

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
April 12, 2013**

MINUTES

**Renaissance World Golf Village Resort
500 South Legacy Trail
St. Augustine, Florida 32092
(904) 940-8000**

Participants in this public meeting should be aware that these proceedings are recorded and an audio file of the meeting is posted to the board's website.

Call the Meeting to Order and Roll Call:

Bayyinah Sherrod, RRT, Chair, called the general business meeting to order at 8:30 a.m. Those present for the meeting, included the following:

Members Present

Bayyinah Sherrod, RRT, Chair
Bradley Killion, RRT
Kevin Barrett, CRT
Peter Hendriksen, RRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator

Board Counsel

Douglas Dolan, Board Counsel
Office of the Attorney General

Excused Absent Members

Dick Fields, RRT
Shawnta Friday-Stroud, Ph.D., Vice Chair

Prosecuting Attorney

Tari Rossitto Van-Winkle, DOH
Assistant General Counsel

Court Reporter:

Volusia Reporting Company
Mary Graybosch
432 South Beach Street
Daytona Beach, FL 32114

Also present was Ms. Amy Cober, RD, LD, MPH, TTS'; Project Coordinator, with FSU College of Medicine, AHEC, Division of Health Affairs and Andrée Aubrey, MSW, LCSW, CTTS., Director of Area Health Education Center, FSU College of Medicine and Department of Family Medicine, Health Affairs.

To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

DISCIPLINARY PROCEEDINGS

MOTION FOR BOARD'S FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT AND DETERMINATION OF RESPONDENT'S WAIVER OF RIGHT TO REQUEST A FORMAL HEARING

TAB 1 Mary E. Waltrip, RRT, DOH Case No: 2011-19069
Informal Waiver/Default, (PCP Members –Fields, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Rossitto Van-Winkle summarized the case for the Board. Respondent was charged with the following violation: Section 456.365 (1)(a), Florida Statutes (2010) by obtaining a license by fraudulent misrepresentation, by failing to disclose her criminal history on her application for licensure as a registered respiratory therapist.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request an informal hearing by default.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits, including into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact as set forth in the Administrative Complaint constitutes a violation of the Practice Act set forth in the Florida Administrative Code. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: After discussion, Mr. Barrett made a motion to impose the following penalties:

- Reprimand
- Suspension until the Respondent appears before the Board
- \$1,000.00 fine to be paid within ninety (90) days of the filing of the Final Order after the Board appearance
- Probation for one (1) year beginning thirty (30) days after Respondent's appearance
- Board will retain jurisdiction to impose any other penalties at the time of appearance

The motion was seconded by Ms. Sherrod and carried 4/0.

MOTION: Ms. Sherrod made a motion to assess the costs of \$578.82 to be paid within 30 days after Respondent appears before the board. The motion was seconded by Mr. Barrett and carried 4/0.

TAB 2 Mary E. Waltrip, RRT, DOH Case No: 2011-19071
Informal Waiver/Default, (PCP Members –Fields, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Rossitto Van-Winkle summarized the case for the Board. Respondent was charged with the following violation: Section 456.365 (1)(a), Florida Statutes (2010) by obtaining a license by

fraudulent misrepresentation, by failing to disclose her criminal history on her application for licensure as a certified respiratory therapist.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request an informal hearing by default.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact as set forth in the Administrative Complaint constitutes a violation of the Practice Act set forth in the Florida Administrative Code. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: After discussion, Mr. Barrett made a motion to impose the following penalties:

- Reprimand
- Suspension until the Respondent appears before the Board
- \$1,000.00 fine to be paid within ninety (90) days of the filing of the Final Order after the Board appearance
- Probation for one (1) year beginning thirty (30) days after Respondent's appearance
- Board will retain jurisdiction to impose any other penalties at the time of appearance

The motion was seconded by Ms. Sherrod and carried 4/0.

MOTION: Ms. Sherrod made a motion to assess the costs of \$455.03 to be paid within 30 days after Respondent appears before the board. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION FOR BOARD'S FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE

TAB 3 John William Barger, CRT, DOH Case No: 2012-02980
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Ms. Rossitto Van-Winkle summarized the case for the Board. Respondent was charged with the following violations: Section 456.072(1)(z)(dd); 468.365 (1)(w)(x), Florida Statutes, by being unable to deliver respiratory care services with reasonable skill and safety, by violating any provision of this chapter or chapter 456.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Killion and carried 4/0.

MOTION: After discussion, Ms. Sherrod made a motion to accept the Voluntary Relinquishment. The motion was seconded by Mr. Killion and carried 4/0.

TAB 4 Warren E. Champlin, RRT, DOH Case No: 2012-02980
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Ms. Rossitto Van-Winkle summarized the case for the Board. Respondent was presented with the following violation: Section 468.365 (1)(i)(x), Florida Statutes, by violating a lawful Order of the board or department previously entered in a disciplinary hearing and violating any provision of this chapter or chapter 456.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Killion and carried 4/0.

MOTION: After discussion, Ms. Sherrod made a motion to accept the Voluntary Relinquishment. The motion was seconded by Mr. Killion and carried 4/0.

PROSECUTOR'S REPORT

TAB 5 Prosecuting Attorney – Tari Rossitto Van-Winkle

Respiratory Care Inventory older than 1 year = 8 (see below)

Cases not reviewed for probable cause	5
Cases drafted for probable cause	7
Cases where probable cause was found	4
Priority One Cases:	5
Waiver of Probable Cause	0
Total Forming Hearing Requested or at DOAH	10
Total Appeals Open	0
Holding Status	0
Pre PC, POST PC supplements requested & or received	3
Awaiting Final Order	0

Total Cases and complaints as of April 10, 2013 **34**

Other (Intake & reopened cases) 13*

9* cases already for final Board Action but had to be pulled due to quorum issues:
4 presented at current meeting.

Number of Cases Older Than One Year: 8**

2012: **4 of which are ready for final Board Action but had to be pulled due to quorum issues;
no 60's over 1 year old.

MOTION: Ms. Sherrod made a motion to allow prosecution to continue prosecuting year old cases. The motion was seconded by Mr. Hendriksen and carried 4/0.

ADMINISTRATIVE PROCEEDINGS

REQUESTING MODIFICATION OF FINAL ORDER

TAB 6 Lisa Rogers, RT8628

Ms. Rogers was present and sworn in by the court reporter.

Ms. Rogers is requesting a modification of her Final Order, granting an extension or reduction of the expense generated.

MOTION: After discussion, Ms. Sherrod made a motion to grant Ms. Rogers's request, extending the due date to thirty six (36) months, by making \$50.00 payments each month, beginning thirty (30) days after the filing of the Final Order. The motion was seconded by Mr. Barrett and carried 4/0.

PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.

TAB 7 Aaron Bishop, Certified Respiratory Therapist

Mr. Bishop was present and sworn in by the court reporter.

Mr. Bishop was requested to appear before the board due to the "yes" answers in the disciplinary and criminal history sections of his application.

MOTION: After discussion, Ms. Sherrod made a motion to grant licensure with no conditions. The motion was seconded by Mr. Hendriksen and carried 4/0.

TAB 8 Antonia Steeple Cook, Certified Respiratory Therapist

Ms. Cook was present and sworn in by the court reporter.

Ms. Cook was requested to appear before the board due to the "yes" answer in the disciplinary history section of her application.

MOTION: After discussion, Ms. Sherrod made a motion to grant licensure with no conditions. The motion was seconded by Mr. Hendriksen and carried 4/0.

TAB 9 Danielle Dorothy Tonzola, Registered Respiratory Therapist

Ms. Tonzola was present and sworn in by the court reporter.

Ms. Tonzola was requested to appear before the board due to the "yes" answer in the personal history section of her application.

MOTION: After discussion, Mr. Killion made a motion to grant licensure with no conditions. The motion was seconded by Ms. Sherrod and carried 4/0.

TAB 10 Shala Venella Armotrading, Registered Respiratory Therapist

Ms. Armotrading was present and sworn in by the court reporter.

Ms. Armotrading was requested to appear before the board due to the “yes” answer in the criminal history section of her application.

MOTION: After discussion, Ms. Sherrod made a motion to grant licensure with no conditions. The motion was seconded by Mr. Killion and carried 4/0.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

TAB 11 Donnell Mitchem, RT 5764

- Application for Exemption

Mr. Mitchem was present and sworn in by the court reporter.

He has submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes.

MOTION: After discussion, Mr. Hendriksen made a motion to grant Mr. Mitchem’s request for an Employment Exemption. The motion was seconded by Ms. Sherrod and carried 4/0.

REQUEST FOR INDIVIDUAL CONSIDERATION

APPLICANT RATIFICATION LISTS

TAB 12 Ratification of Certified Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 43 names (Exhibit A), beginning with Marie Lorette Moreau and ending with Michael Shayne Minor for CRT licensure by endorsement. The motion was seconded by Mr. Barrett and carried 4/0.

TAB 13 Ratification of Registered Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 136 names (Exhibit B), beginning with Eric Ryon Foster and ending with Eric Roy Birch for RRT licensure by endorsement. The motion was seconded by Mr. Hendriksen and carried 4/0.

TAB 14 Continuing Education Providers

MOTION: Ms. Sherrod made a motion to ratify the one (1) provider (Exhibit C), L. M. Services for Continuing Education providership. The motion was seconded by Mr. Killion and carried 4/0.

REPORTS

TAB 15 Assistant Attorney General, Douglas Dolan

- Rules Status Report

Mr. Dolan presented the following rules report to the Board:

Rules in Process: None.

64B32-2.001, License by Endorsement

Notice published on October 31, 2012
Adopted December 27, 2012
Effective January 16, 2013

TAB 16 Board Chair Report
Bayyinah Sherrod, RRT

None.

TAB 17 Executive Director Report
Allen Hall

- Expenditures by Function - *Informational*
- Cash Balance Report - *Informational*

Mr. Hall gave a brief overview of the expenditures and cash balance stating this is a standard report and no action was required.

Mr. Killion made the announcement that he would be resigning from the Board. Due to Mr. Killion's resignation, the Board voted to appoint Ms. Sherrod as the Education Liaison.

Mr. Hendriksen volunteered to attend the NBRC annual meeting if no other member has interest.

OLD BUSINESS

TAB 18 July 13, 2012 General Business Meeting Minutes

MOTION: After Discussion, Ms. Sherrod made a motion to approve the January 11, 2013 minutes as presented. The motion was seconded by Mr. Hendriksen and carried 4/0.

NEW BUSINESS

TAB 19 Presentation by Amy Cober, RD LD MPH TTS, FSU College of Medicine
"Tobacco Prevention and Cessation in the Respiratory Care Profession"

Ms. Amy Cober and Andrée Aubrey presented a thorough presentation regarding use of tobacco and tobacco cessation.

Their presentation proposed that all health care practitioners participate in continuing education to help enhance their knowledge, improve their clinical practice and meet state licensure and national credentialing requirements. Ms. Cober brought out many points and statistics regarding the affects of tobacco usage. They are asking the Board's support with their project in educating.

TAB 20 Fee Recommendations

The Department's Senior Budget Analyst has reviewed the current respiratory therapy fee structure and does not recommend fee adjustment for this profession at this time. Although

Respiratory Therapy fees are at a slight increase, the projected 2 years revenues exceed the 2 year expenditures by 0.64%. The department will look at this profession again next year.

TAB 21 Annual Regulatory Planning 2011-2012

In accordance with Section 7 of Executive Order 11-72 each Board/Council is required to “No later than July 1, 2011, and on July 1 of each successive year, each agency under the direction of the Governor shall submit to the Office of Fiscal Accountability and Regulatory Reform (OFARR), an annual regulatory plan that shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period.” This is to address 2013-2014 plans.

This proposal includes the following rules for the Board of Respiratory Care:

- 64B32-2.001 – Licensure by Endorsement
- 64B32-2.003 – Fees for application and Initial Licensure
- 64B32-4.001 – Fees
- 64B32-6.001 – Continuing Education Requirement
- 64B32-6.002 – Definitions
- 64B32-6.004 – Procedures for Approval of attendance at Continuing Education Courses

MOTION: Ms. Sherrod made a motion to submit the above rules to OFARR. The motion was seconded by Mr. Hendriksen and carried 4/0.

OTHER BUSINESS AND INFORMATION

TAB 22 Staff Recognition Correspondences *(Informational)*

Being no further business the meeting adjourned at 10:25 a.m.

Exhibit A

CERTIFIED RESPIRATORY THERAPISTS LIST FOR RATIFICATION

1. Moreau, Marie Lorette	TT	15474
2. Moure, John Peter Jr	TT	15475
3. Wilson, Arik Robert	TT	15476
4. Deronvil, Viviane Villard	TT	15477
5. Thomas, Racheed Ernesto	TT	15478
6. Lebel, Amanda Michelle	TT	15479
7. Bonne-Annee, Pierre Richard	TT	15480
8. Morris, Stephen Wynn	TT	15481
9. St Germain, Esther	TT	15482
10. Dorestin, Sidor	TT	15483
11. Muzeya, Nyasha Gladys	TT	15484
12. Plante, Georgina Marie	TT	15485
13. Hathorn, Shannon Marie	TT	15486
14. Williams, Charles Edward Sr.	TT	15487
15. Gibson, Kimberly Reeder	TT	15488
16. Moses, Ceira Lisbeth	TT	15489
17. Dorta, Emily Carolina	TT	15490
18. Joly, Wislaine	TT	15491
19. Roddy, Sandra Lynn	TT	15492
20. Garcia, Doris G	TT	15493
21. Smith, Amanda Nicole	TT	15494
22. Vrana, Thomas Fredrick	TT	15495
23. Mitchell, Danielle Dionne	TT	15496
24. Vera, Stacey Marie	TT	15497
25. Gentile, Thomas	TT	15498
26. Jewart, Michele Ann	TT	15499
27. Francois, Yanick	TT	15500
28. Guatelli, Ralph Lawrence	TT	15501
29. Hogan, Tonya Renee	TT	15502
30. Danner, Richard Lee LI	TT	15503
31. Osirus, Lovely	TT	15504
32. Gabriel, Guyleine	TT	15505
33. Fernandez, Fernando	TT	15506
34. Gradascevic, Safet	TT	15507
35. Noel, Fabiola	TT	15508
36. Barrera, Yamile	TT	15509
37. Ziegler, Barbara Ann	TT	15510
38. Cardenas, Ana Maria	TT	15511
39. O'Connor, Joani Lyn	TT	15512
40. Rautier, Phigena	TT	15513
41. Jimenez, Iris Nefretery	TT	15514
42. Minor, Travia Jonette	TT	15515
43. Smith, Michael Shayne	TT	15516

Exhibit B

REGISTERED RESPIRATORY THERAPISTS LIST FOR RATIFICATION

1. Foster, Eric Ryon	RT	12486
2. Perry, Jennifer May	RT	12487
3. Antoine, Mikline Simeon	RT	12488
4. Christian, Tina M	RT	12489
5. Kim, Younjea	RT	12490
6. Lethig, Terri Jo	RT	12491
7. Aksoy, Maewinsor Pesoa	RT	12492
8. Brush, Robert Edmond Iii	RT	12493
9. Orwig, Michelle Lee	RT	12494
10. Hayward, Robert John	RT	12495
11. Romain-Cypriann, Kwame Gamal	RT	12496
12. Nakaye, Irene	RT	12497
13. Oliver, Ashley Page	RT	12498
14. Griffin, Michael Patrick	RT	12499
15. Jenkins, James F	RT	12500
16. Letang, Joan	RT	12501
17. Seaman, Scott Anthony	RT	12502
18. Florian, Byron Faruk	RT	12503
19. Debuzna, Krista Paulette	RT	12504
20. Hart, John Bindley	RT	12505
21. Illionet, Mitsu G	RT	12506
22. Mangano, Tam	RT	12507
23. Keene, Joel Jay	RT	12508
24. Sorrell, Matthew Drenan	RT	12509
25. Wied, James	RT	12510
26. Leckler, Lisa Monette	RT	12511
27. Mendoza, Diana A	RT	12512
28. Weathers, William	RT	12513
29. Mathison, Paul	RT	12514
30. Crisafulli, Ricci Alfred Jr	RT	12515
31. Fitzgerald, Frances Ellen	RT	12516
32. Joseph, Lovelie	RT	12517
33. Egea, Yoel	RT	12518
34. Bryant, India	RT	12519
35. Carbone, Natividad	RT	12520
36. Sanfilippo, Patricia Nicole	RT	12521
37. Lemaire, Nedger	RT	12522
38. Voltaire, Haddy	RT	12523
39. Frewaldt, Erick Lynn	RT	12524
40. Chiang, Tony Steven	RT	12525
41. Cupernall, Christopher Ernest	RT	12526
42. Plummer, Roger T	RT	12527
43. Carter, Conni Sue	RT	12528
44. Graupman, Sarah	RT	12529
45. Diaz, Daniel David	RT	12530
46. Allendorf, Hannah Mary	RT	12531
47. Baudin, Craig-Randall Joseph	RT	12532

48. Altidor, Elsie	RT	12533
49. Thomas, Nicole	RT	12534
50. Moye, Cynthia Lynn	RT	12535
51. Augustin, Fritzlande	RT	12536
52. Bickrest, Han Daniel	RT	12537
53. Dominguez, Rosemary	RT	12538
54. Menendez Ripoll, Alexander	RT	12539
55. Philippe, Augustin	RT	12540
56. Kendrick, Dakon Mckenzie	RT	12541
57. Haldeman, Susan C	RT	12542
58. Waddell, Kendall Lynn	RT	12543
59. Dow, Kaylee A	RT	12544
60. Jany, Sarah Elizabeth	RT	12545
61. Green, Shanterrian Angelique	RT	12546
62. Klein, Kathryn Elizabeth	RT	12547
63. Carson, David Wayne	RT	12548
64. Dorestin, Sidor	RT	12549
65. Baylon, Frank	RT	12550
66. Hoefler, Weston James	RT	12551
67. Aristide, Marie Nicard	RT	12552
68. Garcia, Gemalli Zaddiel	RT	12553
69. St Germain, Esther	RT	12554
70. Stevens, Jimmy Fils	RT	12555
71. Rodriguez, Yenny Josefina	RT	12556
72. Mitchell, Samantha Diane	RT	12557
73. Crews-Westmoreland, Jennifer S.	RT	12558
74. Marini, Juniper	RT	12559
75. Kline, Katrina Nicole	RT	12560
76. Marchute, Stephen William	RT	12561
77. Henry, Nicole L	RT	12562
78. Odem, Ludmila	RT	12563
79. Osborne, Andy Vo	RT	12564
80. Clark, Brandon Ronald	RT	12565
81. Kraft, Cassandra Lynn	RT	12566
82. Okerson, Robert Neal	RT	12567
83. Gaspard, Carole	RT	12568
84. Cross, Mechelle Antoniette	RT	12569
85. Kendrick, Stephanie J	RT	12570
86. Saur, Gary William	RT	12571
87. Durant, Derek	RT	12572
88. Bilbrey, Curtis Lee	RT	12573
89. Langford, John Everhart	RT	12574
90. Green, Cherise Tamara	RT	12575
91. Williams, Alicia Ann	RT	12576
92. Brown, Debra Lisinski	RT	12577
93. Rode, Marietta	RT	12578
94. Budulycz, Steven Judson	RT	12579
95. Robert, Pamela	RT	12580
96. Jean, Guerlande	RT	12581
97. Ott, Traci Lynn	RT	12582
98. Maceyak, Colleen Mary	RT	12583

99.	Kaushal, Arun	RT	12584
100.	Selenich, Mark Andrew	RT	12585
101.	Fry, Regina N	RT	12586
102.	Mamangun, Christian Giles L.	RT	12587
103.	Jean, Shanna Tamika	RT	12588
104.	Grayson, William Frank Jr	RT	12589
105.	Solis, Wanda I	RT	12590
106.	Arrendale, Jeffery Scott	RT	12591
107.	Penn, Cheryl A	RT	12592
108.	Ortiz, Monica Rae	RT	12593
109.	Johnston, Leamon Alexander	RT	12594
110.	Moreno, Juan Miguel	RT	12595
111.	Daniels, Devon A	RT	12596
112.	Bell, Holly Ann	RT	12597
113.	Tubbs, Brittany Renea	RT	12598
114.	Hayden, Ronnie Joe	RT	12599
115.	Barrier, Amber Gamble	RT	12600
116.	Deckman, James	RT	12601
117.	Cutcher, Dabney Melinda	RT	12602
118.	Fursetzer, Gladys Consuelo	RT	12603
119.	Steed, William Edward	RT	12604
120.	Puttaswamy, Swamy	RT	12605
121.	Ward, Peggy Sue	RT	12606
122.	Pierre, Mahana	RT	12607
123.	Diaz De Villegas, Adrian	RT	12608
124.	Clements, Sheli Ann	RT	12609
125.	Stonecypher, Michael Anthony	RT	12610
126.	Jones, Melissa Ann	RT	12611
127.	Tomlinson, Tshia Marie	RT	12612
128.	Bailey, Barbara Angella	RT	12613
129.	Adamo, Vincent	RT	12614
130.	Ross, Elizabeth Ann	RT	12615
131.	Essien, Araba Tekyiwa	RT	12616
132.	Farrow, Mark	RT	12617
133.	Krawczynski, Ronald Edward	RT	12618
134.	Scott, Ramone Christopher	RT	12619
135.	Maddrey, Melissa Davis	RT	12620
136.	Birch, Eric Roy	RT	12621

**CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

1. L. M. Services 50-15210