

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF RESPIRATORY CARE
IN COMPLIANCE WITH THE OPEN MEETING LAW, G.L. c. 30A, § 20

BOARD MEETING

Tuesday, July 23, 2013

1 p.m.

239 Causeway Street – 5th Floor, Room 419
Boston, MA 02114

Agenda

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes
 - A. February 13, 2013 Regularly Scheduled Meeting
- IV. Adjudicatory Session (closed session)
None.
- V. M.G.L. c. 112, § 65C Session (closed session)
 - A. Complaints: disclosure of criminal history
 - B. Limited Permit Applications: disclosure of criminal history
 - C. Full License Applications: disclosure of criminal history
- VI. Limited Permit Applications
Review in M.G.L. c. 112, § 65C Session
- VII. Full License Applications
Review in M.G.L. c. 112, § 65C Session
- VIII. License Reactivation Applications
 - A. Caruso, Barbara RT3508 (expired 5-31-1998)
Disclosure of discipline in another jurisdiction (NH)
 - B. Umudi, Jimmy RT9744 (expired 5-31-2010)
Reactivated 4-11-2013
 - C. Walsh, Brian RT5903 (expired 05/31/12)
Reactivated 05-30-13

- D. Lever, Sharon RT4800 (expired 05-31-2010)
Reactivated 05/30/13
- E. Butler, Colleen RT661 (expired 05/31/92)
Reactivated 05/30/13
- F. Vanpelt, Gregory RT5734 (expired 5/30/13)
For Board Reactivation
- IX. License Reinstatement Applications
(None)
- X. Staff Assignments
- A. SA-INV-3587 Murphy, Erica RT10062 (expired 05-31-12)
Practice following license expiration
- B. SA-INV-2471 Chase, Robert RC140
Failure to communicate with Complainant concerning equipment use
- XI. Complaints
- A. Update: REP-2012-007 Carter, Stephen RT3376 (expires 5-31-2013).
Consent Agreement signed
- B. Update: REP-2012-013 Enzinger, Peter (a/k/a Peter Shays) RT3490 (expired 5-31-2012)
Consent Agreement signed
- C. REP-06-007 Kathleen Brown RT2572 (expired 5-31-1992)
Request to reinstate license
- D. Update: REP-2012-009 Jaime Swift RT6047 (expires 5/31/14)
Complaint referred to Office of Prosecutions
- XII. Scope of Practice Inquiries
- A. Andrew P. Steinmark, PsyD., Behavioral Medicine Services: As a licensed healthcare provider trained to deliver exposure-based treatment, can he modulate, adjust, etc., anything on a CPAP or BiPAP device?
- XIII. Other Business/Announcements
- A. William Breymann, RT10129: Request for review of academic papers for CEU credit
- B. Melchizedek Gichure, RT10011: Request for review of academic papers for CEU credits
- C. Delegation of Authority to Executive Director
- XIV. Adjourn

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

BOARD MEETING

Tuesday, July 23, 2013

239 Causeway Street
Room 419
Boston, MA 02114

MINUTES

Board Members Present: Edward Burns, RT, Chair, RT member
Armand Riendeau, RT, RN, RN Member
David Polanik, RT, Member
Susan Binnall, Member

Staff Present: Stephanie Everett, Board Executive Director, DHPL
Ichelle Herbu, Assistant Executive Director, DHPL
Joelle Stein, Board Counsel, Office of General Counsel, DPHL
Anson Chu, Administrative Assistant, Multi-Boards, DHPL

James Lavery, Director, DHPL (left at 2:34 p.m.)

I. Call to Order

Mr. Burns, Vice-Chair, called the Board Meeting to order at 1:06 p.m.

II. Approval of the Agenda

The Meeting agenda was reviewed. Mr. Burns made a motion to approve the agenda as presented; Mr. Polanik seconded the motion. The motion passed unanimously.

Document: July 23, 2013 Meeting Agenda

III. Review and Approval of Minutes

A. February 13, 2013 Regularly Scheduled Board Meeting

The approval of the February 13, 2013 minutes were deferred pending Board Counsel guidance due to lack of quorum.

Documents: Minutes of February 13, 2013 Regularly Scheduled Board Meeting

IV. Adjudicatory Session

None.

V. M.G.L. c. 112, § 65C Session (closed session)

Board of Respiratory Care
Minutes of the July 23, 2013 Board Meeting
(to be approved August 21, 2013)

Mr. Burns made a motion to go into the Section 65C Session at 1:21 p.m.; Ms. Binnall seconded the motion. The motion passed unanimously.

- A. Complaints: disclosure of criminal history
- B. Limited Permit Applications: disclosure of criminal history
- C. Full License Applications: disclosure of criminal history

[The Board adjourned the M.G.L. c. 112, § 65C Session at 2:18 p.m. and resumed its Regularly Scheduled Board Meeting.]

VI. Limited Permit Applications
Review in M.G.L. c. 112, § 65C Session

VII. Full License Applications
Review in M.G.L. c. 112, § 65C Session

VIII. License Reactivation Applications
A. Caruso, Barbara RT3508 (expired 5-31-1998)
Disclosure of discipline in another jurisdiction (NH)

Ms. Stein deferred this matter for the next scheduled Board Meeting.

B. Umudi, Jimmy RT9744 (expired 5-31-2010)
Reactivated 4-11-2013

After Board discussion, they requested a letter to be sent to Mr. Umudi clarifying whether or not he is currently employed in a clinical setting work environment that requires respiratory related work.

C. Walsh, Brian RT5903 (expired 05/31/12)
Reactivated 05-30-13

After Board discussion, Mr. Riendeau made a motion to ratify and approve the reactivation of Mr. Walsh's license; Mr. Burns seconded the motion. The motion passed unanimously.

D. Lever, Sharon RT4800 (expired 05-31-2010)
Reactivated 05/30/13

After Board discussion, Mr. Riendeau made a motion to ratify and approve the reactivation of Ms. Lever's license; Mr. Polanik seconded the motion. The motion passed unanimously.

E. Butler, Colleen RT661 (expired 05/31/92)
Reactivated 05/30/13

After Board discussion about Ms. Butler's CEUs, they noted that her most recent CEUs she provided cannot be used for the next renewal cycle, Mr. Riendeau made a motion to ratify and

approve the reactivation of Ms. Butler's license; Mr. Burns seconded the motion. The motion passed unanimously.

F. Vanpelt, Gregory RT5734 (expired 5/31/12)
For Board Reactivation

After Board discussion, Mr. Riendeau made a motion to ratify and approve the reactivation of Mr. Vanpelt's license; Mr. Polanik seconded the motion. The motion passed unanimously.

Documents: License Reactivation Application

IX. License Reinstatement Applications
None.

X. Staff Assignments

A. SA-INV-3587 Murphy, Erica RT10062 (expired 05-31-12)
Practice following license expiration

Ms. Murphy's RT license expired on 5/31/12 and she is requested she be reinstated. On her reactivation application, she disclosed that she practiced under an expired license. The Board opened a complaint against Ms. Murphy for practicing without a license. The Board voted to close the complaint and issue a consent agreement reprimanding Ms. Murphy with no conditions. The Board further voted to reinstate her license to practice.

Mr. Burns made a motion to close the Staff Assignment and open a complaint against her license; Mr. Riendeau seconded the motion. The motion passed unanimously.

Mr. Riendeau made a motion to offer a consent agreement with a reprimand to the Licensee; Ms. Binnall seconded the motion. The motion passed unanimously.

Ms. Binnall made a motion to reactivate Mr. Murphy's expired license; Mr. Burns seconded the motion. The motion passed unanimously.

B. SA-INV-2471 Chase, Robert RC140
Failure to communicate with Complainant concerning equipment use

Ms. Stein gave an update to the Board in regards to the Staff Assignment for this Licensee. As there were not enough information and no response from the complainant after several attempts, Mr. Riendeau made a motion to close the Staff Assignment; Mr. Burns seconded the motion. The motion passed unanimously.

Documents: Staff Assignment, reactivation application and related documents

XI. Complaints

A. Update: REP-2012-007 Carter, Stephen RT3376 (expires 5-31-2013).
Consent Agreement signed

Ms. Stein deferred this matter for the next scheduled Board Meeting.

B. Update: REP-2012-013 Enzinger, Peter RT3490 (expired 5-31-2012)
Consent Agreement signed (a/k/a Peter Shays)

Ms. Stein deferred this matter for the next scheduled Board Meeting.

C. REP-06-007 Kathleen Brown RT2572 (expired 5-31-1992)
Request to reinstate license

Ms. Stein deferred this matter for the next scheduled Board Meeting.

D. Update: REP-2012-009 Jaime Swift RT6047 (expires 5/31/14)
Complaint referred to Office of Prosecutions

Ms. Stein deferred this matter for the next scheduled Board Meeting.

Documents: Complaint file and related documents

XII. Scope of Practice Inquiries

A. Andrew P. Steinmark, PsyD., Behavioral Medicine Services: As a licensed healthcare provider trained to deliver exposure-based treatment, can he modulate, adjust, etc., anything on a CPAP or BiPAP device?

After the Board's discussion on this scope of practice inquiry, the Board requested more information from Mr. Steinmark before they can provide a concrete answer. This matter will be deferred and brought back to the next scheduled Board Meeting when additional information has been collected.

XIII. Other Business/Announcements

A. William Breymann, RT10129: Request for review of academic papers for CEU credit

B. Melchizedek Gichure, RT10011: Request for review of academic papers for CEU credits
After the Board's review of the Licensee's request, Mr. Riendeau made a motion to accept the courses as CEU credits; Mr. Polanik seconded the motion. However, the Board noted that he cannot use the courses that he got credited for CEU from 2011 on his 2014 renewal. The motion passed unanimously.

C. Delegation of Authority to Executive Director

Ms. Stein discussed with the Board the delegation of Board authority to the Executive Director, Stephanie L. Everett, Esq., to perform specific actions and to sign correspondence and documents on behalf of the Board.

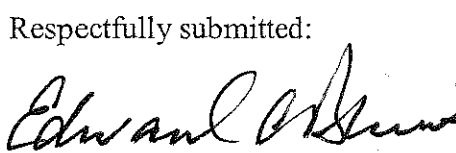


The Board decided to defer this matter until they can find an agreement form / letter between the Board Members and the Division for this delegation.

XIV. Adjourn

There being no other business before the Board, Mr. Riendeau made a motion to adjourn the meeting; Mr. Burns seconded the motion. The motion passed unanimously. The meeting adjourned at 4:54 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, August 20, 2013, at 1 p.m. in Boston, MA.

Respectfully submitted:

| | | |
|---|---|---|
|  |  |  |
| <hr/> Name | <hr/> Position | <hr/> Date |