

MEMBERS IN ATTENDANCE (Exhibit A):	2
Agenda item #1: CALL MEETING TO ORDER AND APPROVAL OF MINUTES (Exhibit B)	3
Agenda item #2: ADMINISTRATIVE HEARINGS	3
Agenda item 2a: In the matter of Rebecca M. D’Amico, Case #2013ORCB068	3
Agenda item 2b: In the matter of LaDonna M. Hicks, Case #2014ORCB024	4
Agenda item 2c: In the matter of Angela Dawn Hershiser, Case #2014ORCB025	5
Agenda item #3: HEARING PURSUANT TO ORC 119. ON PROPOSED ADMINISTRATIVE RULES (Exhibit C)	5
Agenda item #9: OPEN FORUM (Exhibit D)	7
Agenda item #5: OFFICER AND STAFF REPORTS	7
Agenda item 5b: Executive Director’s Report (Exhibit E and F)	7
Agenda item #4: APPROVAL OF PRIOR MEETING MINUTES	8
Agenda item 4.a: Prior Meeting Minutes (Exhibit G)	8
Agenda item #5: OFFICER AND STAFF REPORTS CONT’D	8
Agenda item 5.a: President’s Report	8
Agenda item 5.b: Executive Director’s Report Cont’d	8
Agenda item #6: PROBABLE REVIEW COMMITTEE REPORT	9
Agenda item 6.1: Approval of Opportunity for Hearing Notices (Exhibit H)	9
Agenda item 6.3: Approval of Consent Agreements (Exhibit I)	9
Agenda item 6.3: Approval of Voluntary Surrender Agreement (Exhibit J)	10
Agenda item #5: OFFICER AND STAFF REPORTS CONT’D	10
Agenda item 5.c: HME Manager’s Report (Exhibit K)	10
Agenda item #7: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES	10
Agenda item 7: Deliberation in Private Session	10
Agenda item 7.a: In the matter of Rebecca M. D’Amico, Case #2013ORCB068 (Exhibit L)	11
Agenda item 7.b: In the matter of LaDonna Marie Hicks, Case #2014ORCB024 (Exhibit M)	14
Agenda item 7.C: In the matter of Angela Dawn Hershiser, Case #2014ORCB025 (Exhibit N)	18
Agenda item #8: NEW BUSINESS	21
Agenda item 8.1: Application ratification for licenses and limited permits issued since the last meeting (Exhibit O)	21
Agenda item 8.2: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit P)	22

Agenda item 8.3: Resolution to file rules (Exhibit Q).....	22
Agenda item 8.4: Office Policy Review (Exhibit R).....	22
Agenda item 8.5: Annual CLEAR Conference (Exhibit S)	23
Agenda item 8.6: Board Elections.....	23
Agenda item #10: FOR THE GOOD OF THE BOARD.....	23
Agenda item #11 ADJOURNMENT	23

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF APRIL 16, 2014

REGULAR BUSINESS MEETING

MEMBERS IN ATTENDANCE (Exhibit A):

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

Joel Marx, HME Member

Verna Riffe Biemel, Public Member

Carol Gilligan, 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

Marcia Tatum, HME Manager

Traci L. McDonald, Administrative Professional I

Others in Attendance:

Steven R. Kochheiser, Assistant Attorney General

Rebecca D'Amico

Judie M. List

David Corey, Ohio Society for Respiratory Care

Susan Ciarlariello, Legislative Chairperson, Ohio Society for Respiratory Care

Regina Scheiderer, Human Resource Manager, DAS Central Service Agency

Sloan T. Spaulding, Assistant Attorney General

Agenda item #1: CALL MEETING TO ORDER AND APPROVAL OF MINUTES (Exhibit B)

Mr. Mays called the meeting order at 9:04 am. Mr. Mays provided the membership with a brief review of the order of business and then asked for a motion to approve the agenda for the regular business meeting.

Motion #1: Mr. Walz moved to approve the regular business agenda for April 16, 2014. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item #2: ADMINISTRATIVE HEARINGS

Agenda item 2a: In the matter of Rebecca M. D'Amico, Case #2013ORCB068

The matter of Rebecca M. D'Amico came before the following members of the Ohio Respiratory Care Board on April 16, 2014 at 9:05 a.m. in Room East B, 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, Carol Gilligan, HME Member, Maninder Kalra, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Verna Riffe Biemel, Public Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed. Robert Slabodnick, R.R.T., M.Ed. recused himself from the proceedings based upon his role as the Board liaison to the investigatory Probable Review Committee.

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

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

Rebecca M. D'Amico appeared Pro Se.

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

Preliminary matters:

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

Mr. Walz briefly reviewed the rules of the hearing and then asked if there were any preliminary stipulations. Hearing none, Mr. Walz proceeded with the hearing.

Mr. Kochheiser and Ms. D'Amico gave an opening statement. The State presented its case in chief. The State called Rebecca M. D'Amico, as on cross-examination and Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board. The State of Ohio moved for the admission of State's Exhibits 1 through 9. Hearing no objection from Ms. D'Amico, the State's exhibits were admitted.

The Board took a break from 10:20 a.m. to 10:28 a.m.

Ms. D'Amico presented her case in chief. Ms. D'Amico gave personal testimony and then called Ms. Judie List as a witness. Ms. D'Amico moved for the admission of Respondent's Exhibits A through E. Hearing no objection from Mr. Kochheiser, the Respondent's exhibits were admitted.

Mr. Kochheiser and Ms. D'Amico gave an closing statement. The hearing concluded at 11:14 a.m.

Agenda item 2b: In the matter of LaDonna M. Hicks, Case #2014ORCB024

The matter of LaDonna M. Hicks came before the following members of the Ohio Respiratory Care Board on April 16, 2014 at 11:15 a.m. in Room East B, 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, Carol Gilligan, HME Member, Maninder Kalra, M.D., Kenneth Walz, J.D., R.R.T., R.C.P., Steven Pavlak, R.R.T., M.S., Verna Riffe Biemel, Public Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T., M.Ed. Robert Slabodnick, R.R.T., M.Ed. recused himself from the proceedings based upon his role as the Board liaison to the investigatory Probable Review Committee.

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

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

LaDonna M. Hicks did not appear for the hearing, but did submit exhibits for the record.

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

Preliminary matters:

Mr. Walz noted that Ms. Hicks was not present, but did file exhibits for consideration in lieu of appearance. Mr. Walz asked the Assistant Attorney General for the State, Mr. Kochheiser, if he had any objection to the admission of Respondent's exhibits A through G. Hearing no objection, Mr. Walz admitted Respondent's exhibits A through G.

Mr. Walz briefly reviewed the rules of the hearing and then asked if there were any preliminary stipulations. Hearing none, Mr. Walz proceeded with the hearing.

Mr. Kochheiser gave an opening statement. The State presented its case in chief. The State called Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board. The State of Ohio moved for the admission of State's Exhibits 1 through 5. Mr. Walz admitted State's exhibits 1 through 5.

Mr. Kochheiser gave a closing statement. The hearing concluded at 11:35 a.m.

Agenda item 2c: In the matter of Angela Dawn Hershiser, Case #2014ORCB025

The matter of Angela Dawn Hershiser came before the following members of the Ohio Respiratory Care Board on April 16, 2014 at 11:37 a.m. in Room East B, 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, Carol Gilligan, HME Member, Maninder Kalra, M.D., Kenneth Walz, J.D., R.R.T., R.C.P., Steven Pavlak, R.R.T., M.S., Verna Riffe Biemel, Public Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T., M.Ed. Robert Slabodnick, R.R.T., M.Ed. recused himself from the proceedings based upon his role as the Board liaison to the investigatory Probable Review Committee.

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

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

Angela Dawn Hershiser did not appear for the hearing, but did submit exhibits for the record.

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

Preliminary matters:

Mr. Walz noted that Ms. Hershiser was not present, but did file exhibits for consideration in lieu of appearance. Mr. Walz asked the Assistant Attorney General for the State, Mr. Kochheiser, if he had any objection to the admission of Respondent's exhibits A through C. Hearing no objection, Mr. Walz admitted Respondent's exhibits A through C.

Mr. Walz briefly reviewed the rules of the hearing and then asked if there were any preliminary stipulations. Hearing none, Mr. Walz proceeded with the hearing.

Mr. Kochheiser gave an opening statement. The State presented its case in chief. The State called Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board. The State of Ohio moved for the admission of State's Exhibits 1 through 5. Mr. Walz admitted State's exhibits 1 through 5.

Mr. Kochheiser gave a closing statement. The hearing concluded at 12:02 p.m.

The Board broke for lunch at 12:03 p.m. and returned to public session at 1:00 p.m.

Agenda item #3: HEARING PURSUANT TO ORC 119. ON PROPOSED ADMINISTRATIVE RULES (Exhibit C)

The public hearing on proposed rules began at 1:03 p.m. Mr. Mays presided over the hearing process and asked members of the board to introduce themselves.

The public hearing on proposed rules was held in the Room East B, 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, Carol

Gilligan, HME Member, Maninder Kalra, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven Pavlak, R.R.T., M.S., Verna Riffe Biemel, Public Member, Andrea D. Yagodich, B.S., R.R.T., R.C.P., and Robert Slabodnick, R.R.T, M.Ed.

Steven Kochheiser, 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.

- 1 – Notice of Public Hearing of Intent to Amend Existing Ohio Administrative Rules.
- 2 – Screen print copy of Notice of Public Hearing of Intent to Amend Existing Ohio Administrative Rules published on website: www.respiratorycare.ohio.gov.
- 3 - Collective documents:
 - a. Rules summary and fiscal analysis and copy of filed rules for:
 - i. Amended rule OAC 4761-3-01: Definition of terms.
 - ii. Amended rule OAC 4761-8-01: Renewal of license or permits.
 - iii. Amended rule OAC 4761-9-02: General RCCE requirements and reporting mechanisms.
 - iv. Amended rule OAC 4761-9-05: Approved sources of RCCE.
 - v. Amended rule OAC 4761-12-01: Initial application fee.
 - vi. New rule 4761-4-03: Recognition of military educational programs for active duty military members and/or military veterans.
 - b. Business Impact Analysis for rules listed in 3(a) (i) through (vi) above.
 - c. Common Sense Initiative Review memorandum for rules listed in 3(a) (i) through (vi) above, dated March 11, 2014.
- 4 - Collective documents:
 - a. Rules summary and fiscal analysis and copy of filed rules for:
 - i. Amended rule OAC 4761:1-3-02: Home medical equipment defined.
 - b. Business Impact Analysis for rules listed in 4(a) (i) above.
 - c. Common Sense Initiative Review memorandum for rules listed in 4(a) (i) above, dated March 11, 2014.
- 5 - Collective documents:
 - a. Rules summary and fiscal analysis and copy of filed rules for:
 - i. Amended rule OAC 4761:1-13-01: Continuing education standards.
 - b. Business Impact Analysis for rules listed in 5(a) (i) above.
 - c. Common Sense Initiative Review memorandum for rules listed in 5(a) (i) above, dated March 11, 2014.
- 6 - Letter of Intent to File submitted to Office of Common Sense Initiative on March 11, 2014.
- 7 - Confirmation letter of rules filing with the Joint Committee on Agency Rule Review, the Legislative Service Commission, and the Secretary of State dated March 11, 2014.

Mr. Kochheiser moved to admit exhibits 1 through 7. Hearing no objection to the admission of the exhibits, Mr. Mays admitted State's Exhibits 1 through 7 inclusive.

Motion #2: Ms. Riffe Biemel moved to waive the reading of the rules. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 9 – 0.

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

The hearing concluded at 1:12 p.m.

Following the rules hearing, Mr. Mays asked members if he could consider Agenda item #9, since the Ohio Society for Respiratory Care representatives were present. Hearing no objection, Mr. Mays moved to Agenda item #9

Agenda item #9: OPEN FORUM (Exhibit D)

Ms. Susan Ciarlariello, Legislative Chairperson, Ohio Society for Respiratory Care (OSRC) and David Corey appeared. Ms. Ciarlariello distributed a handout (Exhibit B). Ms. Ciarlariello informed the Board that the handout was a draft legislative language that the Ohio Society for Respiratory Care's Legislative Committee has been working on, in cooperation with the Board's Executive Director. Ms. Ciarlariello stated that the Ohio Society for Respiratory Care has been interested in pursuing clean-up legislation that addresses respiratory care protocols. Ms. Ciarlariello also stated that the draft clean-up language includes a few that the Board has been interested in pursuing. Ms. Ciarlariello stated that the Ohio Society for Respiratory Care would like to work with the Board, through the Executive Director on the draft language. Mr. Logsdon reminded the Board members that some of the language is familiar, even though it has not been agreed upon. Mr. Logsdon stated the Board would have the opportunity to influence the language. Ms. Ciarlariello addressed questions from Board members.

Agenda item #5: OFFICER AND STAFF REPORTS

Agenda item 5b: Executive Director's Report (Exhibit E and F)

Motion #3: Mr. Walz moved to enter Executive Session pursuant to ORC 121.22 (G) to consider the employment of a public employee. Mr. Slabodnick seconded the motion. Roll call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Maninder Kalra, M.D. -	Yes
Steven A. Pavlak -	Yes	Verna Riffe Biemel -	Yes
Andrea Yagodich -	Yes	Robert Slabodnick -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board moved into executive session at 1:27 p.m. Ms. McDonald and visitors were asked to leave the meeting. All nine members of the Board, Christopher Logsdon, Steven Kochheiser, Regina Scheiderer, and Sloan Spaulding were present during Executive Session. Executive Session concluded and the Board returned to public session at 2:08 p.m.

The Board took a break at 2:09 p.m. and returned to public session at 2:16 p.m.

Agenda item #4: APPROVAL OF PRIOR MEETING MINUTES

Agenda item 4.a: Prior Meeting Minutes (Exhibit G)

Motion #4: Ms. Riffe Biemel moved to approve the meeting minutes of February 19, 2014. Dr. Kalra seconded the motion. Discussion: Mr. Marx noted a typographical error, but Mr. Logsdon noted the error was already caught and not on the final draft contained in the meeting notebooks. No further discussion. Motion carried: 9-0.

Agenda item #5: OFFICER AND STAFF REPORTS CONT'D

Motion #5: Mr. Slabodnick moved to approve the Order of Involuntary Disability Separation in the matter of Anthony Isom (Exhibit D). Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item 5.a: President's Report

Mr. Mays reminded members of the 2013 Financial Disclosure deadline of May 15, 2014. He urged members to file as soon as possible. Last, Mr. Mays stated that the Board would be voting on officers during the meeting. Mr. Mays stated that he would be honored to continue in the capacity of President, but any of the members are qualified for the position and encouraged them to consider.

Agenda item 5.b: Executive Director's Report Cont'd

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 as of 4/4/2014. Mr. Logsdon presented the Board's expenditures and revenue collection amounts for the Fiscal Year. Mr. Logsdon reported some under spending in payroll and estimated that the trend would continue through the remainder of the Fiscal Year. Mr. Logsdon reported that the Board encumbered funding for all anticipated expenditure for the remainder of the Fiscal Year, except for office rent fees. Mr. Logsdon reported that the agency was just notified that office rent costs would be going up for FY 2014 and FY 2015. Mr. Logsdon stated that budget transfers and adjustments may be need in the fourth quarter to meet all of the Board's address all of the Board's obligations.
2. Mr. Logsdon reported that the agency met its 2014 MBE and EDGE goals.
3. Mr. Logsdon reported on the current number of active licensees and the current FY 2014 revenue totals and sources.
4. Mr. Logsdon reported on his travel and meetings since the Board's February board meeting.
5. Mr. Logsdon reported he was monitoring H.B. 165 and H.B. 488.

Mr. Logsdon addressed several questions concerning expenditures incurred by the agency.

Motion #6: Mr. Walz moved to approve the President's report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0 .

Motion #7: Mr. Walz moved to approve the Executive Director's report. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Mr. Mays directed the members to Agenda item #6 until Ms. Tatum arrives to provide her report.

Agenda item #6: PROBABLE REVIEW COMMITTEE REPORT

Motion #8: 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. 4761.03(E) and 4752.08 (B). Mr. Marx 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	Vern Riffe Biemel -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 2:34 p.m., and returned to regular, public session at 2:47 p.m. Eight Board members were present during executive session. Mr. Slabodnick was excused from participating in executive session. Mr. Logsdon, 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 6.1: Approval of Opportunity for Hearing Notices (Exhibit H)

Motion #9: 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>
G.	2014ORCB036 (Aaron Blaine Wilcox)	Conviction of offense involving moral turpitude	ORC 4761.09 (A) (1)

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – Abstained (Mr. Slabodnick).

Agenda item 6.3: Approval of Consent Agreements (Exhibit I)

Motion #10: Mr. Walz moved to approve the following consent agreement:

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
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G. 2014ORCB002 (John A. Beck, RCP.6029) Violating Standard of Professional Conduct Violation of OAC 4761-10-01 (L)

Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – Abstained (Mr. Slabodnick).

Agenda item 6.3: Approval of Voluntary Surrender Agreement (Exhibit J)

Motion #11: Mr. Walz moved to approve the Voluntary Surrender Agreement filed by Solon Spine & Wellness Center (HMEL.11514), attached hereto as Exhibit H. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 9 – Yes.

Agenda item #5: OFFICER AND STAFF REPORTS CONT'D

Agenda item 5.c: HME Manager's Report (Exhibit K)

Ms. Tatum filed a written report. Ms. Tatum reviewed her report, stating that Board staff had approved 17 HME licenses and 11 HME certificates of registration since the February 19, 2014 Board meeting. Ms. Tatum reported there were 11 pending applications on file. In addition, Ms. Tatum reported that she conducted an audit of abandoned applications to determine if any of the applications could be reconsidered as active files. Ms. Tatum also provided an update on the inspections conducted in January, February and March 2014. Ms. Tatum provided the Board with an update on current license/certificate of registration renewal and gave the Board a summary of the current revenue generated during FY 2014.

Last, Ms. Tatum addressed matters identified during the recent HME Strategic Planning Meeting. Ms. Tatum provided the Board with a list of tasks and a recommended ranking of importance for each task.

Discussion: None.

Motion #12: Mr. Walz moved to approve the HME Manager's Report. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #13: Mr. Walz moved to approve the Probable Review Committee Report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0.

Agenda item #7: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Agenda item 7: Deliberation in Private Session

Motion #14: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning in the matter of Rebecca M. D'Amico (Case#2013ORCB068), LaDonna M. Hicks (Case#2014ORCB024), and Angela Hershiser (Case#2014ORCB025). Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Maninder Kalra, M.D. -	Yes
Steven A. Pavlak -	Yes	Verna Riffe Biemel -	Yes

Witnesses called by the State of Ohio:

Rebecca M. D'Amico, as on cross-examination.
Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

State's Exhibits admitted:

- 1 – Notice of Opportunity for Hearing approved on February 19, 2014 and mailed to Rebecca M. D'Amico by certified mail/return receipt #7011 1150 0001 6781 8292 on February 20, 2014 and a signed return receipt for certified mail article #7011 1150 0001 6781 8292.
- 2 – Request for hearing sent to Ohio Respiratory Care Board on February 28, 2014.
- 3 - Hearing Scheduling letter dated March 3, 2014, sent to Rebecca M. D'Amico by certified mail/return receipt #7011 1150 0001 6781 8339 and signed return receipt for certified mail article #7011 1150 0001 6781 8339.
- 4 - Certified copy of Judgment Entry, Case #13 CR 233, in the Court of Common Pleas, Mahoning County, in the matter of Rebecca D'Amico.
- 5 – Certified copy of Indictment, Case #13 CR 233, in the Court of Common Pleas, Mahoning County, in the matter of Rebecca D'Amico.
- 6 - Certified copy of Adjudication Order in the matter of Rebecca Marie D'Amico, February 9, 2011 before the Ohio Respiratory Care Board.
- 7 - Certified copy of Consent Agreement in the matter of Case #2008ORCB05, Rebecca Marie D'Amico, June 18, 2008 before the Ohio Respiratory Care Board.
- 8 - Certified copy of hearing transcript in the matter of Case #2008ORCB05, Rebecca Marie D'Amico, dated February 9, 2011 before the Ohio Respiratory Care Board.
- 9 - Mahoning Valley Law Enforcement Task Force Investigative Report, Case file #13-02/040.

Respondent's Case in Chief:

Witnesses called by the Respondent:

Rebecca M. D'Amico, testified on her own behalf.
Judie List

Respondent's Exhibits admitted:

- A - Letter dated April 14, 2014 from Amy Klump, LSW, MSed, Felony Drug Court Coordinator.
- B - Authorization to Disclose Client Information form, dated April 10, 2014.
- C - Alcoholics Anonymous sign-in sheet for January 2014 through April 2014.
- D - Collective exhibit containing Redwood Toxicology Laboratory drug and alcohol screening results from August 2013 through December 2013 and January 2014 through March 2014.

E - Letter signed by Rebecca D'Amico.

FINDINGS OF FACT

Based upon a preponderance of the evidence the Board finds the following:

- A. On or about July 18, 2013, Rebecca M. D'Amico pleaded guilty in the Mahoning County Court of Common Pleas, Mahoning County, Ohio, case #13-CR-233 to Count One of the indictment, Deception to Obtain a Dangerous Drug, a violation of Section 2925.22(A)(B)(3)(a) of the Revised Code, a felony of the fifth degree and Count Two of the indictment, Illegal Processing of Drug Documents, a violation of Section 2925.22 (A)(F)(2), a felony of the fifth degree.
- B. The Board finds by a preponderance of the evidence that the factual and legal allegations contained in Count I of the Notice of Opportunity for Hearing has been proved.
- C. The Board finds the following facts are mitigating:
 - a. Rebecca M. D'Amico is currently attending Alcoholics Anonymous
 - b. Rebecca M. D'Amico reports being sober and drug free for the last eight months.
 - c. Rebecca M. D'Amico is currently enrolled in a rehabilitation program and she is progressing through the program as planned.
- D. The Board finds the following facts are aggravating:
 - a. Rebecca M. D'Amico has had two prior disciplinary actions by the Ohio Respiratory Care Board based upon criminal offenses relating to substance abuse or a failure to adhere to probationary conditions imposed by the Board.
 - b. Rebecca M. D'Amico has had prior criminal convictions related to substance abuse.
 - c. Rebecca M. D'Amico's testimony lacked clarity on details of the rehabilitation program and her long term commitment to sobriety.

CONCLUSIONS OF LAW

1. Ohio Revised Code § 4761.09 states in pertinent part:
 - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
 - (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter;
- ***
2. 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 PERMANENTLY REVOKES Rebecca M. D'Amico's license in the State of Ohio.

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

- Motion #15: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR FINDINGS OF FACT. ANDREA YAGODICH, R.R.T., R.C.P. SECONDED THE MOTION. DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).
- Motion #16: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR CONCLUSIONS OF LAW. STEVEN PAVLAK, M.S., R.R.T., R.C.P. SECONDED THE MOTION DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).
- Motion #17: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR ORDER OF THE BOARD. ANDREA YAGODICH, R.R.T., R.C.P. SECONDED THE MOTION. DISCUSSION: DR. KALRA STATED THAT THE ANOTHER OPTION WOULD BE TO SUSPEND MS. D'AMICO'S LICENSE FOR A DETERMINED AMOUNT OF TIME WITH SPECIFIC CONDITIONS. DR. KALRA STATED REVOCATION DOES NOT GIVE MS. D'AMICO THE OPPORTUNITY TO APPLY FOR LICENSURE IN THE FUTURE. DR. KALRA STATED THAT THE BOARD MEMBERS ARE CONCERNED THAT MS. D'AMICO MAY NOT GRADUATE FROM HER REHABILITATION PROGRAM OR NOT STAY THE COURSE IN THE LONG TERM. DR. KALRA ARGUED THAT THIS CONCERN COULD BE ADDRESSED BY A LONGER TERM OF SUSPENSION WITH MONITORING REQUIREMENTS. MR. MARX STATED THAT MS. D'AMICO HAS BEEN FAMILIAR TO THE BOARD FOR THE PAST SIX YEARS UNDER TWO PRIOR DISCIPLINARY ACTIONS BY THIS BOARD. MS. GILLIGAN ARGUED FOR A 12-18 MONTH SUSPENSION WITH PROOF OF SOBRIETY. MR. WALZ EXPRESSED CONCERN THAT TWO PRIOR ACTIONS BY THIS BOARD DID NOT CAPTURE MS. D'AMICO'S ATTENTION. MR. WALZ STATED IT WAS NOT UNTIL HER RECENT CONVICITION AND INCARERATION THAT SHE TRULY CHANGED. MR. WALZ ASKED IF SHE WOULD HAVE THE SAME MOTIVATION FOR CONTINUED CHANGE WHEN SHE IS NO LONGER UNDER INDICTMENT, THREAT OF JAIL, AND PROBATIONAREY TERMS. MR. WALZ CONCLUDED THAT MS. D'AMICO'S HISTORY WOULD NOT CONVINCHE HIM THAT SHE WOULD HAVE THE MOTIVATION. DR. KALRA ARGUED TO GIVE MS. D'AMICO THAT OPPORTUNITY, BECAUSE THE BURDEN IS ON HER. MR. WALZ STATED THAT SHE HAS USED HER PAST EMPLOYMENT TO OBTAIN DANGEROUS DRUGS. MR. MARX ASKED WHAT THE ALTERNATIVE ORDER WOULD BE. MS. GILLIGAN SUGGESTED AN INDEFINITE SUSPENSION WITH STRINGENT CONDITIONS. NO FURTHER DISCUSSION. MOTION CARRIED (AYE – 5 (MAYS, MARX, PAVLAK, WALZ, AND YAGODICH), NO – 3 (GILLIGAN, RIFFE BIEMEL, KALRA) , ABSTAINED – 1, SLABODNICK).

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 should be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 7.b: In the matter of LaDonna Marie Hicks, Case #2014ORCB024 (Exhibit M)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

LaDonna Marie Hicks
1280 State Route 162 West
North Fairfield, OH 44855

THE MATTER OF LADONNA M. HICKS CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 16, 2014 AT 11:15 A.M. IN ROOM EAST B, 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, CAROL GILLIGAN, HME MEMBER, MANINDER KALRA, M.D., KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., VERNA RIFFE BIEMEL, PUBLIC MEMBER, ANDREA D. YAGODICH, B.S., R.R.T., R.C.P., AND ROBERT SLABODNICK, R.R.T, M.ED. ROBERT SLABODNICK, R.R.T., M.ED. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

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

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

LADONNA M. HICKS DID NOT APPEAR FOR THE HEARING, BUT DID SUBMIT EXHIBITS FOR THE RECORD.

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

PRELIMINARY MATTERS:

MR. WALZ NOTED THAT MS. HICKS WAS NOT PRESENT, BUT DID FILE EXHIBITS FOR CONSIDERATION IN LIEU OF APPEARANCE. MR. WALZ ASKED THE ASSISTANT ATTORNEY GENERAL FOR THE STATE, MR. KOCHHEISER, IF HE HAD ANY OBJECTION TO THE ADMISSION OF RESPONDENT'S EXHIBITS A THROUGH G. HEARING NO OBJECTION, MR. WALZ ADMITTED RESPONDENT'S EXHIBITS A THROUGH G.

State's Case in Chief:

Witnesses called by the State of Ohio:

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

State's Exhibits admitted:

- 1a – Notice of Opportunity for Hearing approved on December 4, 2013 and mailed to LaDonna Marie Hicks by certified mail/return receipt #7011 1150 0001 6788 6512 on December 6, 2013.
- 1b - Signed return receipt for certified mail article #7011 1150 0001 6788 6512.
- 2 – Request for hearing sent to Ohio Respiratory Care Board on December 22, 1013.
- 3 - Hearing Scheduling letter dated December 20, 2013, sent to LaDonna Marie Hicks by certified mail/return receipt #7011 1150 0001 6788 6635 and signed return receipt for certified mail article #7011 1150 0001 6788 6635.
- 4 - Hearing Scheduling letter dated March 3, 2014, sent to LaDonna Marie Hicks by certified mail/return receipt #7011 1150 0001 6781 8346 and signed return receipt for certified mail article #7011 1150 0001 6781 8346.

- 5 – Certified copy employment records from Mercy Willard Hospital, including:
- a. Subpoena for records dated 10-3-2013
 - b. Employee disciplinary report, dated March 4, 2013
 - c. Access history logs
 - d. Mercy Willard Hospital, Policy no. Mercy – 101, Required Disclosures, Access to PHI

Respondent's Case in Chief:

Respondent's Exhibits admitted:

- A - Letter to Ohio Respiratory Care Board, sent by certified mail/return receipt #7010 0290 0002 2722 5184.
- B - Employee disciplinary report, dated March 4, 2013, marked as Exhibit 1.
- C - Letter dated March 16, 2013 from Mercy Willard Hospital to LaDonna Hicks, marked as Exhibit 2.
- D - Letter, marked as Exhibit 3.
- E - Mercy Hospital of Willard, Statement of Patient Rights and Responsibilities, marked as Exhibit 4.
- F - News article titled, "MyChart statewide ad campaign shares benefits of online health management tool," marked as Exhibit 5.
- G - Complaint Consent Form, marked as Exhibit 6.

FINDINGS OF FACT

Based upon a preponderance of the evidence the Board finds the following:

- A. Based upon the evidence submitted and the written testimony of LaDonna Marie Hicks, the Board finds that LaDonna Marie Hicks accessed her electronic patient records on or about November 29, 2012 without proper authorization.
- B. The Board finds that LaDonna Marie Hicks was working as a respiratory care provider at the time she accessed her patient records and the access was not necessary and relevant to her function and authority as a respiratory care provider.
- C. The Board finds by a preponderance of the evidence that the factual and legal allegations contained in Count I of the Notice of Opportunity for Hearing has been proved.
- D. The Board finds the following facts are mitigating:
 - d. LaDonna Marie Hicks accessed her own patient record. After this incident, LaDonna Marie Hicks obtain authorization to access her own records by registering with "MyChart" records access.

CONCLUSIONS OF LAW

1. Ohio Revised Code § 4761.09 states in pertinent part:
 - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

 - (2) Violating any provision of this chapter or an order or rule of the board;

2. OAC 4761-10-01 states, in pertinent part:

- (N) A licensee or permit holder shall access only health care recipient information which is necessary and relevant to their function and authority as a respiratory care provider.

3. 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.

Motion #18: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR FINDINGS OF FACT. STEVEN PAVLAK, M.S., R.R.T., R.C.P. SECONDED THE MOTION. DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).

Motion #19: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR CONCLUSIONS OF LAW. VERNA RIFFE BIEMEL, PUBLIC MEMBER SECONDED THE MOTION DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).

Motion #20: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED TO APPROVE THE FOLLOWING ORDER OF THE BOARD:

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 REPRIMANDS LaDonna Marie Hicks for her conduct and issues a \$300.00 fine, payable to the Board within 60 days of the effective date of the Order.

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

ANDREA YAGODICH, R.R.T., R.C.P. SECONDED THE MOTION. DISCUSSION: MR. MARX STATED THAT THE FINE WAS TOO MUCH. DR. KALRA RECOMMENDED THE MINIMUM FINE.

Subsidiary Motion

to Amend: VERNA RIFFE BIEMEL MOVED TO AMEND THE MAIN MOTION TO REMOVE THE \$300.00 FINE AND REPLACE IT WITH A \$100.00 FINE. STEVEN PAVLAK SECONDED THE MOTION TO AMEND. DISCUSSION: NONE. MOTION CARRIED (AYE – 6 (KALRA, GILLIGAN, WALZ, RIFFE BIEMEL, PAVLAK, AND YAGODICH) , NO – 1 (MAYS), ABSTAINED – 2, SLABODNICK AND MARX).

Subsidiary Motion

to Amend: CAROL GILLIGAN MOVED TO AMEND THE AMENDED MOTION TO REMOVE THE REPRIMAND. ANDREA YAGODICH SECONDED THE MOTION. DISCUSSION: MR. MAYS STATED THAT SHE VIOLATED THE RULES AND SHOULD BE REPRIMANDED. NO FURTHER DISCUSSION. MOTION CARRIED (AYE – 5 (KALRA, GILLIGAN, PAVLAK, MARX, AND YAGODICH) , NO – 3 (MAYS, WALZ, AND RIFFE BIEMEL), ABSTAINED – 1, SLABODNICK).

Mr. Mays stated the motion as amended:

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 issues LaDonna Marie Hicks a \$100.00 fine, payable to the Board within 60 days of the effective date of the Order.

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

Vote on the
Main motion

as Amended: MOTION CARRIED. (AYE – 6 (KALRA, GILLIGAN, PAVLAK, MARX, RIFFE BIEMEL, AND YAGODICH), NO – 2 (MAYS AND WALZ), ABSTAINED – 1, SLABODNICK).

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 should be signed by the Board President and attached as an exhibit to the meeting minutes.

Agenda item 7.C: In the matter of Angela Dawn Hershiser, Case #2014ORCB025 (Exhibit N)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Angela Dawn Hershiser
910 Woodbine
Willard, OH 44890

THE MATTER OF ANGELA DAWN HERSHISER CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON APRIL 16, 2014 AT 11:37 A.M. IN ROOM EAST B, 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, CAROL GILLIGAN, HME MEMBER, MANINDER KALRA, M.D., KENNETH WALZ, J.D., R.R.T, R.C.P., STEVEN PAVLAK, R.R.T., M.S., VERNA RIFFE BIEMEL, PUBLIC MEMBER, ANDREA D. YAGODICH, B.S., R.R.T., R.C.P., AND ROBERT SLABODNICK, R.R.T, M.E.D. ROBERT SLABODNICK, R.R.T., M.E.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

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

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

ANGELA DAWN HERSHISER DID NOT APPEAR FOR THE HEARING, BUT DID SUBMIT EXHIBITS FOR THE RECORD.

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

PRELIMINARY MATTERS:

MR. WALZ NOTED THAT MS. HERSHISER WAS NOT PRESENT, BUT DID FILE EXHIBITS FOR CONSIDERATION IN LIEU OF APPEARANCE. MR. WALZ ASKED THE ASSISTANT ATTORNEY GENERAL FOR THE STATE, MR. KOCHHEISER, IF HE HAD ANY OBJECTION TO THE ADMISSION OF RESPONDENT'S EXHIBITS A THROUGH C. HEARING NO OBJECTION, MR. WALZ ADMITTED RESPONDENT'S EXHIBITS A THROUGH C.

State's Case in Chief:

Witnesses called by the State of Ohio:

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

State's Exhibits admitted:

- 1a – Notice of Opportunity for Hearing approved on December 4, 2013 and mailed to Angela Dawn Hershiser by certified mail/return receipt #7011 1150 0001 6788 6529 on December 6, 2013.
- 1b - Signed return receipt for certified mail article #7011 1150 0001 6788 6529.
- 2 – Request for hearing sent to Ohio Respiratory Care Board on December 20, 2013.
- 3 - Hearing Scheduling letter dated December 23, 2013, sent to Angela Dawn Hershiser by certified mail/return receipt #7011 1150 0001 6788 6642 and signed return receipt for certified mail article #7011 1150 0001 6788 6642.
- 4 - Hearing Scheduling letter dated March 3, 2014, sent to Angela Dawn Hershiser by certified mail/return receipt #7011 1150 0001 6781 8353 and signed return receipt for certified mail article #7011 1150 0001 6781 8353.
- 5 – Certified copy employment records from Mercy Willard Hospital, including:
 - a. Subpoena for records dated 10-3-2013
 - b. Employee disciplinary report, dated February 25, 2013
 - c. Access history logs
 - d. Mercy Willard Hospital, Policies no. MHP-MR-106, Minimum Necessary, Mercy-112, Privacy Safeguards, and Mercy – 101, Required Disclosures, Access to PHI

Respondent's Case in Chief:

Respondent's Exhibits admitted:

- A - Email letter dated April 16, 2014 from Angela Hershiser.
- B - Facsimile letter dated April 15, 2014 from Angela Hershiser.
- C - Facsimile brochure on "How will MyChart improve your care?" from Angela Hershiser.

FINDINGS OF FACT

Based upon a preponderance of the evidence the Board finds the following:

- A. Based upon a preponderance of the evidence submitted and the written testimony of Angela Dawn Hershiser, the Board finds that Angela Dawn Hershiser did access two electronic patient records on or about July 18, 2011 and August 27, 2011 without proper authorization.
- B. The Board finds that Angela Dawn Hershiser was working as a respiratory care provider at the time she accessed these patient records and the access was not necessary and relevant to her function and authority as a respiratory care provider.
- C. The Board finds by a preponderance of the evidence that the factual and legal allegations contained in Count I of the Notice of Opportunity for Hearing has been proved.
- D. The Board finds no mitigating facts in this case.

CONCLUSIONS OF LAW

- 1. Ohio Revised Code § 4761.09 states in pertinent part:
 - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
 - ***
 - (2) Violating any provision of this chapter or an order or rule of the board;
 - ***
- 2. OAC 4761-10-01 states, in pertinent part:
 - ***
 - (N) A licensee or permit holder shall access only health care recipient information which is necessary and relevant to their function and authority as a respiratory care provider.
 - ***
- 3. 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.

Motion #21: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR FINDINGS OF FACT. ANDREA YAGODICH, R.R.T., R.C.P. SECONDED THE MOTION. DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).

Motion #22: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED FOR CONCLUSIONS OF LAW. VERNA RIFFE BIEMEL, PUBLIC MEMBER SECONDED THE MOTION DISCUSSION: NONE. MOTION CARRIED (AYE – 8, NO - 0, ABSTAINED – 1, SLABODNICK).

Motion #23: KENNETH WALZ, J.D., R.R.T., R.C.P. MOVED TO APPROVE THE FOLLOWING ORDER OF THE BOARD:

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 REPRIMANDS Angela Dawn Hershiser for her conduct and issues a \$300.00 fine, payable to the Board within 60 days of the effective date of the Order.

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

JOEL MARX, HME MEMBER SECONDED THE MOTION. DISCUSSION: MS. GILLIGAN MADE THE FOLLOWING SUBSIDIARY MOTION TO AMEND THE MAIN MOTION:

Subsidiary Motion

to Amend:

CAROL GILLIGAN MOVED TO AMEND THE MAIN MOTION TO REDUCE THE \$300.00 FINE TO A \$100.00 FINE. VERNA RIFFE BIEMEL SECONDED THE MOTION TO AMEND. DISCUSSION: DR. KALRA NOTED THAT THE EVIDENCE DID NOT DEMONSTRATE MS. HERSHISER HAD AUTHORITY FROM THE PATIENT'S FAMILY TO ACCESS THE RECORDS. NO FURTHER DISCUSSION. MOTION FAILED (AYE – 2 (GILLIGAN, RIFFE BIEMEL) , NO – 4 (MAYS, YAGODICH, PAVLAK, AND KALRA), ABSTAINED – 3 (SLABODNICK, MARX, AND WALZ).

Mr. Mays restated the Main motion.

Vote on the

Main motion: MOTION CARRIED. (AYE – 7 (KALRA, PAVLAK, MARX, RIFFE BIEMEL, MAYS, WALZ, AND YAGODICH) , NO – 1 (GILLIGAN), ABSTAINED – 1, SLABODNICK).

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 should be signed by the Board President and attached as an exhibit to the meeting minutes.

Mr. Walz departed the meeting at 4:10 p.m.

Agenda item #8: NEW BUSINESS

Agenda item 8.1: Application ratification for licenses and limited permits issued since the last meeting (Exhibit O)

Motion #24: Ms. Riffe Biemel moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: February 13, 2014, February 21, 2014, February 27, 2014, March 6, 2014, March 13, 2014, March 20, 2014, March 28, 2014, and April 2, 2014.

Respiratory Care Professional Licenses issued on: February 13, 2014, February 21, 2014, February 27, 2014, February 28, 2014, March 6, 2014, March 13, 2014, March 20, 2014, March 28, 2014, and April 2, 2014.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried 8 - 0.

Agenda item 8.2: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit P)

Motion #25: Ms. Riffe Biemel moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

February 10, 2014, February 14, 2014, February 21, 2014, February 28, 2014, March 7, 2014, March 17, 2014, and March 31, 2014.

HMER

February 10, 2014, February 14, 2014, February 18, 2014, February 19, 2014, February 28, 2014, March 6, 2014, March 12, 2014, March 17, 2014, and March 18, 2014.

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 8 – 0.

Agenda item 8.3: Resolution to file rules (Exhibit Q)

Motion #26: Ms. Riffe Biemel moved to final file the following rules once the Joint Committee on Agency Rule Review's jurisdiction ends:

Respiratory Care Licensing ORC 4761 rules proposed:

Amended rule OAC 4761-3-01: Definition of terms.

Amended rule OAC 4761-8-01: Renewal of license or permits.

Amended rule OAC 4761-9-02: General RCCE requirements and reporting mechanisms.

Amended rule OAC 4761-9-05: Approved sources of RCCE.

Amended rule OAC 4761-12-01: Initial application fee.

New rule 4761-4-03: Recognition of military educational programs for active duty military members and/or military veterans.

Home Medical Equipment Licensing ORC 4752 rules proposed:

Amended rule OAC 4761:1-13-01: Continuing education standards.

Amended rule OAC 4761:1-3-02: Home medical equipment defined.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 8 – 0.

Agenda item 8.4: Office Policy Review (Exhibit R)

Motion #27: Ms. Yagodich moved to approve incorporation of the workplace violence policy into general policy manual as policy #1.6 and to approve modifications to policy #2.7 as presented. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 8 – 0.

Agenda item 8.5: Annual CLEAR Conference (Exhibit S)

Motion #28: Ms. Yagodich moved to approve sending the Executive Director to the Annual Council on Licensure, Enforcement & Regulation Conference. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 8 – 0.

Mr. Steven Pavlak departed the meeting at 4:14 p.m.

Agenda item 8.6: Board Elections

Motion #29: Ms. Gilligan moved to nominate Marc Mays as President of the Ohio Respiratory Care Board for a term beginning April 16, 2014 through the April 2015 Board meeting. Mr. Slabodnick seconded the motion. Hearing no other nominations, Mr. Mays called the question on the election to the office of President. Motion carried: 7 – 0.

Motion #30: Mr. Marx moved to nominate Steven Pavlak as Secretary of the Ohio Respiratory Care Board for a term beginning April 16, 2014 through the April 2015 Board meeting. Mr. Slabodnick seconded the motion. Hearing no other nominations, Mr. Mays called the question on the election to the office of Secretary. Motion carried: 7 – 0.

Motion #31: Ms. Riffe Biemel moved to nominate Kenneth Walz as Appointed Hearing Officer of the Ohio Respiratory Care Board for a term beginning April 16, 2014 through the April 2015 Board meeting. Ms. Gilligan seconded the motion. Hearing no other nominations, Mr. Mays called the question on the election to the office Appointed Hearing Officer. Mr. Mays noted that Mr. Walz has expressed some concern over holding the position. Motion carried: 7 – 0.

Agenda item #10: FOR THE GOOD OF THE BOARD

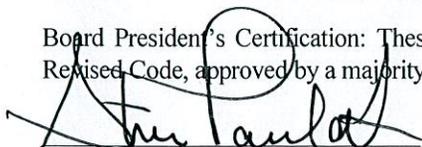
There was no discussion.

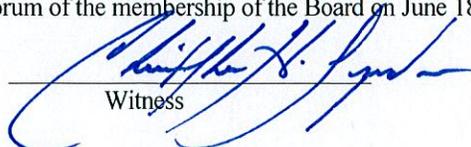
Agenda item #11 ADJOURNMENT

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

Motion #32: Mr. Slabodnick moved to adjourn the meeting. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – 0. The meeting adjourned at 4:23 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 18, 2014.


Steve Pavlak, Board Secretary


Witness