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OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF OCTOBER 10, 2012

NOTE ON STANDING COMMITTEE MEETINGS

The Board’s Rule Committee met prior to regular business at 8:36 a.m. in room West B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Official minutes of the Board’s Rule Committee were prepared and are maintained separate of this journal.

The Board’s Home Medical Equipment Committee met prior to regular business at 9:03 a.m. in room West B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Official minutes of the Board’s Home Medical Equipment Committee were prepared and are maintained separate of this journal.

Members in attendance (Exhibit A):

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

Carol Gilligan, HME Member

Joel Marx, HME Member

Robert Slabodnick, MEd, R.R.T., R.C.P.

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

Robert Cohn, M.D. (arrived at 9:16 a.m.)

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

Staff in attendance:

Christopher H. Logsdon, Executive Director

Others in Attendance:

Michelle T. Sutter, Assistant Attorney General

Natalie Dixon

Neil Dixon

Agenda item #1: CALL MEETING TO ORDER (Exhibit B)

Mr. Mays called the meeting to order at 9:08 AM. Mr. Mays asked Ms. Gilligan to call the roll. Present were Joel Marx, Marc Mays, Robert Slabodnick, Steven Pavlak, Kenneth Walz, and Carol Gilligan. Having a majority of the members, Mr. Mays announced there was a quorum to conduct business.

Motion #1: Ms. Gilligan moved to approve the October 10, 2012 meeting agenda. Mr. Walz seconded the motion.
Discussion: None. Motion carried: 7 – 0.

Agenda item #2: ADMINISTRATIVE HEARINGS

Agenda item 2.a: In the matter of Natalie Dixon

The matter of Natalie Dixon came before the following members of the Ohio Respiratory Care Board : Marc K. 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., Steven A. Pavlak, R.R.T., R.C.P., Robert Slabodnick, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board's liaison to the investigatory probable review committee.

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.

Natalie Dixon 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 9:14 a.m. Dr. Cohn arrived at 9:16 a.m. Having only opened the hearing to introduction, Mr. Walz permitted Dr. Cohn to sit and participate in the full hearing since there had been no examination of witnesses or evidence introduced. Dr. Cohn reminded the Hearing Officer that the issue was moot since he would be recusing himself from deliberation in the matter.

Preliminary matters: None.

Both, Ms. Sutter and Ms. Dixon gave a brief opening statement.

During the hearing, the State called two witnesses: Ms. Dixon as on cross-examination and Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board. During testimony, Ms. Dixon confirmed her mailing address as 93 Cummings Avenue, Geneva, Ohio 44041. At the conclusion of the State's case-in-chief, Ms. Sutter moved to have State's exhibits A through G admitted. Mr. Walz asked Ms. Dixon if she had any objection to the admission of State's Exhibits A – G. Hearing no

objection, Mr. Walz admitted State's Exhibits A, B, C, D, E, F, and G. Ms. Dixon then presented her case-in-chief. Ms. Dixon called two witnesses: herself and Ms. Neil Dixon. At the conclusion of Ms. Dixon's case, she moved to have Respondent's Exhibits 1, 2, and 3 admitted. Mr. Walz asked Ms. Sutter if she had any objection to the admission of Respondent's Exhibits 1, 2, and 3. Hearing no objection, Mr. Walz admitted Respondent's Exhibits 1, 2, and 3. Both sides gave a closing statement and the hearing concluded at 10:28 a.m.

Agenda item 2.b: In the matter of Brittany D. Beckman

The matter of Brittany D. Beckman came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Slabodnick, R.R.T., R.C.P., Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T., R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board's liaison to the investigatory probable review committee.

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.

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

Mr. Walz noted that the Respondent, Brittany D. Beckman requested a hearing before the Board, but she was not in attendance. Staff searched the floor, but Ms. Beckman was not found. Mr. Walz directed that the Board proceed with the hearing.

Ms. Sutter gave a brief opening statement.

During the hearing, the State called Christopher H. Logsdon, Executive Director for the Ohio Respiratory Care Board as a witness. At the conclusion of the State's case-in-chief, Ms. Sutter moved to have State's exhibits A through I admitted. Mr. Walz admitted State's Exhibits A, B, C, D, E, F, G, H, and I. Ms. Sutter gave a closing statement and the hearing concluded at 11:05 a.m.

The Board took a short break between 11:05 a.m. and 11:10 a.m.

Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION

Agenda item 3.a: In the matter of Robert A. Farren

Motion #2: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Robert A. Farren. Mr. Slabodnick seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board entered private session at 11:11 a.m. and returned to regular, public session at 11:55 a.m. Mr. Mays and Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.b: In the matter of Natalie Dixon

Motion #3: Ms. Gilligan moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Natalie Dixon. Mr. Slabodnick seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board entered private session at 11:56 a.m. and returned to regular, public session at 12:19 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item 3.c: In the matter of Brittany D. Beckman

Motion #4: Mr. Walz moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Brittany D. Beckman. Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes
Robert Slabodnick -	Yes		

Motion carried.

The Board entered private session at 12:20 p.m. and returned to regular, public session at 12:24 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

Agenda item #4: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit C)

Agenda item 4.a: Approval of meeting minutes for August 15 & 16, 2012

Motion #5: Ms. Gilligan moved to approve the August 15 & 16, 2012 meeting minutes. Mr. Pavlak seconded the motion. Discussion: Mr. Marx asked Mr. Logsdon to review motions 2 and 3 on pages 6 and 7 of the minutes. Mr. Marx stated that he did not believe he abstained from the vote on each motion since he made the motions. Mr. Logsdon stated that he would review the record and record the vote, if accurate. No further discussion. Motion carried: 7-0.

Agenda item #5: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES

Agenda item 5.a: In the matter of Robert A. Farren (Case #2011ORCB071) (Exhibit D)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Robert Alan Farren
2045 East Bay Drive, Apt. 740
Largo, Florida 33771

THE MATTER OF ROBERT ALAN FARREN CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 15, 2012 AT 9:13 A.M. IN THE BOARD ROOM, 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., KENNETH WALZ, J.D., R.R.T, R.C.P., CAROL GILLIGAN, HME MEMBER, STEVEN PAVLAK, R.R.T., M.S., AND ROBERT SLABODNICK, R.R.T, M.Ed. ROBERT COHN, M.D. AND MARC MAYS, R.R.T., R.C.P. RECUSED THEMSELVES FROM THE PROCEEDINGS BASED UPON THEIR ROLE AS THE BOARD LIAISONS 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.

MELISSA L. WILBURN, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

ROBERT ALAN FARREN DID NOT APPEAR FOR THE HEARING.

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 - Notice of Opportunity for Hearing approved on October 12, 2011 and mailed to Robert Alan Farren by certified mail/return receipt # 7005 1820 0000 0296 0941 on October 31, 2011, and a signed return receipt for article #7005 1820 0000 0296 0941.
- B - Letter from the Ohio Respiratory Care Board dated October 31, 2011 and mailed to Robert Alan Farren by certified mail return receipt ## 7005 1820 0000 0296 0941.
- C - Hearing scheduling letter, dated December 1, 2011, mailed to Robert Alan Farren by certified mail/return receipt # 7005 1820 0000 0296 1023 on December 1, 2011, and a signed return receipt for article #7005 1820 0000 0296 1023.
- D - Hearing scheduling letter, dated January 13, 2012, mailed to Robert Alan Farren by certified mail/return receipt # 7005 1820 0000 0296 1221 on January 13, 2012, and a signed return receipt for article #7005 1820 0000 0296 1221.

- E - Hearing continuance letter, dated March 9, 2012, mailed to Robert Alan Farren by certified mail/return receipt # 7005 1820 0000 0296 1450 on March 9, 2012, and a signed return receipt for article #7005 1820 0000 0296 1450.
- F-1- Certification of Records, dated May 22, 2012, from Gloria Donnelly, Euclid Hospital.
- F-2- 2011 Performance Evaluation Form A, Employee Corrective Action Report, dated 2/11/2011, Employee Corrective Action Report, dated 2/2/2011, Employee Corrective Action Report, dated 7/12/2010, Employee Corrective Action Report, dated 6/25/2010, and Employee Corrective Action Report, dated 2/5/2009.
- F-3- Memorandum from Jeff Leonard, dated 3/15/2011.
- F-4- Medtox Non-regulated 5-part Drug Testing Custody and Control Form, dated February 1, 2011. (Redacted for Personal Confidential Information), Medical Review Officer Drug Screen Certification, dated February 1, 2011. (Redacted for Personal Confidential Information), and Medtox Laboratory Report, page 1 - 2, dated January 28, 2011. (Redacted for Personal Confidential Information)
- G - Hearing continuance letter, dated June 5, 2012, mailed to Robert Alan Farren by certified mail/return receipt # 7005 1820 0000 0296 1849 on June 5, 2012, and a signed return receipt for article #7005 1820 0000 0296 1849.

Witnesses called by the State:

1. Jeff Leonard, Cardiopulmonary Manager, Euclid Hospital.
2. Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board

Respondent's Exhibits admitted:

- A - 2 pages: (1) Note from Dr. Dean C. Fahr, D.O., dated 8-5-2011, and (2) Patient profile.
- B - 2 pages: (1) Glenbeigh, Medtox results, dated 2-10-2011, and (2) Glenbeigh, Medtox results, dated 2-9-2011.
- C - 1 page: Character reference notes from co-workers.
- D - 2 pages: (1) Emergency intubation by respiratory therapy form, dated 8-10-2009, and (2) Emergency intubation by respiratory therapy form, dated 5-9-2009.
- E - 2 pages: (1) Evaluation form for Robert Farren, dated 4-6-2007, and (2) Performance valuation form for Robert Farren, dated 3-2-2007.
- F - Written contentions submitted by Robert Farren.

Witnesses called by the Respondent:

1. None.

FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on October 31, 2011 by certified mail/return receipt. Robert Alan Farren received and signed for the Notice of Opportunity for Hearing on November 3, 2011.
2. The Ohio Respiratory Care Board finds that State's Exhibits C, D, E, and G show that Robert Alan Farren was properly informed of the scheduling date for the administrative hearing, in compliance with Sections 119.07 and 119.09 of the Ohio Revised Code through a succession of notices that scheduled and then continued the hearing until August 15, 2012. Each scheduling letter was sent to Robert Alan Farren by certified mail/return receipt and Robert Alan Farren received and signed for each scheduling letter (Exhibits C, D, E, and G inclusive).

3. The Board finds by a preponderance of the evidence that Robert Alan Farren was using drugs to the extent that the use impaired his ability to practice at an acceptable level of competency. This fact is supported by the testimony of Jeff Leonard and a laboratory test that found Robert Alan Farren's blood was positive for marijuana and oxycodone.

CONCLUSIONS OF LAW

- A. 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:
 - (8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency; ***
- B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved 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 Robert Alan Farren's license to practice respiratory care in the state of Ohio. The suspension shall remain in effect until Robert Alan Farren presents proof of the following to the Ohio Respiratory Care Board:

1. Robert Alan Farren has completed an alcohol and/or drug dependency assessment administered by a Certified License Physician or Drug Assessment Counselor and has completed the prescribed course of treatment.
2. Robert Alan Farren shall furnish a final discharge report from the treatment provider, which shall indicate that Robert Alan Farren is free of drugs and clear to resume professional practice.

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

Motion #6: JOEL MARX, HME MEMBER MOVED FOR FINDINGS OF FACT #1 AND #2. STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED (AYE – 5/ ABSTAINED – 2(MR. MAYS AND DR. COHN)).

Motion #7: JOEL MARX, HME MEMBER MOVED FOR FINDINGS OF FACT #3. STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED (AYE – 4/ NO - 1 (MR. WALZ), ABSTAINED – 2 (MR. MAYS AND DR. COHN)).

Motion #8 ROBERT SLABODNICK, R.R.T., M.Ed., MOVED FOR CONCLUSIONS OF LAW; JOEL MARX, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE – 4/ NO - 1 (MR. WALZ), ABSTAINED – 2 (MR. MAYS AND DR. COHN)).

Motion #9: JOEL MARX, HME MEMBER MOVED FOR ORDER OF THE BOARD; ROBERT SLABODNICK, R.R.T., M.Ed., SECONDED THE MOTION. MOTION PASSED. (AYE – 4, ABSTAINED – 3 (MR. MAYS, DR. COHN, AND MR. WALZ)).

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.

Agenda item 5.B: In the matter of Natalie Dixon (Case #2012ORCB086) (Exhibit E)

The Ohio Respiratory Care Board
Adjudication Order

In the Matter Of:

Natalie Dixon
93 Cummings Avenue
Geneva, OH 44041

THE MATTER OF NATALIE DIXON CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON OCTOBER 10, 2012 AT 9:14 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., KENNETH WALZ, J.D., R.R.T, R.C.P., CAROL GILLIGAN, HME MEMBER, STEVEN PAVLAK, R.R.T., M.S., AND ROBERT SLABODNICK, R.R.T, M.Ed. 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 T. SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

NATALIE DIXON 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 – Notice of Opportunity for Hearing approved on April 18, 2012 and mailed to Natalie Dixon by certified mail/return receipt #7005 1820 0000 0296 1535 on April 20, 2012, and signed return receipt for article #7005 1820 0000 0296 1535.
- B – Hearing scheduling letter, dated May 17, 2012, mailed to Natalie Dixon by certified mail/return #7005 1820 0000 0296 1702 on May 17, 2012, and signed return receipt for article # 7005 1820 0000 0296 1702.
- C – Continuance request submitted to the Board by Natalie Dixon on July 6, 2012.
- D – Notice of continuance letter, dated July 10, 2012, mailed to Natalie Dixon by certified mail/return #7005 1820 0000 0296 1986 on July 10, 2012, and signed return receipt for article #7005 1820 0000 0296 1986.
- E – Consent Agreement mailed to Natalie Dixon by certified mail/return #7005 1820 0000 0296 0279 on June 27, 2011, and signed return receipt for article #7005 1820 0000 0296 0279.

F – Notarized release of information for medical records, received from Natalie Dixon on March 21, 2012.

G – Certified Select Hillcrest Hospital Medical Records for Natalie Dixon, dated February 12, 2012.

Witnesses called by the State:

1. Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board
2. Natalie Dixon, as on cross-examination.

Respondent's Exhibits admitted:

- 1 – Letter of Support, dated October 9, 2012.
- 2 - Letter from Kathleen Potter, dated October 10, 2012.
- 3 - Letter from Pat Weston-Hall, dated July 9, 2012.

Witnesses called by the Respondent:

1. Natalie Dixon provided testimony on her own behalf.
2. Neil Dixon, Ms. Dixon's Mother

FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on April 20, 2012 by certified mail/return receipt. Natalie Dixon received and signed for the Notice of Opportunity for Hearing.
2. The Ohio Respiratory Care Board finds that State's Exhibits B and D show that Natalie Dixon was properly informed of the scheduling date for the administrative hearing, in compliance with Sections 119.07 and 119.09 of the Ohio Revised Code.
3. On or about June 24, 2011, Natalie Dixon entered into a consent agreement with the Ohio Respiratory Care Board, wherein, among other conditions, she agreed to the following:
 - a. Paragraph 9 (A)(i) states: MS. DIXON 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 agreement shall constitute a violation of this agreement and an order of the Board.
 - b. Paragraph 9 (A) (vi) states: "MS. DIXON shall not use or possess illegal drugs or consume alcohol or other intoxicating substances."
4. On or about February 12, 2012, Natalie Dixon was suspected to be under the influence of alcohol while employed as a respiratory therapist at Hillcrest Hospital, Mayfield Heights, Ohio. A blood alcohol test was conducted, which confirmed that Natalie Dixon had an "abnormal" and high blood alcohol value.
5. Natalie Dixon, based on her testimony before the Ohio Respiratory Care Board, confirmed that she had consumed alcohol in violation of the June 24, 2011 Consent Agreement.

6. Based on testimony provided by Natalie Dixon, the Board found the following facts were aggravating:
- a. Natalie Dixon had been admitted to Glenbeigh or other drug and alcohol rehabilitation facilities at least eight times in a three-year period.
 - b. Natalie Dixon admitted that she had practiced respiratory care while under the influence of alcohol.
 - c. Natalie Dixon admitted that she had consumed alcohol and was convicted of an alcohol related traffic offense while under an active Consent Agreement with the Board.
 - d. Natalie Dixon admitted that she had placed her patients at risk while practicing respiratory care under the influence of alcohol.
7. Based on the testimony provided by Natalie Dixon, the Board found the following mitigating facts:
- a. Natalie Dixon's testimony was frank and forthright before the Board.
 - b. Natalie Dixon seemed to be honestly trying to pursue a course of treatment that will lead to sustainable results.

CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4761.09 states in pertinent part:

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:

- (2) "Violating any provision of this chapter or an order or rule of the board;¹ (Emphasis added);

- B. Section 4761.09 (A) (14) states, in pertinent part:

Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect. (Emphasis added)

- C. Based upon a preponderance of the evidence presented, the Ohio Respiratory Care Board concludes that Natalie Dixon did violate an Order of the Board and concludes Count I contained in the Notice of Opportunity for Hearing is true.

ORDER OF THE BOARD

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

¹ Section 4761.09 (A)(14) states, in pertinent part:

*** A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement.

In consideration of these findings and conclusions, the Board hereby REFUSES TO RENEW Natalie Dixon's license to practice respiratory care in the state of Ohio. The Board immediately SUSPENDS Natalie Dixon's license to practice respiratory care in the state of Ohio for a minimum of two (2) years, beginning on the effective date of this Order. Following the term of suspension, Natalie Dixon may be eligible for reinstatement of her license upon approval of the Ohio Respiratory Care Board by an affirmative vote of a majority of the Ohio Respiratory Care Board following an interview before the Ohio Respiratory Care Board. If reinstated, Natalie Dixon will immediately be placed on PROBATION for a period of three (3) years from the effective date of license reinstatement.

The following provisions of Natalie Dixon's probation shall remain in effect during the active term of the Probation, if the license is reinstated:

1. Natalie Dixon 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. Natalie Dixon 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. Natalie Dixon shall attend Alcoholics or Narcotics Anonymous, or other board approved meetings, no less than four times per week. Natalie Dixon is responsible for providing the Board with weekly documentation showing attendance of such meetings. Declarations are due to the Board's offices each week on Mondays.
4. Natalie Dixon shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
5. Natalie Dixon 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 Natalie Dixon'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. Natalie Dixon shall submit to random drug and alcohol testing in the manner prescribed by the Board. Natalie Dixon 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. Natalie Dixon 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.

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

Motion #10: STEVEN PAVLAK, R.R.T., M.S. MOVED FOR FINDINGS OF FACT. ROBERT SLABODNICK, R.R.T., M.Ed. SECONDED THE MOTION. MOTION PASSED (AYE – 6/ ABSTAINED – 1(DR. COHN)).

Motion #11: STEVEN PAVLAK, R.R.T., M.S. MOVED FOR CONCLUSIONS OF LAW; CAROL GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE – 6/ ABSTAINED – 1 (DR. COHN)).

Motion #12: ROBERT SLABODNICK, R.R.T., M.Ed. MOVED FOR ORDER OF THE BOARD; CAROL GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED. (AYE – 6, ABSTAINED – 1 (DR. COHN)).

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.

Agenda item 5.C: In the matter of Brittany D. Beckman (Case #2012ORCB042) (Exhibit F)

The Ohio Respiratory Care Board

Adjudication Order

In the Matter Of:

Brittany Dawn Beckman
35 Tall Trees Drive
Amelia, OH 45102

THE MATTER OF BRITTANY DAWN BECKMAN CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON OCTOBER 10, 2012 AT 10:41A.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., KENNETH WALZ, J.D., R.R.T, R.C.P., CAROL GILLIGAN, HME MEMBER, STEVEN PAVLAK, R.R.T., M.S., AND ROBERT SLABODNICK, R.R.T, M.Ed. 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 T. SUTTER, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

BRITTANY DAWN BECKMAN DID NOT APPEAR FOR THE HEARING

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 - Notice of Opportunity for Hearing approved on April 18, 2012 and mailed to Brittany Dawn Beckman by certified mail/return receipt # 7005 1820 0000 0296 1566 on October 31, 2011, and a signed return receipt for article #7005 1820 0000 0296 1566.
- B - Hearing scheduling letter, dated May 7, 2012, mailed to Brittany Dawn Beckman by certified mail/return receipt # 7005 1820 0000 0296 1696 on May 7, 2012, and a signed return receipt for article #7005 1820 0000 0296 1696.

- C - Certified Journal Entry, Hamilton County Municipal Court, Hamilton County, Ohio, Case #C/04/CRB/1091 for Theft in violation of Section 2913.02 of the Revised Code.
- D - Certified Journal Entry, Clermont County Municipal Court, Batavia, Ohio, Case #11-CRB-1910 for Unauthorized Use of Property in violation of Section 2913.04 of the Revised Code.
- E - Copy of initial application for license to practice respiratory care in the state of Ohio, dated November 20, 2011. (Redacted for Personal Confidential Information)
- F - Copy of electronic mail from Brittany Dawn Beckman to Anthony Isom, Investigator for the Ohio Respiratory Care Board, dated January 6, 2012.
- G - Hearing scheduling letter, dated June 5, 2012, mailed to Brittany Dawn Beckman by certified mail/return receipt #7005 1820 0000 0296 1696 on May 7, 2012, and returned to the Ohio Respiratory Care Board as "unclaimed".
- H - Proof of Service for Hearing Scheduling Letter, dated June 5, 2012, mailed by regular mail with a Certificate of Mailing.
- I - Notice of Continuance for Hearing mailed to Brittany Dawn Beckman by certified mail/return receipt #7005 1820 0000 0296 2068 on August 17, 2012, and signed return receipt for article #7005 1820 0000 0296 2068.

Witnesses called by the State:

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

Respondent's Exhibits admitted:

None.

FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on April 20, 2012 by certified mail/return receipt. Brittany Dawn Beckman received and signed for the Notice of Opportunity for Hearing.
2. The Ohio Respiratory Care Board finds that State's Exhibits B, G, and I show that Brittany Dawn Beckman was properly informed of the scheduling date for the administrative hearing, in compliance with Sections 119.07 and 119.09 of the Ohio Revised Code.
3. On or about March 13, 2004, Brittany Dawn Beckman was convicted of THEFT, in violation of Section 2913.02 of the Ohio Revised Code, a misdemeanor of the 1st degree in the Hamilton County Municipal Court, Hamilton County, Ohio, case #C/04/CRB/1091.
4. On or about June 8, 2011, Brittany Dawn Beckman was convicted of UNAUTHORIZED USE OF PROPERTY in violation of Section 2913.04 of the Ohio Revised Code, a misdemeanor of the 4th degree in Clermont County Municipal Court, Batavia, Ohio, case 11 CRB 1910.
5. The Board finds that Brittany Dawn Beckman was convicted of two misdemeanors involving moral turpitude. The Board finds that sufficient evidence existed to issue Brittany Dawn Beckman a Notice of Opportunity for Hearing based upon her convictions.

6. The Board finds the Brittany Dawn Beckman was truthful on her application for an initial limited permit.

CONCLUSIONS OF LAW

- A. 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; ***
- B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved 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 REFUSES TO ISSUE Brittany Dawn Beckman a Limited Permit to practice respiratory care under the direction of a licensed respiratory care professional.

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

Motion #13: ROBERT SLABODNICK, R.R.T., M.Ed. MOVED FOR FINDINGS OF FACT. CAROL GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE – 6/ ABSTAINED – 1 (DR. COHN)).

Motion #14: STEVEN PAVLAK, R.R.T., M.S. MOVED FOR CONCLUSIONS OF LAW; CAROL GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE – 6/ ABSTAINED – 1 (DR. COHN)).

Motion #15: ROBERT SLABODNICK, R.R.T., M.Ed. MOVED FOR ORDER OF THE BOARD; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED. (AYE – 6, ABSTAINED – 1 (DR. COHN)).

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.

Ms. Gilligan departed the meeting at 2:10 p.m.

Agenda item #6: OFFICER AND STAFF REPORTS

Agenda item 6.a: President's Report

No report given.

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

Mr. Logsdon submitted a written report to the Board. He verbally reviewed the report.

1. Mr. Logsdon reviewed the financial activity report for FY 2013. Mr. Logsdon reported that the Board had completed the first full quarter of FY 2013. Mr. Logsdon stated that expenditures were in line with the Board's annual allotment plan and otherwise unremarkable.
2. Mr. Logsdon informed the Board that he filed the Board's FY 2014 and 2015 budget request. Mr. Logsdon reported that he is requesting additional funding for FY 2014 HME inspection requirements, funding to move a part-time position to full time, and funds to meet additional payroll costs required by contract. Mr. Logsdon stated that the full budget would not be available until Governor Kasich files it as a bill. Mr. Logsdon thanked Mr. Mays and Mr. Marx for their assistance on the budget.
3. Mr. Logsdon reported that the Board Legislative Service Commission annual report, 2013 Workforce Improvement Plan, 2013 Cyber Security Plan, the Board's Annual Report, and the FY 2014/2015 budget have all been filed.
4. Mr. Logsdon reviewed the final FY 2013 revenue totals and sources.
5. Mr. Logsdon then reviewed the license statistics report as of September 24, 2012.
6. Mr. Logsdon summarized information he learned from attending the 2012 annual licensure liaison meeting, sponsored by the National Board for Respiratory Care, Inc.
7. Mr. Logsdon summarized the results of a Board member survey.
8. Last, Mr. Logsdon reviewed new customer service standards required under ORC 121.91. Mr. Logsdon requested adoption of the new standards as policy 3.7.

Agenda item 6.c: HME Manager's Report (Exhibit H)

Ms. Tatum was not present for the meeting, but she did file a written report. Mr. Logsdon briefly reviewed the report.

Motion #16: Mr. Marx moved to approve the Executive Director's report a. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0.

Policy adoption (Exhibit H)

Motion #17: Dr. Cohn moved to approve Policy 3.7 concerning customer service standards. Mr. Walz seconded the motion. Discussion: None. Motion carried: 6-0.

Motion #18: Mr. Marx moved to approve the HME Manager's report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

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

Agenda item #7: PROBABLE REVIEW COMMITTEE REPORT

Motion #19: Dr. Cohn 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). Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Kenneth Walz -	Yes
Steven Pavlak -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Robert Slabodnick -	Yes

Motion carried.

The Board entered executive session at 2:51 p.m., and later returned to regular, public session at 3:05 p.m. Six Board members were present during executive session. Mr. Logsdon and Ms. Sutter 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 7.b: Approval of Opportunity for Hearing Notices (Exhibits I through II)

Motion #20: Mr. Marx 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>
I.	2007ORCB051 (Bonnie Bilko, RCP.6197)	Violation of Board Order	ORC 4761.09 (A)(2)
J.	2013ORCB007 (Tracy Pittinger, Lic. No. N/A)	Prior felony conviction	ORC 4761.09 (A)(1)
K.	2013ORCB09 (Jeanette McCandlish, RCP.7898)	Impairment in practice	ORC 4761.09 (A)(8)
L.	2013ORCB010 (Susan K. Howard, RCP.12382)	Unlicensed practice	ORC 4761.09 (A)(2)
M.	2013ORCB011 (Sue A. Gray, RCP.3483)	Continuing education Violation	ORC 4761.09 (A)(2)
N.	2013ORCB012 (John F. Selbee, RCP.5960)	Continuing education violation	ORC 4761.09 (A)(2)
O.	2013ORCB013 (Laura Flanagan, RCP.3934)	Continuing education violation	ORC 4761.09 (A)(2)
P.	2013ORCB015 (Gary R. Bennett, RCP.4731)	Continuing education violation	ORC 4761.09 (A)(2)

Q.	2013ORCB016 (James W. Miller, RCP.6169)	Continuing education violation	ORC 4761.09 (A)(2)
R.	2013ORCB017 (Ronald D. Hinebaugh, RCP.2544)	Continuing education violation	ORC 4761.09 (A)(2)
S.	2013ORCB018 (Julie A. Dillingham, RCP.2278)	Continuing education violation	ORC 4761.09 (A)(2)
T.	2013ORCB019 (Chris M. Lewis, RCP.11294)	Continuing education Violation	ORC 4761.09 (A)(2)
U.	2013ORCB021 (Annette Hall, RCP.6120)	Continuing education Violation	ORC 4761.09 (A)(2)
V.	2013ORCB022 (Lisa K. Hadding, RCP.5172)	Continuing education Violation	ORC 4761.09 (A)(2)
W.	2013ORCB024 (Cheri L. Pope, RCP.2711)	Continuing education violation	ORC 4761.09 (A)(2)
X.	2013ORCB025 (Cynthia P. Adamaszek, RCP.3257)	Continuing education violation	ORC 4761.09 (A)(2)
Y.	2013ORCB026 (Sandra D. Daily, RCP.10226)	Continuing education violation	ORC 4761.09 (A)(2)
Z.	2013ORCB027 (Loretta J. Jeronimo, RCP.4708)	Continuing education Violation	ORC 4761.09 (A)(2)
AA.	2013ORCB028 (Rodonna M. Jackson, RCP.7916)	Continuing education violation	ORC 4761.09 (A)(2)
BB.	2013ORCB029 (Amy G. Teasley, RCP.8038)	Continuing education violation	ORC 4761.09 (A)(2)
CC.	2013ORCB030 (Shelley L. Berry, RCP.8041)	Continuing education violation	ORC 4761.09 (A)(2)
DD.	2013ORCB031 (Heather M. Ashley, RCP.8554)	Continuing education violation	ORC 4761.09 (A)(2)
EE.	2013ORCB032 (Tonya D. Dulaney, RCP.3630)	Continuing education violation	ORC 4761.09 (A)(2)
FF.	2013ORCB033 (Daniel D. Rhoades, RCP.8574)	Continuing education violation	ORC 4761.09 (A)(2)
GG.	2013ORCB034 (Todd W. Farmer, RCP.12109)	Continuing education Violation	ORC 4761.09 (A)(2)

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – abstained (Dr. Cohn).

Motion #21: Mr. Walz moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

HME Opportunity for Hearing Notices

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
HH.	2013HME007 (Durable Medical Equipment, HMEL.11285)	Failure to comply with directive to meet standards	ORC 4752.09 (A)(1)
II.	2013HME007 (Orbital Enterprises, LLC, HMEL.11246)	Failure to comply with directive to meet standards	ORC 4752.09 (A)(1)

Dr. Cohn seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – abstained (Mr. Marx).

Agenda item #8: COMMITTEE REPORTS

Agenda item 8.a: HME Committee Report

HME Committee – Joel Marx

Mr. Marx gave a verbal report on the activities of the HME Committee. Mr. Marx stated that the Committee reviewed the HME Certificates of Registration and Licenses issued since the last meeting. Mr. Marx stated that the Committee also reviewed the inspection schedule.

Motion #22: Mr. Pavlak moved to approve the Home Medical Equipment Committee Report. Mr. Slabodnick seconded the motion. Discussion: None. Motion carried: 6 – 0.

Rules Committee – Steven Pavlak

Agenda item 8.b: Rules Committee Report (Exhibit JJ, resolution #24)

Mr. Pavlak stated that the Board's Rules Committee met prior to the regular business meeting. Mr. Pavlak stated that the Committee considered the following business:

1. The rescission of existing rule 4761-5-01: Recognition of Examinations.
2. The proposed filing of draft rule 4761-5-01: Waiver of licensing requirements pursuant to division (B) of section 4761.04 of the Revised Code.
3. The draft amendment and filing of rule 4761-5-04: License application procedure.
4. The draft amendment and filing of rule 4761-8-01: Renewal of licenses and permits.
5. The draft amendment and filing of rule 4761:1-10-03: Licensees and certificate holders must comply with investigations conducted by the board.

Mr. Pavlak stated that the Committee also considered draft rule 4761-5-06: Respiratory care practice by polysomnographic technologists. Mr. Pavlak reported that new information has become known that indicates the Registered Sleep Technologist examination offered by the American Board of Sleep Medicine is not accredited. Mr. Pavlak stated that the organization indicates they will be filing for accreditation soon, but the current examination is not accredited. The Rules Committee recommended tabling the rule amendment until more information is obtained on the Registered Sleep Technologist examination's accreditation status.

Mr. Pavlak also reported that the Rules Committee heard an update on recommendation of the Human Trafficking Taskforce to require licensed professionals to obtain one contact hour of continuing education on identifying human trafficking. Mr. Pavlak reported that Mr. Logsdon would be drafting some new language for consideration.

Motion #23: Mr. Slabodnick moved to approve the Rules Committee Report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Motion #24: Dr. Cohn moved to approve the resolution authorizing the Executive Director to file proposed new rule 4761-5-01, proposed amended rules 4761-5-04, 4761-8-01, 4761:1-10-03, and to rescind existing rule 4761-5-01. Mr. Pavlak seconded the motion. Discussion: Mr. Walz addressed the following issues:

1. Mr. Walz noted that paragraph (G) (5) and paragraph (H) (3) of proposed draft rule 4761-8-01 need a period (“.”) at the end of the last sentence in the paragraphs.
2. Mr. Walz inquired about proposed draft rule 4761:1-10-03. Mr. Walz asked why the authority listed in paragraph (A) is not mirrored in paragraph (B). Mr. Logsdon responded that paragraph (A) addresses the Board’s authority to investigate licensed home medical equipment facilities and paragraph (B) addresses the Board’s authority to investigate home medical equipment facility holding a certificate of registration. Mr. Logsdon stated that the Board’s authority to investigate a home medical equipment facility holding a certificate of registration is limited in statute. Mr. Logsdon stated that the rule is drafted to strengthen the Board’s procedures, within the context of the cooperative agreement between the Board and any recognized accrediting organization. Mr. Walz asked what would happen if the Board did not recognize an accrediting organization. Mr. Marx responded that a home medical equipment facility would be required to seek accreditation through another recognized organization. Mr. Walz asked what would happen if a certificate of registration holder chose not to comply with an investigation. Mr. Marx responded that the Board would send the accrediting organization a complaint.
3. Mr. Walz stated that the Business Impact Analysis (BIA) for proposed draft rule 4761:1-10-03 does not accurately address the licensee’s costs of providing copies to the Board. Mr. Marx stated that the BIA indicates that there could be costs associated with copying, but that the costs would be minimal. Mr. Walz asked if the BIA should be more specific about the costs, because a few copies would not be expensive, but a thousand copies would be very expensive. Mr. Walz acknowledged that the Board does not have much experience with the BIA process. Mr. Walz expressed his concern that the Common Sense Initiative process could easily use undefined costs as a reason to oppose the rule filing. Mr. Walz stated that he was simply expressing his concern that the rule could be deemed too costly.
4. Mr. Walz inquired about the BIA for proposed draft rules 4761-5-01, 4761-5-04, and 4761-8-01. Mr. Walz asked if the BIA adequately addresses the increased payroll costs for employment settings that do not require registered therapists. Mr. Walz stated that he assumes some employers pay more for a registered therapist than they do for a certified therapist. Mr. Mays affirmed Mr. Walz assumption as being generally correct. Mr. Walz stated that the rule could result in more costs to the business community. Mr. Marx stated that it is also possible that costs could go down. Mr. Walz agreed that the current over-abundance of therapist could result in costs going down. Mr. Walz stated that he was not in favor of the proposed rule, but if the rule is filed, he wants the Board’s BIA to be as good as it can be. Mr. Walz asked if everyone was satisfied that the BIA was the best it could be and if the rule would receive approval. Mr. Logsdon responded that he was not completely confident. Mr. Logsdon stated that the new Common Sense Initiative process is new, the Board does not have much experience with the process, and therefore, outcomes are less certain.

Other discussion: Mr. Logsdon stated that he believes the BIA for proposed draft rules 4761-5-01, 4761-5-04, and 4761-8-01 should address the amendment in proposed draft rule 4761-8-01 that addresses the costs of abandoning an aged application. Mr. Logsdon reported that he would likely add some language addressing the issue. No further discussion. Motion carried: 6 – 0.

Mr. Mays brought up the board member appointment to the Probable Review Committee (PRC). Mr. Mays stated that Dr. Cohn had served on the committee for many years and he believed it was time to appoint another member. Mr. Mays inquired if any members were interested. Ms. Sutter, Mr. Logsdon and Dr. Cohn spent a few minutes reviewing the duties of the PRC. Mr. Slabodnick stated that he would be interested.

Motion #25: Dr. Cohn moved to appoint Mr. Slabodnick as the Board representative on the PRC. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item #9: NEW BUSINESS

Agenda item 9.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit KK)

Motion #26: Mr. Walz moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: August 9, 2012, August 17, 2012, August 23, 2012, August 30, 2012, September 6, 2012, September 14, 2012, and September 20, 2012.

Respiratory Care Professional Licenses issued on: August 9, 2012, August 17, 2012, August 21, 2012, August 23, 2012, August 30, 2012, September 3, 2012, September 6, 2012, September 7, 2012, September 13, 2012, September 14, 2012 and September 20, 2012.

Mr. Slabodnick seconded the motion. Discussion: Mr. Walz noted that he had an indirect working relationship with licensee #RCP.13019 and RCP.13067, but did not believe his co-working status would cause him to refrain from voting on the motion. Motion carried 6 - 0.

Agenda item 9.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit LL)

Motion #27: Mr. Walz moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL
August 28, 2012, September 6, 2012, and September 12, 2012.

HMER
August 6, 2012, August 8, 2012, August 10, 2012, August 14, 2012, August 17, 2012, August 24, 2012, August 29, 2012, September 6, 2012, September 14, 2012, September 18, 2012, September 20, 2012, September 24, 2012, September 26, 2012, and September 28, 2012.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 5 – yes, 1 – abstained (Marx).

Agenda item 9.c: Complaint processing and Disciplinary Guidance

Motion #28: Mr. Walz moved to approve the revised Complaint Processing/Disciplinary Guidance. Ms. Slabodnick seconded the motion. Discussion: Members stated that they did not have time to review the document.

Subsidiary motion: Mr. Marx moved to table the motion to approve the revised Complaint Processing/Disciplinary Guidance. Mr. Walz seconded the motion. Discussion: None. Motion carried: 6 – 0. Motion #27 was tabled.

Agenda item 9.d: 2012 Annual Report (Exhibit MM)

Motion #29: Mr. Walz moved to approve the 2012 Annual Report. Dr. Cohn seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item 9.e: Position Statement on Polysomnographic Practice (Exhibit NN)

Motion #30: Mr. Walz moved to approve the position statement on BiPAP and CPAP setups by Polysomnographic Technologists. Mr. Slabodnick seconded the motion. Discussion: Mr. Logsdon was asked to discuss the draft position statement. Mr. Logsdon stated that the office has observed more question from the home medical equipment providers asking if Polysomnographic Technologists can perform CPAP and BiPAP setups in the home. Mr. Logsdon stated that the position statement before the Board reflects the language contained in ORC 4761.10. Motion carried: 6 – 0.

Agenda item 9.f: Amending statuses on Ohio elicense system (Exhibit OO)

Motion #31: Mr. Walz moved to approve the use of “Active on Probation” status as an official licensing status for persons under probation by the Board. Mr. Pavlak seconded the motion. Discussion: Mr. Logsdon stated that the new status would assist staff in tracking and identifying those persons on probation. Mr. Walz stated that designating persons on probation on the licensing record was long overdue. Motion carried: 6 – 0.

Agenda item #10: OPEN FORUM

There were no appearances for open forum.

Agenda item #11: FOR THE GOOD OF THE BOARD

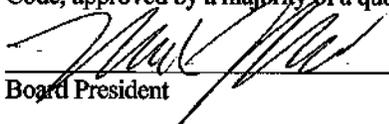
The members discussed the meeting schedule for 2013 and chose the following dates:

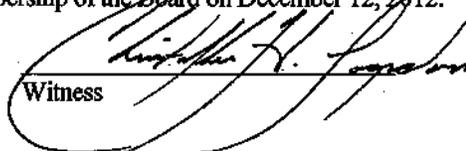
February 13, 2013
April 17, 2013
June 19, 2013
August 14, 2013
October 16, 2013
December 4, 2013

Agenda item #12: ADJOURNMENT

Hearing no objection, Mr. Mays adjourned the meeting at 4:10 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 December 12, 2012.


Board President


Witness