

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, April 21, 2015
12:00 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417
Boston, Massachusetts 02114

Agenda

Time	Item #	Item	Exhibits	Staff Contact
12:00 p.m.	I.	Call to Order Determination of Quorum		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. March 17, 2015 Board Meeting	Draft Minutes	
	IV.	License Reactivation Application A. <u>French, Chelsey</u> RT10408 (Expired: 05/31/2014) B. <u>Fairbrother, Alexander</u> RT10315 (Expired: 05/31/2014) C. <u>Miller, Kevin</u> RT4659 (Expired: 05/31/2014)	Application form and supporting document	IH
	V.	Other Business/Announcements 1. Staff Action Policy for Application for Reactivation review 2. <u>Discussion</u> : CEU correspondence courses 3. <u>Update</u> : Random CEU review 4. <u>Review</u> : Survey Results 5. <u>Distribute</u> : Board member state emails	Draft of Proposed Policy None None Survey Results Email addresses	MS MS MP
	VI.	Flex Session A. Topics for next agenda	Verbal	

2:00 p.m.	VII.	<p>Executive Session (Roll call vote)</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"> 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. 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. 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 for previous executive sessions of the Board. <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	
3:00 p.m.	VIII.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING

Tuesday, April 21, 2015

239 Causeway Street
Room 417
Boston, MA 02114

MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair
Annemarie Patten, R.N., Nurse
Phillip Bort, Consumer 2
Paul Nuccio, RT, Respiratory Therapist 1

Board Members

Not Present: Leslie Shaff, M.D., Physician 2, Board Vice-Chair

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
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public
Protection, DHPL
Philip Beattie, Board Investigator, Office of Public Protection, DHPL

Guest: Michael Mello

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 12:10 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

DISCUSSION: The Board decided to review the Survey results before the Executive Session.

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

Document: April 21, 2015 Board Meeting Agenda

III. Approval of Minutes

A. March 17, 2015 Regularly Scheduled Board Meeting

The Minutes of the March 17, 2015 regularly Scheduled Board Meeting were reviewed.

DISCUSSION: Ms. Phillips informed the Board that Mr. Polanik has revised a section of the Minutes and the amended Minutes were previously distributed to the Board for review.

ACTION: Ms. Patten made a motion to approve minutes as amended; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: March 17, 2015 Regularly Scheduled Board Meeting Minutes

IV. License Reactivation Applications

D. French, Chelsey RT10408 (Expired: 05/31/2014)

DISCUSSION: Ms. Herbu informed the Board of Ms. French reactivation application. Ms. French has submitted all 15 CEUs. Two of the courses she submitted for the 15 CEUs are dated for the current cycle. Ms. French understands that she will not be using the same CEUs when she renews the next time. She has submitted all of the other required documentations.

ACTION1: Ms. Patten made a motion to approve the reactivation application; Mr. Nuccio seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION2: Mr. Polanik made a motion to create an internal spreadsheet to automatically audit individuals for CEUs for the next renewal to ensure they will not be using the CEUs again and place Ms. French as the first Licensee on the document; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

E. Fairbrother, Alexander RT10315 (Expired: 05/31/2014)

DISCUSSION: Ms. Herbu informed the Board of Mr. Fairbrother reactivation application. Mr. Fairbrother has submitted all 15 CEUs for the required cycle. He has submitted all of the other required documentations.

ACTION: Mr. Polanik made a motion to approve the reactivation application; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

F. Miller, Kevin RT4659 (Expired: 05/31/2014)

DISCUSSION: Ms. Phillips informed the Board of Mr. Miller reactivation application. Mr. Miller has not met the requirements as he did not include any CEUs for his reactivation application. He provided a 19 pages letter to explain his situation and a redacted version of the

letter was presented to the Board. Mr. Polanik asked Board Counsel if at this time it is possible to move this item to a closed session of the meeting to discuss Mr. Miller's medical issues. Ms. Strachan informed the Board it is not possible.

ACTION: Mr. Bort made a motion to deny the reactivation of his license because Mr. Miller has not met all of the requirements for the reactivation process; Mr. Nuccio seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

V. Other Business/Announcements

A. Staff Action Policy for Application for Reactivation review

DISCUSSION: Ms. Strachan informed the Board of the Proposed Board Staff Authority to Reactivate/ Renew Expired license, Policy 2015-01. The policy authorizes Board staff to approve and to reactivate/renew expired licenses in a timely manner without waiting for a scheduled Board meeting. This is applicable only for reactivation applications that have met all requirements. For applications that the Board staff may have questions about, they will be brought to the Board's attention. Board requested staff to keep track of any reactivation applicants who provide CE certificates for the current renewal cycle in lieu of the Board's required CE at that time of application. The CE of the licensees that are on the list of CE previously used will be audited at the next renewal cycle in 2016.

ACTION: Mr. Polanik made a motion to adopt the policy drafted by Ms. Strachan; Mr. Bort seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: Draft of Proposed Policy 2015-01

1. Discussion: CEU correspondence courses

DISCUSSION: Ms. Phillips reminded the Board of a letter from a RT a few months back about the Board's CEU requirements. In Massachusetts, RTs are required to have 15 CEUs and if they are planning to take online CEUs, they can only take up to 6 CEUs online (non-traditional). There were many discussions in the past that this limitation causes hardship for the Licensees to obtain their CEUs. Ms. Strachan reviewed the Board's statute in regards to the section on CEUs to determine if the Board can make any adjustments. After the review, the Board is able to waive the CEU requirements.

ACTION: Mr. Nuccio made a motion to increase the total CEU requirements from 15 to 20; Ms. Patten seconded the motion; Motion failed with Board members present and voting in favor: Ms. Nuccio-yes; Opposed: Ms. Patten-no; Mr. Polanik-no; Mr. Bort-no; Abstained: None; Recused: None

ACTION: Mr. Polanik made a motion to waive the restriction of requiring six online (non-traditional) CEU. At this time, Licensees are able to obtain CEU in any method they want as long as they met the 15 CEU requirements; Ms. Patten seconded the motion; Motion passed with

Board members present and voting in favor: Ms. Patten-yes; Mr. Polanik-yes; Mr. Bort-yes;
Opposed: Mr. Nuccio-no; Abstained: None; Recused: None

Documents: None

2. Update: Random CEU review

DISCUSSION: Ms. Phillips informed the Board of the figures from the CEU audit and Ms. Sullivan will give a full report on the next scheduled Board Meeting.

ACTION: None

Documents: None

3. Review: Survey Results

DISCUSSION: The Board was presented with copies of the CPAP/BiPAP survey. Each Board member reviewed a question on the survey and present back to the Board of their findings. Mr. Phil Bort reviewed question 1, Ms. Anne Marie Patten reviewed question 2, Mr. Paul Nuccio reviewed question 3, Mr. David Polanik reviewed question 4 and the absent Board member, Dr. Leslie Shaff will be reviewing question 5. After a review, the Board presented their summary and general consensus of the public on each individual question. The results were as follows:

Question 1: In your opinion, do the statutory and regulatory definitions of “respiratory care”, as currently written, encompass the therapeutic use of CPAP and/or BiPAP?

- Total Surveys Tabulated - **83**
- Total **Yes** for Question 1 meaning the current regulations are sufficient to include CPAP/BiPAP therapy were **67 or 81%** of the total respondents.
- Total **No** for Question 1 meaning the current regulations were insufficient and needed additional language were **7 or 8%** of the total respondents.
- **9 respondents (11%)** suggested that CPAP/BiPAP could be added specifically under "gas administering devices" or within "support services for ventilation" under the current regulation.

In summary, the YES respondents stated the current regulation is sufficient to include CPAP/BiPAP therapy because;

1. Maintaining natural and artificial airways would include CPAP/BiPAP
2. Respiratory care includes therapeutic modalities of mechanical ventilation
3. Support services for mechanically ventilated patients would include CPAP/BiPAP

4. National Board of Respiratory Care states that CPAP and BiPAP are encompassed in the statutory and regulatory definition of "respiratory care"

5. CPAP and BiPAP are forms of mechanical ventilation although they are non-invasive in nature

The responses received were from a wide range of professional respiratory care givers and personal respiratory care patients. Responses also were received from the National Board of Respiratory Care and the Massachusetts Respiratory Care Board.

Question 2: In your opinion, from a health, safety, and welfare perspective, is the initiation, administration and evaluation of CPAP and /or BiPAP therapy to patients comparable to the practices currently written in 261 C.M.R. 2.05 that are exempt from respiratory care licensure requirements.

- The response was 89% responded no or negative, 2% responded yes and 8% responded in ways that could not be categorized either way.

Question 3: If the individuals were authorized to initiate, administer and educate home care patients on the use of a CPAP and/or BiPAP device, what level of training do you believe would be required in order to ensure the public health, safety, and welfare is maintained?

- A) On- the-job training by a durable medical equipment provider.
- B) Exposure to a standardized curriculum approved by an accredited institution
- C) Other

- Most everyone (90-95%) chose either B or C, or in many cases both, although most individuals who chose B for their answer went on to clarify "training as a respiratory therapist". There were strong opinions voiced by leaders of the NBRC and from the AARC leadership, both groups strongly supporting the need for licensed respiratory therapists. There was an overwhelming sentiment that individuals who initiate, administer, and educate be licensed, credentialed respiratory therapists, registered nurses, or physicians.

Question 4: In your view, are there any risks to the health, safety, and/ or welfare of consumers of respiratory care, if the setup, initiation, and assessment of non-invasive ventilation (BiPAP) or CPAP are performed by a person who has not completed an accredited program? Please explain answer.

- There were 76 responses to the questionnaire, #4. 30(39%) respondents felt that specific training in respiratory care was required because a broad base understanding of the cardiopulmonary system as well a equipment usage and trouble shooting are necessary to properly apply cpap/bipap.
- 26(34%) Felt that the use of cpap/bipap could lead to multiple complications which would put the patient at risk, and therefore the providers should be trained to the level of a therapist.
- 5(7%) felt that the assessment skills of a therapist are required for proper application of cpap/bipap.

- 5(7%) felt that a therapist training was required to determine problems, not necessarily complications, that patients may experience while using cpap/bipap.
- 3(4%) felt that patient compliance would be better with therapist level providers. 2(3%) felt that appropriate training could be achieved with non-therapist level training. One of those respondents was as sleep technician.
- The remaining responses (5) were solidly in nature. 1 Yes, 1 unk, 1 patient deserves better, 1 person felt proper use of cpap/bipap would prevent re-admissions and last respondent felt that the patient would feel more safe with a therapist.

The Board will continue to review this on the next scheduled Board meeting.

ACTION: None

Documents: Survey Results

4. Distribute: Board member state emails

DISCUSSION: Ms. Phillips informed the Board that the Board members have their own state email account.

ACTION: None

Documents: None

VI. Flex Session

None

VII. Executive Session (Roll call vote)

At 1:08 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.

Mr. Bort made a motion to enter into Executive session at 1:09 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor: Ms. Patten-yes; Mr. Polanik-yes; Mr. Bort-yes; Mr. Nuccio-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 1:45 p.m. and resumed its Regularly Scheduled Board Meeting

VIII. Adjournment

There being no other business before the Board, Mr. Polanik made a motion to adjourn the meeting; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 2:52 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Monday, May 18, 2015, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date