

# Redaction Notice

The following record contains redactions in accordance with ORC 149.43 (A)(1)(v).

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## **OHIO RESPIRATORY CARE BOARD**

77 SOUTH HIGH STREET, 16<sup>TH</sup> FLOOR

COLUMBUS, OHIO 43215-6108

### **OFFICIAL BOARD MEETING MINUTES OF FEBRUARY 8, 2012**

#### **Regular Business Meeting**

Mr. Mays took the roll in the absence of the Board Secretary.

#### **Members in attendance (Exhibit A):**

Marc Mays, R.R.T., R.C.P., President

Scott Pettinichi, R.R.T., R.C.P.

Robert Cohn, M.D.

Carol Gilligan, HME Member

Joel Marx, HME Member

Kenneth Walz, J.D., R.R.T., R.C.P.

Anita Adams, M.B.A., R.C.P.

Sandra Stabile Harwood, J.D. (arrived at 9:32 a.m.)

#### **Staff in attendance:**

Christopher H. Logsdon, Executive Director

**Others in Attendance:**

Michelle T. Sutter, Assistant Attorney General

**Agenda item #1: ADMINISTRATIVE HEARINGS**

Agenda item 1b: In the Matter of Steven Douglas Sagun (Case #2012ORCB031)

The matter of Steven Douglas Sagun came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Scott Pettinchi, MEd, R.R.T., R.C.P., Anita Adams, M.B.A., R.C.P., and Carol Gilligan, HME Member. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review. Ms. Sandra Stabile Harwood, J.D., Public Member arrived at 9:32 a.m. due to weather delays. Based on Ms. Stabile Harwood's arrival time, she was recused from participating in the proceedings in this matter.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Michelle T. Sutter, Assistant Attorney General, represented the state of Ohio.

Steven Douglas Sagun was present and represented by his attorney, Matthew L. O'Leary, Attorney At Law (0082603), 3306 Colchester Road, Columbus, Ohio 43221.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 9:25 a.m. and concluded at 10:15 a.m.

Agenda item 1a: In the of Matter Nakia Janeen Hudson (Case #2012ORCB030)

The matter of Nakia Janeen Hudson came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Sandra Stabile Harwood, J.D., Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Scott Pettinchi, MEd, R.R.T., R.C.P., Anita Adams, M.B.A., R.C.P., and Carol Gilligan, HME Member. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Michelle T. Sutter, Assistant Attorney General, represented the state of Ohio.

Nakia Janeen Hudson appeared Pro Se.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 10:19 a.m. and concluded at 11:49 a.m.

Agenda item 1c: In the Matter of Jodi L. Evans (Case #2012ORCB027)

The matter of Jodi L. Evans came before the following members of the Ohio Respiratory Care Board : Marc Mays, R.R.T., R.C.P., President, Sandra Stabile Harwood, J.D., Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T,

R.C.P., Scott Pettinchi, MEd, R.R.T., R.C.P., Anita Adams, M.B.A., R.C.P., and Carol Gilligan, HME Member. Robert Cohn, M.D. recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Michelle T. Sutter, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 11:53 a.m. and concluded at 12:08 p.m.

Due to the time, Mr. Mays stated that the Board would break for lunch and upon return proceed to agenda item #4. The members took a lunch break from 12:09 a.m. to 12:40 p.m.

#### **Agenda item #4: CALL MEETING TO ORDER**

Agenda item 4.a: Approval of Board Meeting Agenda (Exhibit B)

The proposed meeting agenda was mailed in advance of the meeting.

Motion #1: Ms. Gilligan moved to approve the meeting agenda for February 8, 2012. Mr. Pettinichi seconded the motion. Discussion: None. Motion carried: 8 - 0.

Having approved the agenda, Mr. Mays asks the members to turn their attention to agenda item #2.

#### **Agenda item #2: CASE DELIBERATION IN EXECUTIVE SESSION**

Agenda item 2b: In the Matter of Steven Douglas Sagun (Case #2012ORCB031)

Motion #2: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations in the matter of Steven Douglas Sagun, Case #2012ORCB031. Ms. Stabile Harwood seconded the motion. Discussion: None. Roll call vote: Marc Mays – Yes, Joel Marx – Yes, Scott Pettinichi – Yes, Robert Cohn, M.D. – Yes, Anita Adams – Yes, Kenneth Walz, J.D., - Yes, Sandra Stabile Harwood, J.D. – Yes, and Carol Gilligan – Yes. Motion carried.

Note: Christopher H. Logsdon, Executive Director was asked to stay in private session. Robert Cohn, M.D., and Sandra Stabile Harwood, J.D. did not participate in deliberations on the matter.

The Board entered private session at 12:42 p.m. and returned to public session at 12:55 p.m.

Agenda item 2c: In the Matter of Jodi L. Evans (Case #2012ORCB027)

Motion #3: Ms. Adams moved to go into private session for the purpose of entering into quasi-judicial deliberations in the matter of Jodi L. Evans, Case #2012ORCB027. Mr. Walz seconded the motion. Discussion: None. Roll call vote: Marc Mays – Yes, Joel Marx – Yes, Scott Pettinichi – Yes, Robert Cohn, M.D. – Yes, Anita Adams – Yes, Kenneth Walz, J.D., - Yes, Sandra Stabile Harwood, J.D. – Yes, and Carol Gilligan – Yes. Motion carried.

Note: Christopher H. Logsdon, Executive Director was asked to stay in private session. Robert Cohn, M.D. did not participate in deliberations on the matter.

The Board entered private session at 12:56 p.m. and returned to public session at 1:04 p.m.

Mr. Mays directed the members to agenda item #5 and stated that the Board would then return to agenda item #4 after the NBRC's presentation.

**Agenda item #5: NATIONAL BOARD FOR RESPIRATORY CARE, INC. – testimony on Board's proposal to require RRT examination for licensure**

Representing the National Board for Respiratory Care, Inc. (NBRC) were:

1. Robert C. Shaw, Jr., Ph.D., R.R.T., F.A.A.R.C.
2. Gary A. Smith, CRT, F.A.A.R.C., Executive Director of the NBRC
3. Kerry E. George, M.Ed., R.R.T., F.A.A.R.C. President of the NBRC
4. Gregg L. Ruppel, M.Ed., R.R.T., R.P.F.T., F.A.A.R.C., Past President of the NBRC

The NBRC was asked to react to the recommendations of the Ohio Respiratory Care Board's Workgroup on Examination Requirements for Ohio Licensure ("the Workgroup"). Dr. Shaw stated that the NBRC would like to clarify some information related to statements the workgroup had made about cut scores that were contained in the report and in the workgroup summaries. Dr. Shaw stated that it is the business of a State Board that is using an NBRC examination, to have a concern about the minimal competency standard and to determine if the standard has changed.

Dr. Shaw then began his PowerPoint presentation. On the first series of slides, Dr. Shaw demonstrated that two different versions or forms of an examination could have score distribution shifts based on how the forms interact with candidates of equal abilities who take the forms. If the distribution of scores shifts, then this will lead to a shift in the cut score, he stated. In psychometric terms; however, Dr. Shaw demonstrated that standard for passing each examination would be equal or equitable even though the cut scores were different.

Dr. Shaw stated that the Workgroup summaries contained statements that suggest there was a change in the CRT minimum competency standard over time. Dr. Shaw stated that the NBRC believes the Workgroup asserted that:

- Candidates had to correctly answer 75% of test items to achieve the CRT in 1988
- Candidates must correctly answer 61% of test items today to achieve the CRT
- The minimum competency standard has decreased for the CRT

Dr. Shaw then addressed each assertion or assumption. First, Dr. Shaw stated that when the cut score for the CRT examination is expressed as a percentage, the passing score in 1988 was 70%, not 75%. Dr. Shaw reviewed five data points between 1988 and 2009, which he stated were transition points for the CRT examination. Dr. Shaw stated that the NBRC studies the job of a respiratory therapist every five years. Each study, he stated, results in a change in competencies that the examination covers along with changes in specifications for content domain and item complexity weighting. Dr. Shaw stated that test scores could be expressed as a percentage, a raw score or a scaled score. Dr. Shaw stated that the Workgroup's second assertion is true, but the first assertion was not. Suspecting that the score of 75 to which the workgroup referred was really a scaled score, Dr. Shaw described the scaled score as an index. The NBRC associates a 75-scaled score with the raw cut score on the CRT examination. While the raw cut score has changed over time, Dr. Shaw stated, the scaled cut score has remained at 75 to indicate each candidate's achievement relative to the cut point and the difficulty of the test form that he or she took.

In addition to the five-year review process, the CRT examination has undergone other changes. Dr. Shaw stated that before 1988, the examination had 200 test items. Prior to 1994, he stated, each question had five possible solutions and the Board employed a Nedelsky cut method. From 1994 to present, the NBRC changed the cut score methodology to the Angoff method and reduced the question options to four selections. In the year 2000, the NBRC changed to computer-based testing; this added the element of pre-test items and permitted assembly of test forms made entirely from used items. Prior to 2000, he stated, candidates' scores were based on their responses to a mix of new and used items. Each change, Dr. Shaw asserted could exert an effect on the raw score distribution and cut score.

Regarding the third Workgroup assertion, Dr. Shaw asserted that if the NBRC, through its methods, caused the competency standard to decrease, then the success rate on the CRT examination should have gone up. Dr. Shaw demonstrated in his presentation that there was a slight downward trend in success rate, but overall success rates have been stable, which refutes the Workgroups third assumption. Dr. Shaw then addressed a decline in success rate that occurred in 1999 after the passing point from 1994 was carried forward. Dr. Shaw stated that the three assertions of the workgroup seemed to indicate that they expected to see the same raw cut point over time as evidence of a constant standard for minimal CRT competency. Data from 1994 and 1999, he stated, showed that this assumption was false.

Dr. Shaw also stated that the Workgroup had an unstated assumption the content of the CRT examination has not changed much over time. Dr. Shaw presented information to demonstrate that content covered by the CRT examination of today is not the same as it was in 1988. Dr. Shaw concluded that test development is very complex and one cannot conclude that the minimal competency standard has changed based on a single element, like the cut point. The NBRC, he stated, is concerned that the Board is now pursuing a recommendation that is based, in part, on false information. The NBRC, he stated, would not like the Ohio Board to disseminate incorrect inferences from the workgroup that the standard for minimal competency has decreased.

Next, Dr. Shaw presented national data on success rates for the Registered Respiratory Therapist (RRT) examination. Dr. Shaw noted that there were about 4,000 people over the last five years who dropped out between the CRT and RRT written examination. About 6,500 people dropped out between the CRT and RRT simulation examination. Dr. Shaw opined that the dropout group is making an informed decision to skip the RRT written and simulation examinations. Dr. Shaw expressed a concern that the Board's proposal would compel people to take the RRT written and simulation examinations. If people who would otherwise drop out are forced to attempt the RRT written and simulation examinations, the NBRC, he stated, projects lower success rates than the state of Ohio presently observes. The other possibility, he stated, is that large numbers of people who would have dropped out will leave the state, which will have the same net effect on workforce availability.

Dr. Shaw stated that the NBRC projects the following impact:

1. Programs will continue to meet the CoARC threshold for CRT success
2. Significant subsets of graduates will have to leave the state to work
3. Employers will find a more limited employee pool
4. Eventually, programs will receive negative feedback on satisfaction surveys

Dr. Shaw stated that the Board has the authority under law to address the standards of education programs. The NBRC, he stated, asks why the Board would not implement a commensurate change in educational standards. Dr. Shaw stated that the logical choice of actions would be to implement rule that would change the education standards, which may improve the success rate on the RRT examinations. Dr. Shaw recommended increasing the admission standards and/or increasing the contact time between students and educational content while continuing to award the same degrees.

Next, Dr. Shaw discussed the results of a study on education outcomes for Associate degree granting institutions and Bachelor degree granting education institutions. Dr. Shaw reported that the study showed an insignificant difference on passing the three examinations required to achieve the RRT when candidates attempted those examinations for the first time. This was a study of the entire population of candidates who attempted to achieve the RRT in 2008.

Mr. Mays informed Dr. Shaw that the Board has not discussed or presented any suggestion that a Bachelor's degree would be required for entry-level practice.

Finally, Dr. Shaw presented future changes being implemented by the NBRC. Dr. Shaw reported that the future RRT simulation examination will include 20 problems, but half as long as the current model. Dr. Shaw announced that in the future the NBRC will introduce a consolidated CRT and RRT written multiple choice examination. Dr. Shaw described the examination as having two cut scores: one for CRT attainment and a higher cut score to become eligible to take the simulation examination.

Dr. Shaw then summarized his presentation and ended by asking the Board specific questions to consider.

The Board took a brief break from 2:45 p.m. to 2:50 p.m.

## **Agenda item #2: CASE DELIBERATION IN EXECUTIVE SESSION CONT'D**

Agenda item 2a: In the Matter of Nakia Janeen Hudson (Case #2012ORCB030)

Motion #4: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations in the matter of Nakia Janeen Hudson, Case #2012ORCB030. Ms. Stabile Harwood seconded the motion. Discussion: None. Roll call vote: Marc Mays – Yes, Joel Marx – Yes, Scott Pettinichi – Yes, Robert Cohn, M.D. – Yes, Anita Adams – Yes, Kenneth Walz, J.D., - Yes, Sandra Stabile Harwood, J.D. – Yes, and Carol Gilligan – Yes. Motion carried.

Note: Christopher H. Logsdon, Executive Director was asked to stay in private session. Robert Cohn, M.D. did not participate in deliberations on the matter.

The Board entered private session at 2:52 p.m. and returned to public session at 3:10 p.m.

## **Agenda item #6: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES**

Agenda item 6c: In the Matter of Jodi L. Evans (Case #2012ORCB027) (Exhibit C)

After votes were taken in public session, the Board adopted the following Order in the matter of Jodi L. Evans (RCP.12357):

The Ohio Respiratory Care Board

### **Adjudication Order**

#### **In the Matter Of:**

Jodi Leigh Evans  
30882 Prestwick Crossing  
West Lake, OH 44145

THE MATTER OF JODI LEIGH EVANS CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON FEBRUARY 8, 2011 AT 11:55 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., SCOTT PETTINICHI, R.R.T., R.C.P., CAROL GILLIGAN,

HME MEMBER, AND ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MICHELLE SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

JODI LEIGH EVANS DID NOT REQUEST A HEARING BEFORE THE BOARD. THIS HEARING WAS HELD PURSUANT TO GOLDMAN VS. STATE MEDICAL BOARD OF OHIO, (MARCH 29, 1996), FRANKLIN COUNTY COURT OF APPEALS, 95APE 10-1358 (UNREPORTED).

TERESA L. MANTZ WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

There were no preliminary matters addressed by the State.

**State's Exhibits admitted:**

- A - 1- Notice of Opportunity for Hearing approved on October 12, 2011 and mailed to Jodi Leigh Evans by certified mail/return receipt # 7005 1820 0000 0296 0842 on October 14, 2011.
- A - 2 Envelope containing registered mail, article #7005 1820 0000 0296 0842, returned to the Board marked, "Unclaimed" by the U.S. Postal Service.
- A - 3 Notice of Opportunity for Hearing approved on October 12, 2011 and mailed to Jodi Leigh Evans by ordinary mail/certificate of mailing on November 8, 2011.
- A - 4 Certificate of mailing for Notice of Opportunity for Hearing mailed on November 8, 2011.
- B - Evidentiary hearing scheduling letter, dated December 14, 2011, mailed to Jodi Leigh Evans by certified mail/return receipt # 7005 1820 0000 0296 1122 on December 14, 2011.
- C - [REDACTED]
- D - Affidavit of Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board.

Witnesses called by the State:

1. Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board.

**FINDINGS OF FACT**

1. Jodi Leigh Evans was issued a Notice of Opportunity for Hearing by registered mail/return receipt requested on October 14, 2011. On or about November 4, 2011, the U.S. Postal Service returned the Notice of Opportunity for Hearing to the Board office, marked as "unclaimed". In compliance with Section 119.07 of the Ohio Revised Code, the Board mailed the approved Notice of Opportunity for Hearing to Jodi Leigh Evans' address of record on November 8, 2011 by ordinary mail with a certificate of mailing. The Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.

2. Based upon the affidavit of Christopher Logsdon, the Board waited for 30 days after the mailing date of the Notice of Opportunity for Hearing, but received no request for a hearing from Jodi Leigh Evans.

[REDACTED]

a.

[REDACTED]

[REDACTED]

4.

[REDACTED]

**CONCLUSIONS OF LAW**

- A. Jodi Leigh Evans was issued a Notice of Opportunity for Hearing in compliance with Chapter 119. of the Revised Code.
- B. Ohio Revised Code § 4761.09 states in pertinent part:
- (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

[REDACTED]

- C. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proven by a preponderance of the evidence.

**ORDER OF THE BOARD**

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby INDEFINITELY SUSPENDS Jodi Leigh Evans' license to practice respiratory care in the state of Ohio as a licensed respiratory care professional. The license is eligible for reinstatement only by approval by vote of the full Board at a regular business meeting. The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #5: Joel Marx, HME Member moved for Findings of Fact; Kenneth Walz, J.D., R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 7/Nay – 0/Abstained – 1).

Motion #6: Joel Marx, HME Member moved for Conclusions of Law; Kenneth Walz, J.D., R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 7/Nay – 0/Abstained – 1).

Motion #7: Joel Marx, HME Member moved for Order of the Board; Anita Adams, M.B.A., R.C.P. seconded the motion. Motion passed (Aye – 5/Nay – 1/Abstained – 2).

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

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Mr. Marx departed the meeting at approximately 3:20 p.m.

Agenda item 6b: In the Matter of Steven D. Sagun (Case #2012ORCB031) (Exhibit D)

After votes were taken in public session, the Board adopted the following Order in the matter of Steven Douglas Sagun:

The Ohio Respiratory Care Board

**Adjudication Order**

**In the Matter Of:**

Steven Douglas Sagun  
380 Forestview Drive  
Wintersville, OH 43953

THE MATTER OF STEVEN DOUGLAS SAGUN CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON FEBRUARY 8, 2011 AT 9:25 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., SCOTT PETTINICHI, R.R.T., R.C.P., CAROL GILLIGAN, HME MEMBER, AND ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE. SANDRA STABILE HARWOOD, J.D. RECUSED HERSELF FROM THE PROCEEDING, BECAUSE SHE WAS NOT IN ATTENDANCE FOR THE FULL HEARING.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MICHELLE SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

STEVEN DOUGLAS SAGUN WAS REPRESENTED BY MATTHEW L. O'LEARY, ATTORNEY AT LAW (0082603), 3306 COLCHESTER ROAD, COLUMBUS, OHIO 43221.

TERESA L. MANTZ WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

Michelle Sutter, Assistant Attorney General stated that she met with Steven Douglas Sagun's attorney prior to the beginning of the hearing and he had agreed to stipulate to State's exhibits A-1, A-2, B, C-1, C-2, D, E, and F. In addition, Michelle Sutter stated that the State of Ohio is willing to stipulate to Respondent's exhibits 1 – 10. Hearing no objection, Mr. Walz stated that the exhibits would be admitted into the record.

**State's Exhibits admitted:**

- A - 1 Notice of Opportunity for Hearing approved on December 7, 2011 and mailed to Steven Douglas Sagun by registered mail/return receipt # 7005 1820 0000 0296 1085 on December 9, 2011.
- A -2 Signed registered mail return receipt # 7005 1820 0000 0296 1085.
- B - Request for Hearing letter filed by Steven Douglas Sagun on December 16, 2011.
- C-1 Hearing scheduling letter, dated December 16, 2011, mailed to Steven Douglas Sagun by registered mail/return receipt # 7005 1820 0000 0296 1139 on December 16, 2011.
- C – 2 A signed registered mail/return receipt for article # 7005 1820 0000 0296 1139.
- D - Copy of initial application for limited permit filed by Steven Douglas Sagun on October 19, 2011.
- E - Certified Journal Entry from the Jefferson County Municipal Court #2, Jefferson County, Ohio, case #2005CRA00079, THEFT in violation of Section 2913.02 of the Ohio Revised Code, a misdemeanor of the 1st degree.
- F - Certified Journal Entry from the Steubenville Municipal, Jefferson County, Ohio, case #06CRB00530-A, MISUSE OF CREDIT CARDS, in violation of section 545.10 of the Codified Ordinance of the City of Steubenville, Ohio, a misdemeanor of the 1st degree.

Witnesses called by the State:

1. Steven Douglas Sagun as on cross-examination.

**Respondent's Exhibits admitted:**

- 1 - Letter dated December 19, 2011, from Cynthia Carducci, Director of the Respiratory Care Program for Eastern Gateway Community College to the Ohio Respiratory Care Board.
- 2 - Letter dated December 16, 2011, from Christine Sterling, Director of Environmental Services for Trinity Medical Center West, to the Ohio Respiratory Care Board.
- 3 - Letter dated January 7, 2012, from Jim Baber, Ed.D., Executive Vice President for Academic and Student Affairs for Eastern Gateway Community College, to the Ohio Respiratory Care Board.
- 4 - Unofficial transcripts of Steven Douglas Sagun, Eastern Gateway Community College (Placed under Seal).
- 5 - Letter dated February 7, 2012, from Lisa Tiziani, Court Services Coordinator for Trinity Medical Center East to the Ohio Respiratory Care Board.
- 6 - Letter dated February 1, 2012, from Mayor of the Village of Wintersville, Bob Gale, to the Ohio Respiratory Care Board.
- 7 - Letter dated December 20, 2011, from Mayor of the Steubenville, Domenick Mucci, Jr., to the Ohio Respiratory Care Board.

- 8 - Letter dated December 28, 2011, from Judge G. Daniel Spahn to the Ohio Respiratory Care Board.
- 9 - Letter dated February 7, 2012, from Judge Michael C. Bednar to the Ohio Respiratory Care Board.
- 10 - Letter dated January 30, 2012, from Franciscan University of Steubenville to Steven Sagun.

Witnesses called by the Respondent:

- 1. Mary Sagun

**FINDINGS OF FACT**

- 1. Steven Douglas Sagun was issued a Notice of Opportunity for Hearing and signed for receipt of the Notice. The Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.
- 2. State's Exhibit E shows that on or about May 18, 2005, in the Jefferson County Municipal Court #2, Jefferson County, Ohio, case #2005CRA00079, Steven Douglas Sagun pleaded guilty to THEFT in violation of Section 2913.02 of the Ohio Revised Code, a misdemeanor of the 1<sup>st</sup> degree. Steven Douglas Sagun did not dispute this prior conviction record.
- 3. State's Exhibit F shows that on or about May 31, 2006, in the Steubenville Municipal, Jefferson County, Ohio, case #06CRB00530-A, Steven Douglas Sagun was found guilty of MISUSE OF CREDIT CARDS, in violation of section 545.10 of the Codified Ordinance of the City of Steubenville, Ohio, a misdemeanor of the 1<sup>st</sup> degree. Steven Douglas Sagun did not dispute this prior conviction record.
- 4. The Board finds that Steven Douglas Sagun was convicted of two 1<sup>st</sup> degree misdemeanors involving moral turpitude. The Board finds that sufficient evidence existed to issue Steven Douglas Sagun a Notice of Opportunity for Hearing based upon his convictions.
- 5. Having found that Steven Douglas Sagun was convicted of two misdemeanor convictions involving moral turpitude, the Board notes that Steven Douglas Sagun was last convicted nearly six (6) years prior to his date of application for a limited permit to practice respiratory care.
- 6. The Board finds the Steven Douglas Sagun was truthful on his application for an initial limited permit.
- 7. The Board finds, by a preponderance of the evidence that Steven Douglas Sagun's conviction were related to his dependence and abuse of illegal drugs; however, the Board also finds that Steven Douglas Sagun has taken significant steps to overcome his abuse.

**CONCLUSIONS OF LAW**

- A. Steven Douglas Sagun was issued a Notice of Opportunity for Hearing in compliance with Chapter 119. of the Revised Code.
- B. Ohio Revised Code § 4761.09 states in pertinent part:
  - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

- (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter; \*\*\*
- C. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proven by a preponderance of the evidence.
- D. The imposition of a sanction under Section 4761.09 of the Revised Code is discretionary. In consideration of the facts and conclusions of law in this case, the board's decision to impose a sanction is modified by the mitigating evidence introduced. The board finds that Steven Douglas Sagun has not been convicted of any felonies or misdemeanors of moral turpitude since 2006.

#### **ORDER OF THE BOARD**

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby ISSUES Steven Douglas Sagun a Limited Permit to practice respiratory care under the direction of a licensed respiratory care professional. Upon issuance of the limited permit, the Board immediately places Steven Douglas Sagun on PROBATION for a period of one year from the effective date of this order.

The following provisions of Steven Douglas Sagun's probation shall remain in effect during the active term of the limited permit:

1. Steven Douglas Sagun shall obey all federal, state and local laws, and all rules governing the practice of respiratory care in Ohio. Any arrest, criminal charge, citation, guilty or no contest plea, criminal jury verdict, conviction or treatment in lieu of conviction for any crime other than a minor misdemeanor traffic offense after the effective date of this order shall constitute a violation of an order of the Board.
2. Steven Douglas Sagun shall sign a valid release, allowing the Board to obtain records from any drug and alcohol treatment programs and or drug and alcohol testing programs.
3. Steven Douglas Sagun shall attend Alcoholics or Narcotics Anonymous, or other board approved meetings, no less than once per week or as otherwise recommended by a treatment provider if such recommendation exceeds once per week. Steven Douglas Sagun is responsible for providing the Board with monthly written documentation showing attendance of such meetings. Declarations are due to the Board's offices on or before the first day of every month.
4. Steven Douglas Sagun shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
5. Steven Douglas Sagun shall not use or possess prescription drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Steven Douglas Sagun's history of chemical dependency, as evidenced by a written acknowledgement by that person of having reviewed this order. Any use of a prescription drug in a manner or dosage inconsistent with a physician's prescription will constitute a violation of this order.
6. Steven Douglas Sagun shall submit to random drug and alcohol testing in the manner prescribed by the Board. Steven Douglas Sagun shall pay for such testing. If such drug test evidences the use of alcohol, illegal or non-prescribed prescription drugs, it shall be deemed a violation of this Order. A failure to submit a drug screen upon request, or a submission of any adulterated OR diluted toxicology result, shall constitute a positive screen for the

purposes of this Order. It is the responsibility of the respondent to have a working phone number with messaging system on file with the Board. Failure to do so will be a violation of this Order. A request from the Board's Investigator or designated alcohol and drug screening service to provide a drug screen shall constitute an authorized drug screen request for the purpose of this Order.

7. Steven Douglas Sagun shall appear in person for interviews every six (6) months before the Board or its designated representative, or as otherwise directed by the Board or its designated representative. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
8. Steven Douglas Sagun shall file a valid release of information form with the Board. Steven Douglas Sagun shall cause his employer to file quarterly performance reviews, which shall be filed on forms prescribed by the Board. The first performance review shall be filed with the Ohio Respiratory Care Board fourteen (14) days following the effective date of this Order and every three months thereafter.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #8: Kenneth Walz, J.D., R.R.T., R.C.P. moved for Findings of Fact; Scott Pettinichi, R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 5/Nay – 0/Abstained – 2/Absent - 1).

Motion #9: Kenneth Walz, J.D., R.R.T., R.C.P. moved for Conclusions of Law; Scott Pettinichi, R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 5/Nay – 0/Abstained – 2/Absent - 1).

Motion #10: Carol Gilligan, HME Member moved for Order of the Board; Anita Adams, M.B.A., R.C.P. seconded the motion. Motion passed (Aye – 5/Nay – 0/Abstained – 2/Absent - 1).

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

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Agenda item 6a: In the Matter of Nakia Janelle Hudson (Case #2012ORCB030) (Exhibit E)

After votes were taken in public session, the Board adopted the following Order in the matter of Nakia Janelle Hudson:

The Ohio Respiratory Care Board

**Adjudication Order**

**In the Matter Of:**

Nakia Janeen Hudson  
1422 E. 264<sup>th</sup> Street, #2  
Euclid, OH 44132

THE MATTER OF NAKIA JANEEN HUDSON CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON FEBRUARY 8, 2011 AT 10:19 A.M. IN ROOM WEST B & C, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT

WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., SANDRA STABILE HARWOOD, J.D., PUBLIC MEMBER, KENNETH WALZ, J.D., R.R.T, R.C.P., SCOTT PETTINICHI, R.R.T., R.C.P., CAROL GILLIGAN, HME MEMBER, AND ANITA ADAMS, M.B.A, R.C.P. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MICHELLE SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

NAKIA JANEEN HUDSON APPEARED PRO SE.

TERESA L. MANTZ, WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

There were no preliminary matters addressed by the State.

**State's Exhibits admitted:**

- A - 1 Notice of Opportunity for Hearing approved on December 7, 2011 and mailed to Nakia Janeen Hudson by registered mail/return receipt # 7005 1820 0000 0296 1092 on December 9, 2011.
- A - 2 Signed registered mail return receipt # 7005 1820 0000 0296 1092.
- B - Request for Hearing letter filed by Nakia J. Hudson on December 19, 2011.
- C-1- Hearing scheduling letter, dated December 19, 2011, mailed to Nakia Janeen Hudson by registered mail/return receipt # 7005 1820 0000 0296 1146 on December 19, 2011.
- C-2- Return envelope for registered mail/return receipt # 7005 1820 0000 0296 1146, stamped "unclaimed" by the U.S. Postal Service and a signed registered mail/return receipt for article # 7005 1820 0000 0296 1184, re-mailed Hearing Scheduling letter.
- D - Copy of initial application for limited permit filed by Nakia Janeen Hudson on October 4, 2011.
- E - Certified Journal Entry from Garfield Heights Municipal Court, Cuyahoga County, Ohio, case #CRB-9900743, FALSIFICATION in violation of Section 2921.13 of the Ohio Revised Code, a misdemeanor of the 1st degree.
- F-1- [REDACTED]
- F-2- [REDACTED]

**Witnesses called by the State:**

1. Nakia Janeen Hudson as on cross-examination.

2. Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board.

**Respondent's Exhibits admitted:**

- 1 - Letter from Melanie Grayson, dated January 19, 2012.
- 2 - Mid-term student clinical evaluation, dated November 16, 2011.
- 3 - Final term student clinical evaluation, dated December 9, 2011.
- 4 - Mid-term student clinical evaluation, dated September 21, 2011.
- 5 - Final term student clinical evaluation, dated October 13, 2011.
- 6 - Final term student clinical evaluation, dated August 4, 2011.

Witnesses called by the Respondent:

1. Nakia Janeen Hudson testified on her own behalf. No other witnesses were called by Respondent.

**FINDINGS OF FACT**

1. Nakia Janeen Hudson was issued a Notice of Opportunity for Hearing and signed for receipt of the Notice. The Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code.
2. State's Exhibit E shows that on or about May 25, 1999, Nakia Janeen Hudson was found guilty in the Garfield Heights Municipal Court, Cuyahoga County, Ohio, case #CRB-9900743, of FALSIFICATION in violation of Section 2921.13 of the Ohio Revised Code, a misdemeanor of the 1st degree. Nakia Janeen Hudson did not dispute this prior conviction record.
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. The Board finds that Nakia Janeen Hudson was convicted of FALSIFICATION in violation of Section 2921.13 of the Ohio Revised Code, an offense of moral turpitude. Additionally, the Board finds that Nakia Janeen Hudson was [REDACTED]  
[REDACTED] The Board finds that sufficient evidence existed to issue NAKIA JANEEN HUDSON a Notice of Opportunity.
7. The Board finds that Nakia Janeen Hudson was truthful on her application for an initial limited permit.

**CONCLUSIONS OF LAW**

- A. Nakia Janeen Hudson was issued a Notice of Opportunity for Hearing in compliance with Chapter 119. of the Revised Code.
- B. Ohio Revised Code § 4761.09 states in pertinent part:
  - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
    - (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter; \*\*\*
- C. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proven by a preponderance of the evidence.

**ORDER OF THE BOARD**

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby ISSUES Nakia Janeen Hudson a Limited Permit to practice respiratory care under the direction of a licensed respiratory care professional. Upon issuance of the limited permit, the Board immediately places Nakia Janeen Hudson on PROBATION for a period of three (3) years from the effective date of this order.

The following provisions of Nakia Janeen Hudson's probation shall remain in effect during the active term of the limited permit:

1. Nakia Janeen Hudson shall obey all federal, state and local laws, and all rules governing the practice of respiratory care in Ohio. Any arrest, criminal charge, citation, guilty or no contest plea, criminal jury verdict, conviction or treatment in lieu of conviction for any crime other than a minor misdemeanor traffic offense after the effective date of this order shall constitute a violation of an order of the Board.
2. Nakia Janeen Hudson shall sign a valid release, allowing the Board to obtain records from any drug and alcohol treatment programs and or drug and alcohol testing programs.
3. Nakia Janeen Hudson shall attend Alcoholics or Narcotics Anonymous, or other board approved meetings, no less than twice per week or as otherwise recommended by a treatment provider. Nakia Janeen Hudson is responsible for providing the Board with monthly written documentation showing attendance of such meetings. Declarations are due to the Board's offices on or before the first day of every month.
4. Nakia Janeen Hudson shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
5. Nakia Janeen Hudson shall not use or possess prescription drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Nakia Janeen Hudson's history of chemical dependency, as evidenced by a written acknowledgement by such person of having reviewed this order. Any use of a prescription drug in a manner or dosage inconsistent with a physician's prescription will constitute a violation of this order.

6. Nakia Janeen Hudson shall submit to random drug and alcohol testing in the manner prescribed by the Board. Nakia Janeen Hudson shall pay for such testing. If such drug test evidences the use of alcohol, illegal or non-prescribed prescription drugs, it shall be deemed a violation of this Order. A failure to submit a drug screen upon request, or a submission of any adulterated OR diluted toxicology result, shall constitute a positive screen for the purposes of this Order. It is the responsibility of the respondent to have a working phone number with messaging system on file with the Board. Failure to do so will be a violation of this Order. A request from the Board's Investigator or designated alcohol and drug screening service to provide a drug screen shall constitute an authorized drug screen request for the purpose of this Order.
7. Nakia Janeen Hudson shall appear in person for interviews every six (6) months before the Board or its designated representative, or as otherwise directed by the Board or its designated representative. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
8. Nakia Janeen Hudson shall file a valid release of information form with the Board. Nakia Janeen Hudson shall cause her employer to file quarterly performance reviews, which shall be filed on forms prescribed by the Board. The first performance review shall be filed with the Ohio Respiratory Care Board fourteen (14) days following the effective date of this Order and every three months thereafter.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #11: Anita Adams, M.B.A., R.C.P. moved for Findings of Fact; Scott Pettinichi, R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 6/Nay – 0/Abstained – 1/Absent - 1).

Motion #12: Carol Gilligan, HME Member moved for Conclusions of Law; Sandra Stabile Harwood, J.D., Public Member seconded the motion. Motion passed (Aye – 6/Nay – 0/Abstained – 1/Absent - 1).

Motion #13: Carol Gilligan, HME Member moved for Order of the Board; Kenneth Walz, J.D., R.R.T., R.C.P. seconded the motion. Motion passed (Aye – 6/Nay – 0/Abstained – 1/Absent - 1).

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes.

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Mr. Mays directed the members to Agenda item #9

**Agenda item #9: PROBABLE REVIEW COMMITTEE REPORT**

Motion #14: Ms. Adams moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Scott Pettinichi -	Yes
Carol Gilligan -	Yes	Kenneth Walz -	Yes
Robert Cohn, M.D. -	Yes	Anita Adams -	Yes

Sandra Stabile Harwood - Yes

Motion carried.

The Board entered executive session at 3:40 p.m. and returned to regular, public session at 3:45 p.m. All seven attending Board Members, Mr. Isom and Mr. Logsdon were present during Executive Session.

*\*Names and identifying information was redacted from discussion and proposed notices of opportunity for hearing during the course of executive session deliberation and the public meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed notices of opportunity for hearing through a motion on the record during public session.*

Agenda item 9.b: Approval of Opportunity for Hearing Notices (Exhibit F)

Motion #15: Mr. Walz moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

**RCB Opportunity for Hearing Notices**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
G.	2012ORCB029 (Debra S. Rosenberger, RCP.1474)	Impairment	ORC 4761.09(A) (8)

Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Dr. Cohn).

Agenda item 9.c: Consent Agreement Approval (Exhibit G)

*\*Names and identifying information was redacted from discussion and proposed consent agreements during the course of executive session deliberation and the meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed consent agreements through a motion on the record during public session.*

Motion #16: Mr. Walz moved to approve the consent agreement between the Board and the following cases:

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Action</u>
H.	Case #2010ORCB018 (Jill Ellen Tewart, RCP.10078)	Voluntary Surrender

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Dr. Cohn).

Agenda item 9.d: Release from Probation (Exhibit H)

Motion #16: Mr. Walz moved to approve release from probation for Rebecca D'Amico, Case #2005ORCB008. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 – yes.

**Agenda item #4: CALL MEETING TO ORDER CONT'D**

Agenda item 4.b: Approval of Prior Meeting Minutes (Exhibit I)

The prior meeting minutes were mailed in advance of the meeting. Mr. Mays inquired if there were any changes or corrections to the minutes.

Motion #17: Mr. Walz moved to approve the December 7, 2011 meeting minutes. Mr. Pettinichi seconded the motion. Discussion: Ms. Gilligan stated there was a typo on Page 9, Sam Giordano. Mr. Mays inquired if Mr. Walz would accept an amendment to the main motion by accepting the correction. Hearing no objections, Mr. Mays called the original question. Motion carried: 7 – yes, 1 – abstained (Harwood). Minutes were approved as corrected.

**Agenda item #7: BOARD OFFICER AND STAFF REPORT**

Agenda item 7.a: President's Report

Mr. Mays stated that he had completed the Executive Director's 2011 performance review. Mr. Mays asked if members were prepared to approve the review. Discussion: Some members expressed a need to review the review further. Mr. Mays suggested that the matter be tabled until the next meeting. Hearing no objection, he tabled approval of the review.

Agenda item 7.b: Executive Director's Report (Exhibit J collective)

Mr. Logsdon gave a brief verbal overview of his written report. Director Logsdon verbally reviewed the following:

1. Mr. Logsdon reported that he was still evaluating the costs to move the Board's part-time staffer to full-time position.
2. Mr. Logsdon gave the Board an update on the 2012 license renewal. Mr. Logsdon stated that the renewal process is complex and needs to be well coordinated to have a successful year.
3. Mr. Logsdon reported on the status of several legislative bills.
4. Mr. Logsdon gave a brief update on the rules drafting stakeholders meeting for OAC 4761-5-01. He reported that the group would meet next on February 24, 2012. Last, Mr. Logsdon presented a draft HME rule OAC 4761:1-14-02. Mr. Logsdon reported that the rule had been reviewed by the Ohio Association of Medical Equipment Services and recommended amendments were incorporated. Mr. Logsdon stated that he is requesting authorization to file the rule with the CSI office.

Discussion: None.

Agenda item 7.c: HME Manager's Report (Exhibit K)

Ms. Tatum gave a verbal overview of her written report. Ms. Tatum reviewed the following:

1. Mr. Tatum reported that 3 new HME licenses and 37 new HME Certificates of Registration had been issued since the last board meeting.
2. Ms. Tatum reported that she had scheduled all HME facility inspections and she was working with contract inspectors on new scheduling dates.

3. Ms. Tatum reported that a letter was mailed to all HME providers to inform them of upcoming renewal dates and to advise them of documentation that needs to be filed for renewal of a license or certificate of registration.
4. Last, Ms. Tatum reported that the agency had collected \$25,750.00 since the beginning of the fiscal year.

There were no questions on the report.

Motion #18: Mr. Walz moved to approve the President's report. Mr. Pettinichi seconded the motion. Discussion: None. Motion carried: 7-0.

Motion #19: Mr. Walz moved to approve the Executive Director's report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7-0.

Motion #20: Mr. Walz moved to approve filing proposed amended rule OAC 4761:1-14-02 with the office of Common Sense Initiative office and the Joint Committee on Agency Rule Review. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 7-0.

Motion #21: Mr. Walz moved to approve the HME Manager's report. Ms. Adams seconded the motion. Discussion: None. Motion carried: 7 – 0.

## **Agenda item #8: COMMITTEE REPORTS**

### HME Committee

There was no HME Committee report given, because the committee meeting was not held.

### Scope of Practice Committee

Dr. Cohn stated that the Committee did not meet as scheduled due to time overruns on specific agenda issues. Dr. Cohn stated that members present could approve the committee minutes.

Committee motion #1: Mr. Walz moved to approve the minutes of the December 7, 2011 Scope of Practice Committee meeting. Mr. Pettinichi seconded the motion. Motion carried: 4-0 (only committee members voting)

The committee began discussion on an inquiry filed, but then moved to table the matter until the next scheduled meeting.

## **Agenda item #10: NEW BUSINESS**

### Agenda item 10.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit L)

Motion #22: Mr. Walz moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: November 23, 2011, December 1, 2011, December 8, 2011, December 15, 2011, December 22, 2011, January 5, 2012, January 12, 2012, January 19, 2012, January 26, 2012.

Respiratory Care Professional Licenses issued on: November 23, 2011, December 1, 2011, December 8, 2011, December 15, 2011, December 22, 2011, December 28, 2011, January 5, 2012, January 12, 2012, January 13, 2012, January 19, 2012, January 26, 2012.

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 - 0.

Agenda item 10.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit M)

Motion #23: Mr. Walz moved to ratify HME licenses and certificates of registration issued on the following dates:

November 29, 2011 and January 11, 2012.

HME Certificates of Registration issued on November 21, 2011, November 29, 2011, December 2, 2011, December 6, 2011, December 14, 2011, December 20, 2011, December 21, 2011, December 27, 2011, January 3, 2012, January 6, 2012, January 11, 2012, January 13, 2012, January 20, 2012, January 25, 2012, January 27, 2012, January 30, 2012, and January 31, 2012.

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 7 - 0.

#### **Agenda item #11: OPEN FORUM**

No appearances for Open Forum

#### **Agenda item #12: FOR THE GOOD OF THE BOARD**

Ohio Ethics Law Training

The following members attended training on Ohio Ethics Law:

Marc Mays, R.R.T., R.C.P., President

Scott Pettinichi, R.R.T., R.C.P.

Robert Cohn, M.D.

Carol Gilligan, HME Member

Kenneth Walz, J.D., R.R.T., R.C.P.

Anita Adams, M.B.A., R.C.P.

Sandra Stabile Harwood, J.D.

Members were provided with a copy of Ohio Ethics Law (ORC 102.), Ohio Ethics Law outline, and "Ethics is Everybody's Business" pamphlet. Training lasted approximately 1 hour, including review and discussion on the Ethics Law in Public Service 2010 video produced by the Ohio Ethics Commission.

**Agenda item #12: ADJOURNMENT**

Hearing no objection, Mr. Mays adjourned the meeting at 5:14 p.m...

Board President's Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on April 18, 2012.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Witness