

**OHIO RESPIRATORY CARE BOARD**

77 S. HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

**Contents**

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

**CALL THE MEETING TO ORDER.....3**

    Agenda item 1: Adoption of Proposed Meeting Agenda (Exhibit B).....3

    Agenda item 2: Approval of Previous Meeting Minutes (Exhibit C).....3

**OFFICER AND STAFF REPORTS.....3**

    Agenda item 3.a: President’s Report .....3

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

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

**COMMITTEE REPORTS.....5**

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

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

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

**PROBABLE REVIEW COMMITTEE REPORTS (Exhibits F – Enforcement Report & G – Probable Review Committee Report).....6**

    Agenda item 5.a: Open Investigation Status Report .....6

    Agenda item 5.b: Approval of Consent/Surrender Agreements (Exhibits H - K).....7

    Agenda item 5.c: Approval of Notices of Opportunity for Hearing (Exhibits L – S).....7

    Agenda item 5.d: Approval to Close Investigations.....7

    Agenda item 5.e: Probation Compliance Report.....8

**OLD BUSINESS.....8**

    Agenda item 6: Legislative Update (Exhibit T).....8

**NEW BUSINESS.....8**

    Agenda item 7.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last Board meeting (Exhibit U).....8

    Agenda item 7.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration issued since the last Board meeting (Exhibit V).....9

    Agenda item 7.c: Board Elections.....9

**EXECUTIVE SESSION.....9**

**FOR THE GOOD OF THE BOARD.....10**

**ADJOURNMENT.....10**

## **OFFICIAL BOARD MEETING MINUTES OF APRIL 20, 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.

Madhu Sasidhar, M.D., FCCP

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:**

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

Sue Ciarlariello, Legislative Chair-Ohio Society for Respiratory Care

Dave Corey, Executive Director-Ohio Society for Respiratory Care

## CALL REGULAR MEETING TO ORDER

Mr. Walz called the meeting to order at 11:13 a.m.

Agenda item 1: 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. Ms. Yagodich seconded the motion. Motion carried: 7 – 0.

Director Schaal suggested to Mr. Walz that a roll call should be taken for the meeting. Mr. Walz asked the Secretary, Mr. Pavlak, to take the roll. Mr. Pavlak reported that all Board members were present with the exception of Ms. Gilligan. Mr. Walz requested that the Board's new member, Dr. Madhu Sasidhar, share a little bit about himself. Dr. Sasidhar shared that he is currently a Staff Physician with the Respiratory Institute at the Cleveland Clinic. He is a father with two children. Dr. Sasidhar indicated that he is privileged to be a Member of the Board.

Agenda item 2: 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 February 24, 2016. Mr. Pavlak seconded the motion. The motion carried: 6 – 0, Dr. Sasidhar abstained.

## OFFICER AND STAFF REPORTS

Agenda item 3.a: President's Report

Mr. Walz did not have a report for the Board.

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

Director Schaal gave a brief update on the new Board Member, Dr. Madhu Sasidhar, and welcomed him to his first official meeting. Since the Governor's office has yet to appoint someone for the public member vacancy, Director Schaal indicated that he has requested permission to inquire with the Board Members as to whether they would have any recommendations. A discussion ensued among the Board about having someone who may be a good fit for the position that is open. Dr. Colletti indicated that she did have a person in mind and Director Schaal advised her of a form that could be filled out to nominate a potential candidate.

Director Schaal thanked the Board for the financial disclosure filings that have been submitted and reminded everyone that those are due by May 16, 2016.

The Director provided an IT update which included a motion for approval of expenditures of \$500-\$1000 for a new computer for the Board's Investigator. Currently, the computer that is being utilized is not up to date with the standards required to go forward with the IT update per the assessment provided by DAS. The purchase of this new machine will occur in either June or July of 2016 depending on funding available from Fiscal Year 2016. The Board has an additional \$6,000 in our budget for maintenance in Fiscal Year 2017. However, license renewal bills along with other end of the year bills, some which will come due in the first quarter of the next fiscal year, will all play into the decision regarding IT expenditures. We will be cautious before spending this fiscal year until we have most of the bills associated with renewal expenses. The Board's copier, our main printer, is approaching the end of the lease. Director Schaal is comparing and researching some replacement options. One of the possible cost saving opportunities would be to discontinue the phone line for the fax machine and have that included with the cost of the new copier. Elicensing 3.0 preparation is underway. The Board staff is scheduled for a 6 hour 3-day training coming up August 30, 31 and September 1, 2016. LEANOhio from DAS will be implementing the training. Director Schaal indicated that we would be covering 4 hours of staff time in the office with some staff in the office prior to and others in after the mid-day training. The document management contract with Coleman Data Solutions was renewed. This is a shared contract with the Chemical Dependency Professionals Board. That agency will be paying \$120.00 more than our Board due to the data storage amount of usage.

Eastern Gateway Community College's Program Director, Cindy Carducci, contacted Director Schaal and indicated that the College Board has decided to end their program for Respiratory Therapy. After graduating this year's current class, the College would then cut back to one full time employee, which causes problems with CoARC in terms of accreditation. Director Schaal then reached out to NBRC. If a student is in a program and it is accredited for one day, then the student is eligible to take the NBRC exams. The question then is, "Is this a program the Board recognizes?" Dr. Colletti spoke about this and how it involves the higher educational institution that is planning on closing programs. It is her understanding that if a school receives federal funding for student financial aid, they are obligated to graduate out any students currently enrolled in those programs. The question then would be are they then obligated to graduate them out under full accreditation by a professional accreditation organization? CoARC requires there to be two full-time faculty members to be accredited. The two full time employees have to be the Director of Clinical Education and the Program Director. Discussion among the Board Members resulted in the recommendation that the Director reach out to Eastern Gateway Community College for further information.

### **Budget Overview**

As of April 14, 2016, the Board's total budget was \$584,587.00 and total expenditures were \$399,794.14. Encumbrances currently totaled \$14,739.69 with a remaining budget balance of \$170,053.17.

### **Revenue Overview**

(See Attachment 1)

### **Credential Overview**

(See Attachment 2)

### **Renewal Overview**

As of today 1,109 RCP Licensees have renewed, including 4 of the 5 licensed Board members, 16 HME Licensees have renewed, 264 HME Certificate of Registrations, and 11 Limited Permit Holders have renewed. As many Limited Permit Holders are graduating, they will be applying for their initial RCP license. We currently only have 2 L2 renewals. The renewal process is progressing smoothly thus far. Our staff is tracking the address returns and forwarded addresses that have expired in our office. Director Schaal made contact with Tom Paris at Cleveland Clinic to clarify the rules regarding the amount of hours for Continuing Education required. Renewing licensees have

an online option to comment during the renewal process. During the month of April, there were no comments. And during May, one of the three comments stated it was a very smooth process. Director Schaal did report that he worked with the credit card processor to have the credit card options on the renewal site corrected. This renewal period they made it an option to choose Discover as a credit card and that was removed as it actually isn't an option provided to our licensees. Director Schaal discussed the renewal process and indicated that one issue that seems to continually arise is the failure of licensees to maintain a current address with the Board within 60 days of moving. The Board would like to see compliance with this rule enforced.

### **Expenditure Overview**

Budget Journal – FY 2016 (Attachment 3) Director Schaal went over the expenditures listed and informed the Board that US Bank–Bolinds is for supplies through Staples.

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

Marcia Stephenson, HME Manager, shares with the board that since the last meeting staff has approved 7 HME License application and 10 Respiratory Care Registration Applications. There are 10 Applications pending. Inspection schedules for April, May and June have been sent out to the inspectors. Ms. Stephenson is just waiting on dates from the inspectors. During the last Board meeting, the approximate amount of outstanding inspections was 37, including reoccurring and new inspections to reach the 3-year goal. As of April HME License division has collected \$111,130.00 for the fiscal year 2016. The renewal process is underway and going smooth. The larger organizations give the most feedback and the accredited facilities renew faster than other facilities.

**Motion # 3:** President Walz entertained a motion to approve the President's Report, Executive Director's Report and HME Manager's Report. Mr. Mays moved and Dr. Colletti seconded the motion. Motion carried: 7 – 0.

**Motion # 4:** President Walz also entertained a motion to authorize expenditures to cover one new computer between the amounts of \$500-\$1,000 to be purchased between June and July, at the discretion of the Executive Director for the Board Investigator's computer. Mr. Mays moved and Steven Pavlak seconded the motion. Motion carried: 7 – 0.

## **COMMITTEE REPORTS**

#### Agenda item 4.a: Education Committee Report

Dr. Colletti discussed the educational meeting held on March 5, 2016 at the Fawcett Center. Thirty-two individuals attended and collected CE's for the day. The primarily group of attendees were educators. The attendees requested the Board to establish what "enrolled" means and to establish a "GPA" or other criterion that is considered "in good standing."

#### Agenda item 4.b: Rules Committee Report

Mr. Pavlak discussed information on HB 266 and HB 276. He then mentioned that there would be a total of 24 Rules up for 5 year rule review. The rules for review are going to be assigned to members of the committee to review for both substantive and non-substantive changes. Mr. Pavlak then indicated that the committee had a discussion regarding a recent Michigan license transferee and the question discussed was whether or not she need to then subsequently submit 20 more hours for renewal. Director Schaal will draft a letter to the Michigan licensee

explaining the addition hours of RCCE are for renewal whereas the initial hours were necessary to obtain the license. Lastly, the committee discussed the how to handle Ohio licensees who have let their license be expired or lapsed for five or more years. To be fair to all licensees, the staff will work on a proposed rule which would give these licensees the option to obtain the needed amount of RCCE's or to retest. Currently, these licensees must retest and score at the level which was necessary for licensure when they originally licensed with the state.

#### Agenda item 4.c: Scope of Practice Committee Report

Ms. Yagodich indicated that the minutes from the previous meeting, February 24, 2016 were approved. We had two inquires that were discussed. Ms. Yagodich did request for Director Schaal to send all of those out to all Board members. All members agreed on the first response from Director Schaal. The second response would be revised to provide a few more details about the practice of medicine and recommended that individuals contact the Ohio State Medical Board for information.

**Motion # 5:** Ms. Cross made a motion to approve the reports for the Education, Scope and Rules Committees along with the Scope of Practice Responses, seconded by Mr. Mays. Motion carried: 7-0.

### PROBABLE REVIEW COMMITTEE (PRC) REPORT (Exhibits F & G)

#### Agenda item 5.a: Open Investigation Status Report

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

Kenneth Walz -	Yes	Madhu Sasidhar -	Yes
Nancy Colletti -	Yes	Marc Mays -	Yes
Melissa Cross -	Yes	Carol Gilligan -	Absent
Andrea Yagodich -	Abstain	Steven Pavlak -	Yes

Motion carried: 6 – 0

The Board entered executive session at 1:38 p.m. and returned to regular, public session at 2:10 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, Ms. McDonald 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 5.b: Approval of Consent/Surrender Agreements (Exhibits H – K)

**Motion # 7:** Mr. Mays made a motion to approve the following Consent/Surrender agreements, Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0. Andrea Yagodich Abstained.

**ORCB Consent Agreement/Surrender**

**Exh.# Case #/Respondent**

H 2015-ORCB-02  
I 2015-ORCB-25  
J 2015-ORCB-30

**Motion # 8:** Mr. Pavlak made a motion to approve the following Consent Agreement, Dr. Sasidhar seconded the motion. Discussion: None. Motion carried: 5 – 0. Andrea Yagodich and Marc Mays Abstained.

**ORCB Consent Agreement/Surrender**

**Exh.# Case #/Respondent**

K 2016-ORCB-21

Agenda item 5.c: Notice of Opportunity for Hearing (Exhibits L – S)

**Motion # 9:** Dr. Colletti made a motion to approve the following Notices of Opportunity for Hearing, Mr. Cross seconded the motion. Discussion: None. Motion carried: 6-0. Andrea Yagodich Abstained.

**ORCB Notice of Opportunity for Hearing**

**Exh.# Case #/Respondent**

L 2014-ORCB-56  
M 2015-ORCB-05  
N 2015-ORCB-06  
O 2015-ORCB-35  
P 2016-ORCB-11  
Q 2016-ORCB-14  
R 2016-ORCB-15  
S 2016-ORCB-22

Agenda item 5.d: Closed Case Review

**Motion # 10:** Mr. Pavlak made a motion to close the following cases, Dr. Colletti seconded the motion. Discussion: None. Motion carried: 6-0. Andrea Yagodich Abstained.

**Case #/Respondent**

2015-ORCB-38

2016-ORCB-09

2016-ORCB-17

Agenda item 5.e: Probation Compliance Report

**Motion #11:** Dr. Colletti moved to approve the Probation Compliance Report. Mr. Cross seconded the motion. Discussion: None. Motion carried: 6 – 0. Ms. Yagodich abstained.

**OLD BUSINESS**

Agenda item 6: Legislative Update (Exhibit T)

Sue Ciarlariello, Legislative Chair of the Ohio Society for Respiratory Care, and David Corey, the Society's Executive Director, provided the Board with an update regarding progress on House Bill 266 which would modify the state's Respiratory Care law. Ms. Ciarlariello indicated that the Ohio Nursing Board had complained that now is not the time to establish new provisions regarding protocols. The Nursing Board complained to Representative Schuring and in turn he held a special meeting with Director Schaal, Sue Ciarlariello, David Corey, Tom Dilling from the Nursing Board, and a representative from the Pharmacy Board. Representative Schuring listened to Tom Dilling's concerns about the Ohio Hospital Association currently coordinating a forum looking into protocol use. There is a comprehensive group that is meeting to discuss this topic. They are inviting the OSRC and the Board to their next meeting. The Nursing Board doesn't want the Respiratory Care Board making their own rules because they could be expanding the scope of practice within the rules. Sue Ciarlariello handed out the AARC guidelines for department based protocols. The changes are not going to be anything specific such as; Respiratory Therapists will be allowed to give Epinephrine. Representative Schuring was trying to find a compromise. He suggested that whatever rules the Respiratory Care Board comes up with they will require the advice and consent of the Pharmacy Board, the Nursing Board and the Medical Board. David Corey had then discussed HB 266 with Rep. Schuring at a later date. Rep. Schuring believes that the protocol language needs to be removed due to the problems the Nursing Board is raising. While still desiring the inclusion of protocols with the Respiratory Care Law, the Board discussed and was supportive of moving the bill forward without that provision as a means of getting the other components enacted into law.

Director Schaal also reviewed language in HB 276 with regards to Chiropractors providing HME goods and services to the public.

**NEW BUSINESS**

Agenda item 7.a: Acknowledgement of RCP Licenses and Limited Permits issued since the last meeting (Exhibit U)

**Motion #12:** Mr. Pavlak moved to ratify respiratory care professional licenses and limited permits issued on the following dates: 02/11/2016-04/07/2016. Mr. Mays seconded the motion. Discussion: None. Motion carried 7 – 0.

Agenda item 7.b: Acknowledgement of Home Medical Equipment Licenses and Certificates of Registration (Exhibit V)

**Motion #13:** Mr. Mays moved to ratify HME licenses and certificates of registration issued on the following dates: 02/09/2016-04/07/2016. Dr. Sasidhar seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 7.c.i: Election of Board President

Mr. Walz offered to serve again as Board President.

**Motion #14:** Mr. Mays moved to nominate Mr. Walz as Board President. Mr. Cross seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 7.c.ii: Election of Board Secretary

Mr. Pavlak offered to serve again Board Secretary.

**Motion #15:** Ms. Yagodich moved to nominate Mr. Pavlak as Board Secretary. Dr. Colletti seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 7.c.iii: Election of Hearing Officer

**Motion #16:** Mr. Walz moved to remain the Board's Hearing Officer. Mr. Mays seconded the motion. Discussion: None. Motion carried: 7 – 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). Ms. Yagodich seconded the motion. Discussion: None. Secretary Steven Pavlak proceeded with Roll Call vote:

Kenneth Walz -	Yes	Madhu Sasidhar -	Yes
Nancy Colletti -	Yes	Marc Mays -	Yes
Melissa Cross -	Yes	Carol Gilligan -	Absent
Andrea Yagodich -	Yes	Steven Pavlak -	Yes

Motion carried: 7 – 0.

The Board entered executive session at 2:25 p.m. and returned to regular, public session at 3:14 p.m.

**FOR THE GOOD OF THE BOARD**

Mr. Walz asked if anyone had any other matters for the good of the Board. Dr. Sasidhar was asked to be part of the Scope of Practice Committee and the Rules Sub-Committee. Mr. Walz reconfirmed then that the Scope of Practice Committee consists of Andrea Yagodich, Dr. Madhu Sasidhar and Marc Mays. Melissa Cross will be added to the Scope of Practice Committee. At this time the rest of the committees will remain the same. Dr. Colletti announced that Michael Roever will be giving the ethics presentation later this year at the OSRC annual meeting. Andrea Yagodich announced that the Current Concepts in Respiratory Care conference would take place the following week and that the Respiratory Care Board staff will be there with a booth to answer any questions the attendees may have.

**ADJOURNMENT**

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

Hearing none, Mr. Walz adjourned the meeting at 3:22 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 June 8, 2016.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Witness

**FOR THE GOOD OF THE BOARD**

Mr. Walz asked if anyone had any other matters for the good of the Board. Dr. Sasidhar was asked to be part of the Scope of Practice Committee and the Rules Sub-Committee. Mr. Walz reconfirmed then that the Scope of Practice Committee consists of Andrea Yagodich, Dr. Madhu Sasidhar and Marc Mays. Melissa Cross will be added to the Scope of Practice Committee. At this time the rest of the committees will remain the same. Dr. Colletti announced that Michael Roever will be giving the ethics presentation later this year at the OSRC annual meeting. Andrea Yagodich announced that the Current Concepts in Respiratory Care conference would take place the following week and that the Respiratory Care Board staff will be there with a booth to answer any questions the attendees may have.

**ADJOURNMENT**

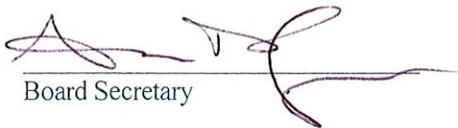
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Acting

Board Secretary



Witness

