

OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF JUNE 8, 2010

NOTE ON COMMITTEE MEETINGS

The Board's Rules Committee and Home Medical Equipment Committee met prior to the regular business meeting in room West B & C in the Vern Riffe Center for the Government and Arts, 77 South High Street, 31st Floor, Columbus, Ohio. Official minutes of the Board's Rules Committee and Home Medical Equipment 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.

June 8, 2010

Agenda items #1: CALL MEETING TO ORDER

Presiding: Marc Mays, President, called the meeting to order on June 8, 2010 at 11:00 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, Susan M. Ciarlariello, R.R.T., R.C.P., Kenneth Walz, J.D., R.R.T., R.C.P., Robert Cohn, M.D., Anita Adams, M.B.A., R.C.P., Carol Gilligan, HME Member, Esther L. Kester, R.R.T., R.C.P., and Darrell L. Heckman, J.D., Public Member. Joel Marx, HME Member, was 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.

Robert Cohn, M.D.

Carol Gilligan, HME Member

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

Others in Attendance:

Yvonne Tertel, Assistant Attorney General

Agenda item #2: PUBLIC RULES HEARING

The public hearing on proposed rules began at 11:00 a.m. Mr. Mays explained the hearing process and asked members of the board introduce themselves.

Motion #1: Ms. Gilligan moved to waive the reading of the rules. Mr. Walz seconded the motion. Discussion: None. Motion carried: 8 – 0.

He then asked Mr. Logsdon to list the rules under consideration:

Respiratory Care Licensing ORC 4761 rule amendments proposed:

4761-2-01 Board Organization
4761-11-04 Representation; appearance; communication; applicability
4761-11-11 Transcripts
4761-11-13 Mileage reimbursement and witness fees

Respiratory Care Licensing ORC 4761 no change rules proposed:

4761-2-02 Personnel
4761-5-02 Admission to the Ohio credentialing examination
4761-5-05 Non-resident practice of respiratory care
4761-5-06 Respiratory care practice by polysomnographic technologists
4761-6-01 Limited permit application procedure
4761-7-03 Scope of respiratory care defined
4761-7-04 Supervision
4761-7-05 Administration of medications
4761-8-02 Licensees not in active practice
4761-9-02 General RCCE requirements and reporting mechanism
4761-9-03 Activities which do not meet the Ohio RCCE requirements
4761-9-04 Ohio respiratory care law and professional ethics course
4761-9-07 Auditing for compliance with RCCE requirements
4761-10-02 Proper use of credentials
4761-10-03 Providing information to the board
4761-11-01 Filing of complaints
4761-11-02 Administrative procedure for refusal to issue or renew a license or permit, deny, suspend, or revoke a certificate or license
4761-11-03 Board imposition of penalties
4761-11-05 Authority and duties of the board or attorney hearing examiner

4761-11-07	Filing
4761-11-08	Service
4761-11-09	Computation and extension of time
4761-11-10	Motions
4761-11-12	Subpoenas for purposes of hearing
4761-11-14	Reports and recommendations
4761-11-16	Depositions and transcripts of prior testimony
4761-11-17	Witnesses
4761-11-18	Expert testimony
4761-11-19	Exhibits
4761-12-01	Initial application fee
4761-12-02	Renewal fees
4761-12-03	Replacement of license or certificate

Respiratory Care Licensing ORC 4761 new rules proposed:

4761-13-01	Definitions for accessing confidential personal information
4761-13-02	Procedures for accessing confidential personal information
4761-13-03	Valid reasons for accessing confidential personal information
4761-13-04	Confidentiality statutes
4761-13-05	Restricting and logging access to confidential personal information in computerized information systems

Home Medical Equipment facility Licensing ORC 4752 rule amendments proposed:

4761:1-2-01	Board Organization
4761:1-3-01	Definition of terms
4761:1-4-01	Recognition of accrediting organizations
4761:1-8-03	Inspection fees
4761:1-8-04	License and certificate of registration replacement fees
4761:1-10-03	Licenses and certificate holders must comply with investigations conducted by the board
4761:1-12-01	Representation; appearance; communication; applicability
4761:1-12-12	Mileage reimbursement and witness fees
4761:1-12-16	Transcripts

Home Medical Equipment facility Licensing ORC 4752 no change rules proposed:

4761:1-1-01	Public hearings on adoption, amendment, or rescission of rules: methods of public notice
4761:1-2-02	Personnel
4761:1-3-02	Home medical equipment defined
4761:1-5-03	Failure to file a complete application for a license
4761:1-6-03	License and certificate of registration issuance and display
4761:1-6-04	Failure to file a complete application for a certificate of registration
4761:1-7-01	Qualifications for license renewal
4761:1-7-02	Qualifications for certificate of registration renewal
4761:1-7-03	Lapsed license or certificate of registration reinstatement procedure
4761:1-8-01	Fees
4761:1-8-02	Late fees
4761:1-10-01	Filing of complaints
4761:1-10-02	Authority of board investigators
4761:1-11-01	Administrative procedure for refusal to issue or renew a license, suspend, or revoke a license or impose a fine or other disciplinary action

4761:1-11-02	Board imposition of penalties
4761:1-11-03	Filing a request with the Ohio attorney general's office for injunctive relief or civil penalties
4761:1-11-04	Other disciplinary action
4761:1-12-02	Authority and duties of the board or attorney hearing examiner
4761:1-12-03	Filing
4761:1-12-04	Motions
4761:1-12-05	Service
4761:1-12-06	Computation and extension of time
4761:1-12-08	Exhibits
4761:1-12-09	Witnesses
4761:1-12-10	Subpoenas for purposes of hearing
4761:1-12-11	Expert testimony
4761:1-12-13	Depositions and transcripts of prior testimony
4761:1-12-14	Continuance of hearing
4761:1-12-15	Reports and recommendations
4761:1-12-17	Prior action by the board
4761:1-14-01	Inspection frequency
4761:1-15-01	Advertising and solicitation
4761:1-15-02	Signage

Home Medical Equipment Licensing ORC 4752 new rules proposed:

4761:1-16-01	Definitions for accessing confidential personal information
4761:1-16-02	Procedures for accessing confidential personal information
4761:1-16-03	Valid reasons for accessing confidential personal information
4761:1-16-04	Confidentiality statutes
4761:1-16-05	Restricting and logging access to confidential personal information in computerized information systems

The Court Reporter was Teresa L. Mantz, Deposition Specialists, 35 E. Gay St., Suite 300, Columbus, Ohio 43215.
Ms. Yvonne Tertel, Assistant Attorney General called Mr. Christopher Logsdon as a witness for the Ohio Respiratory Care Board.
Mr. Logsdon certified that the following exhibits were maintained in the course of daily business for the board.

The following states exhibits were introduced.

1 – Letter of original electronic rules filing with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission on May 6, 2010 for each rule under consideration.

2 – Copy of Public Hearing Notice filed on May 6, 2010.

3 – Full copy of the proposed new and amended rules and rules summary and fiscal analyses filed with the Office of the Secretary of State, Joint Committee on Agency Rule Review, Department of Development, and Legislative Service Commission.

Exhibits 1 – 3 were admitted. The hearing concluded at 11:14 a.m.

The meeting broke for lunch at 11:15 a.m. and then returned to public session at 1:01 p.m. for regular business

Regular Business Meeting

Agenda items #3: ADMINISTRATIVE HEARING

Matter deferred. Mr. Heckman announced that opposing counseled had filed a valid motion for continuance and that the reasons contained in the motion were (incomplete sentence)

Agenda items #4: ADOPTION OF MEETING AGENDA AND MINUTES

Agenda item 4.1: 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 to approve the agenda.

Motion #2: Ms. Kester moved to approve the meeting agenda for June 8, 2010. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 - 0.

Agenda item 4.2: Approval of previous Board Meeting Minutes (Exhibit C)

Mr. Mays asked the membership if they had the opportunity to review the April 14, 2010 minutes. All answered affirmatively. Mr. Walz noted two non-substantive errors on pages 10 and 12 of the minutes. Mr. Logsdon informed the Board the errors would be corrected before posting as complete.

Motion #3: Mr. Walz moved to approve the meeting minutes from April 14, 2010 with the noted corrections on page 10 and 12. Ms. Adams seconded the motion. Discussion: None. The question was called. Motion carried: 8 -0.

Agenda item #5: BOARD OFFICER AND STAFF REPORT

Agenda item 5.1: President's Report

Mr. Mays reminded the Board members that the next Board meeting in August would be held in Cleveland, Ohio. Mr. Mays inquired if a site had been identified. Mr. Logsdon stated that a site had not, but that he would be contacting public entities in the area, who may have meeting space available.

Mr. Heckman stated that two hearing could be scheduled for the Cleveland location, but recommended that the cases proceed before the appointed hearing officer route, which would benefit the Board and the witnesses being called. Mr. Mays stated that he did not have any specific opinion on the issue, but thought the appointed hearing officer would be hearing cases that were primarily matters of legal interpretation, not practice based cases. Mr. Heckman explained that the Board still has the final call on all recommendations. Mr. Mays inquired if any members had any thoughts on the issue.

Agenda item 5.2: Executive Director's Report (Exhibit D collective)

Before beginning his report, Mr. Logsdon reported that he included several additional handouts for discussion:

1. CoARC statement on the status of Miami-Jacobs Career College.
2. 2010 State Licensure Liaison Meeting with the NBRC.
3. NBRC Policy change on candidacy to the CRT examination.
4. AARC 2015 and Beyond conference and proposed publications from prior conferences.

Mr. Mays stated that the NBRC and the AARC were having meetings that would likely benefit the board. He inquired from Mr. Logsdon if he had considered attending either meeting. Mr. Logsdon stated that the Board's budget accommodates some travel, but he would not want to attend both meetings. Mr. Logsdon suggested that the AARC 2015 and beyond meeting was more important, because the agency had been a participant in prior conferences. Mr. Mays agreed. Mr. Walz stated that CoARC would be presenting at the NBRC meeting. Mr. Walz suggested that the Board should attend the NBRC meeting so that the Board's voice is heard on the issue of CoARC's new standards. Ms. Ciarlariello stated that Mr. Logsdon should be the one to attend, because he has been directly involved in the two conferences. Mr. Logsdon stated that the board needs to be mindful of its goals and the state's current budget situation. Ms. Gilligan stated that the NBRC meeting seemed to be a very brief meeting for the cost involved.

Dr. Cohn stated that he has a speaker relationship with the AARC and would not participate in the discussion or decision.

Mr. Mays recommended that the Executive director attend the AARC's 2015 and beyond conference.

Motion #4: Ms. Ciarlariello moved to send the Executive Director to the AARC 2015 and beyond conference. Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 7 - yes, 1 - abstained.

Mr. Logsdon also commented on the new NBRC policy, which he stated would require transcripts to contain the final posting and issuance of a degree before a person was eligible to sit for the CRT examination.

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. Mr. Logsdon reported that the Board would soon be completing the fourth quarter of FY 2010. Mr. Logsdon stated that cost-cutting measures appear to have contributed to ending the year under budget. Mr. Logsdon reported that final payroll would be posted on June 14, 2010. Mr. Logsdon also reported that \$4,738 was transferred to account 510 to support temporary staffing during the leave of one office employee and \$1,040.00 was transferred to support an additional scanner license.

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 2966 respiratory care professionals, 48 student-based limited permits, and 19 work-based limited permit holders had filed renewal applications since March 1, 2010. He stated that he emailed two license renewal reminders and renewal tip letters since renewal began. Mr. Logsdon reported that his report contained a list of all comments submitted by persons renewing online. He stated that the primary complaint is the continuing education reporting function. The second, most common problem is accommodating persons that have moved, lost, or could not understand where to

find the username and password information for online renewal. Mr. Logsdon stated that he has received few comments on the Board's decision to forego issuance of a license I.D. Card. Mr. Walz stated the online license status verification system is better than an I.D. card; it provides up-to-date information on the licensee's status.

Discussion: Dr. Cohn discussed the process of online renewal filing. Dr. Cohn recommended that the board begin to use email as the official notification to renew a license. Mr. Logsdon stated that not all people have email and the only way to issue username and passwords is individually. Ms. Gilligan noted the number of HME licenses that have not yet renewed and asked to be informed of the final number. Mr. Walz asked to address the issue of the online continuing education reporting. Dr. Cohn stated that the applicant should be able to see the full renewal application before submitting it. Mr. Logsdon affirmed that the system permits applicants to review the application before final submission. Ms. Ciarlariello defended the board's decision based upon prior year's non-compliance issues. Mr. Logsdon stated the Department of Administrative Services was in the process of evaluating the current system. There were no changes to the current procedure discussed.

3. 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.

4. 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, SB 155, and SB 269.

Discussion: Members discussed several of the bills. Regarding H.B. 215, Mr. Logsdon stated that although the bill effects only the Dental Board the primary concern was the comprehensive changes in the investigative and judicial review procedures contained in the provisions. Mr. Logsdon stated that if such requirements were imposed on a smaller board, the costs of conducting business would likely increase. Ms. Ciarlariello asked why the bill was introduced. Mr. Logsdon stated that he had no information regarding the precipitating issue. Ms. Tertel stated that the bill passed final consideration in the Senate.

Regarding H.B 230, Mr. Logsdon stated that the bill would likely move because it didn't appear to have any specific opposition; however, Mr. Logsdon stated that the bill would add additional requirements and work to normal rule filings.

Regarding S.B. 269, Mr. Logsdon informed the Board that the bill was just introduced, but has not had a hearing.

Agenda item 5.3: HME Manager's Report (Exhibit E collective)

Ms. Tatum issued a written report. Ms. Tatum was not in attendance at the meeting, but Mr. Logsdon made himself available to address any questions concerning the HME Manager's report. Mr. Logsdon reviewed the written report. Members had no questions. Report was filed as submitted.

Motion #5: Mr. Walz moved to approve the President's report. Ms. Kester seconded the motion. Discussion: None. Motion carried: 8 - 0.

Motion #6: Ms. Gilligan moved to approve the Executive Director's report. Ms. Adams seconded the motion. Discussion: None. Motion carried: 8 - 0.

Motion #7: Ms. Gilligan moved to approve the HME Manger's report. Ms. Kester seconded the motion. Discussion: None. Motion carried: 8 - 0.

Agenda item #6: BOARD COMMITTEE REPORTS

Agenda item 6.1: Rules Committee Report

Ms. Ciarlariello reported that the Rules Committee met in the morning to review the rules that were considered at hearing. Ms. Ciarlariello stated that the Committee considered amendments to two new rules. She asked Mr. Logsdon to review the changes. Mr. Logsdon stated that under draft rule 4761-13-04, the Committee added language to address the collection of transcripts under the federal FERPA law and obtaining patient records pursuant to an investigation under the HIPAA laws. Under draft rule 4761:1-16-04, Mr. Logsdon stated that the Committee removed BCI background check language, because it was not relevant to HME law. Further, Committee did not include a FERPA reference. In addition, the Director of the Joint Committee on Agency Rule Review reported an error in 4761:1-16-03 that needed corrected. Mr. Logsdon stated that he would be seeking approval to file revised rules in each case.

Agenda item 6.2: HME Committee Report

Ms. Gilligan reported on the number of new HME licenses and certificates of registration being issued. She stated that the Committee is monitoring the current trend that shows more facilities moving from HME licensure to HME registration. The Committee is monitoring the change, because it may have an impact on the revenue support needed for inspections for HME licensed facilities. Ms. Gilligan stated that licensed facilities are licensed by the state and it is the licensed facilities that support the licensure and inspection program, not registered facilities. Ms. Gilligan stated that each program has its own revenue stream. The Committee, she stated, also reviewed a facility that amended an application to include low air loss mattresses. Ms. Gilligan reported that the Board does not specifically list low air loss mattress systems on the application or in the rules. Ms. Gilligan continued that the product is medically sophisticated and appears to fall within the definition under OAC 4761:1-3-02. The Committee, Ms. Gilligan stated, directed staff to inform the applicant and issue a license.

Ms. Gilligan also reported that the Ohio Department of Job and Family Services (ODJFS) sent correspondence regarding their mandate under H.B. 1 to reduce costs. Ms. Gilligan reported that ODJFS sent it to the Board for comment, but that the Committee did not feel ODJFS provided enough information to make a comment. Ms. Gilligan stated that the Committee directed Mr. Logsdon to send follow-up questions to ODJFS. Ms. Gilligan stated that her greatest concern, as an industry member, was the potential job losses related to any cuts in Medicaid expenditure for HME.

The Board took a break at 2:19 p.m. and then returned to public session at 2:35 p.m.

Agenda item #7: PROBABLE REVIEW COMMITTEE REPORT

Motion #8: Ms. Adams 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). Mr. Heckman seconded the motion. Discussion: None. Roll Call vote:

Darrell L. Heckman -	Yes	Carol Gilligan -	Yes
Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Susan Ciarlariello -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The board entered executive session at 2:36 p.m. and returned to regular, public session at 3:06 p.m. All eight 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 7.2: Approval of Opportunity for Hearing Notices

There were no draft Opportunity for Hearing Notices filed or considered.

Agenda item 7.3: Approval of Consent Agreements (Exhibit F - I)

Motion #9: Ms. Adams moved to approve the consent agreement between the Board and Case #2007ORCB072 (James P. Stegmaier, RCP.0932). Mr. Heckman seconded the motion. Discussion: None. Motion carried: 6 - yes, 2 - Abstained (Mr. Mays and Ms. Gilligan).

Motion #10: Ms. Adams moved to approve the consent agreement between the Board and Case #2010ORCB031 (Alycia A. Minick, RCP.9408). Mr. Walz seconded the motion. Discussion: None. Motion carried: 7 - yes, 1 - Abstained (Mr. Mays).

Motion #11: Ms. Adams moved to approve the consent agreement between the Board and Case #2010ORCB034 (Dawn J. Allen, RCP.11578). Mr. Walz seconded the motion. Discussion: None. Motion carried: 7 - yes, 1 - Abstained (Mr. Mays).

Motion #12: Ms. Adams moved to approve the consent agreement between the Board and Case #2010HME020 (Pain Evaluation & Management Center of Ohio, HMEL.11407). Mr. Walz seconded the motion. Discussion: None. Motion carried: 8 - 0.

Agenda item 7.4: Probation Case Closure

Motion #13: Mr. Walz moved to close the following probation cases as compliance met and others as unfounded/nonjurisdictional:

1. 2009ORCB041 (Rebecca D'Amico)
2. 2010ORCB006 (Scott M. McChristy)
3. 2010HME006 (Affordable Medical, Inc.)
4. 2010ORCB036 - unfounded/nonjurisdictional
5. 2010ORCB037 - unfounded/nonjurisdictional
6. 2010ORCB038 - unfounded/nonjurisdictional
7. 2010HME006 - unfounded/nonjurisdictional
8. 2010HME018 - unfounded/nonjurisdictional
9. 2010HME019 - unfounded/nonjurisdictional

Ms. Adams seconded the motion. Discussion: None. Motion carried: 8 – 0.

Other matters: Mr. Mays addressed the concerns of some members who expressed issues with the review and approval of consent agreements. Mr. Mays felt it would be beneficial to have board member participation on the Probable Review Committee rotate periodically to allow other members to experience the process. Mr. Mays appointed Dr. Cohn and Ms. Gilligan to the PRC.

The Board recessed from 3:33 p.m. to 3:55 p.m.

Agenda item #8: NEW BUSINESS

Agenda item 8.1: Adoption of Report and Recommendations (Exhibit J)

In the Matter of Latasha N. Harris (RCP.11715)

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. Harris prior to today's meeting.

Motion #14: Mr. Walz moved to approve the Hearing Officer's finding of facts. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried: 6 – yes, 2 – abstained (Mr. Heckman and Mr. Mays).

Motion #15: Mr. Walz moved to approve the Hearing Officer's conclusions of law. Ms. Kester seconded the motion. Discussion: None. Motion carried: 6 – yes, 2 – abstained (Mr. Heckman and Mr. Mays).

Agenda item 8.2: Journal Entry (Exhibit K)

Motion #16: Ms. Gilligan moved to modify the Hearing Officer's Report and Recommendations to correct a typographical error in the Order, changing "with" to "within" and otherwise adopt the recommendation as the Order of the Board to be entered upon the journal of the Board's proceedings. Ms. Kester seconded the motion. Discussion: None. Motion carried: 6 – yes, 2 – abstained (Mr. Heckman and Mr. 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 Latasha N. Harris.

Agenda item 8.3: Application ratification for licenses and limited permits (Exhibit L)

Motion #17: Mr. Walz moved to place in the minutes of the June 8, 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 Permits issued on: April 15, 2010, April 23, 2010, April 28, 2010, May 7, 2010, May 13, 2010, May 20, 2010, and May 27, 2010.

Respiratory Care Professional Licenses issued on: April 15, 2010, April 23, 2010, April 28, 2010, May 7, 2010, May 13, 2010, May 20, 2010, and May 27, 2010.

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 8- 0.

Agenda item 8.4: Application ratification for HME licenses and certificates of registration (Exhibit M)

Motion #18: Mr. Walz moved to ratify HME licenses and certificates of registration issued on the following dates:

HME

April 28, 2010, May 7, 2010, May 27, 2010, and June 2, 2010.

HMER

April 5, 2010, April 7, 2010, April 15, 2010, April 21, 2010, April 22, 2010, April 23, 2010, April 28, 2010, May 12, 2010, May 17, 2010, May 19, 2010, May 21, 2010, May 26, 2010, May 27, 2010 and June 2, 2010. Ms. Ciarlariello seconded the motion. Discussion: None. Motion carried 8 – 0.

Agenda item 8.5: Resolution to final file rules with the Joint Committee on Agency Rule Review (Exhibit N)

Motion #19: Ms. Adams moved to final file rule with JCARR, to include amendments to proposed new rules 4761-13-03, 4761-13-04, 4761:1-16-03 and 4761:1-16-04 as presented by the Board's Executive Director. Mr. Walz seconded the motion. Discussion: None. Motion carried: 8 - 0.

Agenda item 8.6: Approval of HME continuing education: OAMES Summer Camp 2010 (Exhibit O)

Motion #20: Ms. Gilligan moved to approve the OAMES Summer Camp 2010 for 5.75 contact hours of continuing education for HME providers under OAC 4761:1-13-01(D). Mr. Walz seconded the motion. Discussion: None. Motion carried: 8 - 0.

Agenda item 8.7: CoARC Position statement on CRT exam-based program outcome (Exhibit P)

Mr. Mays presented the COARC position statement on eliminating the RRT examination as a program outcomes measure for respiratory care. Mr. Mays discussed the possibility of issuing a letter to the CoARC. Mr. Mays stated that he personally believed that the position statement was a step backward in progress. Mr. Logsdon stated that CoARC is taking this action because programs have no control over graduates taking the RRT examination since no state requires the examination for licensure. Ms. Ciarlariello stated that the problem is the two-examination system. Ms. Ciarlariello stated that if the CRT and RRT examinations were combined, this discussion and the CoARC action would be unnecessary. Mr. Mays encouraged the Board to consider looking at the current rules on examination requirements for licensure. Mr. Mays stated that Ohio law does not specifically mention the CRT or RRT examination as the basis for licensure, but leaves the matter to the Board's discretion. Mr. Walz asked about grandfathering. Ms. Kester stated that the two-level examination system was necessary when there were one-year and two-year programs, but that is not the case anymore.

Mr. Mays directed members to send comments on the issue to Mr. Logsdon.

Motion #21: Ms. Kester moved to direct the Board's Rules Committee to consider amendments to the examination requirements for licensure under ORC 4761.04 (A)(3). Ms. Gilligan seconded. Discussion: Ms. Kester stated that committee should consider guidelines to consider using the Registered Respiratory Therapist examination as the entry-level examination for licensure. Motion carried: 8 - 0.

Agenda item #7: FOR THE GOOD OF THE BOARD

Motion #22: Ms. Ciarlariello moved to have the appointed hearing examiner handle the case #2010RCB021. Ms. Adams seconded the motion. No further discussion. Motion carried: 7- Yes, 1 - abstained (Mr. Heckman).

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 August 13, 2010.

Secretary

Witness