

The Florida
Board of Respiratory Care

Minutes

April 11, 2014

TELEPHONE CONFERENCE CALL

Dial-In Number: 1-888-670-3525

Conference Code: 6808029433



Joy Nunez, CRT
Chair

Bayyinah Sherrod, RRT
Vice Chair

**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
TELEPHONE CONFERENCE CALL**

April 11, 2014

Minutes

Dial-In Number: 1-888-670-3525

Conference Code: 6808029433

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.

April 11, 2014 – 8:30 a.m. EST

The minutes reflect the actual sequence of events rather than the original agenda order.

Call the Meeting to Order and Roll Call:

Morfia (Joy) Nunez, Chair, called the general business meeting to order at approximately 8:30 a.m. Those present for the meeting, included the following:

Members Present

Joy Nunez, CRT, Chair
Bayyinah Sherrod, RRT, Vice Chair
Peter Hendriksen, RRT
Dick Fields, RRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator
Barbara Baker, Regulation Specialist
Sandra Washington, Regulation Specialist

Consumer Member

Shawnta Friday-Stroud, Ph.D.

Board Counsel

Douglas Dolan, Board Counsel
Office of the Attorney General

Excused Absent Member

Michele Grassi

Court Reporter

For the Record
Jeff Badcock
(850) 222-5491

ADMINISTRATIVE PROCEEDINGS

REQUESTING MODIFICATION OF FINAL ORDER

TAB 1 Cathleen Ann Plows, TT11564

Ms. Plows was not on the call nor represented by Counsel.

She is requesting an extension or payment plan to pay fines and costs of her Final Order, DOH Case# 2007-21489 dated July 31, 2009. The Final Order imposed a fine of \$2,500.00 and costs

of \$2958.59 due July 30, 2013. To this date, Ms. Plows has not made any payment toward the fine or costs.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Ms. Plows' request for modification of Final Order. The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION: After discussion, Ms. Sherrod made a motion that the Order is modified by extending the deadline of completion to 36 months from the date of the Order. The motion was seconded by Dr. Friday-Stroud and carried 5/0.

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

TAB 2 Bernard Williams, Registered Respiratory Therapist

Mr. Williams was present on the call and sworn in by the court reporter.

He was asked to participate on the conference call due to the "yes" answer in the criminal history section of his application.

MOTION: After discussion, Ms. Sherrod made a motion to grant licensure with no conditions. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 3 Daniel D. Small II, Registered Respiratory Therapist

Mr. Small was present on the call and sworn in by the court reporter.

He was asked to participate on the conference call due to the "yes" answers in the criminal and discipline history sections of his application.

MOTION: After discussion, Ms. Sherrod made a motion to grant Mr. Small's licensure contingent upon the following conditions:

- The applicant shall undergo an evaluation coordinated by the Professionals Resource Network (PRN) within 90 days of the filing of the Order and comply with any and all terms or conditions imposed by PRN as a result of said evaluation, in any. If PRN advocates that the applicant is safe to practice respiratory care, license will be granted.
- If applicant fails to comply, licensure shall be denied.

The motion was seconded by Mr. Fields and carried 5/0.

TAB 4 Patrick Bonnar, Jr., Registered Respiratory Therapist

Mr. Bonnar, Jr. was present on the call and sworn in by the court reporter.

He was asked to participate on the conference call due to the "yes" answer in the discipline history section of his application.

MOTION: After discussion, Mr. Fields made a motion to grant licensure with no conditions. The motion was seconded by Dr. Friday-Stroud and carried 4/1. Ms. Sherrod opposed.

TAB 5 Melissa Orosz, Registered Respiratory Therapist

Ms. Orosz was present on the call and sworn in by the court reporter.

She was asked to participate on the conference call due to the “yes” answers in the criminal and discipline history sections of her application.

MOTION: After discussion, Mr. Fields made a motion to grant Ms. Orosz licensure contingent upon the following conditions:

- The applicant shall undergo an evaluation coordinated by the Professionals Resource Network (PRN) within 60 days of the filing of the Order and comply with any and all terms or conditions imposed by PRN as a result of said evaluation, in any. If PRN advocates that the applicant is safe to practice respiratory care, license will be granted.
- If applicant fails to comply, licensure shall be denied.

The motion was seconded by Ms. Nunez and carried 5/0.

APPLICANT RATIFICATION LISTS

TAB 6 Certified Respiratory Therapists

MOTION: Ms. Nunez made a motion to ratify the list of 30 names (Exhibit A), beginning with Susan D. Martini and ending with Melody Suzanne for CRT licensure by endorsement. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 7 Registered Respiratory Therapists

MOTION: Ms. Nunez made a motion to ratify the list of 119 names (Exhibit B), beginning with Kenneth Maxwell Jordon and ending with Scott Moes for CRT licensure by endorsement. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 8 Continuing Education Providers

MOTION: Ms. Sherrod made a motion to ratify the three names (Exhibit C), Institute for Natural Resources, North Shore Medical Center and UTB Productions for providership. The motion was seconded by Ms. Fields and carried 5/0.

TAB 9 Exemption For Disqualification From Employment

The names listed for ratification for exemptions for disqualification from employment has been reviewed and deemed eligible for exemption according to the guidelines set forth by the Board, allowing staff the authority to approve the list administratively.

MOTION: Ms. Nunez made a motion to ratify the three names (Exhibit D), Larry James Vashon, Jr., Maureen Fenn Cottrell and William Royce Harrison for exemption from disqualification. The motion was seconded by Ms. Sherrod and carried 5/0.

PETITION FOR DECLARATORY STATEMENT

TAB 10 Michael Maranto, RT 4113

- Petition for Declaratory Statement of Sections 468.365(1) and 456.072(1), Florida Statutes, and Rule 64B32-5.001(1), Florida Administrative Code.

Mr. Maranto and Vanessa Reynolds, Esquire, were present on the call.

Mr. Maranto filed a petition for declaratory statement of sections 468.365(1) and 456.072(1), Florida Statutes, and rule 64B32-5.001(1), Florida Administrative Code. He is seeking clarification regarding the performance of apnea testing to certify brain death in relation to his obligations under the Respiratory Care Act; specifically, whether apnea testing falls within the scope of practice for a respiratory therapist.

After discussion, the Board allowed the petitioner to withdraw the declaratory statement at this time, due to the petition not being legally sufficient for the action inquired, specifically the petition does not cite the correct statute. Attorney Reynolds will file a new petition for Mr. Maranto at a later date.

RULES DISCUSSION

TAB 11 Determination of Rule Impact

Mr. Dolan gave an overview of the new process of determining rule impact.

Determination of Rule Impact is language used routinely in certain rulemaking notices that are published in the Florida Administrative Register.

“The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.”

The SERC checklist will allow more board member discussion on the impact of the rules at the board meeting.

TAB 12 Assistant Attorney General, Douglas Dolan

- Rules Status Report

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

Rules in Process: 64B32-5.006 Meditation
 64B32-5.007 Citation
 64B32-5.008 Notice of Noncompliance
 64B32-6.001 Continuing Education Requirement

Rule Adopted: 64B32-1.011 Public Comments:
 Notice Published - 01/28/14
 Adopted - 03/20/14
 Effective - 04/09/14

REPORTS

TAB 13 Board Chair, Morfia (Joy) Nunez

No report. Ms. Nunez thanked everyone for the support and participation to make the call run smoothly.

TAB 14 Executive Director, Allen Hall

- Expenditures by Function
- Cash Balance Report

No action taken.

OLD BUSINESS

TAB 15 Board of Respiratory Care Minutes

- January 10, 2014 General Business Meeting

Motion: After Discussion, Ms. Sherrod made a motion to approve the January 10, 2014 minutes as presented. The motion was seconded by Ms. Fields and carried 5/0.

NEW BUSINESS

TAB 16 Letter from the Canadian Society of Respiratory Therapists

The purpose of this letter is to request recognition of the Canadian RRT Credential by the Florida Board of Respiratory Care thereby allowing respiratory therapists, who have been educated, trained and practiced in Canada, access to a license in the state of Florida.

Mr. Hall gave a brief summary of general information received from National Board of Respiratory Care. The Board further discussion the inquiry for the Canadian Society of Respiratory Therapists. The Board took no action.

TAB 17 Respiratory Legislative Updates

Mr. Hall gave a brief overview of current legislation.

TAB 18 Continuing Education Requirements

During the review of the continuing education requirements and preparing for the mandatory reporting cycle, staff asked the following questions of the board:

- Is it the Board's intention to require the Laws and Rules course for the first renewal for licensees licensed in the second half of the biennium?

The Board's intent is yes and language will need to be clarified in rule.

- Are licensees restricted to only two hours of Laws and Rules?

The Board's intent is yes and language will need to be clarified in rule.

- Are licensees allowed credit for the same course taken twice on different dates within the same biennium?

The Board agreed that credit should not be allowed for the same course taken more than once. Language will need to be clarified in rule.

- Are the excess hours of HIV/AIDS considered non-direct or direct hours?

Excess hours are considered direct and the Board's intent is to make the excess hours received for HIV/AIDS language consistent with the other mandatory hours.

- Can attendance at a respiratory care board meeting hours earned count towards the two hours of Florida Laws and Rules?

The intent of the Board's is yes and language will need to be clarified in rule.

Motion: After discussion, Ms. Nunez made a motion to accept the proposed items for clarification and direct counsel to open rules 64B32-6.001 and 64B32-6.006, F.A.C for development.

TAB 19 2014 PCP Schedule

Due to the recent board member appointments, the board must appoint a new current board member to serve on the probable cause panel (PCP) for the following dates:

August 19, 2014

October 14, 2014

December 9, 2014

Mr. Fields volunteered to continue serving as the current board member for the PCP.

OTHER BUSINESS AND INFORMATION

TAB 20 Staff Recognition Correspondences

Being no further business, the meeting adjourned at 10:15 a.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Martini, Susan D	TT	15704
2. Carrillo, Joanna	TT	15705
3. Hebert, Jay Timothy	TT	15706
4. Myrthil, Michaelson F	TT	15707
5. Saint Jean, Esther	TT	15708
6. Jackson, Annie Catherine	TT	15709
7. Amoakohene, Ama Bempomaa	TT	15713
8. Thompson, Shawn Lee	TT	15714
9. Soyferman, Yuri	TT	15715
10. Nash, Barry Lynn	TT	15716
11. Garrett, Charlene	TT	15717
12. Hansen, Carrie Lynn	TT	15718
13. Cubeta, Tyler Joseph	TT	15719
14. Jones, Tandra Chiquita	TT	15720
15. Buono, Bruce Charles	TT	15721
16. Clayton, Sandra Jean	TT	15722
17. Joseph, Gerald P	TT	15723
18. Crabtree, April Dawn	TT	15724
19. Brown, Alicia Raedean	TT	15725
20. Hall, Kimberly	TT	15726
21. Muhammad, Khadijah Sharima	TT	15727
22. Evans, Suzan Lee	TT	15728
23. Nichols, Dixie Marie	TT	15729
24. Centi, Sharif M	TT	15730
25. Concite, Frantz	TT	15731
26. Gundry, David Scott	TT	15732
27. Jones, Suzanne Marie	TT	15733
28. Ortega, Harold Gamboa	TT	15734
29. Hensley, Sheri Kay	TT	15735
30. Mathews, Melody Suzanne	TT	15736

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Jordon, Kenneth Maxwell	RT	13227
2. Springfield, Cecil Lomax Iii	RT	13228
3. Kotter, Debra Linda	RT	13229
4. Gamblin, Tamra Dawn	RT	13230
5. Jones, Reche Danielle	RT	13231
6. Legranvil, Beatrice	RT	13232
7. Turney, Bradley Wayne	RT	13233
8. Moylan, Meghan Mary-Ellen	RT	13234
9. Etienne, Marguerite	RT	13235
10. Whitney, George Enrite	RT	13236
11. Valdes, Belkis	RT	13237
12. Joseph, Varun Chacko	RT	13238
13. Cabrera, Evelyn	RT	13239
14. Smith, Belinda Lee Alane	RT	13240
15. Burns, Peter Conway	RT	13241
16. Fleming, Jessica Lucia	RT	13242
17. Cedon, Robby	RT	13243
18. Corzo, Neilys	RT	13244
19. Rogers, Meegan Rue	RT	13245
20. Keo, Vansarata	RT	13246
21. Sorrell, David A	RT	13247
22. St George, Jan M	RT	13248
23. Battisti, Eileen Mary	RT	13249
24. Gutierrez, Mary Elizabeth	RT	13250
25. Ramirez, Krisia D	RT	13251
26. Rowe, Christy Yolanda	RT	13252
27. Tami, Luz	RT	13253
28. Tucker, Elizabeth Danielle	RT	13257
29. Farr, Judy B	RT	13258
30. Sopel, Susan Cecelia	RT	13259
31. Yermachenkov, Paul Yevgenivich	RT	13260
32. Graber, Julie Ann	RT	13261
33. Proud, Robert J	RT	13262
34. Espinosa, Melba Patricia	RT	13263
35. George, Clorien	RT	13264
36. Garcia, Mark Phillip	RT	13265
37. Hilaire, Bob Garry	RT	13266
38. Haun, Michael Grant	RT	13267
39. Robertson, David Blake	RT	13268
40. Brtan, Slobodanka Bobana	RT	13269
41. Bennett, Christopher	RT	13270
42. Ashlock, Gary	RT	13271
43. Mrwebi-Redley, Siphokazi	RT	13272
44. Dixon, Donat C	RT	13273

45. Graham, Ellen	RT	13274
46. Paruolo, Sharmaine	RT	13275
47. Weinzapfel, Emily E	RT	13276
48. Sullivan, Dawn Clair	RT	13277
49. Klehn, Daneen Renee	RT	13278
50. Patten, James Victor	RT	13279
51. Zhang, Wei	RT	13280
52. Maderski, Jaimy Merryl	RT	13281
53. Morales, Heidy	RT	13282
54. Mangas, Patrick J	RT	13283
55. Forster, Elizabeth Anne	RT	13284
56. Grebenstein, Teresa Joanne	RT	13285
57. Triolo, Richard Anthony	RT	13286
58. Jimenez, Iris Nefretery	RT	13287
59. Wilson, Mellize Lyne	RT	13288
60. King, Jessica Louise	RT	13289
61. Waller, Stephanie Nicole	RT	13290
62. Burdick, Frank Jay	RT	13291
63. Sheppard, Dolores Desiree	RT	13292
64. St George, Jan M	RT	13293
65. Williams, Michael D	RT	13294
66. Abraham, Merin Mary	RT	13295
67. Carroza, Emilia Ines	RT	13296
68. Tucker, Michelle Suzanne	RT	13297
69. Westbury, Rosemarie Christine	RT	13298
70. Lemay-Andrews, Suzanne Nicole	RT	13299
71. Bradley, Ed	RT	13300
72. Joseph, Eyob	RT	13301
73. Steele, Rita Rrt	RT	13302
74. Powell, Trevor Bradley	RT	13303
75. Tiongson, Erwin Francis R	RT	13304
76. Beagle, Coleen Joyce	RT	13305
77. Sylvester, Chelsea Lynne	RT	13306
78. Singleton, Caroline	RT	13307
79. Price, Donald Christopher	RT	13308
80. Jegede, Prince Adams	RT	13309
81. Murphy, Raymond John	RT	13310
82. Vela, Oziel Ivan	RT	13311
83. Cheristin, Claudette C	RT	13312
84. Craft, Jaime Elizabeth	RT	13313
85. Natrass, James R	RT	13314
86. Pruneda, Amaro	RT	13315
87. Dowd, Donald Raymond	RT	13316
88. Carter, Merri Kathleen	RT	13317
89. Spain, Lisa Anne	RT	13318
90. Llanes, Miguel Angel	RT	13319
91. Ganpat, Farzana Melanie	RT	13320
92. Webb, Andrew Wayne Jr	RT	13321
93. Gonzalez, John Mario	RT	13322

94. Noel, Jodel	RT	13323
95. Jules, Marc L	RT	13324
96. Killian, Sophia Houston	RT	13325
97. Colley, Katherine Ly	RT	13326
98. Bertin, Lisa Ann	RT	13327
99. Silverman, Mathew Tom	RT	13328
100. Hayford, Mishia Karin	RT	13329
101. Hutchinson, Harry	RT	13330
102. Stalker, Jeffrey Philip	RT	13331
103. Lazarre, Vladimir	RT	13332
104. Reeber, Terri-Lynne	RT	13333
105. Gonzalez, Elisa	RT	13334
106. Wheeler, Richard Sparks Jr	RT	13335
107. Hendrickson, Jaleesa Ann	RT	13336
108. Wynn, Morgan Cherelle	RT	13337
109. Highland, Scott Ramon	RT	13338
110. Smith, Dawn Christine	RT	13339
111. Phaltas, Rozaleen	RT	13340
112. Burgess, Kristine Anne	RT	13341
113. Flores, Steven Michael	RT	13342
114. Hansen, Carrie L	RT	13343
115. Shellenbarger-Vandyke, Tracy	RT	13344
116. Gundry, Jamie	RT	13345
117. Boyer, Jack Steven	RT	13346
118. Akers, Jennifer Michelle	RT	13347
119. Moes, Scott	RT	13348

**CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

- | | |
|------------------------------------|----------|
| 1. Institute For Natural Resources | 50-3026 |
| 2. North Shore Medical Center | 50-16205 |
| 3. UTB Productions | 50-13384 |

**EXEMPTIONS FOR DISQUALIFICATION FROM EMPLOYMENT
FOR RATIFICATION**

- | | |
|----------------------------|--------|
| 1. Larry James Vashon, Jr. | TT3864 |
| 2. Maureen Fenn Cottrell | TT6681 |
| 3. William Royce Harrison | RT4249 |