

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
April 13, 2012
MINUTES**

**Wyndham Jacksonville Riverwalk
1515 Prudential Dr.
Jacksonville, FL 32207
(904) 396-5100**

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
Dick Fields, RRT
Kevin Barrett, CRT
Peter Hendriksen, RRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator

Board Counsel

David Flynn, Board Counsel
Office of the Attorney General

Consumer Member

Shawnta Friday-Stroud, Ph.D., Vice Chair

Prosecuting Attorney

Cecilie Sykes, DOH,
Assistant General Counsel

Court Reporter:

Hedquist & Associates Reporters, Inc.
Deanne M. Moore, RMR, CRR
345 E Forsyth Street
Jacksonville, Florida 32202
(904) 354-4111
mooreservices@yahoo.com

Ms. Debra Troupe was present on behalf of the Professionals Resource Network, Inc. (PRN).

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.

Mr. Flynn provided the Board an explanation of how the prosecution costs are now imposed.

DISCIPLINARY PROCEEDINGS

Due to participation in the Probable Cause Panel, Ms. Sherrod is recused from Tabs 1 through 5, Dr. Friday-Stroud was directed to chair said Tabs. Mr. Fields was recused from Tab 6.

MOTION FOR BOARD'S FINAL ORDER AFTER HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

TAB 1 Darrell L. Clark, DOH Case No: 2011-11408
Informal Hearing, (PCP Members – Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 468.365(1)(l), Florida Statutes (2010) by violating a lawful order of the Board or Department previously entered in a disciplinary hearing.

The case was presented as a Hearing Not Involving Disputed Issues of Material Fact, which requires the Board to impose whatever discipline upon the Respondent's license that the Board deems appropriated and to assess costs of the investigation.

MOTION: Mr. Hendriksen made a motion to accept the investigative report into evidence for the purpose of imposing penalties. The motion was seconded by Mr. Barrett and carried 5/0.

MOTION: Mr. Hendriksen made a motion to make a finding that the Respondent was properly served and has requested an informal hearing. The motion was seconded by Mr. Barrett and carried 5/0.

MOTION: Mr. Hendriksen made a motion to adopt the findings of fact as set forth in the Administrative Complaint. The motion was seconded by Mr. Barrett and carried 5/0.

MOTION: Mr. Hendriksen made a motion to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the Respiratory Care Practice Act. The motion was seconded by Mr. Barrett and carried 5/0.

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

- Reprimand
- \$300.00 fine to be paid within one (1) year of the filing of the Final Order
- Costs of investigation to be paid within one (1) year of the filing of the Final Order
- Respondent's license shall be suspended until compliant with all fines and costs in pervious Final Order of case number 2005-51223. Respondent shall in no way participate in the delivery of respiratory care services during suspension.

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

MOTION: Dr. Friday-Stroud made a motion to assess the costs of \$126.76 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Mr. Hendriksen and carried 4/1. Mr. Barrett opposed.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

TAB 2 Aaron Dean Bishop, CRT, DOH Case No: 2010-00384
Settlement Agreement, (PCP Members – Sherrod, Nunez)

Respondent was present and sworn in by the court reporter.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 468.365 (1)(v), Florida Statutes (2008, 2009), by performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other care provider, or the board, except as provided in ss. 743.064, 766.13, and 768.13. **Count 2)** Section 468.365 (1)(t) Florida Statutes (2008, 2009), by failing to keep written respiratory care records justifying the reason for the action taken by the licensee. **Count 3)** Section 456.072(1)(o), Florida Statutes (2008, 2009), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Appearance before the Board
- Reprimand
- \$150.00 fine to be paid within three (3) years of the filing of the Final Order
- Costs of \$1,743.30 to be paid within three (3) years of the filing of the Final Order

MOTION: Mr. Barrett made a motion to accept the Settlement Agreement. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 3 Cathleen Ann Plows, CRT, DOH Case No: 2010-00379
Settlement Agreement, (PCP Members – Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 468.365 (1)(v), Florida Statutes (2008, 2009), by performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other care provider, or the board, except as provided in ss. 743.064, 766.13, and 768.13. **Count 2)** Section 468.365 (1)(t) Florida Statutes (2008, 2009), by failing to keep written respiratory care records justifying the reason for the action taken by the licensee. **Count 3)** Section 456.072(1)(o), Florida Statutes (2008, 2009), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Appearance before the board
- Reprimand
- \$150.00 fine to be paid within one (1) year of the filing of the Final Order
- Costs of \$1,596.10 to be paid within one (1) year of the filing of the Final Order

The board waived Ms. Plows' appearance and proceeded with the case.

MOTION: Mr. Hendriksen made a motion to accept the Settlement Agreement. The motion was seconded by Mr. Barrett and carried 5/0.

TAB 4 Shane Junkins, RRT, DOH Case No: 2011-04281

Settlement Agreement, (PCP Members – Sherrod, Nunez)

Respondent was present and sworn in by the court reporter.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 468.365 (1)(x), Florida Statutes (2007), through a violation of Section 456.072 (1)(f), Florida Statutes (2007) by having a license or the authority to practice any regulated profession disciplined by the licensing authority of another jurisdiction.

The case was presented as a Settlement Agreement that would impose the following penalties:

- \$1,000.00 fine to be paid within one (1) year of the filing of the Final Order
- Costs of \$806.92 to be paid within one (1) year of the filing of the Final Order
- Respondent shall undergo an evaluation by the Professional Resource Network (PRN) or by a Board approved evaluator and follow all recommendations.
- Probation for a period of six months under the following terms set by the Board:
 - Respondent must work in a setting under direct supervision and only as an employee of a health care facility or another respiratory care practitioner.
 - Respondent shall submit written report of each current employer, whether employed as a respiratory therapist or not, every three (3) months.
 - All current and future settings in which the Respondent practices respiratory care shall be promptly informed of the respondent's probationary status.
 - Reports must describe the Respondent's work assignment, workload, level of performance shall constitute a violation of this probation.
- Term of probation shall begin on the date that the Final Order is issued.
- The Department requires the Respondent contact PRN within 30 days, schedule an evaluation within 60 days, and comply with recommendations, if any, within 120 days.

MOTION: Mr. Barrett made a motion to accept the Settlement Agreement. The motion was seconded by Mr. Hendriksen and carried 5/0.

Mr. Junkins agreed to the Department's additional term listed in the Settlement Agreement establishing a specific timeframe to contact PRN.

MOTION: Mr. Barrett made a motion to accept the terms outlined in the Settlement Agreement as the terms of probation. The motion was seconded by Mr. Hendriksen and carried 5/0.

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 5 Abel Rojas, CRT, DOH Case No: 2011-03195
Informal Waiver/Default, (PCP Members –Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 486.365 (1)(a), Florida Statutes (2007), by obtaining a license by fraudulent misrepresentation.

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

MOTION: Mr. Hendriksen 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 5/0.

MOTION: Mr. Hendriksen 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. Killion and carried 5/0.

MOTION: Mr. Hendriksen 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. Killion and carried 5/0.

MOTION: After discussion, Mr. Barrett made a motion to revoke Mr. Rojas' license. The motion was seconded by Mr. Fields and carried 5/0.

MOTION: Mr. Fields made a motion to assess the costs of \$1,379.99 to be paid within 90 days of the filing of the Final Order. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 6 **Shelia Kaye Mikusak, RRT, DOH Case No: 2011-01240**
 Informal Waiver/Default, (PCP Members -Fields, Weiss)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072 (1)(q), Florida Statutes (2010), by violating a lawful order of the department or the board.

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

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. Hendriksen and carried 5/0.

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. Hendriksen and carried 5/0.

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. Hendriksen and carried 5/0.

MOTION: After discussion, Ms. Sherrod made a motion to impose the following penalties:

- Respondent has 30 days to return a signed Voluntary Relinquishment form and relinquish her license
- If a Voluntary Relinquishment form is not returned, a Final Order will be issued ordering the license be suspended until Respondent complies with the terms of Final Order in Case

Number 2010-06798. Respondent shall in no way participate in the delivery of respiratory care services during suspension.

- Costs of \$544.25 to be paid within 90 days of the filing of the Final Order, if a signed Voluntary Relinquishment form is not returned.

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

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

TAB 7 Joan Marckioli, CRT, DOH Case No: 2011-20398
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Respondent was charged with the following violations: Section 468.365 (2), Florida Statutes, Section 468.365 (1)(x), Florida Statutes and Rule 64B32-6.001, Florida Administrative Code(FAC), by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, by violating Rule 64B32-6.001(2), F.A.C, states that each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education.

MOTION: After discussion, Ms. Sherod made a motion to accept the voluntary relinquishment. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 8 Richard Preato, RRT, DOH Case No: 2011-19369
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Respondent was charged with the following violations: Section 468.365 (2), Florida Statutes, Section 468.365 (1)(x), Florida Statutes and Rule 64B32-6.001, Florida Administrative Code(FAC), by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, by violating Rule 64B32-6.001(2), F.A.C, states that each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education.

TAB 9 William Ray Kleinhenz, RRT, DOH Case No: 2011-19361
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Respondent was charged with the following violations: Section 468.365 (2), Florida Statutes, Section 468.365 (1)(x), Florida Statutes and Rule 64B32-6.001, Florida Administrative Code(FAC), by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, by violating Rule 64B32-6.001(2), F.A.C, states that each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education.

TAB 10 Michael Kent Dreibelbis, CRT, DOH Case No: 2011-19647
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Respondent was charged with the following violations: **Count 1)** Section 456.072 (1)(m), Florida Statutes (2004) by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. **Count 2)** Section 468.365 (1)(w) Florida Statutes (2004), by being unable to deliver respiratory care services with reason skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. **Count 3)** Section 456.072(1)(r), Florida Statutes (2004), provides that making deceptive, untrue, or fraudulent representations in delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory car services. **Count 4)** Section 456.365(1)(m), Florida Statutes (2004), provides that accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

TAB 11 Lori Joseph Fresh, CRT, DOH Case No: 2011-12941
Voluntary Relinquishment, (PCP -Waived)

Respondent was not present nor represented by Counsel.

Respondent was charged with the following violations: **Count 1)** Section 468.365 (1)(x), Florida Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto. **Count 2)** Section 456.072 (1)(hh), Florida Statutes (2008), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s.456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

MOTION: After discussion, Ms. Sherrod made a motion to accept the voluntary relinquishments for the following cases:

- TAB 8 Richard Preato, RRT, DOH Case No: 2011-19369**
- TAB 9 William Ray Kleinhenz, RRT, DOH Case No: 2011-19361**
- TAB 10 Michael Kent Dreibelbis, CRT, DOH Case No: 2011-19647**
- TAB 11 Lori Joseph Fresh, CRT, DOH Case No: 2011-12941**

The motion was seconded by Mr. Fields and carried 6/0.

PROSECUTOR'S REPORT

TAB 13 Prosecuting Attorney – Cecilie Sykes

- PSU Respiratory Care Inventory

PSU Inventory = 42

Pre-Probable Cause Complaints

Under Legal Review	0
Agendaed for April 2012 PCP	12
Agendaed for June 2012 PCP	5

Expert Review	2
PC Waived/VR Received	1
Priority One Cases (EAU)	8

Subtotal	28
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Post-PCP Complaints

Presented at Current Board	12
Awaiting Proper Service/diligent search	2
Awaiting Reconsideration at next PCP	0
Possible Consideration for DOAH	0
Post Board-Counter-offer	0

Subtotal	14
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Total Cases	42
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Total Number of Cases Older Than One Year:

2010: 2 Both cases are on the present board agenda.

Total: 2

ADMINISTRATIVE PROCEEDINGS

REQUEST TO MODIFY CONDITIONAL LICENSE

TAB 13 Kenneth Paquet, RT10450

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

He is requesting a modification of his Notice to Approve with Conditions. Mr. Paquet appeared before the board October 9, 2009 due to affirmative answers in the criminal and disciplinary history sections of his application. The board approved his license contingent upon:

- Paying the \$1,000.00 fine ordered in case number 92-05763- Completed
- Completion of a PRN evaluation and compliance with their recommendations- Completed

Mr. Paquet was issued a conditional license and required to complete 640 hours of continuing education within three years of his Order, dated November 10, 2009. He gained employment in May 2010 and began volunteering at his place of employment November 2010. To this date, Mr. Paquet has completed 179 volunteer hours.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Ms. Paquet's request for modification by reducing the amount of hours to 300 due by November 2012. The volunteer hours can be expanded to the medical field as opposed to only respiratory. The motion was seconded by Ms. Sherrod and carried 6/0.

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

TAB 14 Stanley Eugene Holland, Certified Respiratory Therapist

Mr. Holland was not present nor represented by Counsel.

He was requested to appear before the board due to the “yes” answers in the disciplinary history section of his application.

The Board tabled Mr. Holland’s application and an “Order Requiring Appearance” was issued January 26, 2012. The Board of Respiratory Care voted to require Mr. Holland make a personal appearance at it’s next regularly scheduled meeting on April 13, 2012 or the application for licensure would be denied, pursuant to Section 456.013(3)(c), Florida Statutes.

MOTION: After discussion, Ms. Sherrod made a motion to deny Mr. Holland’s licensure due to his 2nd non-appearance. The motion was seconded by Mr. Barrett and carried 6/0.

TAB 15 Laura Anne Buck, Certified Respiratory Therapist

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

She was requested to appear before the board due to the “yes” answer in the criminal and personal history sections of her application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Mr. Hendriksen and carried 6/0.

TAB 16 Derrick Shawn Yates, Certified Respiratory Therapist

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

He was requested to appear before the board due to the “yes” answers in the criminal history section of his application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Mr. Hendriksen and carried 6/0.

TAB 17 Walter Edward Dreeland, Registered Respiratory Therapist

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

Debra Troupe, representative from PRN, answered questions from the Board.

He was requested to appear before the board due to the “yes” answers in the criminal and disciplinary history sections of his application.

MOTION: After discussion, Ms. Sherrod made a motion to grant licensure with the following conditions:

- Contact PRN within 30 days of the Final Order date
- Complete a PRN evaluation within 60 days the Final Order date
- Comply with PRN recommendations, if necessary, within 120 days of the Final Order date

The motion was seconded by Mr. Barrett and carried 5/1. Mr. Fields opposed.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

TAB 18 Tiffany L. Phillips, TT6777

Ms. Phillips was not present nor represented by Counsel.

She has submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Ms. Phillips has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Ms. Sherrod made a motion to grant Ms. Phillip's request for an Employment Exemption. The motion was seconded by Mr. Hendriksen and carried 6/0.

TAB 31 Cynthia Lori Battle, TT10804

Ms. Battle was not present nor represented by Counsel.

She has submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. She has a Clear/Active Florida license with disciplinary history.

MOTION: After discussion, Mr. Hendriksen made a motion to grant Ms. Battle's request for an Employment Exemption. The motion was seconded by Ms. Sherrod and carried 6/0.

TAB 32 Karey L. Anderson, TT6920

Ms. Anderson was not present nor represented by Counsel.

He has submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Mr. Anderson has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Ms. Sherrod made a motion to grant Mr. Anderson's request for an Employment Exemption. The motion was seconded by Mr. Hendriksen and carried 6/0.

APPLICANT RATIFICATION LISTS

TAB 19 Ratification of Certified Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 63 names (Exhibit A), beginning with Melissa Mae Brooks and ending with Letisha Andrea Wilson for CRT licensure by endorsement. The motion was seconded by Mr. Barrett and carried 6/0.

TAB 20 Ratification of Registered Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 91 names (Exhibit B), beginning with Zakiyyah Yasmine Aquil and ending with Jessica Lynn for RRT licensure by endorsement. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

TAB 21 Ratification of Continuing Education Providers

MOTION: Ms. Sherrod made a motion to ratify the four (4) providers (Exhibit C), starting with Gannett Education and ending with Respiratory Care Educational Seminars, for Continuing Education Providership. The motion was seconded by Mr. Hendriksen and carried 6/0.

REPORTS

TAB 22 David D. Flynn, Assistant Attorney General

- Rules Report

Mr. Flynn presented the following rules report to the Board.

- 64B32-2.001 License by Endorsement

Effective date was 3/28/2012.

- 64B32-6.001 Continuing Education Requirements

Effective date was 4/04/2012.

TAB 23 Board Chair, Bayyinah Margaret Sherrod

None

TAB 24 Executive Director, Allen Hall

- Expenditures by Function - *Informational*
- Cash Balance Report – *Informational*
- 2012 MQA Legislative Summary

Mr. Hall specifically summarized HB 653 which amends Section 456.0635. The Department will be working on revising the Respiratory Care application to reflect the new changes.

Mr. Hendriksen asked additional questions regarding the Georges case and how funds are allocated.

OLD BUSINESS

TAB 25 Laws and Rules Continuing Education Course Development

Rule 64B32-6.001(5)

This language became effective April 4, 2012. At the January 2012 board meeting, Sandra Smith with Florida Medical Educational Services (FMES) informed the Board of the laws and rules course she developed. This law and rule course will be ongoing for each renewal.

TAB 26 January 6, 2012 General Business Meeting Minutes

MOTION: After Discussion, Ms. Sherrod made a motion to approve the January 6, 2012 minutes as presented. The motion was seconded by Mr. Barrett and carried 6/0.

NEW BUSINESS

TAB 27 Delegation of Authority

In an effort to streamline the exemption process for licensees who have previously been granted a level I exemption, staff is requesting the Board to consider the following proposal:

The Board delegate staff the authority to approve level 2 employment exemption for licensees who held a level 1 exemption approved by the Board when no additional criminal charges are present.

If approved, staff will mail the licensee an approval letter.

MOTION: After discussion, Dr. Friday-Stroud made a motion to approve the Delegation of Authority as presented. The motion was seconded by Ms. Sherrod and carried 6/0.

TAB 28 Annual Regulatory Plan 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.”

No action taken at this time.

TAB 29 2013 Proposed Meeting Dates

Respiratory Care Full Board General Business Meetings

January 11, 2013 – Location: Tampa
April 12, 2013 – Location: St. Augustine
July 12, 2013 – Location: Ft. Lauderdale
October 11, 2013 – Location: Orlando

It is proposed that the meeting begin at 8:30 a.m.

Respiratory Care PCP Dates

February 19, 2013
April 16, 2013
June 18, 2013
August 20, 2013

October 15, 2013
December 10, 2013

It is proposed that PCP calls begin at 8:00 a.m.

Panel members: Mr. Dick Fields will serve the first three calls and Mr. Peter Hendriksen will serve the last 3 meetings beginning at 8:00 a.m.

OTHER BUSINESS AND INFORMATION

TAB 30 Staff Recognition Correspondences (*Informational*)

There being no further business before the Board, the meeting was adjourned at 10:55 a.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1.	Brooks, Melissa Mae	TT	15223
2.	Braswell, Jo Layne	TT	15224
3.	Perez, Camelia	TT	15225
4.	Schweitzer, Eric Neal	TT	15226
5.	Randall, Cherry D	TT	15227
6.	Desrosiers, Obed	TT	15228
7.	Paul-Andre, Marie-Josée	TT	15229
8.	Truong, Island Thi	TT	15230
9.	Denize, Simon	TT	15231
10.	Shandon, Sultan Tarik	TT	15232
11.	Kusmierz, Robert Stanley	TT	15233
12.	Acosta, Cynthia Gail	TT	15234
13.	Ramirez, Krisia D	TT	15235
14.	Altidor, Marie Myrlande	TT	15236
15.	Mitchell, Anson James	TT	15237
16.	Cabrera, Amayve	TT	15238
17.	Bien Aime, Marie Michelle	TT	15239
18.	Fields, Gary Edward	TT	15240
19.	Colbert, Amy Susanne	TT	15241
20.	Basden, Anitra Denise	TT	15242
21.	Dolce, Danise	TT	15243
22.	Hutchins-Swann, Sheila Patrice	TT	15244
23.	Gauthier, Nicolas	TT	15245
24.	Gentry, Josh David	TT	15246
25.	Santana, Fabio Cp	TT	15247
26.	Legoute, Sergo	TT	15248
27.	Shepherd, Maxine Angella	TT	15249
28.	Greene, Amy Suzanne	TT	15250
29.	Legerme, Jean Michel	TT	15251
30.	Ross, Susan E	TT	15252
31.	Castaneda, Eugenio Enoc	TT	15253
32.	Deknegt, Jeremy Louis	TT	15254
33.	Ginzo, Jorge Gustavo	TT	15255
34.	Cardamon, Debra Jeanne	TT	15256
35.	Barrett, Kenley Michelle	TT	15257
36.	Roberts, Ivan Vernon	TT	15258
37.	Gachette, Yves H	TT	15259
38.	Palma, Luisa Fernanda	TT	15260
39.	Wyan, Donald Ray	TT	15261
40.	Morgan, Donishu Nicole	TT	15262
41.	Joseph, Peterson	TT	15263
42.	Calixte, Marie Carmel Farah	TT	15264
43.	Talleyrand, Josuane	TT	15265
44.	Dunn, Leshawn Shanice	TT	15266
45.	Duclervil, Emmanuella Telisme	TT	15267
46.	Kowasic, William Charles Jr	TT	15268

47. Lee, Tae Sung	TT	15269
48. Adras, Jean Joachim	TT	15270
49. Joseph, Lorvelie	TT	15271
50. Gabriel, Carole Capita	TT	15272
51. Noel-Saint, Antoinise	TT	15273
52. Miller, Teresa Lynn	TT	15274
53. Ware, Latanya	TT	15275
54. Hansen, Katherine Marie	TT	15276
55. Bryant, India S	TT	15277
56. Picou-Wilder, Joline Nicole	TT	15278
57. Tegegn, Fatuma Yesuf	TT	15279
58. Fernandez Martinez, Karen I	TT	15280
59. Bourgeau, Genet	TT	15281
60. Lyon, Ralph Edward	TT	15282
61. Pierce, Lisa Denise	TT	15283
62. Stewart, Myra J	TT	15284
63. Wilson, Letisha Andrea	TT	15285

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Aquil, Zakiyyah Yasmine	RT	11710
2. Krakker, Walter Louis Jr	RT	11711
3. Mccullar, Stephanie	RT	11712
4. Howell, Teletha Ann	RT	11713
5. Francisco-Garcia, Eulalia	RT	11714
6. Jones, Ashley Victoria	RT	11715
7. Matsekha, Yegor	RT	11716
8. Torres, Jaime	RT	11717
9. Sadr, Kamel	RT	11718
10. Montero, Philip	RT	11719
11. Meza, Martha	RT	11720
12. Moss, Laura Ellen	RT	11721
13. St Clair, David W	RT	11722
14. Muller, Matthew Thomas	RT	11723
15. Compere, Renoze	RT	11724
16. Studnicka, Shayna Dawn	RT	11725
17. Odestin, Wilbert	RT	11726
18. Hobday, Damon Delbert	RT	11727
19. Patel, Julie Pravinkumar	RT	11728
20. Duckworth, Coleen Joan	RT	11729
21. Stone, Neshia Kessinger	RT	11730
22. Cartin, Emily Maria	RT	11731
23. Moreno, Kenia Maria	RT	11732
24. Ravi, Anilkumar M	RT	11733
25. Foster, Eugenia Elizabeth	RT	11734
26. Gover, Erica Allyson	RT	11735
27. Sprengle, Robert Aron	RT	11736
28. Murphy, William Jr	RT	11737
29. Vargas, Jaime	RT	11738
30. Watkins, Carolyn O'Nise	RT	11739
31. Pena, Jessica Barbara	RT	11740
32. Dorcin, Carline	RT	11741
33. Stanback, Kanika Janelle Na	RT	11742
34. Banos, Arturo	RT	11743
35. Behbood, David	RT	11744
36. Yost, Mark Edward	RT	11745
37. Martinez, Claudia Helena	RT	11746
38. Margjoni, Pierre	RT	11747
39. Smolinski, Scott Thomas	RT	11748
40. Voltaire, Benisco	RT	11749
41. Vasquez, Douglas	RT	11750
42. Melendez, Arisdelys	RT	11751
43. Pleeter, Sharon Anne	RT	11752
44. Toussaint, Angella	RT	11753
45. Vancleave, John Taylor	RT	11754
46. Stewart, Genifer Linn	RT	11755

47. Gutierrez, Liza T	RT	11756
48. Ferreri, Allison	RT	11757
49. Antony, Devasia	RT	11758
50. St John, Crispin	RT	11759
51. George, Sony	RT	11760
52. Madriz, Denise	RT	11761
53. Derisma, Marie Gertha	RT	11762
54. Cherubin, Cadia	RT	11763
55. Munnier, Jonathan Yi	RT	11764
56. Peralta, Gladys	RT	11765
57. Pollard, Christopher Bo	RT	11766
58. Patron, Magaly	RT	11767
59. Cardon, Joseph Eric	RT	11768
60. Lalague, Kettny	RT	11769
61. Manasse, Nadine	RT	11770
62. Martinez, Gaisha Michell	RT	11771
63. Siemiet, Catherine B	RT	11772
64. Stutzman, Chelsey Rachel	RT	11773
65. Benaca, Daphney	RT	11774
66. Cordero, Lynette Meadows	RT	11775
67. Fenelon, Leonidas	RT	11776
68. Butler, Rebecca L	RT	11777
69. Odias, Hubens H	RT	11778
70. Antor, Amanda Erin	RT	11779
71. Schmidt, Michelle Marie	RT	11780
72. Parmar, Sweta Jitendra	RT	11781
73. Martinez, Alejandro	RT	11782
74. Karns, Casey Marie	RT	11783
75. Bain, Jeremy Matthew	RT	11784
76. Robinson, Kenya Latrell	RT	11785
77. Thomas, Shumika Chauntel	RT	11786
78. Hyppolite, Delmas	RT	11787
79. Becker, Timothy W	RT	11788
80. Sharp, Amanda J	RT	11789
81. Esham, Wendell Orlando	RT	11790
82. Smith, Gary Lee Sr	RT	11791
83. Crenshaw, Brandy Lea	RT	11792
84. Ortega, Silvia	RT	11793
85. Goff, Cynthia R	RT	11794
86. Mcivor, Kraig Deanthony	RT	11795
87. Chapman, Alisa Gaye	RT	11796
88. Nubine, Laqresha Shen'Nay	RT	11797
89. Michel, Wilna Edwine	RT	11798
90. Okoh, Gift Adanma	RT	11799
91. Daily, Jessica Lynn	RT	11800

**CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

- | | |
|---|----------|
| 1. Gannett Education | 50-1489 |
| 2. Online Healthnow, Inc D/B/A Care2learn | 50-290 |
| 3. Delray Medical Center | 50-502 |
| 4. Respiratory Care Educational Seminars | 50-14055 |



Rick Scott
Governor

Steven L. Harris, M.D., M.Sc.
Interim State Surgeon General

TO: Board of Respiratory Care
FROM: Allen Hall, Executive Director
SUBJECT: Delegation of Authority
DATE: April 13, 2012

We have prepared the table below with options for delegating authority to the Chair, full Board, Executive Director or Program Administrator. We have included suggested delegated authority in the table based on what we have seen with other Boards. These are only suggestions and can be changed as the Board deems appropriate.

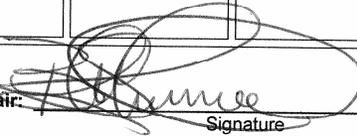
Situation	Delegate Authority to Board Chair	Delegate Authority to Education Liaison Member	Delegate Authority to Full Board	Delegate Authority to Executive Director or Program Administrator or Staff	Delegate to Board Counsel
Authority to sign Final Orders, Orders of Intent to Deny licensure, and Licensure with Conditions for the Chair.				XX – Executive Director	
Authority to approve monitors for supervision or continuing education courses required by Final Order.	XX				
Review of application history issues where a decision must be made to move forward with the application process or request a personal appearance as defined in 456.013(3)(c), F.S	XX			XX – Staff - follow approved criminal guidelines	
Authority to grant continuances.	XX				
Approval of travel authorization if the timing of travel does not allow waiting for the next Board meeting.	XX				
Authority to require PRN evaluation.			XX		
Authority to accept Voluntary Relinquishments when no discipline is pending.				XX – Staff - enforcement history check prior to relinquishment	
Authority to approve applicants for licensure that meet the statutory and rule requirements. Ratified at next board meeting.				XX – Application Processors	

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Board of Respiratory Care
4052 Bald Cypress Way BIN # C 05 • Tallahassee, FL 32399-3255
(850) 245-4373

Respiratory Care Delegation of Authority
 April 12, 2012
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Situation	Delegate Authority to Board Chair	Delegate Authority to Full Board	Delegate Authority to Committee	Delegate Authority to Executive Director or Program Administrator	Delegate to Board Counsel
Changing a face-to-face meeting of the Board to a conference call consistent with noticing requirements. This is sometimes done in an emergency and travel would cause hardship or danger and/or a small agenda doesn't warrant travel expenditures.	XX				
Review and approval of CE providers and medical error courses with ratification at the next Board meeting.		XX – Education Liaison			
Authority to approve level 2 employment exemption for licensees who held a level 1 exemption approved by the Board when no additional criminal charges are present.	XX				
Authority to review and refer legally sufficient petitions for hearing to the Division of Administrative Hearings. Authority to notify petitioners, by letter, of legally insufficient hearing petitions and the right to cure deficiencies.					XX
Authority to review and refer legally sufficient petitions for declaratory statements to the Board. Authority to notify petitioners, by letter, of the need to submit any required additional information prior to consideration by the Board.					XX
Authority to review and refer legally sufficient petitions for variances or waivers to the Board. Authority to notify petitioners, by letter, of legally insufficient petitions.					XX
Authority to make technical changes to proposed rules in response to JAPC comments, without Board review. Substantive changes will be brought to the Board before changes are made.					XX

Approved: 4/13/2012 Board of Respiratory Care Chair:  RRT, AE-C
 Date Signature