

**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, May 16, 2017  
1:00 p.m.**

**239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 418  
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</b> <b>Determination of Quorum</b> <b>Notice of electronic recording</b>		
	<b>II</b>	<b>Approval of Agenda &amp; Conflict of Interest</b>	Draft Agenda	Chair
	<b>III</b>	<b>Approval of Minutes</b> A. April 18, 2017 Board Meeting	Draft Minutes	Chair
	<b>IV</b>	<b>Board Composition</b> A. New Board Appointment: Molly Cavallaro-Nurse Seat		ED
	<b>V</b>	<b>Regulatory Updates</b> A. Legislative Update: Criteria for Review Change to Respiratory Care Law (Chapter 185)	Draft Policy	MS
	<b>VI</b>	<b>Board Advisory:</b> A. Continuing Education Requirements	Draft Policy	MS
	<b>VII</b>	<b>Staff Action Policy:</b> A. Referral to the Office of the Attorney General	Draft Policy	MS
	<b>VIII</b>	<b>Flex Session</b> A. Announcements B. Topics for next agenda		Chair

2:00 p.m.	VIII	<p><b>Executive Session (Roll call vote): N/A</b>  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. c.30A, § 22(f) for sessions held during for previous executive sessions of the Board.</li> </ol> <p><b>The Board will not reconvene in open session subsequent to the executive session.</b></p>	Closed Session	Chair
3:00 p.m.	IX	<p><b>Adjournment-next Board meeting scheduled for June 20, 2017</b></p>		

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF RESPIRATORY CARE  
**BOARD MEETING**

Tuesday, May 16, 2017

239 Causeway Street  
Room 418  
Boston, MA 02114

**MINUTES**

Board Members Present: Paul Nuccio, RT, Respiratory Therapist 1  
Phillip Bort, Consumer 2  
Jordan Sage Rettig, M.D., Physician 1  
Martha DeSilva, RT, Respiratory Therapist 2  
Molly Cavallaro, RN, Nurse

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL  
Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL  
Mary Strachan, Board Counsel, Office of the General Counsel, DPH  
Anson Chu, Office Support Specialist, Multi-Boards, BHPL

Guests: Keith Murphy  
Donna Sullivan

- I. Call to Order - Determination of Quorum  
A quorum of the Board was present. Mr. Nuccio, Board Chair, called the meeting to order at 1:09 p.m.
- II. Review of the Agenda & Conflict of Interest  
The Meeting Agenda was reviewed.

DISCUSSION: Ms. Cherfils asked the Board members to review the agenda and disclose if there are any conflicts of interest regarding the items on the agenda.

No member noted any conflict with the agenda items.

ACTION: Ms. DeSilva made a motion to approve the agenda as presented; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: May 16, 2017 Board Meeting Agenda

- III. Approval of Minutes
  - A. April 18, 2017 Regularly Scheduled Board Meeting  
The minutes of the April 18, 2017 regularly scheduled board meeting were reviewed.

DISCUSSION: Ms. Strachan informed the Board that there are a few typos on the second page.

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

Documents: April 18, 2017 Regularly Scheduled Board Meeting Minutes

IV. Board Composition

A. New Board Appointment: Molly Cavallaro-Nurse Seat

DISCUSSION: Ms. Cherfils formally introduced the new Board member, Molly Cavallaro, to the Board. Ms. Cavallaro spoke with the Board and talked about her background and work history.

Documents: None

V. Regulatory Updates

A. Legislative Update: Criteria for Review Change to Respiratory Care Law (Chapter 185)

DISCUSSION: During previous Board meetings, Ms. Strachan explained that a law passed in August of 2016 (Chapter 185 of the Acts of 2016) that allows unlicensed employees of durable medical equipment companies (DMEs) to provide in-home set up of assistive airway devices, provided that the DME employees receive 500 hours of training “supervised” by licensed RTs. In follow up to these discussions, Ms. Strachan drafted an Advisory to provide Board guidance to licensees and other stakeholders as to the areas of training and competence the Board deems necessary to safely set up CAP/BiPAPs. Ms. Strachan explained that the draft is incomplete and she is seeking the Board’s expertise regarding the specific topics to be learned. Mr. Bort asked if the trained employees will come before the Board for approval. The Board does not have jurisdiction over the DME unlicensed employees, only over the licensed RTs who “supervise” the training of the unlicensed DME employees. Ms. Cherfils explained that RTs would be on their honor but if we received a complaint, Board staff would investigate. One of the questions before the Board is whether or not the board deems it appropriate to have a certain number of didactic hours and a certain number of clinical or “hands-on” hours of training. . Before the discussion begins, Mr. Nuccio asked if there’s any program available *right now*. Ms. Cherfils also recommended that the language of the law, currently on the footnote of the letter, be placed at the beginning. Mr. Nuccio discussed with the Board and determined it is a good idea to solicit the majority of the schools for their expert input. Ms. DeSilva gave Ms. Strachan a few suggested topics for the training including anatomy, physiology, oxygen therapy and humidity therapy. Ms. Cherfils informed the Board she agrees with Mr. Nuccio’s suggestion to contact the school program directors and work together with legal Board Counsel to draft up a new advisory letter for the Board next month.

ACTION: None

Document: Draft Policy

VI. Board Advisory:

A. Continuing Education Requirements

DISCUSSION: Ms. Cherfils informed the Board that an individual approached her and voiced concern about the change to increase the number of CE required for license renewal. Ms. Cherfils instructed her to make a public record request to the Bureau's Keeper of the Records and later send in a written statement to be brought before the Board. Ms. Strachan presented a rough draft on the Advisory and requested the Board's guidance as to appropriate subject matter and topics. Ms. Strachan also informed the Board that Mr. Nuccio emailed her ahead of time with a list of recommendations for topics. The recommendations include (1) contact hour of patient safety and breaking down what is considered as patient safety. Ms. DeSilva suggested leaving the guidance open/broad but still requiring courses in ethics, documentation and patient safety. Ms. Cherfils also asked that the chart showing how many contact hours equal 1 continuing education unit (CEU) be added to the Advisory. In addition, Ms. DeSilva requested that a conversion chart be posted on the Board's website. Dr. Rettig also recommended the Board to add a fourth topic called "wellness" as that's a current trend for the health professions. Ms. DeSilva wants to clarify that of the 30 required contact hours, the 4 suggested/recommended topics must be part of it. Dr. Rettig suggested that a minimum of 1 contact hour for each of the 4 topics.

ACTION: None

Document: Draft Policy

VII. Staff Action Policy:

A. Referral to the Office of the Attorney General

DISCUSSION: Ms. Strachan presented a Bureau-wide policy that puts what we are already doing in a written form. Ms. Vita Berg, Chief Board Counsel, drafted this policy for all the Boards within this Bureau. Ms. Strachan gave an example of a PA case where the Board did their part of suspending the PA's license but the PA was still prescribing medications. The PA Board referred the case to the Office of the Attorney General office for their review.

ACTION: Ms. DeSilva made a motion to adopt the policy; Dr. Rettig seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Draft Policy

VIII. Flex Session

A. Announcements

B. Topics for next agenda

1. Ms. Cherfils wants to discuss about the Limit Permit process and how to make it clearer.

IX. Executive Session (Roll call vote)

At 2:01 p.m., Mr. Nuccio 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 2:01 p.m.; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor: Mr. Bort-yes; Mr. Nuccio-yes; Dr. Rettig-yes; Ms. DeSilva-yes; Ms. Cavallaro-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:13 p.m. and resumed its Regularly Scheduled Board Meeting.

X. Adjournment

There being no other business before the Board, Ms. DeSilva 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 3:13 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, June 20, 2017, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

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Name

\_\_\_\_\_

Position

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Date