

**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, M.G.L. c. 30A, § 20**

Tuesday, August 19, 2014  
1:00 p.m.

239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 417  
Boston, Massachusetts 02114

**Agenda**

| <b>Time</b>      | <b>Item #</b> | <b>Item</b>  | <b>Exhibits</b>                           | <b>Staff Contact</b> |
|------------------|---------------|--|---|----------------------|
| <b>1:00 p.m.</b> | <b>I.</b>     | <b>Call to Order<br/>Determination of Quorum</b>   |   |                      |
|                  | <b>II.</b>    | <b>Approval of Agenda</b>  | Draft Agenda                              |                      |
|                  | <b>III.</b>   | <b>Approval of Minutes</b><br>A. April 15, 2014 Board Meeting  | Draft Minutes                             |                      |
|                  | <b>IV.</b>    | <b>Full License Applications</b><br>A. <u>Meadows, Randal</u> -completed requirements for AS in Respiratory Therapy; eligible and passed NBRC; did not complete required graduation application to confer degree   | Application form and supporting documents | MP/IH                |
|                  | <b>V.</b>     | <b>License Reactivation Application</b><br>A. <u>Smith, Darrell</u> RT5418 (Expired 5/31/12)<br>B. <u>Green, Nicole</u> RT4540 (Expired 5/31/06)<br>C. <u>Waxman, Jonathan</u> RT2987 (Expired 5/31/10)<br>D. <u>Clyburn, Joanne</u> RT4795 (Expired 5/31/10)<br>E. <u>Hirst, R Keith</u> RT4922 (Expired 5/31/10) | Application form and supporting document  | MP/IH                |
|                  | <b>VI.</b>    | <b>Staff Assignments</b><br>None   | None                                      |                      |

|  |              |   |   |                 |
|--|--------------|---|---|-----------------|
|  | <b>VII.</b>  | <b>Complaints</b><br>A. <u>Status Update:</u> Lucien-Calixte, Sandra RT3217 (Expires 05/31/2014)<br>B. <u>REP-2012-014</u> Perkoski, Gregg RT3014 (Expires 05/31/2014)  | Investigation Report  | MC/IH<br>PB/IH  |
|  | <b>VIII.</b> | <b>Scope of Practice Inquiries</b><br><br>1. Inquiry by Regional Home Care concerning requirements for the set-up of CPAP machines in the home.<br>2. Inquiry by Cardinal Health at Home concerning shipments of CPAP machines to a patients' home addresses.<br>3. Inquiry by an out-of-state licensee regarding procedure related to the suction of a patients tracheostomy tube during a home visit and existence of a scope-of-practice definition for respiratory care therapists in Massachusetts.        | Memo<br><br>Email Inquiry   | VB/DM           |
|  | <b>IX.</b>   | <b>Other Business/Announcements</b><br>A. <u>Foreign Corporation Certificate of Registration:</u> O2 Safe Respiratory Services, P.C.<br>B. <u>Announcement:</u> Interchange Secure File and Email Delivery System for Board Materials<br>C. <u>Discussion:</u> Collaboration between other Boards<br>D. <u>Discussion:</u> Administration of Sedatives and Analgesic medications by Respiratory Therapist<br>E. <u>Discussion:</u> Revision of Board Regulations<br>F. <u>Policy:</u> Valor Act implementation. | Verbal<br><br>Interchange File transfer<br>Quick Start Instructions | DM/IH<br><br>IH |
|  | <b>X.</b>    | <b>Flex Session</b><br>A. Topics for next agenda  | Verbal  |                 |

|           |       |   |                |  |
|-----------|-------|---|----------------|--|
| 2:00 p.m. | XI.   | <p><b>Executive Session (Roll call vote)</b></p> <p>The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, individuals, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.</p> <ol style="list-style-type: none"> <li>1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants.</li> <li>2. In addition, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change.</li> <li>3. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the April 15, 2014 meetings.</li> </ol> <p><b>The Board will not reconvene in open session subsequent to the executive session.</b></p> | Closed Session |  |
|           | XII.  | <b>G.L. c. 112, § 65C Session</b>   | Closed Session |  |
|           | XIII. | <p><b>Adjudicatory Session</b><br/>None</p>   | None           |  |
| 3:00 p.m. | XIV.  | <b>Adjournment</b>  |                |  |

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

BOARD MEETING

Tuesday, August 19, 2014

239 Causeway Street  
Room 417  
Boston, MA 02114

MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair  
Annemarie Patten, R.N., Nurse, Board Vice-Chair  
Edward Burns, Respiratory Therapist 1  
Phillip Bort, Consumer 2

Board Members  
Not Present: Susan Binall, Consumer 1  
Sadeq Ali Quraishi, M.D., Physician 1

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL  
Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL  
Anson Chu, Office Support Specialist, Multi-Boards, DHPL  
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH  
David Murphy, Board Counsel, Office of the General Counsel, DPH  
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public  
Protection, DHPL  
Jim Lavery, Director, DHPL

Guest: Regional Home Care  
Tracy Strokes  
Michelle Paulo

I. Call to Order - Determination of Quorum  
A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:08 p.m.

II. Approval of the Agenda  
The Meeting Agenda was reviewed.

DISCUSSION: Mr. Polanik informed the Board that agenda Item VII-A will be deferred for the next scheduled Board Meeting.

ACTION: Ms. Pattern made a motion to approve the agenda as amended; Mr. Burns seconded the motion; motion passed with Board members present and voting in favor unanimously.

Document: August 19, 2014 Board Meeting Agenda

III. Approval of Minutes

A. April 15, 2014 Regularly Scheduled Board Meeting

The Minutes of the April 15, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: None

ACTION: Ms. Burns made a motion to approve the minutes as presented; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: April 15, 2014 Regularly Scheduled Board Meeting Minutes

IV. Full License Applications

A. Meadows, Randal-completed requirements for AS in Respiratory Therapy; eligible and passed NBRC; did not complete required graduation application to confer degree

DISCUSSION: Ms. Herbu informed the Board of this case. Mr. Meadows' licenses are in good standing in North Carolina and Virginia. After discussion, the Board will defer action on this item until they receive more information.

ACTION: Ms. Patten made a motion to request the following: (1) statement from Mr. Meadows regarding the situation, (2) NBRC's requirements to take the exam [completion of program versus confers degree date], and (3) contact the school for clarification; Mr. Bort seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: application form and supporting documents.

V. License Reactivation Applications

A. Smith, Darrell RT5418 (Expired 5/31/12)

DISCUSSION: Ms. Herbu reported to the Board that Mr. Smith had completed the requirements to be reactivated. The Board reviewed the license reactivation application and supporting documentation.

ACTION: Mr. Burns made a motion to reactivate Mr. Smith's license; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

B. Green, Nicole RT4540 (Expired 5/31/06)

DISCUSSION: Ms. Herbu informed the Board of this reactivation application. Ms. Green had written to the board that there was a break in in her employment because she had relocated and was working in the sleep field. Ms. Green has submitted all non-traditional CEUs to the Board. After notifying her, she faxed additional CEUs. After the Board's review, the Board decided Ms. Green is still missing (3) traditional CEUs.

ACTION: Mr. Polanik made a motion to reactivate Ms. Green’s license pending receipt of the (3) traditional CEUs and to delegate Mr. Burns to review the CEUs with Board Staff; Mr. Burns seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Support Documentation.

C. Waxman, Jonathan                      RT2987 (Expired 5/31/10)

DISCUSSION: The Board reviewed the license reactivation application and supporting documentations. Mr. Waxman had written to the Board that his license had lapsed due to the fact that he has remained active in the field in a business and educator role, but had not been practicing in a clinical capacity.

ACTION: Mr. Burns made a motion to reactivate Mr. Waxman’s license; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Support Documentation.

D. Clyburn, Joanne                              RT4795 (Expired 5/31/10)

DISCUSSION: The Board reviewed the license reactivation application and supporting documentations. Ms. Clyburn had written to the board that her license had lapsed because they are Military families that were transferred around the United States.

ACTION: Mr. Burns made a motion to reactivate Ms. Clyburn’s license; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Support Documentation.

E. Hirst, R Keith                                      RT4922 (Expired 5/31/10)

DISCUSSION: The Board reviewed the license reactivation application and supporting documentation.

ACTION: Mr. Bort made a motion to reactivate Mr. Hirst’s license; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Support Documentation.

VI. Staff Assignments  
None

VII. Complaints  
A. Status Update: Lucien-Calixte, Sandra RT3217 (Expires 05/31/2014)

DISCUSSION: Deferred until the next scheduled Board meeting to move item to the Executive agenda.

ACTION: None.

Documents: None

B. REP-2012-014 Perkoski, Gregg RT3014 (Expires 05/31/2014)

DISCUSSION: Ms. Campbell gave the Board an update of the complaint against Mr. Perkoski . The Board was informed that the licensee disclosed discipline against his Florida license. He was disciplined for unprofessional conduct with regards to record keeping. Mr. Perkoski was disciplined in both Florida and Maine. Mr. Perkoski disclosed his history for the Florida license but not his Maine license. The Maine discipline was based upon the Florida incident. The licensee admits in his statement that he failed to disclose that he was disciplined by the state of Maine on his most recent Massachusetts license renewal. He explained that his failure was inadvertent, as there was a lot going on in his life and he did not intend to deceive the board. Since he was never employed in Maine the reprimand was not in his thoughts when he filed his most recent renewal in Massachusetts.

ACTION: After discussion, Mr. Burns made a motion to send a Consent Agreement for Reprimand to Mr. Perkoski and move forward the complaint to Prosecution; Mr. Bort seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: IR report.

### VIII. Scope of Practice Inquiries

A. Inquiry by Regional Home Care concerning requirements for the set-up of CPAP machines in the home.

DISCUSSION: Representatives from Regional Home Care appeared to speak with the Board. Attorney Jack McGlynn from 4 Norman Street Salem, MA gave a presentation to the Board in regards to the present regulations and requested a revision of the regulations. They informed the Board that forty six (46) other states, including the 5 other New England States allow a non-licensed person to perform the CPAP/BIPAP set up tasks in a home setting. Regional Home Care requests that the Board of Respiratory Care either (1) render a reinterpretation of the original regulation to allow for a non-licensed, but sleep trained and educated person to set up a CPAP/BIPAP machine and supplies (2) create a change in the regulation consistent with previous scope of practice inquiries.; or (3) make an enacted legislative change to Section V of Chapter 112 of the General laws by adding the following.

(e) Any technician authorized to perform respiratory therapy services within the state of New Hampshire, Vermont , Maine, Connecticut or Rhode Island; or

(f) Any home care medical equipment dealer that performs services related to delivery setup, instruction, or maintenance of durable medical equipment, including home respiratory equipment. This exemption does not include therapeutic evaluation or assessment,”

(g) any technician who has a minimum of 100 hours of on the job training in the delivery, setup, instruction or maintenance of durable medical equipment, including home respiratory equipment. This exemption does not include therapeutic evaluation or assessment.

ACTION: After discussion, Mr. Burns made a motion that the Respiratory Care Board will consider the request and examine the regulations closely; to contact MSRC to set up a task force for their input as well as to get testimonies and expert witness to come up with a response for the proposal; Ms. Pattern seconded the motion.

ACTION2: Mr. Polanik offered an amendment motion to the above action. The amended motion is to defer decision until there is a task force to undertake the proposal/request and to discuss who will be on the task force at the September 2014 Board Meeting; Mr. Bort seconded the motion.; Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry and memo.

[At this point, Mr. Polanik made a motion to reordering the items on the agenda so that the Board can review the items on the executive session, Item XI; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.]

[BREAK 3: 09 p.m. – 3:15 p.m.]

[The Board returned to the Regular meeting agenda at 4:03 p.m. and began the discussion of Item VIII/B]

B. Inquiry by Cardinal Health at Home concerning shipments of CPAP machines to patients' Home addresses.

DISCUSSION: The board discussed that there needs to be a Respiratory therapist in order set up the CPAP machine. However the board has no jurisdiction over a company shipping packages.

ACTION: Mr. Polanik made a motion to have Board Staff draft a response in reference to the discussion above and have the Board Chair review the response before sending it out; Mr. Bort seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry

C. Inquiry by an out-of-state licensee regarding procedure related to the suction of a patients tracheostomy tube during a home visit and existence of a scope-of-practice definition for respiratory care therapists in Massachusetts.

DISCUSSION: No, as suction and tracheotomy is respiratory care related practice, it is required to have a respiratory therapist license.

ACTION: Mr. Bort made a motion to send a response to the email inquiry; Mr. Burns seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Email Inquiry

IX. Other Business/Announcements

G. Foreign Corporation Certificate of Registration: O2 Safe Respiratory Services, P.C.

DISCUSSION: Ms. Herbu informed the Board of this request that was sent to us. The Board discussed and reviewed the request for a foreign corporation certificate of registration.

ACTION: After discussion, Mr. Polanik made a motion to authorize the Executive Director to verify and sign the document on behalf of the Board with a seal; Mr. Bort seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Certificate of Registration and other related documents

H. Announcement: Interchange Secure File and Email Delivery System for Board Materials

DISCUSSION: Ms. Herbu informed the Board that DHPL is implementing the interchange system, a secure system for file transfer and to forward Board packets to Board members. Board members will begin receiving Board packets via interchange for the September 16, 2014 meeting. There were concerns and disapproval for this change among the Board Members.

ACTION: Mr. Polanik made a motion to oppose the adoption of the Interchange Secure File system; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Interchange file transfer and quick start instructions.

I. Discussion: Collaboration between other Boards

DISCUSSION: The Board request that this item remain on the agenda each month for discussion.

ACTION: Ms. Pattern made a motion to defer this item for the next scheduled Board Meeting; Mr. Bort seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: None

J. Discussion: Administration of Sedatives and Analgesic medications by Respiratory Therapist

DISCUSSION: Mr. Polanik informed the Board of the draft questionnaire. Mr. Murphy will review and see if it deemed necessary to continue to move forward with the questionnaire and report back to the Board on the next scheduled Board Meeting.

ACTION: Mr. Bort made a motion to delegate the duty to Mr. Murphy; Ms. Pattern seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Draft questionnaire

K. Discussion: Revision of Board Regulations

DISCUSSION: Deferred

ACTION: Mr. Bort made a motion to defer this item for the next scheduled Board Meeting; Ms.

Patten seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: None

F. Policy: Valor Act implementation.

DISCUSSION: Deferred

ACTION: Mr. Bort made a motion to defer this item for the next scheduled Board Meeting; Ms. Patten seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Valor Act policy

X. Flex Session

A. Topics for next agenda: Ms. Phillips encouraged the Board to send the Board Staff an email in regards to topics they want to review for the next agenda.

XI. Executive Session  
(Roll call vote)

At 03:16 p.m., Mr. Polanik announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants. In addition, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the April 15, 2014 meetings.

Ms. Pattern made a motion to go into the Executive Session at 03:17 p.m.; Mr. Burns seconded the motion. The motion passed unanimously with roll call vote as follows: Mr. Polanik-yes; Ms. Patten-yes; Mr. Burns-yes; and Mr. Bort -yes; abstained: None; Opposed: None

XII. M. G.L. c. 112, § 65C Session

Mr. Polanik made a motion to go into the § 65C Session at 4:55 p.m.; Ms. Pattern seconded the motion. Motion passed with Board members present and voting in favor unanimously.

The Board adjourned the Section 65C Session at 4:56 p.m. and resumed its Regularly Scheduled Board Meeting

XIII. Adjudicatory Session  
None

XIV. Adjournment

There being no other business before the Board, Mr. Polanik made a motion to adjourn the meeting; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

The meeting adjourned at 4:57 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, September 16, 2014, at 1 p.m. in Boston, MA.

Respectfully submitted:

|       |          |       |
|-------|----------|-------|
| _____ | _____    | _____ |
| Name  | Position | Date  |