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OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF APRIL 14, 2010

NOTE ON COMMITTEE MEETINGS

The Board's Rules Committee, Education Committee and Scope of Practice Committee met prior to the regular business meeting in room 1928 in the Vern Riffe Center for the Government and Arts. The Home Medical Equipment Committee was scheduled to meet at 9:00 a.m. in the Ohio Respiratory Care Board office located on the 16th floor of the Vern Riffe Center for the Government and Arts, but was not able to establish a quorum. Mr. Marx, HME Committee Chair reviewed the material provided for the committee and provided a report during regular meeting business. Official minutes of the Rules Committee, Education Committee and Scope of Practice Committee meetings were taken and are maintained separate of this journal. Committee Chairpersons for each committee gave a report during the course of the regular business meeting.

April 14, 2010

Regular Business Meeting

Agenda items #1: CALL MEETING TO ORDER

Presiding: Marc Mays, President, called the meeting to order on April 14, 2010 at 11:10 a.m. in room 1938, 19th 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, Susan M. Ciarlariello, R.R.T., R.C.P., Joel D. Marx, HME member, Kenneth Walz, J.D., R.R.T., R.C.P., Esther L. Kester, R.R.T., R.C.P. Darrell L. Heckman, J.D., Public Member, and Anita Adams, M.B.A, R.C.P. Carol Gilligan, HME member, and Robert Cohn, M.D., M.B.A., were excused from the meeting. Mr. Mays noted for the record that a quorum of the members of the board was present and that business could be conducted.

Members in attendance (Exhibit A):

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

E. Lucille Kester, R.R.T., R.C.P.

Joel Marx, HME Provider Member, Secretary

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

Susan Ciarlariello, M.B.A, R.R.T, R.C.P

Darrell L. Heckman, J.D.

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

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator (1:00 p.m.)

Marcia Tatum, HME Manager

Others in Attendance:

Yvonne Tertel, Assistant Attorney General

Agenda item 1.1: Approval of Board Meeting Agenda (Exhibit B)

The proposed meeting agenda was mailed in advance of the meeting. Mr. Mays inquired if there were any amendments to the business agenda. Hearing none, Mr. Mays asked someone to move the agenda.

Motion #1: Mr. Heckman moved to approve the meeting agenda for April 14, 2010. Ms. Kester seconded the motion.
Discussion: None. Motion carried: 7 - 0.

Agenda item 1.2: Approval of previous Board Meeting Minutes (Exhibit C)

Mr. Mays asked the membership if they had the opportunity to review the February 10, 2010 minutes. All answered affirmatively. Mr. Marx noted that the members were also being asked to amend minutes previously approved. Mr. Logsdon stated that the minutes were from February 12, 2008, page 12. Mr. Logsdon stated that Motion #9 did not include the name of a person whose consent agreement was approved that day. Mr. Logsdon requested a memorandum to the record, rather than an amendment to the minutes.

Motion #2: Ms. Kester moved to approve the meeting minutes from February 10, 2010. Ms. Ciarlariello seconded the motion.
Discussion: Ms. Ciarlariello noted an error on Agenda item #1.1, page 3. She stated that the "For the Good of the Board" discussion was about the "ethics" requirement for continuing education. Mr. Walz noted a typographical error on page 6, agenda item 1.1, 3rd paragraph, 7th sentence. He stated the word, "enroll," should be "enrollment." Mr. Mays directed Mr. Logsdon to address the two non-substantive changes. The question was called. Motion carried: 6 -0, 1 abstained (Walz).

Motion #3: Ms. Ciarlariello moved to approve a memorandum to the record concerning page 12, agenda item #5.3 of the February 12, 2008, by adding the name Ignatius Frattoli to the list of Consent Agreements approved. Mr. Marx seconded the motion.
Discussion: None. Motion carried: 6 -0, 1 abstained (Walz).

Agenda item #2: BOARD OFFICER AND STAFF REPORT

Agenda item 2.1: President's Report

Mr. Mays announced that he had been reappointed to the Board for another three years. Mr. Mays stated that he believes Dr. Cohn had also been reappointed but could not confirm that he had accepted. Mr. Mays stated that the Board will vote on Officers later in the meeting and that he would be pleased to serve as President for another year, but is fine with someone else, should the Board choose another member. Mr. Mays had no other report.

Agenda item 2.3: HME Manager's Report (Exhibit D collective)

Ms. Tatum issued a written report. She verbally reviewed the following:

1. Ms. Tatum reported that she has approved 5 HME licenses and 12 HME Certificates of Registration since the prior meeting.
2. Ms. Tatum reported, with enthusiasm, that she has completed the final inspection scheduling for the four -year cycle and that all licensed HME facilities will have been inspected during the four year cycle.
3. Ms. Tatum reported that the inspector-training day has been delayed and will be rescheduled for the new fiscal year. She stated that scheduling conflicts prevented all from attending and the license renewals are taking up precious time. A new day will be selected for sometime in July. Discussion: Mr. Marx encouraged Ms. Tatum to move forward with scheduling and completion of the meeting agenda.
4. Ms. Tatum reported that a new organization has applied to be recognized as an accrediting organization pursuant to OAC 4761:1-4-01. The application is on the regular meeting agenda for consideration.
5. Last, Ms. Tatum reported on the revenue generated by licensing, since the start of the Fiscal Year.

Ms. Tatum left the meeting following her report.

Agenda item 2.2: Executive Director's Report (Exhibit E collective)

Mr. Logsdon issued a written report. He verbally reviewed the following matters:

1. Mr. Logsdon reported that the Board's current expenses, in all accounts, are within budget parameters. Mr. Logsdon reported that the Board has completed the third quarter of FY 2010. Mr. Logsdon reported that he has been monitoring the cost savings due to the furlough day and feels confident the Board will meet its obligations. In addition, Mr. Logsdon reported that he moved some funding to cover the financial requirements of the HME inspection program. Mr. Logsdon also reported that the agency just purchased three new computer boxes to replace units facing obsolescence.

Mr. Logsdon reviewed the budget balances line by line. Mr. Logsdon informed the Board that he did submit a Controlling Board request for approximately \$30,000 to cover the cost of 2011 audit and the inspection funding for FY 2011.

Discussion: Mr. Walz inquired about the Auditor's authority to audit each year. Mr. Logsdon stated that a new bill was signed into law that will allow the Auditor to go back to biennial audits, but that the cost would still be billed to the Board. Mr. Logsdon stated that he requested \$12,000 to cover the cost of the audit.

2. Mr. Logsdon reviewed the current license statistics, reporting that 860 respiratory care professionals, 16 student-based limited permits, and 5 work-based limited permit holders had filed renewal applications since March 1, 2010. He stated that he emailed two license renewal reminders
3. Mr. Logsdon reviewed the 2009 Financial Disclosure requirements for Board Members. He encouraged members to file the forms on or before April 15, 2010.
4. Mr. Logsdon reported on travel he had conducted on the Board's behalf. He stated that he had chosen not to accept travel reimbursement for the travel presented.
5. Mr. Logsdon reported that he filed all of the records retention scheduled proposed by the Board at the February 2010 meeting. He stated that retention schedule for journal entries and consent agreements was modified, because state archives required specific changes.
6. Mr. Logsdon provided an update on legislation he had been monitoring on the Board's behalf. The following bills were reviewed: HB 215, HB 230, HB 127, HB 62, SB 200, and SB 155.
7. Mr. Logsdon stated that he had requested a comprehensive listing of reports submitted to the Health Integrity and Protection DataBank. He stated that he had completed a review of the report and was working with HIPDB to resolve inconsistencies.
8. Mr. Logsdon stated that the Dayton Daily News recently reported on the accreditation status of the nursing and respiratory care programs at Miami-Jacobs Career College. Mr. Logsdon reported that he had received numerous telephone calls following the articles from students and former students. Mr. Logsdon stated that the callers were directed to contact the Commission on Accreditation for Respiratory Care.

Discussion: Mr. Marx asked about the accreditation process, specifically asking about the current status of the Miami-Jacobs program. Mr. Logsdon stated that he did check with CoARC and the program still maintains a letter of review. Mr. Marx inquired about the potential that a program could lose the accreditation. Mr. Marx asked what would happen to the program's students and how would the Board treat the situation. Mr. Logsdon stated that the Board's rules do not seem to recognize a program that loses accreditation or a letter of review, but what happens with the students, Mr. Logsdon stated, would seem to be a legal question. Members discussed how the Board would prepare if a program did lose accreditation. No action was taken.

Motion #4: Mr. Walz moved to enter into executive session in accordance with ORC 121.22 to consider the discipline of a public employee. Ms. Adams seconded the motion. Discussion: None.

Roll Call vote:

Darrell L. Heckman -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Susan Ciarlariello -	Yes		

Motion carried.

The board entered executive session at 12:00 p.m. and returned to regular, public session at 12:20 p.m. All voting members of the board and Mr. Logsdon were present during executive session.

The Board took a break for lunch at 11:40 a.m. and returned to public session at 12:35 p.m.

Agenda item #3: ADMINISTRATIVE HEARINGS

In the Matter of David M. Ledoux, Case #2010ORCB010

The matter of David M. Ledoux came before the following members of the Ohio Respiratory Care Board on April 14, 2010 at 1:05 p.m. in room 1938, 19th 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, Susan M. Ciarlariello, R.R.T., R.C.P., Joel Marx, HME member, Esther L. Kester, R.R.T., R.C.P., Darrell L. Heckman, J.D., Public Member, Ken Walz, J.D., R.R.T, R.C.P. and Anita Adams, M.B.A, R.C.P. Marc Mays, R.R.T., R.C.P. recused himself from the proceedings based upon his role as the Board liaison to the Investigatory Probable Review Committee. Darrell L. Heckman, J.D. was the appointed hearing officer in this matter. Yvonne Tertel, Assistant Attorney General, represented the state of Ohio. Mr. Ledoux did not request a hearing before the board and was not present. 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, C.P.R., was the hearing reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, OH 43215.

Mr. Heckman inquired if there were any preliminary matters: None.

Mr. Heckman then asked Ms. Tertel to present her case-in-chief.

Witnesses called for the state:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Following witness testimony, Ms. Tertel moved to enter State's Exhibit on the record. Mr. Heckman admitted the affidavit of Christopher H. Logsdon, Executive Director, dated March 25, 2010 and State's Exhibits A – I.

State's Exhibits admitted:

- A - Notice of Opportunity for Hearing approved on August 26, 2009, and mailed to David M. Ledoux by registered mail/return receipt # 7004 2510 0001 7343 6966 on August 28, 2009.
- B - Copy of return envelope and registered mail receipt # 7004 2510 0001 7343 6966, stamped "unclaimed" by the U.S. Postal Service.
- C - Receipt for personal delivery of the Opportunity for Hearing Notice, signed by Mr. David M. Ledoux on September 28, 2009.
- D - Evidentiary Review Notice dated October 29, 2009, sent to David M. Ledoux.
- E - Corrected notice of Hearing Continuance dated November 30, 2009, sent to David M. Ledoux and first notice of Hearing Continuance dated November 23, 2009, sent to David M. Ledoux.
- F - Certified Judgement Entry of Sentence dated November 6, 2008, Warren County Court of Common Pleas, Case #08CR25302, for OVI, violation of R.C. 4511.19 (A)(1)(i), a felony of the fourth degree.

- G - Certified Judgement Entry dated June 9, 2009, Warren County Court of Common Pleas, Case #08CR25302, for violation of community control.
- H - Case Inquiry Details for David M. Ledoux, case # #08CR2530.
- I - Notice of Hearing Continuance dated February 16, 2010, sent to David M. Ledoux.

Mr. Heckman also admitted the affidavit in the David M. Ledoux, Case #2010ORCB010, signed and dated by Christopher H. Logsdon, Executive Director on March 25, 2010.

Following Ms. Tertel's case-in-chief, she rested. Mr. Heckman concluded the hearing at 1:26 p.m.

In the Matter of Raye Lynn Jones-Moss, Case #2010ORCB019

The matter of Raye Lynn Jones-Moss came before the following members of the Ohio Respiratory Care Board on April 14, 2010 at 1:27 p.m. in room 1938, 19th 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, Susan M. Ciarlariello, R.R.T., R.C.P., Joel Marx, HME member, Esther L. Kester, R.R.T., R.C.P., Darrell L. Heckman, J.D., Public Member, Ken Walz, J.D., R.R.T, R.C.P. and Anita Adams, M.B.A, R.C.P. Marc Mays, R.R.T., R.C.P. recused himself from the proceedings based upon his role as the Board liaison to the Investigatory Probable Review Committee. Darrell L. Heckman, J.D. was the appointed hearing officer in this matter. Yvonne Tertel, Assistant Attorney General, represented the state of Ohio. Ms. Jones-Moss did not request a hearing before the board and was not present. 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, C.P.R., was the hearing reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, OH 43215.

Mr. Heckman inquired if there were any preliminary matters: None.

Mr. Heckman then asked Ms. Tertel to present her case-in-chief.

Witnesses called for the state:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Following witness testimony, Ms. Tertel moved to enter State's Exhibit on the record. Mr. Heckman admitted the affidavit of Christopher H. Logsdon, Executive Director, dated March 25, 2010 and State's Exhibits A – F.

State's Exhibits admitted:

- A - Notice of Opportunity for Hearing approved on December 16, 2009, and mailed to Raye Lynn Jones-Moss by registered mail/return receipt # 7004 2510 0001 7343 7123 on December 21, 2009.
- B - Copy of certified mail receipt # 7004 2510 0001 7343 7123, signed by Douglas Moss Jones on December 22, 2009.
- C - Evidentiary Review Notice dated January 21, 2010, sent to Raye Lynn Jones-Moss by certified mail return receipt # 7004 2510 0001 7343 7260 and a signed return receipt.
- D - Notice of Hearing Continuance dated February 16, 2010, sent to Raye Lynn Jones-Moss.

- E - Certified Judgement Entry of Sentence dated July 28, 1994, Miamisburg Municipal Court, Miamisburg, Ohio, Case #94-06-CRB-099, for Petit Theft, violation of R.C. 2913.02.
- F - Application form for a limited permit to practice respiratory care in the state Ohio with attachments filed by Raye Lynn Jones-Moss on October 7, 2009.

Mr. Heckman also admitted the affidavit in the Raye Lynn Jones-Moss, Case #2010ORCB019, signed and dated by Christopher H. Logsdon, Executive Director on March 25, 2010.

Following Ms. Tertel's case-in-chief, she rested. Mr. Heckman concluded the hearing at 1:44 p.m.

The Board took a break between 1:44 p.m. and 1:54 p.m. and then returned to public session.

Motion #5: Ms. Ciarlariello moved to go into private session for the purpose of entering into quasi-judicial deliberation in the matters of David M. Ledoux, Case #2010ORCB010, and Raye Lynn Jones-Moss, Case #2010ORCB019. Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Darrell L. Heckman -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Susan Ciarlariello -	Yes		

Motion carried.

The board entered executive session at 1:55 p.m. and returned to regular, public session at 2:40 p.m. All voting members of the board were present during executive session. Mr. Mays, Mr. Isom, Ms. Tertel and Mr. Logsdon were excused from Executive Session.

Findings, Conclusions of Law and Order in the Matter of David M. Ledoux, RCP.5763 (Exhibit F)

Mr. Mays asked if the Board had reached a decision in the matter of David M. Ledoux and was prepared to read the Order. Mr. Heckman, Appointed Hearing Officer stated that the members had reached a decision. Mr. Heckman read the findings of fact and the conclusions of law in the matter of David M. Ledoux.

Motion #6: Mr. Marx moved that the Board finds that the allegations contained in Count 1 of the Opportunity for hearing in the matter of David M. Ledoux is proved. Based upon the Board's findings of fact and conclusions of law in this matter, the Board hereby SUSPENDS David M. Ledoux's license for a period of two years. The Order of the Board shall become effective upon the date of mailing. Ms. Adams seconded the motion. Discussion: Mr. Mays confirmed that upon completion of the two-year suspension, David M. Ledoux may be eligible for reinstatement, but must file an appropriate reinstatement/renewal form, which will be reviewed by the Board to determine eligibility. Mr. Logsdon affirmed his understanding. Question called. Motion carried: 6 – yes, 1 abstained (Mays).

Mr. Mays stated that the Board's minutes would serve as the official journal of proceedings in this matter. He directed the Executive Director to prepare a final Original Order that shall be signed by the Board President. The final Original Order shall be attached to the minutes of these proceedings as an exhibit to the record in the matter of David M. Ledoux.

Findings, Conclusions of Law and Order in the Matter of Raye Lynn Jones-Moss L1.5874 (Exhibit G)

Mr. Mays asked if the Board had reached a decision in the matter of Raye Lynn Jones-Moss and was prepared to read the Order. Mr. Heckman, Appointed Hearing Officer stated that the members had reached a decision. Mr. Heckman read the findings of fact and the conclusions of law in the matter of Raye Lynn Jones-Moss.

Motion #7: Ms. Ciarlariello moved that the Board find that the allegations contained in Count 1 of the Opportunity for hearing in the matter of Raye Lynn Jones-Moss is TRUE. Based upon the Board's findings of fact and conclusions of law in this matter, the Board hereby FINES Raye Lynn Jones-Moss three hundred dollars (\$300.00). The Order of the Board shall become effective upon the date of mailing. Ms. Kester seconded the motion. Discussion: Mr. Marx stated that the permit should be issued if it has not already been issued. Mr. Logsdon confirmed that the permit was issued. Ms. Ciarlariello asked if the Order could be amended to include a statement of fact regarding the credibility of Ms. Jones-Moss' explanation to the Board Investigator. Mr. Mays stated that the motion could be modified, but an amendment motion should be submitted.

Motion #8: Ms. Ciarlariello moved to amend the main motion by adding to the finding of fact that the respondent's explanation to the Board's Investigator, Mr. Isom on the reason she failed to report was not credible. Ms. Kester seconded the motion. Ms. Question called. Motion carried: 6 – yes, 1 abstained (Mays).

Vote on the amended motion: Motion carried: 6 – yes, 1 abstained (Mays).

Mr. Mays stated that the Board's minutes would serve as the official journal of proceedings in this matter. He directed the Executive Director to prepare a final Original Order that shall be signed by the Board President. The final Original Order shall be attached to the minutes of these proceedings as an exhibit to the record in the matter of Raye Lynn Jones-Moss.

Agenda item #4: BOARD COMMITTEE REPORTS

Agenda item 4.1: Rules Committee Report

Mr. Mays stated that the Rules Committee spent its time reviewing respiratory care and home medical equipment rules that are due for a five-year review. Mr. Logsdon was asked to review the changes, which he then proceeded to read. Changes reviewed:

1. 4761-11-11 : Paragraph (A), add, if the transcript is on file at the Board office.
2. 4761:1-3-01: Amend paragraph (L) to reflect the current know name for the Joint Commission on Accreditation of Health Organization, which is now "The Joint Commission." Paragraph (M), strike "individual," and change to "person." The same change should be to paragraphs (N), and (S).
3. 4761:1-4-01: Paragraph (A) change to, "the Joint Commission."
4. 4761:1-8-04: Add, "Identification Card" to the rule.
5. 4761:1-10-03: Strike, "Person" Add "Authorized Representative of the licensed facility" must comply ...
6. OAC rule 4761:1-8-03, paragraph (C), line three, last word - strike the "s" on the word "representatives."
7. OAC rule 4761:1-10-01, paragraph (B), remove the extra space following the comma.
8. OAC rule 4761:1-12-01, paragraph (B), second line, add "d" to the phase "attorney license."
9. OAC 4761:1-12-16: Paragraph (A), add, if the transcript is on file at the Board office.

Mr. Mays stated that the committee also reviewed several new rules, which he listed:

1. 4761-13-01 Definitions for accessing confidential personal information
2. 4761-13-02 Procedures for accessing confidential personal information
3. 4761-13-03 Valid reasons for accessing confidential personal information

4. 4761-13-04 Confidential statutes
5. 4761-13-05 Restricting and logging access to confidential personal information in computerized information systems.
6. 4761:1-16-01 Definitions for accessing confidential personal information
7. 4761:1-16-02 Procedures for accessing confidential personal information
8. 4761:1-16-03 Valid reasons for accessing confidential personal information
9. 4761:1-16-04 Confidential statutes
10. 4761:1-16-05 Restricting and logging access to confidential personal information in computerized information systems

Discussion: Mr. Mays stated that the new rules are mandatory under ORC 1347.15, but from a personal perspective, he stated that he does not understand how the rules can be implemented as intended.

Agenda item 4.2: HME Committee Report

Mr. Marx stated that the HME committee did not meet this morning and he did not have any report to provide. Mr. Marx stated that he did have a process question for Mr. Logsdon.

Agenda item 4.3: Scope of Practice Committee Report (Exhibit H & I)

Mr. Walz stated the Committee reviewed and approved the previous meeting minutes and reviewed two scope of practice inquiries. Mr. Walz then reviewed each issue and the proposed response from the Committee. Mr. Walz summarized the inquiries and recommended adoption of the responses prepared by the Executive Director, which will be attached to the minutes as exhibits H & I.

Discussion: Ms. Adams addressed the Committee's proposed response to allowing unlicensed persons in a hospital to transport patients and transition patients from one oxygen source to another. Ms. Adams stated that transport personnel, in her hospital, can not adjust flow, but can go room to room. Ms. Adams stated that she was not very comfortable with the response, but understood it, based on the Board's rules.

Agenda item 4.4: Education Committee Report

Ms. Kester reported that the Committee met and approved its previous minutes. The Committee took up the issue of amending the "Verification of Education" form and will be presenting changes to the full Board in the future. The Committee also reviewed the current issue concerning the Miami-Jacobs program.

Discussion: Mr. Mays stated that he heard some discussion about publishing the Ohio Education Report. Ms. Kester stated that the committee did review the issue and noted that the past minutes approved the report, but did not address publication. Ms. Ciarlariello reviewed the history of writing the report, recalling the revisions, and delays. Mr. Marx asked if the report was accurate. Ms. Kester stated that the Committee sought comments from each program participant and the report is accurate, based on the reporting provided to the Committee.

Motion #9: Mr. Marx moved to publish the Ohio Education Report and Employment Survey on the Board's website. Mr. Heckman seconded the motion. Discussion: None. Motion carried: 7 - 0.

Other discussion: Mr. Marx asked if the Board had any precedent on program de-accreditation. Members stated that there was no precedent on the matter. Ms. Tertel arrived and the Board gave Ms. Tertel a brief overview. Mr. Marx asked how the Board would hypothetically handle the students of a program that loses accreditation, should it occur. Members had general discussion on the board's chronology of the program in question. Ms. Tertel stated that the program is still under a letter of review, which is recognized by Board rules. Ms. Tertel stated that the accrediting organization is doing the job the Board expects it to do. Mr. Marx stated that the issue is not a legal issue, but a public relations issue.

Motion #10: Mr. Walz moved to approved the Board Committee Reports. Mr. Marx seconded the motion. Discussion: None. Motion passed: 7 – 0.

Motion #11: Mr. Walz moved to approved the Scope of Practice Committee for Steve Woods, Good Samaritan Hospital, and Heather Burkhart, Licking Memorial Health Systems. Ms. Kester seconded the motion. Discussion: None. Motion carried: 7 - 0.

Agenda item #5: PROBABLE REVIEW COMMITTEE REPORT

Motion #12: Mr. Heckman moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, which is pending or imminent court action 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. Ciarlariello seconded the motion. Discussion: None. Roll Call vote:

Darrell L. Heckman -	Yes	Joel Marx -	Yes
Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Susan Ciarlariello -	Yes		

Motion carried.

The board entered executive session at 3:36 p.m. and returned to regular, public session at 3:58 p.m. All voting members of the board were present during executive session. All seven Board Members, Mr. Isom, Ms. Tertel and Mr. Logsdon were present during Executive Session.

**Names and identifying information was redacted from discussion and proposed notices and consent agreements during the course of executive session deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.*

Agenda item 5.1: Approval of Opportunity for Hearing Notices (Exhibit J collective)

Motion #13: Mr. Walz moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

RCB Proposed Opportunity for Hearing Notices

<u>Case no./Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
1. 2007ORCB072 (James P. Stegmaier RCP.0932)	Violation Consent Agreement	ORC 4761.09 (A)(2)
2. 2008ORCB031 (Jeffrey L. Merringer RCP.0244)	Violation Consent Agreement	ORC 4761.09 (A)(2)
3. 2010ORCB031 (Alycia Anne Minick RCP.9408)	Unlicensed practice	ORC 4761.09 (A)(2)
4. 2010ORCB034 (Dawn Janelle Allen RCP.11578)	Felony conviction	ORC 4761.09 (A)(1)

HME Proposed Opportunity for Hearing Notices

<u>Case no./Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
1. 2010HME020 (Pain Evaluation & Management Center of Ohio HMEL.11407)	Unlicensed Practice	ORC 4752.09 (A)(2)

Ms. Adams seconded the motion. Discussion: None. Motion carried: 5 – yes, 2 – abstained (Mr. Mays and Mr. Marx).

Agenda item 5.2: Approval of Consent Agreements (Exhibit K - L)

Motion #14: Mr. Walz moved to approve the following consent agreements between the Board and the following respective respondents:

RCB Agreements

<u>Case no.</u>	<u>Respondent</u>
2010ORCB028	Beth Anne Barr (License #: not issued)
2010HME006	Affordable Mobility, Inc. (HMEL.11394)

Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 5 – yes, 2 – abstained (Mr. Mays and Mr. Marx).

Agenda item 5.3: Probation Case Closure

Motion #15: Mr. Walz moved to close the following probation cases as compliance met:

1. 2007ORCB055 (Theresa Petit)
2. 2010ORCB014 (Dawn Clark)
3. 2010ORCB013 (Mary C. Rodriguez)
4. 2010ORCB012 (Mark E. Moody)

Mr. Heckman seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Mr. Mays).

Agenda item #6: NEW BUSINESS

Agenda item 6.1: Adoption of Report and Recommendations (Exhibit M)

In the Matter of Jill Ellen Tewart (RCP.10078 expired)

Members were forwarded a copy of the Hearing Officer's Report and Recommendation, a copy of the hearing transcript and any responses from the Respondent, Ms. Tewart prior to today's meeting.

Motion #16: Mr. Walz moved to approve the Hearing Officer's finding of facts. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Mr. Heckman).

Motion #17: Mr. Walz moved to approve the Hearing Officer's conclusions of law. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Mr. Heckman).

Agenda item 6.2: Journal Entry (Exhibit N)

Motion #18: Mr. Walz moved to approve the Hearing Officer's Report and Recommendations and to adopt the recommendation as the Order of the Board to be entered upon the journal of the Board's proceedings. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 – abstained (Mr. Heckman).

Mr. Mays stated that the Board's minutes would serve as the official journal of proceedings in this matter. He directed the Executive Director to prepare a final Original Order that shall be signed by the Board President. The final Original Order shall be attached to the minutes of these proceedings as an exhibit to the record in the matter of Jill Ellen Tewart.

Agenda item 6.3: Application ratification for licenses and limited permits (Exhibit O)

Motion #19: Mr. Walz moved to place upon the minutes of the April 14, 2010 meeting, the names of respiratory therapists and limited permit applicants who met the qualifications for their respective authorization, pursuant to Sections 4761.04 and 4761.05 of the Revised Code and associated rules there under, and who were issued a license or limited permit by the Executive Director of the Board on the following dates:

(Limited Permit) February 4, 2010, February 11, 2010, February 12, 2010, February 18, 2010, February 19, 2010, February 25, 2010, March 3, 2010, March 11, 2010, March 18, 2010, March 25, 2010, April 1, 2010, and April 8, 2010

(RCP) February 4, 2010, February 11, 2010, February 12, 2010, February 18, 2010, February 25, 2010, March 3, 2010, March 11, 2010, March 18, 2010, March 25, 2010, April 1, 2010, and April 8, 2010.

Mr. Marx seconded the motion. Discussion: None. Motion carried: 7- 0.

Agenda item 6.4: Application ratification for HME licenses and certificates of registration (Exhibit P)

Motion #20: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL

February 19, 2010, March 8, 2010, and March 30, 2010

HMER

February 4, 2010, February 9, 2010, March 8, 2010, March 12, 2010, March 17, 2010, March 19, 2010, March 23, 2010, and March 30, 2010.

Mr. Walz seconded the motion. Discussion: None. Motion carried 7 – 0.

Agenda item 6.5: Recognition of Accrediting Organization per OAC 4761:1-4-01 (Exhibit Q)

Motion #21: Mr. Marx moved to recognize The American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc. (ABC) pursuant to rule OAC 4761:1-4-01. Mr. Walz seconded the motion. Discussion: None. Motion carried: 7 - 0.

Agenda item 6.6: Officer Elections

Members were provided ballots for the position of President, Secretary and Hearing Officer.

President

Mr. Heckman nominated Mr. Mays to be Board President for the coming year. Ms. Adams seconded the nomination. Ballot count : 7 - yes, Mr. Mays was elected as President of the Ohio Respiratory Care Board for the term beginning April 14, 2010 and ending at the April meeting date in 2011.

Secretary

Mr. Mays nominated Joel Marx for Secretary of the Board for the coming year. Ms. Ciarlariello seconded the nomination. Ballot count: 7 - Yes, Mr. Marx was elected as Secretary of the Ohio Respiratory Care Board for the term beginning April 14, 2010 and ending at the April meeting date in 2011.

Hearing Officer

Mr. Marx nominated Darrell Heckman for Hearing Officer of the Board for the coming year. Mr. Mays nominated Kenneth Walz for Hearing Officer of the Board for the coming year. Ballot count: 3 - Walz, 4 - Heckman, Mr. Heckman was elected as Hearing Officer of the Ohio Respiratory Care Board for the term beginning April 14, 2010 and ending at the April meeting date in 2011.

Mr. Mays stated that Dr. Cohn would be appointed as the Vice-President of the Board and the Committee assignments would remain as they are until the full Board convenes to discuss assignments.

Agenda item #7: FOR THE GOOD OF THE BOARD

Motion #22: Mr. Marx moved to support further educational opportunity for the Executive Director within the Board's budget. Ms. Kester seconded the motion. Discussion: Mr. Marx stated that the Executive Director needs to be involved with professional meetings and conferences where he can continue to learn and develop. Members agreed with the proposal and voiced support. Mr. Mays asked Mr. Logsdon to consider some specific proposals for the Board. No further discussion. Motion carried: 7-0.

Agenda item #10: ADJOURNMENT

Hearing no further matters, Mr. Mays adjourned the business meeting at 4:45 p.m.

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 June 8, 2010.

Secretary

Witness