

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF OCTOBER 16, 2013

REGULAR BUSINESS MEETING

Members in attendance (Exhibit A):

Marc Mays, M.S., 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.

Robert Slabodnick, M.Ed., R.R.T., R.C.P.

Maninder Kalra, Ph.D., M.D., Physician Member

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

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Marcia Tatum, HME Manager

Traci L. McDonald, Office Professional I

Others in Attendance:

Steven R. Kochheiser, Assistant Attorney General

Tyler Richards, Ohio Department of Health

STANDING COMMITTEE MEETINGS

The Board's Education Committee met prior to regular business at 9:13 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Robert Slabodnick chaired the meeting. Ms. Yagodich attended. Carol Gilligan was absent. The Committee meeting ended at 9:36 a.m. Official minutes of the Board's Education Committee were prepared and are maintained separate of this journal.

The Board's Rules Committee met prior to regular business at 9:47 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Steve Pavlak chaired the meeting. Joel Marx and Kenneth Walz (arrived at 9:58 a.m.) attended. Verna Riffe Biemel was absent. The Committee meeting ended at 11:02 a.m. Official minutes of the Board's Rules Committee were prepared and are maintained separate of this journal.

The Board's Scope of Practice Committee met prior to regular business at 11:05 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Andrea Yagodich chaired most of the meeting, but appointed a co-chair (Mr. Slabodnick) to review an inquiry filed by her employer. Marc Mays, Kenneth Walz, Robert Slabodnick, and Dr. Maninder Kalra attended. Ms. Yagodich and Mr. Mays recused themselves from participating in discussion relating to an inquiry filed by Mr. Mays. The Committee meeting ended at 11:35 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 11:10 a.m. in room 1616, 16th Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Joel Marx chaired the meeting. Steven Pavlak attended. Carol Gilligan was absent. The Committee meeting ended at 11:30 a.m. Official minutes of the Board's Home Medical Equipment Committee were prepared and are maintained separate of this journal.

Regular Business Meeting

Agenda item #1: CALL REGULAR MEETING TO ORDER

Mr. Mays called the meeting to order at 11:39 a.m. Mr. Mays asked Mr. Pavlak to call the roll. Present were Joel Marx, HME Member, Marc K. Mays, M.S., R.R.T., R.C.P., President, Steven Pavlak, M.S., R.R.T., R.C.P., Robert Slabodnick, M.Ed., R.R.T., R.C.P., Kenneth Walz, J.D., R.R.T., R.C.P., Maninder Kalra, Ph.D., M.D., and Andrea Yagodich, R.R.T., R.C.P. Mr. Mays noted that Carol Gilligan, HME Member and Verna Riffe Biemel, Public Member were absent and would not be in attendance. A quorum of the Board was present to conduct business.

Agenda item 1.b: Approval of meeting minutes for August 14, 2013 (Exhibit B)

Motion #1: Mr. Slabodnick moved to approve the August 14, 2013 meeting minutes. M. Pavlak seconded the motion.

Discussion: Mr. Logsdon noted that Mr. Walz provided written corrections. The following corrections were discussed:

- Page 9, #6, line 4- change *bases* to basis
- Page 9, #7, line 1- change *that the* to that
- Page 9, #9, line 2- change *for the* to for
- Page 9, #9, line 2- change *of the* to of
- Page 9, #11, line 1- change *he/she* to she
- Page 12, paragraph 7, line 1- change *member* to members
- Page 15, item 8.a, #1- change *direct* to director
- Page 15, item 8.a,#2- change *mays* to Mays

- Page 15, item 8.a,#3- remove second period at end of sentence
- Page 15, item 8.b - Change *review* to reviewed (x2)

Mr. Logsdon characterized the changes as non-substantive, typographical or grammar errors. Mr. Mays asked if there were any objections to adopting the corrections noted. Seeing none, Mr. Mays called the main question with the adoption of the changes. Motion carried: 7 – 0.

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

Motion #2: Mr. Marx moved to approve the meeting agenda. Mr. Pavlak seconded the motion. Discussion: None. Motion carried 7 – 0.

Agenda item #2: OFFICER AND STAFF REPORTS

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

Mr. Mays gave a brief verbal President's report. Mr. Mays reported that the Executive Director's Annual Review was scheduled for December. Mr. Mays reported that the current form is still being used, but the new electronic performance evaluation process is being refined and may change future procedures. Mr. Mays encouraged members to participate in the process. Discussion: Mr. Marx inquired about the purpose of presenting the form. Mr. Mays asked members to use the form, if each member desired, and to send the form to him. Mr. Mays also reported that he, Mr. Slabodnick and Mr. Pavlak attended a luncheon at the Governor's mansion. Mr. Mays stated Governor Kasich spoke about integrity and his emphasis on human trafficking law. Last, Mr. Mays stated that the Ohio State University provided meeting space for the Ohio Society for Respiratory Care's Education Conference on October 12, 2013. Mr. Mays reported that the conference had about 70 participants representing Ohio's respiratory care educational programs and hospital department directors throughout Ohio. Mr. Mays stated that Mr. Logsdon, on behalf of the Board, Dr. Craig Black, University of Toledo, and Teresa Volsko, representing the National Board for Respiratory Care, Inc. each presented.

Mr. Mays also provided members with a copy of the Board's biennial audit report.

Motion #3: Mr. Slabodnick moved to approve the President's Report. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 7 – 0.

The Board retired for lunch at 11:59 a.m. and returned to public session at 1:00 p.m.

Agenda item #2: OFFICER AND STAFF REPORTS CONT'D

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 2014. Mr. Logsdon reported that an analysis of the Board's expenditures during the first quarter demonstrate that spending is within the planned budget and allotments. Mr. Logsdon stated that new contracts were mailed to the Board's independent inspectors based upon PERS policy requirements. Mr. Logsdon also reported that the office emailed approximately 2200 notices and mailed approximately 302 notices on the sale of TENS devices.
2. Mr. Logsdon reported on the current number of active licensees and the current FY 2014 revenue totals and sources.

3. Mr. Logsdon reported on his travel and meetings since the Board's August board meeting. Mr. Logsdon briefed the membership on the NBRC licensure liaison conference he attended on behalf of the Board.
4. Mr. Logsdon reported on the State's implementation schedule for a new licensing system for the professional regulatory boards.
5. 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 stated that the bill was scheduled for testimony in the Ohio Senate.
6. Mr. Logsdon reported on several reports and projects currently being addressed by management staff. The following reports/projects were addressed:
 - a. Deferred Action for Childhood Arrivals (DACA) analysis – reported status as complete.
 - b. Governor's Office of Workforce Transformation and EO 2013-05K – Priority Occupational Licenses for Military Trained Applicants – reported status as complete.
 - c. Minority Business Expenditure Plan – reported status as complete.
 - d. 2013 Workforce Plan – reported status as complete.
 - e. Legislative Service Commission Annual Report on Boards and Commissions – reported status as complete.
 - f. Board Annual report – reported status as complete.
 - g. Ohio Department of Health's Minimum Data Set for Health Care Professions. – reported status as complete.
7. Last, Mr. Logsdon reviewed data taken from the Board's customer service survey, including comments from persons that completed the survey.

Discussion: Mr. Walz noted that some of the comments submitted to the Board's customer service survey were clearly unrelated to the Board and its function. Mr. Walz inquired of the Executive Director if he made an attempt to address comments submitted. Mr. Logsdon stated that he does attempt to contact persons that leave an identity and contact information, such as telephone number or email address. Mr. Logsdon stated, in his experience, persons who provide unfavorable comments often provide no identity or contact information. Mr. Marx asked why the Board's website shows a disciplinary action flag on persons that had action more than ten years earlier. Mr. Logsdon stated that a public action flag does show on each person that had a prior administrative action. Mr. Logsdon explained that administrative records, according to his limited understanding, are not eligible for expungement like other records. Mr. Walz asked what would happen to an administrative action that was based on a conviction that is later expunged. Mr. Logsdon stated that the Board has dealt with that type of scenario. In those cases, Mr. Logsdon stated, the public administrative action record is redacted pursuant to the expungement order, but the board's action itself remains part of the public record. Mr. Marx restated his question and then addressed the question by noting that there may be no method of removing an administrative action flag from the licensure system if the record was a public record. Mr. Walz stated that if a conviction no longer exists, then the Board's action that is based on the conviction should also be subject to review. Mr. Logsdon asked if the Board would like the Attorney General's office to address the question. Members agreed it should be reviewed.

Motion #4: Mr. Pavlak moved to approve the Executive Director's Report. Mr. Slabodnick seconded the motion.
Discussion: None. Motion carried: 7 – 0.

Agenda item 2.c: HME Manager's Report (Exhibit F)

Ms. Tatum filed a written report. Ms. Tatum reviewed her report, stating that the Board had issued 22 HME licenses and 10 HME certificates of registration since the August 2013 Board meeting. In addition, Ms. Tatum reported that October, November, and December inspections schedules have been sent to the Board's five contracted inspectors and the office is awaiting confirmation from each inspector. Ms. Tatum reported on the revenue generated from initial applications filed and updated the Board members on the response received by the Board as a result of a notice that was mailed to active Chiropractic physicians.

Motion #5: Mr. Marx moved to approve the HME Manager's Report. Mr. Pavlak seconded the motion. 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 approved the prior meeting minutes and then reviewed rules draft rules 4761-1-01, 461-10-01, and 4761:1-13-01. Mr. Pavlak explained the proposed changes as follows:

1. 4761-1-01 – change the rule to reflect the current web address for the Board.
2. 4761-10-01 – change the rule to add a new profession conduct standard. The proposed change was:

Add paragraph (T):

A licensee or permit holder shall not self-administer or otherwise take into their body any dangerous drug, as defined in section 4729.01 (F) of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued to them by a healthcare professional authorized by law to prescribe medications or self-administering or otherwise taking into their body any drug that is a schedule I controlled substance.

Mr. Pavlak reported that the Rules Committee discussed the proposed language at length and moved to modify the text to read:

Add paragraph (T):

A licensee or permit holder, in connection with their employment in the practice of respiratory care, shall not self-administer or otherwise take into their body any dangerous drug, as defined in section 4729.01 (F) of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued to them by a healthcare professional authorized by law to prescribe medications or self-administering or otherwise taking into their body any drug that is a schedule I controlled substance.

3. 4761:1-13-01 – change the rule to allow for the waiver of continuing education and to expand the available sources of continuing education for licensed HME providers. Mr. Pavlak reported that the proposed changes stated:

Mr. Pavlak stated that the Rules Committee discussed the proposed amendment at length and moved to return the proposed draft to the original language approved at the prior meeting and simplify the eligibility for waiver by making it based on sales volume and not the number of HME types sold. The Rules Committee adopted the following changes:

Amend 4761:1-13-01 as follows:

- (A) ~~Each licensed~~ *Licensed HME facility/facilities must demonstrate that a continuing education plan has been developed that provides continuing education for staff rendering HME services to the public in the state of Ohio, unless a waiver of contact hours is granted under paragraph (E) of this rule.*
- (B) *The qualifying continuing education program must meet or exceed the following guidelines:*
 - (1) *Staff must complete no less than ten contact hours of continuing education per renewal cycle. Of the required hours:*
 - (a) *No more than five contact hours may be ~~non-accredited~~ in-service education developed and taught by the HME facility;*
 - (b) *The remaining hours must come from educational programs specific to the type and level of HME service provided that are approved by an organization recognized by the Ohio respiratory care board that provides continuing education relating to home medical*

- equipment services or ~~specific clinical affiliation~~ by an HME or health professional organization or association that offers continuing education contact hours relevant to the HME services provided; and*
- (c) *Clinical and equipment cleaning/maintenance staff must have one contact hour of continuing education on infection control, equipment cleaning and cleaning agents, rotation of inventory and equipment separation.*
- (C) *Continuing education credits shall be documented for employed staff involved in HME service delivery to the public. Records of attendance and completion shall include:*
- (1) *Sign in logs; and*
 - (2) *Agendas and training manuals for facility based in-services;*
 - (3) *Documentation of completed continuing education courses taken by each staff member must be maintained in that employees personnel file and must be available for review by a board investigator upon demand.*
- (D) *Any organization that provides HME continuing education may apply to the board to be recognized as an authorized continuing education provider. Request for recognition must be made in writing to the board and the organization must provide the board with an overview of their agency and an outline of the continuing education courses provided by that agency, including course content.*
- (E) *A licensed HME provider may apply to the Board for waiver of one-half of the continuing education contact hours required, if the licensed provider receives total payments of not more than ten thousand dollars per year from selling or renting HME.*

Mr. Pavlak stated that the Rules Committee discussed the proposed amendment at length and moved to return the proposed draft to the original language approved at the prior meeting and simplify the eligibility for waiver by making it based on sales volume and not the number of HME types sold.

Motion #6: Dr. Kalra moved to approve the Rules Committee report. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 7- 0.

Motion #7: Mr. Marx moved to approve a resolution to file the proposed rules, as amended by the Rules Committee. Mr. Slabodnick seconded the motion. Discussion: Mr. Logsdon reminded members that a prior motion in August 2013 approved the filing of other rules and this motion only addressed rules being presented for further amendment. No further discussion. Motion carried: 7 – 0.

Agenda item 3.c: Scope of Practice Committee Report (Exhibits G, H, I, J, and K collective)

Ms. Yagodich reported that the Scope of Practice Committee met prior to the Board meeting. Ms. Yagodich reported that the Committee approved the prior meeting minutes and then reviewed five scope of practice inquiries. Ms. Yagodich stated that she presided over reviewing four of the inquiries but then departed the meeting, along with Mr. Mays, on a matter submitted by Mr. Mays. Ms. Yagodich reported that Mr. Slabodnick co-chaired the meeting for the inquiry filed by Mr. Mays.

Ms. Yagodich stated that the Committee was recommending approval of the following summarized responses:

1. Inserting PICC lines, A-lines, and IV lines by respiratory care professionals. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. Ms. Yagodich stated that the Committee recommended approval of the draft response stating that RCPs could be trained to insert PICC lines, Arterial lines, and Intravenous lines, within the framework of rendering or offering to render any service involving the evaluation of cardiopulmonary

function, the treatment of cardiopulmonary impairment, the assessment of treatment effectiveness and the care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. Ms. Yagodich stated the response was consistent with prior responses approved by the Board. (Exhibit G)

2. Running an Extracorporeal Membrane Oxygenation (ECMO) system when a Continuous Renal Replacement Therapy (CRRT) device is connected to the system. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. Ms. Yagodich stated that the draft response concluded that running an ECMO unit with a connected CRRT would not be within the scope of respiratory care practice; however, after considerable discussion, the Committee concluded that a properly trained respiratory therapist could run an ECMO system when a CRRT was attached. Ms. Yagodich stated further that the Committee recommended stating in the response that the Ohio Board of Nursing should be consulted to determine if running an ECMO unit with a CRRT attached would violate their law. Ms. Yagodich stated that the Committee recommends approval of the response being provided. (Exhibit H)
3. Prohibitions to using a Pulse Dose Oxygen Conservation (POC) device without obtaining a new prescription. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. The Committee, Ms. Yagodich reported, agreed with the draft response prepared, which stated that a respiratory therapist could assess and evaluate a patient for POC compatibility, but a prescription would be required if it resulted in a change in oxygen delivery devices. Ms. Yagodich stated that the Committee recommends approval of the response being provided. (Exhibit I)
4. Requirement for an HME provider to obtain a prescription for oxygen delivered to a hospice facility. Ms. Yagodich reported that the Executive Director prepared a draft response for the Committee to review. Ms. Yagodich explained that the inquiry asked if an HME provider needed to receive a prescription for oxygen prior to delivering the oxygen to a hospice facility or could the hospice facility receiving the order simply call the HME facility for the setup. The Committee, Ms. Yagodich reported, agreed with the draft response prepared, which stated that a prescription is required under Section 4752.01 ORC and rule 4761:1-9-04, which requires the HME provider to maintain a client record, which includes the physician order. (Exhibit J)

Mr. Slabodnick stated that he presided over the discussion involving the fifth inquiry filed with the Committee, which came from the Ohio State University Medical Center through Mr. Mays. Mr. Slabodnick reported that Mr. Mays and Ms. Yagodich left the Committee meeting and did not participate in the discussion. Mr. Slabodnick summarized the fifth inquiry:

5. Is there a law or rule that would prohibit respiratory therapists from following a tobacco cessation counseling protocol, wherein the respiratory therapist identifies the tobacco user and offers tobacco counseling. Mr. Slabodnick stated that the Committee members discussed the issue at length and concluded that there was no law or rule that would prohibit a respiratory therapist from providing tobacco cessation counseling pursuant to a protocol. The Committee, he stated, also believes tobacco cessation counseling is certainly within the scope of respiratory care practice. Mr. Slabodnick stated that the Executive Director prepared a draft response for the Committee to review and the Committee amended the response to state that pursuant to an approved order, nothing would prohibit a respiratory therapist from following a tobacco cessation protocol. The Committee also added that the Board was not approving any specific protocol. Mr. Logsdon was asked to read the recommended response.

Discussion: The Board discussed the recommended response. Mr. Mays and Ms. Yagodich left the meeting and did not participate in this part of the discussion. Mr. Walz expressed his position that the response should address the question asked, which is if there is a law or rule that prohibits therapists for initiating a smoking cessation counseling protocol. Mr. Marx agreed, but inquired if there needs to be an order from the protocol. Mr. Marx asked if a therapist needs an order to tell someone to stop smoking. Members discussed duties and actions performed by therapists that are not ordered by a physician. Mr. Marx stated that a therapist should not need a prescription to speak with a patient about smoking. Mr. Mays and Ms. Yagodich returned to the meeting. Mr. Mays then inquired about the Board's position. Mr. Mays asked if the Committee was stating that therapists could not perform a smoking cessation protocol without an order. Dr. Kalra asked if the protocol is checked off on the admission orders. Mr. Mays summarized the tobacco

cessation counseling procedure his organization intends to follow. Dr. Kalra inquired about opportunities to have a protocol ordered. Mr. Mays explained difficulties with obtaining a specific written order. Mr. Mays explained that a physician group in the hospital approves the protocol. Mr. Mays stated that these types of programs are becoming very standardized. Mr. Mays and Ms. Yagodich then departed the meeting (2:00 p.m. to 2:10 p.m.) to allow other members to discuss the inquiry. Members stated that asking identified patients if they were interested in smoking cessation counseling was a policy matter. Implementing a counseling session, on the other hand, was a protocol. Members concluded that the Board should not direct how an organization implements a protocol. Mr. Mays and Ms. Yagodich returned. Members addressed Mr. Mays' question and stated there was no law or rule that prohibited a respiratory therapist from following a protocol. Members concluded that the health organization should determine how to implement the protocol.

Motion #8: Mr. Slabodnick moved to approve the Scope of Practice Committee report and the four inquiry responses presented:

- a. Inserting PICC lines, A-lines, and IV lines by respiratory care professionals.
- b. Running an Extracorporeal Membrane Oxygenation (ECMO) system when a Continuous Renal Replacement Therapy (CRRT) device is connected to the system.
- c. Prohibitions to using a Pulse Dose Oxygen Conservation (POC) device without obtaining a new prescription.
- d. Requirement for an HME provider to obtain a prescription for oxygen delivered to a hospice facility.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Motion #9: Mr. Slabodnick moved to approve the Scope of Practice Committee's response on whether there is a law or rule that prohibits therapists from following a smoking cessation counseling protocol. Mr. Pavlak seconded the motion. Discussion: Members asked Mr. Logsdon to read the pertinent part of the response for clarification. Mr. Logsdon read the response. Additional discussion arose concerning the need to have an order for this protocol. Members collectively expressed concern over the use of the term "protocol" as it is used in the inquiry. Dr. Kalra stated that a "protocol" would only be initiated with a physician order. Mr. Mays stated that he would support the Committee's response, regardless of the answer. Mr. Walz stated that it does not seem necessary to have an order to engage in smoking cessation discussion, but the word "protocol" creates a problem. Mr. Mays asked Mr. Slabodnick to consider withdrawing the motion. Mr. Slabodnick withdrew the motion.

Additional discussion was held concerning the need to have an ordered protocol to discuss smoking cessation with a patient.

Motion #10: Mr. Walz moved to amend the pertinent part of the Committee's response to state that the Board has identified no law or rule that would prevent respiratory therapists from engaging in the activities described in the inquiry. Mr. Slabodnick seconded the motion. Discussion: Mr. Walz clarified that he was not addressing the issue of protocols or policy, but only stating that therapist could perform smoking cessation counseling. No further discussion. Motion carried: 5 – Yes, 2 – abstained (Mr. Mays and Ms. Yagodich) (Exhibit K)

Agenda item 3b: Education Committee Report

Mr. Slabodnick reported the Board's Education Committee met prior to regular business. Mr. Slabodnick stated that the Education Committee discussed the implementation of OAC 4761-5-01. Mr. Slabodnick stated that the January 1, 2015 would soon be upon the Board and the Education Committee is interested in identifying methods to inform Ohio and regional respiratory care educational programs of the significant changes. The Committee, he stated, considered posting simplified information on the website and list serve emails. The Committee will be asking the NBRC to send RRT pass results, but believes the NBRC will not like to assist the Board. The Committee also suggested asking all non-resident applicants to obtain a credential verification letter directly from the NBRC. The Committee also recommends that the Board review its 1990 contract with the NBRC for use of the entry-level examination for Ohio licensing. Last, Mr. Slabodnick reported that the Education Committee reviewed rule 4761-4-02, which requires Ohio respiratory care educational programs to report information to the Board. Mr. Slabodnick stated that the rule might not be necessary based on recent changes to the Commission on Accreditation of Respiratory Care (CoARC), which

now reports summary data for each program nationwide. Mr. Slabodnick stated that the Committee found that the rule may be redundant, but thought it was needed.

Motion 11: Ms. Yagodich moved to approve the Education Committee report. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 3d: HME Committee Report

Mr. Marx reported that the HME Committee met prior to regular business. Mr. Marx reported that the HME Committee approved the prior meeting minutes. The HME Committee, he stated, reviewed the statistics on HME licenses and certificates of registration issued, inspections completed, and an update on the advisory letter mailed to Chiropractic Physicians. Mr. Marx also reported that the HME Committee would be planning an HME Strategic planning conference in January.

Motion #12: Mr. Pavlak moved to approve the HME Committee report. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 7-0.

Agenda item #4: PROBABLE REVIEW COMMITTEE REPORT

Motion #13: Mr. Slabodnick 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. 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	Maninder Kalra, M.D. -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board entered executive session at 2:53 p.m., and returned to regular, public session at 3:09 p.m. Six Board members were present during executive session. Mr. Slabodnick was excused from participating in executive session. Mr. Logsdon, Mr. Isom, Ms. McDonald, and Mr. Kochheiser 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 4.b: Approval of Opportunity for Hearing Notices (Exhibits L - Q)

Motion #14: 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>
L.	2013ORCB009 (Jeanette C. McCandlish, RCP.7898)	Violating Order of the Board	Violation of ORC 4761.09 (A) (2)
M.	2013ORCB056 (Daniel G. Musgrave, RCP.12748)	Negligence, violating code of professional/ethical conduct, practicing while untrained or incompetent	Violation of ORC 4761.09(A)(2) and (11) and (A)(5), OAC rule 4761-10-01 (K)(1) and (3)
N.	2014ORCB002 (John A. Beck, RCP.6029)	Implementing inaccurate order, Falsifying patient record	Violation of ORC 4761.09 (A)(2) and 4761-10-01 (L) and (O)
O.	2014ORCB005 (Amy Sue Fisk, RCP.5804)	Falsifying Patient Record	Violation of ORC 4761.09(A)(2) and OAC 4761-10-01 (O)
P.	2014ORCB011 (Christine M. Flynn, RCP.13578)	Violating provision of law	Violation of ORC 4761.09 (A)(2) and 4761.10 and OAC 4761-8-01 (F)
Q.	2014ORCB014 (Mesmer A. Gebreberhane, Lic. #N/A)	Offense involving moral turpitude	Violation of ORC 4761.09(A)(1)

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 5 – Yes, 2 – Abstained (Mr. Slabodnick and Mr. Walz).

Agenda item 4.b: Withdraw of Opportunity for Hearing Notices (Exhibit R)

Motion #15: Ms. Yagodich moved to withdraw the Notice of Opportunity for Hearing approved on October 10, 2012 in the matter of Loretta J. Jeronimo, Case #2013ORCB027. Mr. Pavlak seconded the motion. Discussion: Mr. Logsdon explained the motion for withdraw. No further discussion. Motion carried: 5 – Yes, 2 – Abstained (Mr. Slabodnick and Mr. Walz).

Agenda item 4.c: Approval of Consent Agreements (Exhibits S and T)

Motion #16: Mr. Marx moved to approve the following consent agreements:

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
S.	2013ORCB069 (Theresa Armitage, RCP.6535)	Violation of Professional Conduct Rules	Violation of ORC 4761.09 (A) (2), OAC 4761-10-01 (N)
T.	2013ORCB048 (James M. Hayward, L1.6880)	Obtaining a license by, fraud, false or misleading	Violation of ORC 4761.09(A)(4)

representation, or conceal-
ment of material facts.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 5 – Yes, 2 – Abstained (Mr. Slabodnick and Mr. Walz).

Agenda item #5: NEW BUSINESS

Agenda item 5.a: Resolution to Adopt Order of Surrender – SilverNet Stores, Inc. (Exhibit U)

Motion #17: Mr. Marx moved to approve the resolution entering an order of surrender upon the journal of the Ohio Respiratory Care Board in the matter of SilverNet Stores, Inc. (HMEL.11485). Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5.b: Application ratification for licenses and limited permits issued since the last meeting (Exhibit V)

Motion #18: Mr. Pavlak moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: August 16, 2013, August 23, 2013, August 29, 2013, August 30, 2013, September 9, 2013, September 12, 2013, September 19, 2013, September 26, 2013, October 3, 2013, and October 4, 2013.

Respiratory Care Professional Licenses issued on: August 15, 2013, August 23, 2013, August 29, 2013, August 30, 2013, September 9, 2013, September 12, 2013, September 19, 2013, September 26, 2013, and October 3, 2013. Mr. Marx seconded the motion. Discussion: None. Motion carried 7 - 0.

Agenda item 5.c: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit W)

Motion #19: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

August 2, 2013, August 8, 2013, August 15, 2013, August 16, 2013, August 21, 2013, August 23, 2013, August 29, 2013, September 10, 2013, September 12, 2013, September 16, 2013, September 25, 2013, September 27, 2013, October 1, 2013, and October 2, 2013.

HMER

August 8, 2013, August 16, 2013, August 21, 2013, September 10, 2013, September 11, 2013, September 12, 2013, September 16, 2013, and October 2, 2013.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5.d: Annual Report (Exhibit X)

Motion #20: Mr. Slabodnick moved to approve the Board's Annual report. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5.e: Policy Review and Approval (Exhibit Y collective)

Mr. Logsdon presented draft changes to the agency's operations policy manual. Mr. Logsdon noted that the policy changes, if approved by the Board, would be forwarded to the employee's union for review prior to inclusion in the new manual.

Motion #21: Ms. Yagodich moved to approve the following policies:

Policy 1.1	Policy 2.7	Policy 4.2
Policy 1.2	Policy 2.8	Policy 4.3
Policy 1.3	Policy 2.91	Policy 4.5 (rescind)
Policy 1.8	Policy 2.92	Policy 5.1 (rescind)
Policy 2.1	Policy 2.95a	Policy 5.2
Policy 2.2	Policy 3.2	Policy 8.1
Policy 2.2b	Policy 3.3	Policy 8.2
Policy 2.3	Policy 3.5	Policy 8.3 (rescind)
Policy 2.4	Policy 4.1	

Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5.f: Re-Inspection Recommendation for HMEL.11506 (Exhibit Z)

Mr. Logsdon presented the re-inspection recommendation for HMEL.11506, Rockside Chiropractic. The Board reviewed the inspection findings and the inspection response provided by the licensee. Following a review of the material provided, the follow motion was presented:

Motion #22: Mr. Marx moved not approve the recommendation of the HME Independent Inspector to re-inspect HMEL.11506, Rockside Chiropractic. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item 5.f: Recognition of Tobacco Treatment Certification Course for RCCE (Exhibit AA)

Mr. Logsdon presented information on the Tobacco Treatment Certification Course.

Motion #23: Mr. Walz moved to approve recognition of the Tobacco Treatment Certification Course for Respiratory Care Continuing Education. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 7 – 0.

Agenda item #6: OPEN FORUM

No one appeared to speak at open forum.

Agenda item #7: FOR THE GOOD OF THE BOARD

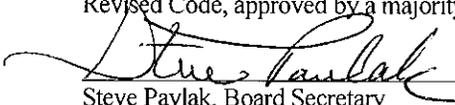
Members discussed the 2014 meeting schedule. A list of meeting dates will be mailed to each member and voted on at the next business meeting.

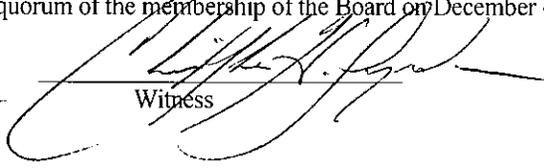
Agenda item #9 ADJOURNMENT

Mr. Mays asked if there was any other business to bring before the Board. Hearing none and seeing no objection, he adjourned the meeting.

The meeting adjourned at 3:35 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 December 4, 2013.


Steve Pavlak, Board Secretary


Witness