

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, July 17, 2018
1:00 p.m.

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

Agenda

Time	Item #	Item	Exhibits	Staff Contact
1:00 p.m.	I	Call to Order Determination of Quorum Notice of electronic recording		Chair
	II	Approval of Agenda Conflict of Interest	Draft Agenda	Chair
	III	Approval of Minutes A. April 17, 2017 Board Meeting	Draft Minutes	Chair
	IV	Inquiries CEU Approval: Tracey Satish RT1078	Verbal	RC
	V	Staff Action Policy A. Proposed Amendment to Discipline Policy 15-01	Draft Policy	MS
	VI	Open Investigations: <i>Complaint:</i> A. REP-2015-017: Armand D. Riendeau (RT2001) Employer: Unknown COI: Deferred for Quorum	Investigative Report	LS
	VII	Flex Session 1. Announcements 2. Topics for next agenda		

3:00 p.m.	VIII	<p>Executive Session (Roll call vote): N/A 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. c.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 and 65C session.</p>		Chair
	IX	<p>Adjournment-next Board meeting scheduled for August 21, 2018</p>	Closed Session	Chair

COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING

Tuesday, April 17, 2018

239 Causeway Street
Room 417 A/B
Boston, MA 02114

MINUTES

Board Members Present: Paul Nuccio, RT, Respiratory Therapist 1
Jordan Sage Rettig, M.D., Physician 1 (arrived at 2:51 p.m.)
Martha DeSilva, RT, Respiratory Therapist 2 (left at 3:05 p.m.)
Molly Cavallaro, RN, Nurse
Essam Ansari, MD, Physician 2

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
Lisa Seeley-Murphy, Board Investigator, BHPL (left at 3:32 p.m.)
Karen Fishman, Probation Monitor, BHPL (left at 3:05 p.m.)

Guests: Donna Sullivan Keith Murphy
Andrew Schwartz Eileen Wilkins
Michael Joy

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Nuccio, Board Chair, called the meeting to order at 1:05 p.m.

II. Review of the Agenda & Conflict of Interest

The Meeting Agenda was reviewed.

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

Ms. Cherfils informed the Board that item V (2) will be delayed until another Board member arrive due to a possible conflict of interest from Molly Cavallaro. Item VII (A) will be delay until the other Board member arrives so Martha DeSilva can recuse herself. Item VII (B) will be deferred as there is a conflict of interest for both Paul Nuccio and Martha DeSilva. There are other matters that will be deferred in the closed session as well due to conflict of interest and Ms. Cherfils will address those when we are in the close session.

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

III. Approval of Minutes

A. October 17, 2017 Regularly Scheduled Board Meeting

The minutes of the October 17, 2017 regularly scheduled board meeting were reviewed.

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

Documents: October 17, 2017 Regularly Scheduled Board Meeting Minutes

IV. Regulations

A. CEU Change Proposal Inquiry

B. Amended Regulations Update

DISCUSSION: Ms. Cherfils informed the Board about an inquiry from an individual regarding the possible increase of the CEU and her concerns for such regulation change. Ms. Strachan stepped in and explained the status of the proposed regulations. All the different section of the propose regulations are approved and is going for the final promulgation. The only exception is Section 5.00 regarding the CEUs. The Board proposed this change based on comments they received during on the first public hearing and the Board discussed and considered the proposal. Ms. Strachan informed the Board that since then, they spoke with the Commissioner and that the proposed increase is a significant change for the profession, therefore, the CEU section will be going before another public hearing.

ACTION: Ms. DeSilva made a motion to approve the executive edits to 261 CMR sections 2.00, 3.00 and 4.00and send the amended regulations to the Secretary of the Commonwealth's office for final promulgation. ; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

ACTION: Ms. DeSilva made a motion to approve the second public hearing regarding 261 CMR 5.00, Continuing Education; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Ms. Cherfils is looking for at least one Board member to be present at the public hearing and currently is looking at the July Board meeting on July in the morning. Ms. DeSilva informed Board staff that she is available. Board staff will have to confirm and determine if conference rooms are available first.

ACTION: Mr. Nuccio made a motion to have Board staff post an alert on the website to clarify the requirement for CEU and that it's not in effect until May 2020; Ms. DeSilva seconded the motion. Motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Mr. Nuccio also wants to confirm with the Board and have it on record that he does not represent MSRC. Ms. DeSilva said she's the same as well.

Document: Email Inquiry and Draft Regulations

V. Inquiries

A. Expired Credentials/NBRC

DISCUSSION: Ms. Cherfils informed the Board that this inquiry came before the Board regarding Licensees that have lapsed credentials with NBRC. Ms. Strachan informed the Board that this been brought before the Board in the past and other boards have considered the issue as well. She read the language that is written in the statute and explained to the Board that it's pretty board the way it is written. Ms. Strachan then proceeded to read the current renewal process and it does not require maintenance of the credential of NBRC. Board decided to come back to review this issue after the amendments to the regulations have been promulgated so as not to hold up the changes already agreed and voted upon. Then, a new round of regulation review can occur and this issue can be flagged.

ACTION: None

Document: E-mail Inquires

B. CEU Approval:

1-Massachusetts Society of Perfusion (MSP)

DISCUSSION: Board members reviewed the documentation ahead of time regarding the Society's request to approve their course to allow RTs to receive CEUs. Board members made a recommendation to approve the course for 9 CEUs.

ACTION: Ms. DeSilva made a motion to approve the course for 9 CEUs; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

2-Kenneth D. Hanley Jr., RT 10203

DISCUSSION: Deferred due to a lack of quorum

ACTION: None

Document: E-mail Inquires

3-Christopher Fawcett, RT5784

DISCUSSION: Board members reviewed the documentation ahead of time regarding the Licensee's request request for CEU. Board made a recommendation to approve all the courses that Licensee took.

ACTION: Ms. DeSilva made a motion to approve all the courses that the Licensee is requesting to get CEU for his RT license; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

4-Rachel Wilson, RT10549

DISCUSSION: Board members reviewed the documentations ahead of time regarding the Licensee's request for CEU for courses she took. Ms. DeSilva discussed with the Board that she does not think the

courses are relevant to the field. Mr. Nuccio agrees but he thought one of the courses is somewhat relevant and is thinking the Board is able to approve just that one. Ms. DeSilva said that one courses seems to be a basic course for Nutrition and still does not think it's relevant to the field.

ACTION: Ms. DeSilva made a motion deny the Licensee's request for the CEU for the courses; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor: Ms. DeSilva-yes, Ms. Cavallaro-yes, Dr. Ansari-yes; Mr. Nuccio opposed. Motion passed.

Document: E-mail Inquires

C. Scope of Practice

1-DME Scope

DISCUSSION: Ms. Strachan informed the Board that she spoke with the individual and is asking the Board for their expertise on this matter. An attorney contacted the Board on behalf of a DME asking if unlicensed persons in other states can perform certain functions for respiratory patients in MA. After discussion, the Board agreed with legal counsel that the Board has no jurisdiction over DME companies. The Board's jurisdiction extends to licensed respiratory therapists only. . The Board members noted that a licensed respiratory therapist providing services to a MA patient must be licensed where the RT is located and in MA.did mention that the

ACTION: Ms. DeSilva made a motion ask Board staff to respond to the attorney with the final discussion in this matter that was discussed; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

2-Bedside Lung Ultrasounds

DISCUSSION: Ms. Strachan informed the Board that she spoke with the individual and is asking the Board for their expertise on this matter. Mr. Nuccio informed the Board that Respiratory Therapists are beginning to perform beside lung ultrasounds. Mr. Nuccio read a statement he printed directly from AARC's website and their position on this scope of practice. The Board agrees that this is within their scope of practice as long as Respiratory Therapists show that they have done some competency training. The training must be provided by the institution.

ACTION: Ms. DeSilva made a motion to ask Board staff to respond to the inquiry; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

3-Intubation or the insertion of inter-osseous lines by RTs

DISCUSSION: Ms. Strachan informed the Board that she spoke with the individual and is asking the Board for their expertise on this matter. (1) is it within a RT's scope of practice perform intubations and (2) "is it within a RT's scope of practice to insert inter-osseous lines?" Per Merriam Webster medical dictionary, Interosseous means "situated between bones an *interosseous* space". Mr. Nuccio informed the Board that intubation is definitely within Respiratory Therapists' scope of practice. Dr. Ansari explained to the Board what the procedure of the insertion of inter-osseous is and who can perform this scope of practice. Board thinks that this is similar to the ECMO scope of practice, whereas it should be within RT's scope if they have the required training.

Unfortunately, AARC currently has no position on this and does not have a statement like they did with Bedside Lung Ultrasounds. Board members decided to review and do a bit more research on this matter before making a formal statement

ACTION: Ms. DeSilva made a motion ask Board staff to respond to the inquiry; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: E-mail Inquires

VI. Staff Action Policies

- A. SSN Collection
- B. DOR Suspension

DISCUSSION: Ms. Strachan informed the Board that collecting Social Security Number is required by federal and state law. This law here requires state agencies to act in coordination with the Department of Revenue.

ACTION: Ms. DeSilva made a motion accept the policy; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Memo & Draft Policy

VII. Open Investigations:

Complaint:

- A. REP-2015-003: Francisco Rodrigues (RT2057)
Employer: Unknown
(This matter was heard after the Board came back out of the Executive Session)

Ms. Seeley-Murphy presented this case to the Board.

Licensee was randomly selected to be part of a continuing education credits audit of all Massachusetts RT licensees. The Licensee failed to respond to the notifications therefore the Board voted to open a complaint.

DISCUSSION: Licensee failed to respond to the initial Notification Letters sent to Licensee on March 19, 2015, April 29, 2015 and June 25, 2015. The Licensee was selected at random as part of the Board's CE audit. Licensee contacted the previous Investigator via telephone on October 6, 2016. Licensee indicated that he has been disabled for three years. He is unable to work. His license has expired and he will not renew it due to his disability. The Board mentioned that there's no proof of his disability.

ACTION: Dr. Ansari made a motion to request documentation of his disability and if such documentation is received, the Board will offer the Licensee the option of applying for License retirement. If the Licensee fails to submit documentation of disability, , then the Board will offer to resolve the complaint by means of a Consent Agreement for a Reprimand; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: Investigative Report

- B. REP-2015-017: Armand D. Riendeau (RT2001)
Employer: Unknown

DISCUSSION: Deferred due to a lack of quorum

ACTION: Deferred

Document: Investigative Report

VIII. Flex Session

A. Announcements

A. 2018 Meeting Dates

DISCUSSION: Board reviewed the 2018 Board meeting dates. Board members do not seem to have any conflict.

ACTION: None

Document: 2018 Board Meeting Dates Memo

B. Opioid Experience Survey Reminder

DISCUSSION: Ms. Cherfils remind the Board to reply and answer the email that was send by Mr. Beattie regarding the opioid experience.

ACTION:

Document: None

B. Topics for next agenda

- 1) Dates of Public Hearing, Draft of Regulations regarding NBRC credential, Staff Action Policy to approve CEU requests and alert of when the CEU goes into effect

IX. Executive Session (Roll call vote)

At 2:23 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.

Ms. DeSilva made a motion to enter into Executive session at 2:23 p.m.; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor: Mr. Nuccio-yes; Ms. DeSilva-yes; Ms. Cavallaro-yes; Dr. Ansari-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:18 p.m. and resumed its Regularly Scheduled Board Meeting.

X. Adjudicatory Session
None

XI. Adjournment

There being no other business before the Board, Mr. Nuccio made a motion to adjourn the meeting; Ms. Cavallaro seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:47 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, May 15, 2018, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

_____	_____	_____
Name	Position	Date