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OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF JUNE 19, 2013

NOTE ON STANDING COMMITTEE MEETINGS

The Board's Rule Committee met prior to regular business at 9:30 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. The Committee meeting ended at 10:24 a.m. Official minutes of the Board's Rule Committee were prepared and are maintained separate of this journal.

The Board's Scope of Practice Committee met prior to regular business at 10:30 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. The Committee meeting ended at 10:45 a.m. Official minutes of the Board's Scope of Practice Committee were prepared and are maintained separate of this journal.

The Board's Home Medical Equipment Committee met prior to regular business at 10:30 a.m. in room 1616, 16th Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. The Committee meeting ended at 11:10 a.m. Official minutes of the Board's Home Medical Equipment Committee were prepared and are maintained separate of this journal.

REGULAR BUSINESS MEETING

Members in attendance (Exhibit A):

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

Joel Marx, HME Member

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

Verna Riffe Biemel, Public Member

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Marcia Tatum, HME Manager

Others in Attendance:

Courtney Hagele, Assistant Attorney General

Patrick Roth

Susan Ciarlariello

Agenda item #1: CALL MEETING TO ORDER

Mr. Mays called the meeting to order at 11:17 a.m. Mr. Mays asked Mr. Pavlak to call the roll. Present were Joel Marx, Marc Mays, Carol Gilligan, Steven Pavlak, Andrea Yagodich, Verna Riffe Biemel and Kenneth Walz. Mr. Mays announced there was a quorum of the Board present to conduct business.

Agenda item 1.a: Approval of meeting agenda (Exhibit B)

Motion #1: Ms. Yagodich moved to approve the meeting agenda. Mr. Pavlak seconded the motion. Discussion: None. No further discussion. Motion carried 7 – 0.

Agenda item 1.b: Approval of meeting minutes for April 17, 2013 (Exhibit C)

Motion #2: Mr. Pavlak moved to approve meeting minutes of April 17, 2013. Ms. Yagodich seconded the motion. Discussion: Mr. Marx noted a non-substantive error on page 8, item 5a. No further discussion. Motion carried: 7 – 0.

Agenda item #2 OFFICER AND STAFF REPORTS

Agenda item 2a: President's Report (Exhibit D)

Mr. Mays prepared a written President's report. Mr. Mays introduced new members, Verna Riffe Biemel and Dr. Maninder Kalra. Mr. Mays gave some background on each member and welcomed him or her to the Board. Mr. Mays stated that Dr. Kalra could not attend the meeting given his appointment date, which just occurred the prior week. For the record, Ms. Riffel Biemel stated that her reason for being on the Board was due to her mother and not her father Vern Riffe. Ms. Riffe Biemel stated that her mother passed away due to pulmonary disease and that she and her family were blessed to have qualified respiratory care professionals delivery care to her. Mr. Mays thanked Ms. Riffe Biemel for her personal testimony.

Mr. Mays reviewed ORC 3.17 concern member attendance.

Agenda item 2.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 FY 2013 was nearly over and the Board would be beginning FY 2014 on July 1, 2013. The Board, he stated, was under budget and would likely end the year slightly under budget. 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 positive budget balance at the end of the year.
2. Mr. Logsdon reviewed the Board's current budget expenditures and disbursements.
3. Mr. Logsdon reviewed FY 2013 revenue totals and sources. Mr. Logsdon stated that revenue exceeded estimates by approximately \$44,605, reporting more than estimated revenue from RCP license renewal fees, RCP initial license applications, and, most notably, from home medical equipment initial licensure applications.
4. Mr. Logsdon then reviewed the license statistics report as of June 5, 2013.
5. Mr. Logsdon reported on his travel and meetings since the Board's prior meeting.
6. 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 has completed its configuration requirements. The full implementation date, he reported, will likely be delayed.
7. Last, Mr. Logsdon reported that he was monitoring the budget bill and H.B. 165, which proposes to exempt Certified Hyperbaric Technologists from ORC 4761 for oxygen delivery in a hyperbaric environment. Mr. Logsdon reported that a small increase in FY 2014/2015 funds remained intact in the Senate version and the bill should be going to conference committee in the next few days.
8. Mr. Logsdon reported on the Ohio Department of Health's request for Board participation in the Minimum Data Set for Health Care Professions. The project, he stated, endeavors to collect information from Ohio's health professions licensing boards to develop an accurate picture of Ohio's workforce distribution and capacity. Mr. Logsdon stated that the Ohio Board of Nursing and the Ohio State Medical Board have already begun collecting data as part of the renewal application process.
9. Last, Mr. Logsdon reported that Theresa Pepper resigned for the Board and the office was currently seeking to fill the new position.

Discussion: Mr. Walz expressed discomfort, as a licensee, with providing so much information to the Minimum Data Set project. Mr. Walz inquired if the Board was authorized to require licensees to answer the profile questions. Mr. Mays asked the Board's counsel to provide an informal opinion on collecting the information required by the Minimum Data Set project.

Agenda item 2.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. Ms. Tatum gave an update on issues relating to applications received from Chiropractic offices. Mr. Marx reported that the HME Committee also reviewed the issues. Mr. Logsdon reported that he met with the Office of Common Sense Initiative and the Ohio Chiropractic Association. Mr. Logsdon stated that he was asked to seek clarification from the Ohio Respiratory Care Board, through the HME Committee, on the need to have Transcutaneous Electronic Nerve Stimulation (TENS) device defined as home medical equipment. Mr. Logsdon stated that the Ohio Chiropractic Association expressed concerns over the cost of licensure, the costs of meeting the Board's HME standards and the costs of inspections. Mr. Logsdon stated that the law is clear on the exemption of licensed health care professional that do not sell or rent HME. The rules defining TENS devices as HME, on the other hand, he stated, were adopted well before any knowledge of sales by Chiropractic physicians or other health care professional. Mr. Logsdon reported that the HME Committee considered the definition of HME, which includes TENS devices. The HME Committee, he reported, considered the rules and the possible dilemmas associated with removing TENS devices from the rule.

Motion #3: Ms. Riffe Biemel moved to approve the President's Report, Executive Director's Report, and HME Manager's report. Mr. Marx seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 2.d: Assistant Attorney General's Report – In Executive Session

Motion #4: Ms. Gilligan moved to enter Executive Session for the purpose of holding a conference with an attorney for the Ohio Respiratory Care Board concerning disputes involving the Ohio Respiratory Care Board that are the subject of pending court action under R.C. 121.22(G)(3). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Steven A. Pavlak -	Yes
Andrea Yagodich -	Yes	Verna Riffe Biemel -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 11:56 a.m., and returned to regular, public session at 12:00 p.m. Seven Board members were present during executive session. Mr. Logsdon and Ms. Hagele were present during Executive Session.

Mr. Mays noted that the Board was behind on its schedule. The members broke for lunch at 12:00 p.m. and returned to the public meeting at 1:02

Agenda item #4: HEARING PURSUANT TO ORC 119.032 ON PROPOSED ADMINISTRATIVE RULES

The public hearing on proposed rules began at 1:04 p.m. Mr. Mays explained the hearing process and asked members of the board introduce themselves.

The public hearing on proposed rules was held 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 Verna Riffe Biemel, Public Member.

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

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

Preliminary matters: None.

Mr. Logsdon was called as a witness by the State of Ohio to identify the State's Exhibits.

The following states exhibits were introduced.

- A – Copy of Notice of Public Hearing of Intent to Amend Existing Ohio Administrative Rules filed on June 19, 2013.
- B - Screen print copy of the Ohio Respiratory Care Board's website: www.respiratorycare.ohio.gov and www.hme.ohio.gov, demonstrating the posting of Notice of Public Hearing of Amend Existing Ohio Administrative Rules and the availability of an imaged version of all rules under consideration.
- C - Full copy of the proposed amended rules and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission for the following proposed rules:

Proposed rule 4761-5-04 (amend)

Proposed rule 4761-8-01 (amend)

- D - Confirmation of Electronic Rules Filing for proposed rules 4761-5-04 (amend), and 4761-8-01 (amend) filed on May 13, 2013 and Confirmation of Electronic Rules Filing for proposed revised rule 4761-8-01 (amend) filed on May 14, 2013 with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission.
- E - Copy of Business Impact Analysis and the memorandum of recommendations from the Office of Common Sense Initiative dated May 10, 2013 for proposed rules 4761-5-04 (amend) and 4761-8-01 (amend).
- F - Copy of memorandum filed by the Ohio Respiratory Care Board with the Office of Common Sense Initiative, dated May 13, 2013.

Ms. Hagele moved to admit exhibits A – F inclusive. Hearing no objection to the admission of the exhibits, Mr. Mays admitted State’s Exhibits A through F inclusive.

Motion #5: Ms. Riffe Biemel moved to waive the reading of the rules. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Mr. Mays recognized the Assistant Attorney General for the purpose of calling witnesses for testimony on the proposed rules. No witnesses appeared.

The hearing concluded at 1:13 p.m.

Motion #6: Ms. Riffe Biemel moved to final file proposed rule 4761-5-04 and 4761-8-01 following the end date of jurisdiction for the Joint Committee on Agency Rules Review. Mr. Pavlak seconded. Discussion: None. Motion carried: 7 – 0.

Agenda item #3: COMMITTEE REPORTS

Agenda item 3.a: Rules Committee Report

Mr. Pavlak reported that the Rules Committee met prior to regular business. Mr. Pavlak stated that the Committee reviewed rules scheduled for 5-year review. Mr. Pavlak stated the Committee reviewed the following rules:

HME ORC 119.032 rules:

OAC 4761:1-5-02, OAC 4761:1-9-03

OAC 4761:1-6-01, OAC 4761:1-9-04

OAC 4761:1-6-02, OAC 4761:1-15-03

OAC 4761:1-9-02, OAC 4761:1-15-04

Mr. Pavlak reported that the Committee considered amendments to OAC 4761:1-5-02, OAC 4761:1-6-02, OAC 4761:1-9-02, and OAC 4761:1-15-03. The remaining rules were reviewed and recommended for “no change” status. Mr. Pavlak stated that the recommended amendments were before the Board. Mr. Pavlak inquired if there were any questions. Hearing none, Mr. Pavlak moved to accept the Rules Committee report.

Motion #7: Mr. Pavlak moved to approve the Rules Committee report. Mr. Marx seconded the motion. Discussion: None. Motion carried: 7-0.

Motion #8: Mr. Pavlak moved to approve a resolution to file the proposed rules listed. Ms. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 3.b: Scope of Practice Committee Report (Exhibits G)

Ms. Yagodich reported that she chaired the Scope of Practice Committee meeting, which met prior to the regular business meeting. Ms. Yagodich reported that the committee approved its prior minutes and then considered a scope of practice inquiry submitted by Ms. Stephanie Newman concerning the practice of respiratory care. Ms. Yagodich presented the inquiry filed and discussed the Committee's recommendation. Ms. Yagodich reported that the committee unanimously recommends that the Board approve the Scope of Practice Committee's response to Ms. Stephanie Newman. Committee members addressed questions concerning the draft Committee response.

Motion #9: Ms. Yagodich moved to approve the Scope of Practice Committee's report and the Board's response to Ms. Stefanie Newman, attached hereto as an exhibit to the Board's journal. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 3.c: HME Committee Report

Mr. Marx reported on the activities of the HME Committee. Mr. Marx stated that the HME Committee met prior to the regular business meeting. Mr. Marx approved the Committee's prior meeting minutes. The Committee, he stated, reviewed a list of HME licenses and certificates of registration approved by the staff since the Board's last board meeting and the Committee recommends that the Board ratify the licenses and certificates of registration issued. The Committee reviewed, at the request of the office Common Sense Initiative the definition of home medical equipment under ORC 4752.01 and the inclusion of TENS devices, in OAC 4761:1-3-02, as equipment meeting the definition of home medical equipment. Mr. Marx reported that the Committee considered the device carefully, noting that Ohio was not the only state that specifically identifies TENS devices as home medical equipment, and determined that providing TENS devices for home use is a home medical equipment service and the devices are appropriately included in the definition of home medical equipment. Mr. Marx reported the Committee considered an inquiry filed by KCI, Inc., a company that provides wound vacuum devices. KCI, Inc. inquired about the need to license facilities that are not retail outlets, but storage units for equipment. Mr. Marx asked the Executive Director to prepare a response for the Board's August 2013 meeting. Additionally, the Committee reviewed the Board's current inspection schedule and completion report.

Discussion: Mr. Walz inquired about the KCI, Inc. issue, stating he was concerned that the Board's response could give the entity latitude to engage in HME services without authorization. Mr. Marx stated that the response would be narrowly written to address the specific circumstances presented, which is why he directed the Executive Director to draft a response for the August 2013 meeting.

Motion #10: Ms. Gilligan moved to approve the Home Medical Equipment Committee report. Mr. Marx seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item #5: PROBABLE REVIEW COMMITTEE REPORT

Motion #11: Ms. Yagodich 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). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays - Yes Kenneth Walz - Yes

Joel Marx - Yes Steven A. Pavlak - Yes
 Andrea Yagodich - Yes Carol Gilligan - Yes
 Verna Riffe Biemel - Yes

Motion carried.

The Board entered executive session at 1:31 p.m., and returned to regular, public session at 1:43 p.m. Seven Board members were present during executive session. Mr. Logsdon and Mr. Isom 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 5.b: Approval of Opportunity for Hearing Notices (Exhibits H and I)

Motion #12: Ms. Yagodich 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>
H.	2013ORCB054 (Kristen E. Stacy, RCP.11154)	Impairment in practice	Violation of ORC 4761.09 (A) (8),
I.	2013ORCB056 (Daniel g. Musgrave, RCP.12748)	Negligence, violating code of professional/ethical conduct	Violation of ORC 4761.09(A)(2) and (A)(5), OAC rule 4761-10-01 (K)(1) and (3)

Ms. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 7 – Yes.

Agenda item 5.c: Consent Agreement Approval (Exhibits J through 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 #13: Ms. Gilligan moved to approve the consent agreement between the Board and the following cases:

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
J.	Case #2013ORCB047 (Martin Cunningham, RCP.4140)	Providing Services with-	Violation of

		Out prescription/order & failure to consult with appropriate licensed prescribers.	ORC 4761.09 (A) (2), ORC 4761.17, and OAC 4761-10-01(K)(1)
K.	Case #2013ORCB048 (James M. Hayward, L.I.6880)	Obtaining a license by, fraud, false or misleading representation, or concealment of material facts.	Violation of ORC 4761.09(A)(4)
L.	Case #2013ORCB053 (Tereasa A. Petit, RCP.6907)	Felony conviction.	Violation of ORC 4761.09(A)(1)

HME Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Action</u>
M.	WM Therapy Care, Inc., HMEL.11483, (no case #)	Voluntary Surrender

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – yes.

Motion #14: Ms. Riffe Biemel moved to approve the Probable Review Committee report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0.

The Board took a break from 1:50 p.m. to 2:00 p.m.

Agenda item #6: NEW BUSINESS

Agenda item 6.a: Resolution recognizing the service of former Board member - Robert Cohn, M.D. (Exhibit N)

Mr. Mays recognized Dr. Robert Cohn and discussed his record as a member of the Ohio Respiratory Care Board. Mr. Mays read the following resolution recognizing Dr. Cohn:

Whereas: GOVERNOR, BOB TAFT appointed ROBERT C. COHN, M.D. (herein DR. COHN) to serve as a member of the Ohio Respiratory Care Board for a term beginning on March 29, 2001 and ending MARCH 13, 2004, and subsequently re-appointed DR. COHN on MARCH 12, 2004 for a second three-year term. Then, on APRIL 4, 2007, GOVERNOR, TED STRICKLAND re-appointed DR. COHN for a third three-year term, followed by a fourth appointment on MARCH 10, 2010 for a three-year term; and

Whereas: DR. COHN's astounding twelve-year commitment to the Ohio Respiratory Care Board makes him one of the longest serving members and the only physician member to serve for so long. During his twelve-years on the Ohio Respiratory Care Board, DR. COHN served as the only Chairperson for the Board's Scope of Practice Committee, where his medical knowledge and professional experience was invaluable to the work of the committee. Additionally, DR. COHN served as the Board's Vice-President for seven consecutive years and two years as the appointed member to the Probable Review Committee; and

Whereas: DR. COHN rarely missed a Board meeting during his term, consistently chaired his committee meetings, and almost always attended committee meetings that he was not scheduled to attend so that he could participate in all aspects of the Board's work.

Be it Resolved: That on this day JUNE 19, 2013, the Ohio Respiratory Care Board officially recognizes the outstanding contributions made by ROBERT C. COHN, M.D. to the citizens of Ohio and the profession of Respiratory Care over his twelve year, voluntary commitment and service to the State of Ohio. DR. COHN'S ability to balance his dedication to the practice of medicine and his duty to the Board is an amazing achievement for a practicing physician. His interest in all aspects of the Board demonstrated his devotion and love of respiratory care. He often spoke of professionalism and its contribution to public trust. DR. COHN served as an example of professionalism, which were exhibited in the wisdom he imparted, the policies he helped to author and resolute decisions he rendered. His accomplishments as a member and leader on the Board are immeasurable. Indeed, DR. COHN will leave large shoes to fill. The members of this Board wish him all the best in his professional career and his personal life.

Motion #15: Ms. Yagodich moved to approve the resolution on recognition of service for Robert Cohn, M.D.. Ms. Gilligan seconded the motion. Discussion: Dr. Cohn thanked the sitting members of the Board and the Executive Director for all of the support throughout his many years of service. No further discussion: Motion was approved: 7 – 0.

Agenda item 6.b: Application ratification for licenses and limited permits issued since the last meeting (Exhibit O)

Motion #16: Ms. Riffe Biemel moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: April 11, 2013, April 18, 2013, April 19, 2013, April 25, 2013, May 2, 2013, May 9, 2013, May 15, 2013, May 23, 2013, May 30, 2013, and June 6, 2013.

Respiratory Care Professional Licenses issued on: April 11, 2013, April 18, 2013, April 25, 2013, May 2, 2013, May 9, 2013, May 15, 2013, May 23, 2013, May 30, 2013, May 31, 2013, and June 6, 2013. Ms. Gilligan seconded the motion. Discussion: None. Motion carried 7 - 0.

Agenda item 6.c: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit P)

Motion #17: Ms. Gilligan moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

April 11, 2013, April 15, 2013, April 19, 2013, April 22, 2013, April 25, 2013, May 1, 2013, May 2, 2013, May 7, 2013, May 21, 2013, May 22, 2013, and May 31, 2013.

HMER

April 15, 2013, April 16, 2013, April 19, 2013, April 22, 2013, April 25, 2013, May 1, 2013, May 15, 2013, May 21, 2013, and May 31, 2013.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 6.d: Travel authorization

Mr. Logsdon presented an expenditure request for travel to attend the 2013 NBRC licensure liaison meeting in Kansas City, Mo. Mr. Mays reminded the Board that Mr. Logsdon was asked to attend the NBRC meeting.

Motion #18: Ms. Riffe Biemel moved to approve the travel expenses and travel request filed by the Executive Director to attend the NBRC licensure liaison meeting on September 21, 2013. Mr. Pavlak seconded the motion. Discussion: Mr. Walz noted that the travel request was for three days. Mr. Walz asked why Mr. Logsdon needed to stay until Sunday. Mr. Logsdon explained that he could not find a morning flight on September 21st to get him to the meeting by 8:15 a.m., so he needs to fly in the evening before. Coming back, Mr. Logsdon stated that flight on September 21st departs around 5:15 p.m. (the end of the conference) and the conference does not end until 5:00 p.m. As it is, Mr. Logsdon explained he would be getting up around 2:30 a.m. to make it to the airport to catch the morning flight on Sunday. No further discussion. Motion carried: 7 – 0.

Agenda item 6.e: Frequently asked questions form (Exhibit Q collective)

Motion #19: Mr. Pavlak moved to approve the frequently asked questions form for OAC 4761-5-01 and frequently asked questions for general issues. Ms. Gilligan seconded the motion. Discussion: Mr. Walz asked that the answer on question number one of the OAC 4761-5-01 form should clearly indicate that the primary provisions of the rule do not go into effect until January 1, 2015. Question numbering was also incorrect and required renumbering. Mr. Logsdon stated that he would correct both issues. No further discussion. Motion carried: 7 – 0.

Agenda item 6.f: Form approval (Exhibit R)

Motion 20: Ms. Riffe Biemel moved to approve revised form RCB-049, License Renewal form. Mr. Pavlak seconded the motion. Discussion: Mr. Logsdon reviewed the change in the form. Mr. Walz asked about the dating on the form. Mr. Logsdon stated that form dating would not require refilling the form or the associated rule. No further discussion. Motion carried: 7 – 0.

Agenda item #7: OPEN FORUM

Ms. Ciarlariello, Legislative Chairperson for the Ohio Society for Respiratory Care (OSRC), addressed the Board. Ms. Ciarlariello stated that she hopes to have a liaison at each meeting. Ms. Ciarlariello reported that the OSRC Legislative Committee has met twice re-establishing the OSRC's Legislative Committee. Ms. Ciarlariello reported that H.B. 165 was introduced, which proposes to exempt Certified Hyperbaric Technologists (CHTs) from ORC 4761, for the provision of oxygen in a hyperbaric unit. Ms. Ciarlariello stated that she contacted the National Board of Diving and Hyperbaric Medical Technology and learned that Ohio has 40 active Certified Hyperbaric Technologists and of these twelve are respiratory care professionals. Ms. Ciarlariello reported that a person seeking to be a CHT must have an existing clinical path to get the certification. This includes nursing, respiratory care, or medicine. The organization also allows medical assistants (MA) and patient care assistants (PCA) to become a CHT, but through a lengthier process, she reported. Ms. Ciarlariello reported that the organization stated that they are considering dropping the MA and PCA pathways. Ms. Ciarlariello reported that the OSRC would not oppose the amendment.

Last, Ms. Ciarlariello reported that the OSRC is hosting an education meeting in October to review OAC 4761-5-01.

Agenda item #8: FOR THE GOOD OF THE BOARD

There were no matters for the good of the Board.

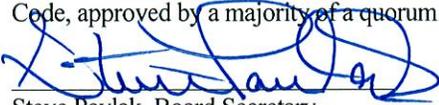
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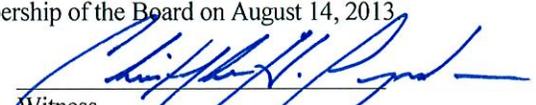
ADJOURNMENT

Motion #21: Ms. Gilligan moved to adjourn the meeting. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

The meeting adjourned at 2:45 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 August 14, 2013


Steve Pavlak, Board Secretary


Witness