
OHIO RESPIRATORY CARE BOARD

77 S. HIGH ST., 16TH FL.

COLUMBUS, OHIO 43215-6108

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OFFICIAL BOARD MEETING MINUTES OF OCTOBER 15, 2014

REGULAR BUSINESS MEETING

MEMBERS IN ATTENDANCE (Exhibit A):

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

Joel Marx, HME Member

Verna Riffe Biemel, Public Member (arrived at 12:19 p.m.)

Carol Gilligan, HME Member

Steven A. Pavlak, M.S., R.R.T., R.C.P.

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

Robert Slabodnick, M.Ed., R.R.T., R.C.P.

Maninder Kalra, Ph.D., M.D., Physician Member

Andrea Yagodich, R.R.T., R.C.P.

Staff in attendance:

Christopher H. Logsdon, Executive Director

Traci L. McDonald, Administrative Professional I

Others in Attendance:

Steven R. Kochheiser, Assistant Attorney General

Tim Miller, Assistant Attorney General

Bobby Robbins, Contract Investigator

Susan Ciarlariello, Legislative Chairperson, Ohio Society for Respiratory Care

Sarah Varekogis, Ph.D., President, Ohio Society for Respiratory Care

David Corey, Ohio Society for Respiratory Care

Robert Cohn, M.D., Past Board Member

Corey Schaal, J.D./M.P.A.

Agenda item #1: CALL REGULAR MEETING TO ORDER

Mr. Mays called the meeting order at 12:04 pm. Mr. Pavlak took roll call and eight members were present. Mr. Mays noted there was a quorum of the Board and business could be considered.

Agenda item 1.a: Adoption of Proposed Meeting Agenda

Mr. Mays asked if there were any changes to the proposed agenda. Hearing none, he asked if there was a motion to approve the agenda.

Motion #1: Mr. Slabodnick moved to approve the meeting agenda. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8 – 0.

Agenda item 1.b: Approval of Previous Meeting Minutes (Exhibit B)

Mr. Mays asked if members received and read the previous meeting minutes. Mr. Mays asked if there was a motion to approve the Board's previous meeting minutes from August 20, 2014.

Motion #2: Ms. Yagodich moved to approve the August 20, 2014 meeting minutes. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 8 – 0.

Agenda item #2: OFFICER AND STAFF REPORTS

Agenda item 2.a: President's Report (Exhibit C)

Mr. Mays stated that the Board would be hiring a new Executive Director. Mr. Mays stated that Mr. Logsdon has held the position for approximately twenty-four years and has led the Board through multiple challenges and projects. Mr. Mays stated that the Board has become used to a high standard of performance and he (Mr. Mays) stated even the best candidate would have transition difficulty. To assist with bring a new Executive Director on board; Mr. Mays has developed an orientation/performance tool. Mr. Mays inquired if members had any comment on the tool.

Mr. Marx stated the tool appears to be prescriptive. Mr. Marx inquired if the tool was a performance review. Mr. Mays stated the tool was not a performance review. Mr. Mays stated the tool could be used as a part of the annual evaluation. Mr. Mays stated it was his intent to use the tool to help assure performance from the first day and to help guide the new Executive Director. Mr. Slabodnick asked if the tool aligned with the duties of the Executive Director. Mr. Mays stated the tool represents the substantive aspect of the Executive Director's duties. Mr. Walz noted a few technical changes. Mr. Mays asked members to forward any comments or technical changes to him.

Mrs. Riffe Biemel arrived at 12:19 p.m.

Mr. Marx stated he is concerned with how the tool will be used. Mr. Mays stated the tool was designed to be objective and that he would meet with the new Executive Director on a regular basis to review progress. Mr. Marx asked if the tool was actually listing expectations. Mr. Mays agrees the tool lists the expectations for an Executive Director. Mr. Mays summarized the tool as an “on boarding” document. Ms. Yagodich stated the tool is an orientation checklist. Ms. Gilligan stated the tool appears to bring structure to the orientation process. Mr. Marx stated that he believes the tool would be excessive.

Mr. Mays asked members to review the tool and forward comments to him. Mr. Mays stated the tool can be more fluid and he is interested in suggestions from other members. Mr. Mays reminded members to only email him written comments and not speak with or email other members due to open meetings law. Mr. Mays encouraged members to get involved and to communicate with the new Executive Director to share perspectives.

No action taken.

Agenda item 2.b: Executive Director’s Report (Exhibit D)

Mr. Logsdon reported on the following issues:

1. FY 2015 financial activity – Mr. Logsdon stated that the Board completed the first financial quarter of FY 2015, he encumbering funds for annual personal service contracts, and would be encumbering funds for DAS services once all costs estimates were evaluated. Mr. Logsdon stated that expenditures were unremarkable.
2. FY 2016/2017 budget preparation – Mr. Logsdon reported that he completed the agency’s budget submission. The Board, he stated, would be seeking funding above the current 2015 budget for FY 2016/2017.
3. Workforce Plan – Mr. Logsdon reported that the Board’s 2014 Workforce Plan was due by October 30, 2014 to DAS.
4. FY 2015 disbursement report – Mr. Logsdon provided a table listing FY 2015 budget balances and expenditures.
5. FY 2015 Revenue Report – Mr. Logsdon gave a review of the revenue collected for each account.
6. License and Limited Permit Statistics – Mr. Logsdon provided a review of the number of persons holding licenses and registrations.
7. Meetings and Travel – Mr. Logsdon reported on costs associated with attending the annual CLEAR conference he attended on September 11 – 13, 2014.
8. Continuing Education audits – Mr. Logsdon reported that he was reviewing continuing education audits and hoped to have all 365 audits completed prior to the next Board meeting.

Discussion: Mr. Walz inquired about the CLEAR conference asking what new issues were covered during the conference. Mr. Logsdon stated that he found the discussion on deregulation to be very interesting. Mr. Logsdon stated that, in his opinion, deregulation appears well founded based upon economic principals, but falls short on practical application.

Motion #3: Mrs. Riffe Biemel moved to approve the President’s report and Executive Director’s report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #4: Mr. Walz moved to enter Executive Session pursuant to ORC 121.22 (G)(3) to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Ms. Yagodich seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Maninder Kalra, M.D. -	Yes
Steven A. Pavlak -	Yes	Andrea Yagodich -	Yes
Robert Slabodnick -	Yes	Carol Gilligan -	Yes
Verna Riffe Biemel -	Yes		

Motion carried.

The Board moved into executive session at 12:37 p.m. Visitors and staff were asked to leave the meeting. All nine members of the Board, Christopher Logsdon, Steven Kochheiser, Tim Miller, and Corey Schaal were present during Executive Session. Executive Session concluded and the Board returned to public session at 1:06 p.m.

Motion #5: Mr. Slabodnick moved to authorize the President of the Board, Mr. Mays, to sign employment agreements on behalf of the Ohio Respiratory Care Board. Ms. Yagodich seconded the motion. Discussion: Mr. Marx inquired if “settlement agreement” would be a better term. Members briefly discussed and then resolved to leave the motion as stated. No further discussion. Motion carried: 9 – 0.

Agenda item #3: PROBABLE REVIEW COMMITTEE REPORT (Exhibit E)

Motion #6: Mr. Walz moved to enter Executive Session for the purpose of considering the investigation of charges or complaints against licensees under R.C. 121.22(G)(1) and which involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.03(E) and 4752.08 (B). Mrs. Riffe Biemel seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Steven A. Pavlak -	Yes
Andrea Yagodich -	Yes	Maninder Kalra, M.D. -	Yes
Robert Slabodnick -	Yes	Carol Gilligan -	Yes
Vern Riffe Biemel -	Yes		

Motion carried.

The Board entered executive session at 1:12 p.m., and returned to regular, public session at 1:56 p.m. All nine Board members were present during executive session. Mr. Logsdon, Ms. McDonald, Mr. Robbins, Mr. Kochheiser, and

Corey Schaal were present during Executive Session. Executive Session concluded and the Board returned to public session at 2:10 p.m.

**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 3b: Approval of Opportunity for Hearing Notices

There was no Opportunity for Hearing Notices to consider.

Agenda item 3c: Approval of Consent Agreement (Exhibit F - L)

Motion #7: Ms. Gilligan moved to approve the following consent agreement:

HMEAgreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
F.	2014HME015 (Absolute Chiropractic, Inc.)	Failure to comply with Standards.	Violation of ORC 4752.09 (A) (1)

RCB Agreements

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
G.	2014ORCB049 (Laura E. Brown, RCP.3154)	Conviction of felony	Violation of ORC 4761.09 (A) (1)
H.	2014ORCB057 (Jeffrey T. Gordon, RCP.12956)	Conviction of offense Involving moral turpitude	Violation of ORC 4761.09 (A) (1)
I.	2014ORCB058 (Christopher L. Wantz, RCP.7228)	Conviction of offense Involving moral turpitude	Violation of ORC 4761.09 (A) (1)
J.	2014ORCB060 (Ruth A. Fulkerson, RCP.10696)	Conviction of felony	Violation of ORC 4761.09 (A) (1)
K.	2015ORCB011 (Tammy L. Caid, RCP.7850)	Unlicensed practice	Violation of ORC 4761.09 (A) (2)

L.	2015ORCB022 (Sean P. McLeeson, RCP.6220)	Unlicensed practice/ Failure to complete RCCE within term	Violation of ORC 4761.09 (A) (1)
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Dr. Kalra seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – abstained (Mr. Slabodnick)

Mr. Mays noted that the Board would not be acting upon any consent agreements, wherein the licensees failed to complete their continuing education by June 30, 2014 and were not practicing respiratory care. Mr. Mays stated the Board would be reviewing their sanctioning guidelines for December meeting.

Agenda item 3d: Closed Case Review

Motion #8: Mrs. Riffe Biemel moved to approve the closure of the following cases:

2014ORCB037
2014ORCB055
2015ORCB003
2015ORCB007
2015ORCB028

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – abstained (Mr. Slabodnick)

Agenda item 3e: Probation Compliance Report (Exhibit M)

Motion #9: Mr. Marx moved to approve the Probation Compliance Report. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 9 - 0.

Motion #10: Mrs. Riffe Biemel moved to approve the request for eligibility of reinstatement for Amy S. Fisk. Ms. Yagodich seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – abstained (Mr. Slabodnick)

Agenda item #2 CONT'D: OFFICER AND STAFF REPORTS

Agenda item 2.c: HME Manager's Report (Exhibit N)

The HME Manager filed a written report. Ms. Tatum reviewed her report, stating that Board staff had approved 4 HME licenses and 13 HME certificates of registration since the August 20, 2014 Board meeting. Ms. Tatum reported there were 14 pending applications on file. Ms. Tatum stated new inspector contracts were in place and inspections for August, September, and October were scheduled. Ms. Tatum also provided the Board with aggregate FY 2015 revenue for the program.

Motion #11: Mr. Slabodnick moved to approve the HME Manger's report. Mr. Pavlak seconded the report. Discussion: None. Motion carried: 9 – 0.

Agenda item #4: NEW BUSINESS

Agenda item 4.a: Resolution to adopt order of surrender (Exhibit O and P)

Motion #12: Mrs. Riffe Biemel moved to approve a resolution adopting the surrender of the following licenses:

O. Buckeye Physical Medicine and Rehab. HMEL.11542

P. Ability Chiropractic, Inc. HMEL.11549

Dr. Kalra seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – Abstained (Ms. Gilligan).

Agenda item 4.b: Application ratification for licenses and limited permits issued since the last meeting (Exhibit Q)

Motion #13: Mr. Marx moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: August 21, 2014, August 26, 2014, August 28, 2014, August 29, 2014, September 4, 2014, September 10, 2014, September 18, 2014, September 25, 2014, and October 2, 2014.

Respiratory Care Professional Licenses issued on: August 21, 2014, August 28, 2014, August 29, 2014, September 4, 2014, September 10, 2014, September 18, 2014, September 25, 2014, and October 2, 2014.

Ms. Yagodich seconded the motion. Discussion: None. Motion carried 9 - 0.

Agenda item 4.c: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit R)

Motion #14: Dr. Kalra moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL
September 5, 2014 and September 25, 2014.

HMER
August 13, 2014, August 19, 2014, August 21, 2014, August 26, 2014, September 5, 2014, September 17, 2014, and September 25, 2014.

Mr. Pavlak seconded the motion. Discussion: Mr. Marx inquired if Mr. Logsdon reviewed each application. Mr. Logsdon affirmed he had. Motion carried: 9 – 0.

Agenda item 4.d: Memorandum of Understanding between the Board and the Ohio State University regarding Health Professions Data Warehouse (Exhibit S)

Motion #15: Mr. Marx moved to approve the Memorandum of Understanding and the Agreement between the Ohio Respiratory Care and The Ohio State University on behalf of the Ohio Colleges of Medicine Government Resource Center. Dr. Kalra seconded the motion. Discussion: Mr. Walz inquired why the Board would want to approve the agreement. Dr. Kalra stated that the data collected would be used to evaluate health care profession shortages across the state. Mr. Walz inquired if the Board had a choice. Mr. Logsdon stated the new elicense system would be designed to include minimum data set requirements. Mr. Walz noted that the agreement did not address the fields or data being pulled. Mrs. Riffe Biemel inquired if the Board had already addressed the minimum data set issue. Mr. Walz affirmed that the Board did review the issue when developing the 2014 license renewal application. Dr. Kalra spoke to the benefits of permitting the organization noted to use and evaluate aggregate data. Ms. Gilligan agreed with member concerns over sharing data without knowing what data would be shared. Dr. Kalra argued that the limited data set would be used for an expressed purpose and purpose appears to be a good purpose. Mr. Walz noted a typographical error page 4, 11c, stating “anything” should be changed to “nothing.” Mr. Logsdon explained that each health care board has been asked to consider the MOU. Mrs. Riffe Biemel asked if Mr. Logsdon had heard of any concerns. Mr. Logsdon stated he had not.

Subsidiary motion: Mr. Marx moved to amend the main motion by approving the agreement with an amendment to page 4, 11c as noted by Mr. Walz. Dr. Kalra seconded the motion. Discussion: None. Motion carried: 9 – 0.

Vote on Main motion as amended: Motion carried: 6 – Yes, 3 – No (Mr. Walz, Mrs. Riffe Biemel, and Ms. Gilligan).

Agenda item 4.e: Reinspection recommendation

Motion #16: Mr. Marx moved to not approve re-inspections for HMEL.11519 and HMEL.11606. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Mr. Mays asked attendees if they had anything to address before the Board. Ms. Varekojis, President of the Ohio Society for Respiratory Care (OSRC) stated the society was very appreciative of Mr. Mays for attending the Society’s recent meeting to update the OSRC Board. Ms. Varekojis stated the Society will be hosting a reception in November to honor Mr. Logsdon’s service. Mr. Corey stated on behalf of the OSRC that the Society appreciates Mr. Logsdon’s dedication and the Board as a whole. Mr. Corey stated the Board’s Executive Director, in his opinion, is one of the best he has worked with over his career. Ms. Ciarlariello gave the Board an update on the Society’s efforts to secure a sponsor to introduce amendments to ORC 4761.

Agenda item #5: OLD BUSINESS

Agenda item 5.a: Position Statement on remote CPAP/BiPAP setup and pressure setup/adjustment by unlicensed persons. (Exhibit T)

Motion #17: Mrs. Riffe Biemel moved to approve the Position Statement on remote BiPAP/CPAP setup and pressure setup/adjustment by unlicensed persons. Mr. Pavlak seconded the motion. Discussion: Ms. Gilligan stated that she did not have an issue with the Position Statement, but suggested that the issue would need to be re-visited

since technology is changing and auto-CPAP will be the next generation of devices. No further discussion. Motion carried: 9 – 0.

Agenda item 5.b: Attorney General Opinion request. (Exhibit U)

Motion #18: Mr. Slabodnick moved to approve the draft Attorney General Opinion request. Mr. Marx seconded the motion. Discussion: Mr. Marx stated the questions have been revised from the last version and he supports the change. No further discussion. Motion carried: 9 – 0.

Agenda item #6: EXECUTIVE SESSION – EMPLOYMENT OF PUBLIC EMPLOYEE

Motion #19: Mr. Slabodnick moved to enter Executive Session under R.C. 121.22(G)(1) for the purpose of considering the employment of a public employee . Dr. Kalra seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Steven A. Pavlak -	Yes
Andrea Yagodich -	Yes	Maninder Kalra, M.D. -	Yes
Robert Slabodnick -	Yes	Verna Riffe Biemel -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 3:05 p.m., and returned to regular, public session at 3:53 p.m. All nine Board members were present during executive session. All staff and visitors were excused from participating in executive session.

Motion #20: Ms. Gilligan moved to approve hiring Corey Schaal as the new Executive Director effective November 2, 2014. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 8 – Yes, 1 – No (Ms. Yagodich).

Motion #21: Ms. Gilligan moved to authorize Mr. Mays to enter into an independent service contract for a consultant to assist with Scope of Practice inquiries filed with the Board. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 9 – 0.

Motion #22: Mr. Slabodnick moved to form an Ad Hoc Committee to explore hiring a respiratory therapist as an investigator for the Board. Mrs. Riffe Biemel seconded the motion. Discussion: None. Motion carried: 9 – 0.

Mr. Mays appointed Mr. Slabodnick to chair the committee and assigned Ms. Yagodich and Mr. Pavlak to the committee.

Mr. Mays stated that the Board had much discussion on the expectations/performance tool for the new Executive Director. Mr. Mays addressed Mr. Schaal and stated that it is the Board's intent that Mr. Schaal succeed and to

him with the guidance necessary to achieve success. Mr. Schaal stated that he recognized the office has been successfully managed and stated it is his intent to build upon the foundation already established.

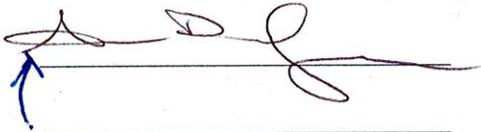
Mr. Logsdon took a moment to address the Board noting his new employment as the Executive Director of the Ohio Board of Cosmetology. Mr. Logsdon thanked the Board for allowing him to serve the Board, the citizens of Ohio and licensed respiratory therapists in the state of Ohio for more than 24 years. He recognized members past and present, his staff, colleagues and his family for their support and understanding.

Agenda item #6: ADJOURNMENT

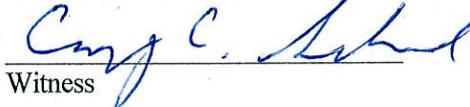
Mr. Mays asked if there was any other business to bring before the Board.

Hearing none, Mr. Mays adjourned the meeting at 4:05 p.m.

Board Secretary'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 December 17, 2014.



Acting Board Secretary


Witness