board may look to stay with Coleman Data Solutions depending on the cost of participating in the eLicense 3.0 document management system.

Renewal preparation is underway. Director Schaal held a meeting with the staff and State Printing on January 5, 2016. We have now met with Norm Heading of DAS and Jason Davis from State Printing. Materials are all updated and renewal will begin on March 15, with eLicense up, fingers crossed, the licensees should be able to go online and renew at this time. Director Schaal discussed the packets that are going out this year. In previous years, the board placed a form to request a Paper Application in the packet but with the Governor's office are mandating that everything be an online process, we are looking into this further with not just renewals but initial applications as well. In meeting with other boards, Director Schaal has discovered that several boards allow their licensees to use a password reset option. This will be something new we utilize this renewal period. You will receive a link to the email address you have in our system and instruction will be sent to reset your password. This renewal we are also adding into the eLicense system a pre-printed document if you request the Paper Renewal form. This will save the

board money by not using State Printing forms. A form used to collect data that was being used in our last renewal will not be necessary this renewal period. The data collected will not be utilized until eLicense 3.0 is up and running. A new memorandum will be coming out for the next system.

Director Schaal provided a detailed overview of the budget, including recent expenditures, what has been encumbered and what remains. As shown by an asterisk, some of the money from the Board's personnel lines in quarter's 3 and 4 were increased, this was done across the state. This was money that got allocated by OBM to pay for the cost of living increase that went to some of our staff. Director Schaal then discussed the Board's revenues. The revenue increase since our last meeting was \$14,537.50; the Board currently stands at having brought in \$51,435.50. The lion's share will be coming in the next couple months with renewals. Changes in credential numbers are as follows: HME Active Licenses are down by 3, HME License Active 182, HME Certificates Active 804, Limited Permit Active 245, and RCP Active 8,368. Added to the report is something new from the Expenditure Journal, an internal journal that reflects what is paid out to cover the Board's expenses. This will be included from this from this point forward.

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

Marcia Stephenson, HME Manager, shares with the board that since the last meeting staff has approved 2 HME License application and 12 Respiratory Care Registration Applications. There are 6 Applications pending. Inspection schedules for February, March and April have been sent out to the inspectors and she is so happy to say that this most recent schedule now includes the most recent licenses and we are all up to date. Approximate amount of outstanding inspections is 37, including reoccurring and new inspections. As of February 8, 2016 the HME License division has collected \$27,770.00 for the fiscal year.

Mr. Mays questioned how the inspections were caught up. Ms. Stephenson explained that funds were shifted around. Director Schaal had some personnel money to move to help catch up on the inspections and adds that all 37 inspections will be complete by June 30. Director Schaal is attempting to schedule a meeting with the inspectors, possibly the day before an OAMES Medicaid training scheduled in March.

Motion # 9: Mr. Walz entertained a motion to approve the President's Report, Executive Director's Report and HME Manager's Report, Mr. Mays made the motion, Ms. Cross seconded. Motion carried: 6-0.

COMMITTEE REPORTS

Agenda item 7.a: Education Committee Report

Mr. Walz called upon Dr. Colletti to give the Education Committee Report. Dr. Colletti discussed the meeting set for March 5, 2016 at the Fawcett Center, all are welcome to attend. This meeting will be held to discuss updates in licensure, Respiratory Care in Ohio. After the meeting Dr. Colletti believes they will have more feedback to try to establish what the Board expects as far as "in good standing" is concerned. Dr. Colletti discussed the AARC and CoARC new standards regarding bachelor degrees required from new programs. All associate degree programs currently in place would remain approved, however all new programs are to be at the bachelor-degree level. If the associate degree programs would lose accreditation, then they would then need to be at the bachelor-degree level to be re-accredited.

Agenda item 7.b: Scope of Practice Committee Report

Ms. Yagodich indicated that the minutes from the previous meeting, December 16, 2015 were approved.

Question 1: Can respiratory therapist act as an agent of a physician provider and administer Naloxone via aerosol under a verbal or written order, because this drug counteracts respiratory suppression, then yes, that is within our scope of practice.

Question 2: I am working as RRT in a nursing home on a ventilator unit and have been directed to feed my residents their meals. Is this within my scope of practice? It is not. However, if you are trained properly, then you can feed them, but it is something being done outside of the individual's scope of practice.

Discussion: Should something about Narcan be put on the website? For now this can wait until more inquiries are made. It was also requested that Questions for Scope committee to be sent to them as early as possible.

Motion # 10: Ms. Yagodich made a motion to approve the reports for Scope and Education Committee, seconded by Mr. Pavlak. Motion carried: 6-0.

PROBABLE REVIEW COMMITTEE (PRC) REPORT (Exhibits H & I)

Agenda item 8.a: Open Investigation Status Report

Motion # 11: Mr. Mays moved to enter Executive Session for the purpose of considering the investigation of charges or complaints against licensees under R.C. 121.22(G)(1) and which involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.03(E) and 4752.08 (B). Dr. Colletti seconded the motion.
Discussion: None. Roll Call vote:

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

Motion carried: 5 – 0

The Board entered executive session at 3:22 p.m. and returned to regular, public session at 3:55 p.m. As a member of the Probable Review Committee, Ms. Yagodich excused herself from participating in this portion of the meeting. Aside from the remaining Board members, also present during executive session were Director Schaal, Mr. Roever 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 8.c: Approval of Consent/Surrender Agreements (Exhibits J, K & L)

Motion # 12: Mr. Pavlak made a motion to approve the following Consent/Surrender agreements, Mr. Mays seconded the motion. Discussion: None. Motion carried: 6 – 0.

ORCB Agreement

Exh.# Case #/Respondent

J. 2015-ORCB-24 (Kristina Marie Lionberger – RCP.13204)

HME Agreements

Exh. # Case #/Respondent

K. 2016-HME-9002 (Five Point Chiropractic Center – HMEL.11573.)

L. 2016-HME-11002 (I Am Sleep – HMEL.11489)

Agenda item 8.d: Closed Case Review

Motion # 13: Mr. Mays made a motion, Dr. Colletti seconded the motion. Discussion: None. Motion carried: 6-0.

2016-ORCB-08
2016-ORCB-16
2016-HME-3002
2016-HME-7002

Agenda item 8.e: Probation Compliance Report

Motion #14: Mr. Mays moved to approve the Probation Compliance Report. Dr. Colletti seconded the motion. Discussion: None. Motion carried: 5 – 0 (Ms. Yagodich abstained).

OLD BUSINESS

Agenda item 9.a: Legislative Update (Exhibits M, N, O & P)

Sue Ciarlariello, Legislative Chair of the Ohio Society for Respiratory Care, and Director Schaal provided the Board with an update regarding progress on House Bill 266 which would update the state's Respiratory Care law. Ms. Ciarlariello indicated that efforts to address concerns raised by the Ohio Nursing, Medical and Pharmacy Boards did not appear to be sufficient as their concerns were again raised with Rep. Schuring. While Ms. Ciarlariello expressed

that Director Schaal had done excellent work in drafting a proposed amendment to address the other Boards' concerns, it did not seem sufficient. Representative Schuring expressed displeasure that the other Boards have raised concerns, but have not put forward alternative language. The Representative has given the other Boards to the end of the month of February to provide language to him to review.

Ms. Ciarlariello also shared that the Society had recommended to the Governor's office the reappointment of Marc Mays to serve another three-year term on the Board. In addition, the Society would be seeking to make a recommendation with regards to a physician member to be appointed in place of Dr. Kalra who has decided not to seek reappointment to the Board.

Director Schaal also indicated that House Bill 276 – a Chiropractic bill impacting Home Medical Equipment was in a holding position as the Ohio State Medical Association raised other concerns with the bill. Director Schaal indicated that it was his understanding that the bill, if it did proceed, would be amended or replaced by a substitute bill which would address concerns raised by the Board.

Agenda item 9.b: IT Update (Exhibit Q)

Director Schaal provided an overall update of recent and pending IT changes. Already accomplished this fiscal year was the replacement of two old computers with new models that have been up and running since last fall. The old version of the Board's document management system, iSynergy, had been successfully updated. In January, the Board's equipment and data practices underwent an IT Assessment conducted by DAS. The recommendations had been included in the materials sent to the Board members. While Director Schaal will hold off on a recommendation to replace the old fax machine with a virtual version, primarily due to higher operating costs, he did indicate that the Board would seek to replace the Investigator's computer either at the end of this fiscal year or the beginning of the next to allow for office-wide updates to new security settings that DAS is attempting to implement statewide over the next year. Director Schaal also indicated that the current timetable for switching the Board to the new eLicense 3.0 is set for the beginning of 2017. However, problems arising with the current eLicense system may expedite that schedule if the present system suffers some catastrophic failure.

NEW BUSINESS

Agenda item 10.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last meeting (Exhibit R)

Motion #15: Mr. Mays moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Respiratory Care Professional Licenses and Limited Permits issued between 12/8/2015 – 2/5/2016.

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

Agenda item 10.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration (Exhibit S)

Motion #16: Ms. Cross moved to ratify HME licenses and certificates of registration issued on the following dates:

Home Medical Equipment Licenses and Certificates of Registration issued between 12/4/2015 – 2/8/2016.

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

EXECUTIVE SESSION

Motion #17: Mr. Mays moved to enter Executive Session for the purpose of considering the employment of a public employee under R.C. 121.22(G)(1). Mr. Pavlak seconded the motion. Discussion: None. Secretary Steven Pavlak proceeded with Roll Call vote:

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

Motion carried: 6 – 0.

The Board entered executive session at 4:30 p.m. and returned to regular, public session at 5:05 p.m. Aside from the six Board members, Director Schaal was called in to appear before the Board.

FOR THE GOOD OF THE BOARD

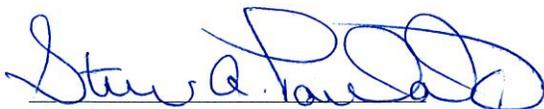
Mr. Walz asked if anyone had any other matters for the good of the Board. There was no further discussion.

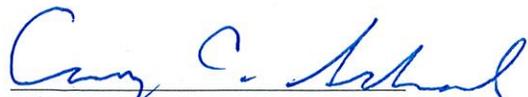
ADJOURNMENT

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

Hearing none, Mr. Walz adjourned the meeting at 5:04 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 April 20, 2016.


Board Secretary


Witness