

Members in attendance (Exhibit A):	2
Agenda item #1: CALL MEETING TO ORDER	3
Agenda item #2: ADMINISTRATIVE HEARINGS.....	3
Agenda item 2.a: In the matter of Jeanette C. Lettau (McCandlish), Case #2013ORCB009	3
Agenda item 2.b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007.....	4
Agenda item 2.c: In the matter of Orbital Enterprises, LLC, Case#2013HME006	5
Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION.....	5
Agenda item 3.a: In the matter of Jeanette C. Lettau (McCandlish), Case #2013ORCB009	5
Agenda item 3b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007.....	6
Agenda item 3c: In the matter of Orbital Enterprises, LLC, Case#2013HME006	6
Agenda item #4: STANDING COMMITTEE MEETINGS	7
Members in attendance :	7
Agenda item #5: CALL MEETING TO ORDER	8
Agenda item 5.a: Approval of meeting agenda (Exhibit B)	8
Agenda item 5b: Approval of meeting minutes for February 13 & 14, 2013 (Exhibit C).....	8
Agenda item #6: OFFICER AND STAFF REPORTS.....	8
Agenda item 6a: President’s Report (Exhibit D).....	8
Agenda item 6.b: Executive Director’s Report (Exhibit E).....	8
Agenda item 6.c: HME Manager’s Report (Exhibit F).....	9
Agenda item #7: COMMITTEE REPORTS	9
Agenda item 7.a: Scope of Practice Committee Report (Exhibits G – I)	9
Agenda item 7.b: HME Committee Report (Exhibit J).....	9
Agenda item #8: PROBABLE REVIEW COMMITTEE REPORT	10
Agenda item 8.b: Approval of Opportunity for Hearing Notices (Exhibit K, L, and M)	10
Agenda item 8.c: Consent Agreement Approval (Exhibits N)	11
Agenda item #9: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES.....	11
Agenda item 9.a: In the matter of Jeanette C. Lettau (a.k.a. McCandlish) (Case #2013ORCB009) (Exhibit O)	11
Agenda item 9.b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007 (Exhibit P).....	15

Agenda item 9.c: In the matter of Orbital Enterprises, LLC, Case#2013HME006
(Exhibit Q)..... 18

Agenda item #10: NEW BUSINESS 20

Agenda item 10.a: Application ratification for Respiratory Care Licenses and Limited
Permits (Exhibit R)..... 20

Agenda item 10.b: Application ratification for Home Medical Equipment Licenses and
Certificates of Registration (Exhibit S) 21

Agenda item 10.c: Proposed rules under consideration..... 21

Agenda item 10.d: Forms Approval (Exhibit T collective) 21

Agenda item 10.e: Officer Elections..... 21

Agenda item #11: OPEN FORUM 22

Agenda item #12: FOR THE GOOD OF THE BOARD 23

Agenda item #13 ADJOURNMENT..... 23

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF APRIL 17, 2013

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.

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

Andrea D. Yagodich, B.S., R.R.T., R.C.P.

Carol Gilligan, HME Member

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Marcia Tatum, HME Manager

Others in Attendance:

Courtney Hagele, Assistant Attorney General

Christopher Bell

Susan Barrows, R.N.

Chad Alexander

Agenda item #1: CALL MEETING TO ORDER

Mr. Mays called the meeting to order at 9:14 AM. Mr. Mays asked Ms. Gilligan to call the roll. Present were Joel Marx, Marc Mays, Robert Slabodnick, Carol Gilligan, Steven Pavlak, Andrea Yagodich, and Kenneth Walz. Mr. Mays announced there was a quorum of the Board present to conduct business.

Agenda item #2: ADMINISTRATIVE HEARINGS

Agenda item 2.a: In the matter of Jeanette C. Lettau (McCandlish), Case #2013ORCB009

The matter of Jeanette C. Lettau (McCandlish) came before the following members of the Ohio Respiratory Care Board on April 17, 2013 at 9:16 a.m. in the Board Room, 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, Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Carol Gilligan, HME Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed.

Kenneth Walz, J.D., R.R.T., R.C.P. served as the Appointed Hearing Officer in this matter.

Courtney L. Hagele, Assistant Attorney General, represented the State of Ohio.

Jeanette C. Lettau (McCandlish) appeared Pro Se.

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

Preliminary matter: Mr. Walz asked Ms. Lettau if she was formally known as Jeanette C. Lettau. Ms. Lettau (McCandlish) answered in the affirmative. Mr. Walz asked Ms. Lettau if she had received the Board's Notice of Opportunity for Hearing in which she was informed that she had the right to be represented by an attorney. Ms. Lettau answered in the affirmative. Mr. Walz asked Ms. Lettau if she was prepared proceed without an attorney. Ms. Lettau answered in the affirmative.

Ms. Hagele brought to the attention of the hearing officer State's Exhibit 4, stating that the exhibit contains a certificate of mailing date of January 28, 2013; however, the Attorney General's office received the exhibit by facsimile on the date of March 18, 2013 listed at the top of the page.

Ms. Hagele gave a brief opening statement. After, Ms. Lettau gave a brief opening statement.

The State called the following witnesses:

Jeannette C. Lettau, as on cross-examination.
Susan Barrows, R.N.
Christopher Belt, STNA.
Chad Alexander, STNA.
Barbara McVean, Secure Check, Office Manager.
Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

The State of Ohio moved for the admission of State's Exhibits 1, 2, 2a, 2b, 3, 4, 5, 5b, 5c, 5d, 5e, 5f, 6, and 7. The State withdrew State's Exhibit 5a. Mr. Walz admitted State's Exhibits 1, 2, 2a, 2b, 3, 4, 5, 5b, 5c, 5d, 5e, 5f, and 6. State's Exhibit 7 was not admitted.

The Respondent (Ms. Lettau) called the following witnesses:

Jeannette C. Lettau testified on her own behalf.

The Respondent (Ms. Lettau) did not move for the admission of any exhibits.

Ms. Hagele and Ms. Lettau both gave a closing statement. The hearing concluded at 12:28 p.m.

Agenda item 2.b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007

The matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation) came before the following members of the Ohio Respiratory Care Board on April 17, 2013 at 12:40 p.m. in the Board Room, 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, Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Carol Gilligan, HME Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed. Mr. Marx recused himself from participation in the hearing based upon his role as the Board representative on the Board's Probable Review Committee.

Kenneth Walz, J.D., R.R.T., R.C.P. served as the Appointed Hearing Officer in this matter.

Courtney L. Hagele, Assistant Attorney General, represented the State of Ohio.

Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation) 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).

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

Preliminary matter: None.

Ms. Hagele gave a brief opening statement.

The State called the following witnesses:

Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

The State of Ohio moved for the admission of State's Exhibits 1, 2, 2a, 2b, 2c, 3, 4, 5, and 6. Mr. Walz admitted State's Exhibits 1, 2, 2a, 2b, 2c, 3, 4, 5, and 6.

Ms. Hagele gave a closing statement. The hearing concluded at 1:02p.m.

Agenda item 2.c: In the matter of Orbital Enterprises, LLC, Case#2013HME006

The matter of Orbital Enterprises, LLC came before the following members of the Ohio Respiratory Care Board on April 17, 2013 at 1:05 p.m. in the Board Room, 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, Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Carol Gilligan, HME Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed. Mr. Marx recused himself from participation in the hearing based upon his role as the Board representative on the Board's Probable Review Committee.

Kenneth Walz, J.D., R.R.T., R.C.P. served as the Appointed Hearing Officer in this matter.

Courtney L. Hagele, Assistant Attorney General, represented the State of Ohio.

Orbital Enterprises 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).

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

Preliminary matter: None.

Ms. Hagele gave a brief opening statement.

The State called the following witnesses:

Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

The State of Ohio moved for the admission of State's Exhibits 1, 2, 3, 3a, 4, 5, and 6. Mr. Walz admitted State's Exhibits 1, 2, 3, 3a, 4, 5, and 6.

Ms. Hagele gave a closing statement. The hearing concluded at 1:20 p.m.

The Board broke for lunch at 1:21 p.m. and returned to public session at 2:06 p.m.

Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION

Agenda item 3.a: In the matter of Jeanette C. Lettau (McCandlish), Case #2013ORCB009

Motion #1: Mr. Slabodnick moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action in the matter of Jeanette C. Lettau. Mr. Walz seconded the motion. Discussion: None.
Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Steven A. Pavlak -	Yes
Carol Gilligan -	Yes	Andrea Yagodich -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board moved into private session at 2:07 p.m., and returned to regular, public session at 2:37 p.m. Seven Board members and the Executive Director were present during private session.

Agenda item 3b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007

Motion #2: Ms. Yagodich moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action in the matter of Durable Medical Equipment. Mr. Slabodnick seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Abstained	Steven A. Pavlak -	Yes
Carol Gilligan -	Yes	Andrea Yagodich -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board moved into private session at 2:38 p.m., and returned to regular, public session at 2:41 p.m. Six Board members and the Executive Director were present during private session. Mr. Marx was excused.

Agenda item 3c: In the matter of Orbital Enterprises, LLC, Case#2013HME006

Motion #3: Ms. Yagodich moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action in the matter of Orbital Enterprises. Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Abstained	Steven A. Pavlak -	Yes
Carol Gilligan -	Yes	Andrea Yagodich -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board moved into private session at 2:42 p.m., and returned to regular, public session at 2:45 p.m. Six Board members and the Executive Director were present during private session. Mr. Marx was excused.

Agenda item #4: STANDING COMMITTEE MEETINGS

The Board's Home Medical Equipment Committee met at 2:45 p.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. Joel Marx, HME Member, and Steven Pavlak, M.S., R.R.T., R.C.P. were present. 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 3:10 p.m.

The Board's Scope of Practice Committee at 2:45 p.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Dr. Cohn was excused from the meeting and Mr. Mays was acting Chairperson. 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 3:00 p.m.

Ms. Gilligan departed the meeting at 3:11 p.m.

Regular Board Meeting

Members in attendance :

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.

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

Andrea D. Yagodich, B.S., R.R.T., R.C.P.

Staff in attendance:

Christopher H. Logsdon, Executive Director

Marcia Tatum, HME Manager

Anthony Isom, Investigator

Others in Attendance:

Courtney Hagele, Assistant Attorney General

Agenda item #5: CALL MEETING TO ORDER

Agenda item 5.a: Approval of meeting agenda (Exhibit B)

Mr. Mays called the meeting to order at 3:15 p.m.. Mr. Mays asked Mr. Marx to call the roll. Present were Joel Marx, Marc Mays, Robert Slabodnick, Steven Pavlak, Andrea Yagodich, and Kenneth Walz. Mr. Mays announced there was a quorum of the Board present to conduct business.

Motion #4: Mr. Walz moved to approve the meeting agenda. Mr. Slabodnick seconded the motion. Discussion: None. No further discussion. Motion carried 6 – 0.

Agenda item 5b: Approval of meeting minutes for February 13 & 14, 2013 (Exhibit C)

Motion #5: Mr. Slabodnick moved to approve meeting minutes of February 13 & 14, 2013. Mr. Walz seconded the motion. Discussion: Mr. Walz stated that he conferenced with Mr. Logsdon concerning amendments in the draft minutes. Mr. Logsdon went through all of the changes. The changes were related to times noted in the minutes. Mr. Logsdon noted that there were no substantive changes. No further discussion. Motion carried: 6 – 0.

Agenda item #6: OFFICER AND STAFF REPORTS

Agenda item 6a: President's Report (Exhibit D)

Mr. Mays prepared a written President's report. Mr. Mays asked Dr. Sarah Varekojis, President of the Ohio Society for Respiratory Care to report on the society's action on recommending appointments to the Governor's office. Dr. Varekojis gave a report. Mr. Mays then proceeded to explain the officer election procedure for the Board and he encouraged members to consider interest in each open position.

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

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 was currently under budget. Mr. Logsdon stated that additional funds had been encumbered for purchase service contracts and Auditor of State fees. Mr. Logsdon reported that the budget analysis indicates that the Board's expenditures are well within the original budget plan and that he anticipated a very narrow, but positive budget balance at the end of the year.
2. Mr. Logsdon reviewed the FY 2013 revenue totals and sources.
3. Mr. Logsdon then reviewed the license statistics report as April 3, 2013.
4. Mr. Logsdon reported on his travel and meetings since the Board's prior meeting.
5. Mr. Logsdon reported on the State's implementation schedule for a new licensing system for the professional regulatory boards. Mr. Logsdon reported that the Board was scheduled in phase I, which would mean that the system would be ready for use in advance of the 2014 renewal activity.
6. Last, Mr. Logsdon reported that he was monitoring the budget bill, but nothing else. Mr. Logsdon reported that he had a meeting scheduled with Representative Schuring to discuss amendments under ORC 4761.07 and ORC 4761.09. The focus of the changes would be amending the Board's application fee caps, amending the impairment language under ORC 4761.09 (A)(8) and adding a bootstrap provision.

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

Ms. Tatum filed a written report and gave a brief verbal overview of the report. Ms. Tatum reviewed current licensing statistics, revenue generation, and inspection scheduling. In addition, Ms. Tatum reported that the agency has observed a higher than normal license application rate due to Chiropractic offices seeking HME licensure.

Motion #6: Mr. Walz moved to approve the President's Report, Executive Director's Report, and HME Manager's report. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #7: COMMITTEE REPORTS

Agenda item 7.a: Scope of Practice Committee Report (Exhibits G – I)

Mr. Mays reported that he chaired the Scope of Practice Committee meeting in Dr. Cohn's absence. Mr. Mays reported that the committee approved its prior minutes and then considered three scope of practice inquiries concerning the practice of respiratory care. Mr. Mays reported that the committee unanimously recommends that the Board approve the Scope of Practice Committee's responses to each person. The first inquiry, he reported, was from Mr. Rory Mullins. Mr. Mays read the inquiry, which asked if respiratory therapists could suture arterial lines to secure the line. Mr. Mays stated that the Executive Director prepared a draft response, which was reviewed by the Committee. Mr. Mays read the response and stated the Committee recommends approving the response.

Next, Mr. Mays discussed the Committee's review of an inquiry submitted by Steve Hoffman, R.R.T. Mr. Mays stated that Mr. Hoffman inquired about whether respiratory therapists could conduct airway examinations as part of bronchoscopy procedures under the supervision of a Physician. Mr. Mays stated that the Executive Director prepared a draft response, which was reviewed by the Committee. Mr. Mays read the response and stated the Committee recommends approving the response.

Last, Mr. Mays discussed the Committee's review of an inquiry submitted by Jennifer Zito-Kerns. Ms. Mays stated that Ms. Zito-Kerns inquired about whether respiratory therapists could provide mobility, weight bearing and range of motion activities for pulmonary patients. Mr. Mays stated that the Executive Director prepared a draft response, which was reviewed by the Committee. Mr. Mays read the response and stated the Committee recommends approving the response.

Agenda item 7.b: HME Committee Report

HME Committee – Joel Marx

Mr. Marx reported on the activities of the HME Committee. Mr. Marx approved the Committee's prior meeting minutes. The Committee, he stated, reviewed the current increase in HME licensing applications due to a recent newsletter sent by the Ohio Chiropractic Board to their licensees advising them that TENs unit sales required licensure through the Ohio Respiratory Care Board.

Motion #7: Mr. Walz moved to approve the Scope of Practice Committee and Home Medical Equipment Committee reports. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #8: Mr. Walz moved to approve the three Scope of Practice Committee responses presented: Rory Mullins, Steve Hoffman, and Jennifer Zito-Kerns. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #8: PROBABLE REVIEW COMMITTEE REPORT

Motion #9: Mr. Walz 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. 4761.031 and 4752.08 (B).and to meet with board’s legal counsel to discuss pending litigation under R.C. 121.22(G)(3) Ms. Yagodich seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Steven A. Pavlak -	Yes
Andrea Yagodich -	Yes	Robert Slabodnick -	Yes

Motion carried.

The Board entered executive session at 3:39 p.m., and returned to regular, public session at 3:55 p.m. Six Board members were present during executive session. Mr. Logsdon, Mr. Isom and Ms. Hagele 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 8.b: Approval of Opportunity for Hearing Notices (Exhibit J, K, and L)

Motion #10: Mr. Walz moved to issue an opportunity for hearing notice in accordance with ORC 119.07 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>
K.	2013ORCB047 (Martin Cunningham, RCP.4140)	Providing Services without Prescription/order & failure to consult with appropriate licensed prescribers.	Violation of ORC 4761.09 (A) (2), ORC 4761.17, and OAC 4761-10-01(K)(1)
L.	2013ORCB048 (James M. Hayward)	Obtaining a license by fraud, false or misleading representation, or concealment of material facts.	Violation of ORC 4761.09(A)(4)
M.	2013ORCB053 (Tereasa A. Pettit, RCP.6907)	Conviction of felony offense.	Violation of ORC 4761.09 (A)(1)

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

Agenda item 8.c: Consent Agreement Approval (Exhibits M)

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

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
N.	Case #2013ORCB045 (Jessica M. Fayne, RCP.12722)	Leaving an assignment without proper relief in violation of OAC 4761-10-01€	Reprimand and fine

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

Agenda item #9: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Agenda item 9.a: In the matter of Jeanette C. Lettau (a.k.a. McCandlish) (Case #2013ORCB009) (Exhibit N)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Jeanette C. Lettau (a.k.a. McCandlish)
2661 Hardwood Avenue
Lancaster, OH 43130

THE MATTER OF JEANETTE C. LETTAU (a.k.a. MCCANDLISH) CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 17, 2013 AT 9:16 A.M. IN THE BOARD ROOM, 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, KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., CAROL GILLIGAN, HME MEMBER, ANDREA D. YAGODICH, B.S., R.R.T., R.C.P., AND ROBERT SLABODNICK, R.R.T, M.ED.

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

COURTNEY L. HAGELE, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

JEANETTE C. LETTAU (MCCANDLISH) APPEARED PRO SE.

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

Preliminary matter: Mr. Walz asked Ms. Lettau if she was formally known as Jeanette C. McCandlish. Ms. Lettau (McCandlish) answered in the affirmative. Mr. Walz asked Ms. Lettau if she had received the Board's Notice of Opportunity for Hearing in which she was informed that she had the right to be represented by an attorney. Ms. Lettau answered in the affirmative. Mr. Walz asked Ms. Lettau if she was prepared proceed without an attorney. Ms. Lettau answered in the affirmative.

State's Exhibits admitted:

1. Notice of Opportunity for Hearing approved on October 10, 2012 and mailed to Jeanette C. McCandlish by certified mail/return receipt #7011 1150 0001 6788 5096 on October 10, 2012, and signed return receipt for article #7011 1150 0001 6788 5096.
2. Hearing Schedule Letter mailed to Jeanette C. McCandlish by certified mail/return receipt #7011 1150 0001 6788 5690 on November 26, 2012, and signed return receipt for article #7011 1150 0001 6788 5690.
 - 2a. Notice of Continuance mailed to Bruce A. Hyslop, Attorney at Law, by regular mail on February 8, 2013.
 - 2b. Hearing Schedule Letter mailed to Jeanette C. McCandlish by certified mail/return receipt #7011 1150 0001 6788 6963 on March 20, 2013, and signed return receipt for article #7011 1150 0001 6788 6963.
3. Signed narrative statement by Jeanette C. McCandlish sent to the Ohio Respiratory Care Board by Attorney Bruce Hyslop on September 5, 2012.
4. Attorney Bruce Hyslop's Notice of Withdrawal, dated March 18, 2013.
5. Krystina Lamb, Human Resource Manager for Select Specialty Hospital, certification of records. (exhibits 5b, 5c, 5d, 5e and 5f)
 - 5b. Alcohol Testing Form from Secure Check, 471 Morrison Road, Gahanna, Ohio 43230.
 - 5c. Witness statement from Susan R. Barrows dated July 28, 2012.
 - 5d. Witness statement from Christopher Belt dated August 23, 2012.
 - 5e. Witness statement from Chad Alexander dated August 23, 2012.
 - 5f. Disciplinary Action Form for Jeanette C. McCandlish dated July 31, 2012.
6. Alcohol Testing Form from Secure Check, 471 Morrison Road, Gahanna, Ohio 43230.

Witnesses called by the State of Ohio:

Jeannette C. Lettau, as on cross-examination.
Susan Barrows, R.N.
Christopher Belt, STNA.
Chad Alexander, STNA.
Barbara McVean, Secure Check, Office Manager.
Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

Respondent's Exhibits admitted:

None.

Witnesses called by the Respondent:

Jeanette C. Lettau, appeared on her own behalf.

FINDINGS OF FACT

1. Based upon a preponderance of the evidence the Board finds Jeanette C. Lettau was impaired in the practice of respiratory care to the extent that she could not practice at an acceptable level of competency and she exhibited physical and mental attributes consistent with impairment, including slurred speech, stumbling, and a lack of attentiveness resulting in decreased work performance.
2. The Board found that the testimony provided by witnesses that observed Jeanette C. Lettau was credible and that Jeanette C. Lettau exhibited a lack of attentiveness to patient needs.
3. The Board finds that Jeanette C. Lettau tested positive for alcohol use while engaged in the practice of respiratory care.
4. Based upon a preponderance of the evidence the Board finds Jeanette C. Lettau's testimony was not credible.
5. The Board finds, based on Jeanette C. Lettau's testimony, that she was willing to accept responsibility for driving after consuming alcohol, but she did not show any equal remorse for being at work after consuming alcohol.
6. The Board finds that testimony supported Jeanette C. Lettau's record of being a good respiratory therapist.

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:
 - ***
 - (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. The Board concludes that Jeanette C. Lettau did consume alcohol to the extent that she could not practice respiratory care at an acceptable level of competency.
- C. The Board concludes that the factual and legal allegations contained in Count I of the Notice of Opportunity for Hearing has 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 SUSPENDS Jeanette C. Lettau's license for a period of six (6) months commencing on the mailing date of the Order of the Board. Upon completion of the term of suspension, Jeanette C. Lettau shall have her license placed on PROBATION for a period of two (2) years. During the term of suspension/probation, Jeanette C. Lettau shall:

- (1) Submit to an alcohol and drug dependency assessment administered by a Licensed Physician or Certified Licensed Drug Assessment Counselor approved by the Executive Director of the BOARD. Within thirty (30) days of the mailing date of this Order of the Board, Jeanette C. Lettau is required to submit the name and address of a Licensed Physician or Certified Licensed Drug Assessment Counselor to the Executive Director of the BOARD for approval. Jeanette C. Lettau is responsible for paying the costs of the alcohol and drug dependency assessment and any treatment recommended by the Licensed Physician or Certified Licensed Drug Assessment Counselor.
- (2) The Executive Director of the Board shall have discretionary authority to accept or refuse the alcohol and/or drug dependency assessment administered by the approved Licensed Physician or Certified Licensed Drug Assessment Counselor and/or the prescribed course of treatment. In the event that the Executive Director of the Board refuses the alcohol and drug dependency assessment and/or the prescribed course of treatment, Jeanette C. Lettau shall be required to repeat the requirements stated in paragraph (1).
- (3) Upon completion of the assessment, which shall occur not more than thirty (30) days after Board acceptance of the treatment provider, Jeanette C. Lettau shall follow all orders for recommended treatment and aftercare set forth in the assessment. Jeanette C. Lettau will remain in the course of treatment and aftercare for the full term of the probation period, or as recommended otherwise by the treatment provider. Jeanette C. Lettau is responsible for providing to the Board a report evidencing compliance with the recommendations in the assessment on a quarterly basis commencing 90 days after completion of the assessment.
- (4) Jeanette C. Lettau shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
- (5) Jeanette C. Lettau 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 Jeanette C. Lettau's history of alcohol or chemical dependency, as evidenced by a written acknowledgement of having reviewed this Order of the Board. Any use of a prescription drug in a manner or dosage inconsistent with a physician's prescription will constitute a violation of this Order of the Board.
- (6) Jeanette C. Lettau shall submit to random drug and alcohol testing in the manner prescribed by the Board. Jeanette C. Lettau 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 of the Board. A failure to submit to a drug screen upon request and any adulterated or diluted toxicology result shall constitute a positive screen for the purposes of this Order of the Board. It is Jeanette C. Lettau's responsibility to have a working phone number with messaging system on file with the Board. A failure to do so will be a violation of this Order of the Board. The Board's request for a drug screen made through said messaging system constitutes an authorized drug screen request for the purposes of this Order of the Board.
- (7) Jeanette C. Lettau 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.
- (8) If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Notwithstanding this, a missed appearance is a violation of this Order of the Board unless an excuse satisfactory to the Executive Director of the Board is provided.

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

Motion #12: ANDREA YAGODICH, R.R.T. MOVED FOR FINDINGS OF FACT. STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION CARRIED (AYE – 6, NO - 0, ABSTAINED – 0). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #13: ANDREA YAGODICH, R.R.T. MOVED FOR FINDINGS OF FACT. ROBERT SLABODNICK, R.R.T., M.Ed. SECONDED THE MOTION. MOTION CARRIED (AYE – 6, NO - 0, ABSTAINED – 0). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #14: JOEL MARX MOVED FOR ORDER OF THE BOARD. STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. DISCUSSION: MR. MAYS FOUND THE TESTIMONY OF THE RESPONDENT TO BE UNTRUTHFUL AND SHE DID NOT SHOW REMORSE. MOTION CARRIED (AYE – 4/ NO – 2 (MR. MAYS AND MR. WALZ), ABSTAINED – 0). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

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 9.b: In the matter of Durable Medical Equipment (a.k.a. International Quality Healthcare Corporation), Case#2013HME007 (Exhibit O)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Durable Medical Equipment
a.k.a. International Quality Healthcare Corporation
6937 North Main Street
Dayton, OH 45415

Attn: Adaeze O. Egole-Oziri, Owner

THE MATTER OF DURABLE MEDICAL EQUIPMENT (A.K.A. INTERNATIONAL QUALITY HEALTHCARE CORPORATION) CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 17, 2013 AT 12:40 P.M. IN THE BOARD ROOM, 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, KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., CAROL GILLIGAN, HME MEMBER, ANDREA D. YAGODICH, B.S., R.R.T., R.C.P., AND ROBERT SLABODNICK, R.R.T, M.ED. MR. MARX RECUSED HIMSELF FROM PARTICIPATION IN THE HEARING BASED UPON HIS ROLE AS THE BOARD REPRESENTATIVE ON THE BOARD'S PROBABLE REVIEW COMMITTEE.

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

COURTNEY L. HAGELE, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

DURABLE MEDICAL EQUIPMENT (A.K.A. INTERNATIONAL QUALITY HEALTHCARE CORPORATION) 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).

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

Preliminary matters:

None.

State's Exhibits admitted:

State's Exhibits:

1. Notice of Opportunity for Hearing approved on October 10, 2012 and mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation by certified mail/return receipt #7005 1820 0000 0296 2488 on October 17, 2012, and signed return receipt for article #7005 1820 0000 0296 2488.
2. Evidentiary Review Notice mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation by certified mail/return receipt #7011 1150 0001 6788 5652 on November 19, 2012, and signed return receipt for article #7011 1150 0001 6788 5652.
 - 2a. Evidentiary Review Continuance Notice mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation by certified mail/return receipt #7011 1150 0001 6788 6741 on January 10, 2013, and returned as unclaimed.
 - 2b. Copy of envelope for certified mail article #7011 1150 0001 6788 6741, returned as unclaimed mail.
 - 2c. Proof of Service for Evidentiary Review Continuance Notice mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation by certificate of mailing on February 20, 2013.
3. Home Medical Equipment Inspection Survey completed by Durable Medical Equipment a.k.a. International Quality Healthcare Corporation and received by the Ohio Respiratory Care Board on December 12, 2011.
4. Letter of Facility Inspection Findings mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation on December 12, 2011 with attachment.
5. Inspection Report Review mailed to Durable Medical Equipment a.k.a. International Quality Healthcare Corporation on February 16, 2012.
6. Acknowledgement of the Inspection Report Review received by the Ohio Respiratory Care Board on February 16, 2012 from Durable Medical Equipment a.k.a. International Quality Healthcare Corporation.

Witnesses called by the State of Ohio:

Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.
2. The Board finds that Durable Medical Equipment a.k.a. International Quality Healthcare Corporation did not request a hearing before the Board.
3. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board complied with ORC 119.07 in the mailing of the Notice of Opportunity for Hearing.
4. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board finds Durable Medical Equipment a.k.a. International Quality Healthcare Corporation did not follow a directive of the Ohio Respiratory Care Board to comply with the standards for a licensed home medical equipment facility in the State of Ohio. Accordingly, the Ohio Respiratory Care Board finds Durable Medical Equipment a.k.a. International Quality Healthcare Corporation has failed to comply with the standards for a home medical equipment facility in violation of the rules of the Board.

CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4752.09 (A) states, in part:
- (A) The Ohio Respiratory Care Board may, in accordance with Chapter 119. of the Revised Code, suspend or revoke a license issued under this chapter or discipline a license holder by imposing a fine of not more than five thousand dollars or taking other disciplinary action on any of the following grounds:
- (1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;
- ***
- 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 Board that:

In consideration of these findings and conclusions, the Board hereby REVOKES Durable Medical Equipment's a.k.a. International Quality Healthcare Corporation license to provide home medical equipment services in the state of Ohio pursuant to Chapter 4752 of the Revised Code.

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

Motion #15: ANDREA D. YAGODICH, B.S., R.R.T. MOVED FOR FINDINGS OF FACT. ROBERT SLABODNICK, R.R.T, M.Ed. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #16: ANDREA D. YAGODICH, B.S., R.R.T. MOVED FOR CONCLUSIONS OF LAW; ROBERT SLABODNICK, R.R.T, M.Ed. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #17: ANDREA D. YAGODICH, B.S., R.R.T. MOVED FOR THE ORDER OF THE BOARD; ROBERT SLABODNICK, R.R.T, M.Ed. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

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 9.c: In the matter of Orbital Enterprises, LLC, Case#2013HME006 (Exhibit P)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Orbital Enterprises, LLC
6850 Cochran Road
Solon, OH 44139

Attn: Alex Greenspan, Owner

THE MATTER OF ORBITAL ENTERPRISES, LLC CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 17, 2013 AT 1:05 P.M. IN THE BOARD ROOM, 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, KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., CAROL GILLIGAN, HME MEMBER, ANDREA D. YAGODICH, B.S., R.R.T., R.C.P., AND ROBERT SLABODNICK, R.R.T, M.ED. MR. MARX RECUSED HIMSELF FROM PARTICIPATION IN THE HEARING BASED UPON HIS ROLE AS THE BOARD REPRESENTATIVE ON THE BOARD'S PROBABLE REVIEW COMMITTEE.

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

COURTNEY L. HAGELE, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

ORBITAL ENTERPRISES 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).

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

Preliminary matters:

None.

State's Exhibits admitted:

State's Exhibits:

1. Notice of Opportunity for Hearing approved on October 10, 2012 and mailed to Orbital Enterprises by certified mail/return receipt #7011 1150 0001 6788 5331 on October 17, 2012, and signed return receipt for article #7011 1150 0001 6788 5331.
2. Evidentiary Review Notice mailed to Orbital Enterprises by certified mail/return receipt #7011 1150 0001 6788 5669 on November 19, 2012, and signed return receipt for article #7011 1150 0001 6788 5669.
3. Evidentiary Review Continuance Notice mailed to Orbital Enterprises by certified mail/return receipt #7011 1150 0001 6788 6734 on January 10, 2013, and not returned as delivered.
 - 3a. Evidentiary Review Continuance Notice re - mailed to Orbital Enterprises by regular certificate of mailing on March 29, 2013.
4. Home Medical Equipment Inspection Survey completed and received by the Ohio Respiratory Care Board on February 16, 2012.
5. Letter of Facility Inspection Findings mailed to Orbital Enterprises on February 22, 2012.
6. Inspection Response Reminder mailed to Orbital Enterprises on July 19, 2012.

Witnesses called by the State of Ohio:

Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.
2. The Board finds that Orbital Enterprises, LLC did not request a hearing before the Board.
3. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board complied with ORC 119.07 in the mailing of the Notice of Opportunity for Hearing.
4. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board finds Orbital Enterprises, LLC did not follow a directive of the Ohio Respiratory Care Board to comply with the standards for a licensed home medical equipment facility in the State of Ohio, in compliance with Section 4752.08 (C).
5. Based upon a preponderance of the evidence, the Ohio Respiratory Care Board finds Orbital Enterprises, LLC has failed to comply with the standards for a home medical equipment facility in violation of the rules of the Board.

CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4752.09 (A) states, in part:
 - (A) The Ohio Respiratory Care Board may, in accordance with Chapter 119. of the Revised Code, suspend or revoke a license issued under this chapter or discipline a license holder by imposing a fine of not more than five thousand dollars or taking other disciplinary action on any of the following grounds:

- (1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;

- B. The factual and legal allegations contained in Count I and II of 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 Board that:

In consideration of these findings and conclusions, the Board hereby REVOKES Orbital Enterprises, LLC's license to provide home medical equipment services in the state of Ohio pursuant to Chapter 4752 of the Revised Code..

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

Motion #18: ROBERT SLABODNICK, R.R.T, M.Ed. MOVED FOR FINDINGS OF FACT. ANDREA D. YAGODICH, B.S., R.R.T. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #19: ROBERT SLABODNICK, R.R.T, M.Ed. MOVED FOR CONCLUSIONS OF LAW; ANDREA D. YAGODICH, B.S., R.R.T. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

Motion #20: KENNETH WALZ, R.R.T., R.C.P., J.D. MOVED FOR THE ORDER OF THE BOARD; ANDREA D. YAGODICH, B.S., R.R.T. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ NO – 0/ABSTAINED – 1(MR. MARX)). MS. GILLIGAN WAS NOT PRESENT FOR THE VOTE.

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.

Mr. Pavlak departed the meeting at 4:18 p.m.

Agenda item #10: NEW BUSINESS

Agenda item 10.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit Q)

Motion #21: Ms. Yagodich moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: February 7, 2013, February 14, 2013, February 21, 2013, February 28, 2013, March 7, 2013, March 14, 2013, March 21, 2013, March 28, 2013, April 4, 2013, and April 5, 2013.

Respiratory Care Professional Licenses issued on: February 7, 2013, February 14, 2013, February 21, 2013, February 28, 2013, March 7, 2013, March 14, 2013, March 21, 2013, March 28, 2013, and April 4, 2013. Mr. Marx seconded the motion.
Discussion: None. Motion carried 5 - 0.

Agenda item 10.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit R)

Motion #22: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

February 15, 2013, March 6, 2013, March 29, 2013, April 3, 2013, April 4, 2013, and April 5, 2013.

HMER

February 6, 2013, February 12, 2013, February 15, 2013, February 20, 2013, February 21, 2013, February 27, 2013, February 28, 2013, March 6, 2013, March 12, 2013, March 26, 2013, March 29, 2013, and April 4, 2013.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 5 – 0.

Agenda item 10.c: Proposed rules under consideration

The Board reviewed a proposed Business Impact Analysis for the Office of Common Sense Initiative for proposed amended rules OAC 4761-5-04 and OAC 4761-8-01. Mr. Mays asked Mr. Logsdon to explain the amendment. Mr. Logsdon stated that the proposed amendments to both rules do not substantively change the language. Instead, the amendment seeks to incorporate the Board's application forms by reference. Based on recent information communicated by the Joint Committee on Agency Rules Review staff, a rule making reference to a form must also include incorporate the form reference in the rule.

Motion #23: Mr. Walz moved to approve the amendment of the following rules to incorporate by reference the form noted therein:

Chapter 4761 proposed amended rules:

4761-5-04 (amend)	License application procedure.
4761-8-01 (amend)	Renewal of license or permits.

Ms. Yagodich seconded the motion. Discussion: None. No further discussion. Motion carried: 5 – 0.

Agenda item 10.d: Forms Approval (Exhibit S collective)

Motion #24: Mr. Walz moved to approve the following forms:

1. Application for Initial License/Limited Permit (Form #RCB-002)
2. Respiratory Care Professional Reinstatement for Lapsed or Inactive Licenses Form (Form RCB-023)
3. Verification of State License (Form #RCB-0019).

Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 5 – 0.

Agenda item 10.e: Officer Elections

President

Marc Mays (floating member)
Ken Walz
Robert Slabodnick

HME Committee:

Joel Marx
Carol Gilligan
Steve Pavlak
Marc Mays (floating member)

Agenda item #11: OPEN FORUM

There were no appearances for open forum.

Agenda item #12: FOR THE GOOD OF THE BOARD

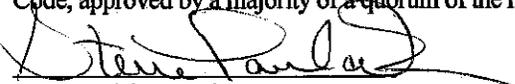
There were no matters for the good of the Board.

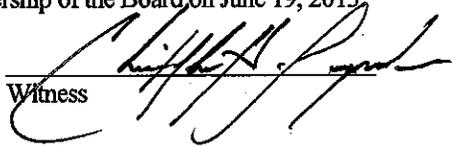
Agenda item #13: ADJOURNMENT

Motion #28: Mr. Walz moved to adjourn the meeting. Mr. Marx seconded the motion. Discussion: None. Motion carried: 5-0.

The meeting adjourned at 5:07 p.m.

Board President'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 19, 2013.


Steve Pavlak, Board Secretary


Witness