

The Florida

Board of Respiratory Care

Minutes

April 10, 2015
Hyatt Regency Jacksonville Riverfront
225 East Coastline Drive
Jacksonville, Florida 32202
(904) 588-1234



Joy Nunez, CRT
Chair

Bayyinah Sherrod, RRT
Vice Chair

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
April 10, 2015**

**Draft
MINUTES**

**Hyatt Regency Jacksonville Riverfront
225 East Coastline Drive
Jacksonville, Florida 32202
(904) 588-1234**

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

Call the Meeting to Order and Roll Call:

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

Members Present

Morfia (Joy) Nunez, CRT, Chair
Bayyinah Sherrod, RRT, Vice Chair
Ruben Colon, CRT,
Joseph Frey, RRT
Roberto Garcia, RRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator

Board Counsel

Larry Harris, Board Counsel
Office of the Attorney General

Consumer Member.

Shawnta Friday-Stroud, Ph.D.

Prosecuting Attorney

Cecilie Sykes, DOH
Assistant General Counsel

Court Reporter:

Powers Reporting, Inc.
Stephanie T. Lachowicz
200 W. Forsyth St., Suite 1530
Jacksonville, FL 32202

Ms. Nunez welcomed the new board members to the board. Mr. Harris provided a brief overview of the agenda proceedings to orient the new members.

Ms. Gene Dupree, Chief Operating Officer of the Professionals Resource Network, Inc. (PRN) was present on behalf of 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.

DISCIPLINARY PROCEEDINGS

Due to participation in the Probable Cause Panel, Ms. Nunez was recused from tab 2.

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

TAB 1 Dawn E. Heward, RRT, DOH Case No: 2014-13267
Informal Hearing, (PCP Members – Fields and Barrett)

Respondent was not present nor represented by Counsel. Ms. Nunez recused herself due to having personal knowledge of the Respondent.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations **Count 1:** Section 468.365 (1)(x), through a violation of 456.072(1)(aa), Florida Statutes (2014), by testing positive for alcohol on an employer-ordered drug screen. **Count 2:** Section 468.365(1)(w), Florida Statutes (2014), by being unable to practice respiratory care with reasonable skill and safety.

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: Ms. Sherrod made a motion to accept the investigative report into evidence for the purpose of imposing penalties. The motion was seconded by Dr. Friday-Stroud and carried 5/0.

MOTION: Dr. Friday-Stroud made a motion to make a finding that the Respondent was properly served and has requested an informal hearing. The motion was seconded by Ms. Sherrod and carried 5/0.

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

MOTION: Ms. Sherrod 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. Garcia and carried 5/0.

Ms. Gene Dupree, Chief Operating Officer of PRN was sworn in by the court reporter. She reported to the Board that the Respondent is not safe to practice at this time.

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

- Suspension of License until Respondent presents a favorable evaluation from PRN stating she is able to practice with reasonable skill and safety
- Respondent shall paid the costs of \$3,380.06

The motion was seconded by Dr. Friday-Stroud and carried 5/0.

MOTION: Ms. Sherrod made a motion that the costs be paid within 36 months of the filing of the Final Order. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

TAB 2 Bradley L. Jones, RRT, DOH Case No: 2011-16478
Settlement Agreement, (PCP Members – Fields and 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)(o), Florida Statutes (2011), by improperly storing medications in his locker, failing to properly document the use and administrations of medication to patients, giving medication to patients without a valid doctor’s order, falsely charting patient breath sounds without first properly examining the patient. **Count 2:** Sections 468.365(1)(r), Florida Statutes (2011), by falsely charting patient breath sounds without properly examining to patient. **Count 3:** Sections 468.365(1)(t), Florida Statutes (2011), by failing to accurately document medication deliveries to patients. **Count 4:** Sections 468.365(1)(v), Florida Statutes (2011),by giving medication to patients without a valid doctor’s order.

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

- Appearance
- Reprimand
- Fine of \$1,500.00 to be paid within three (3) years of the filing of the Final Order
- Costs be paid within three (3) years of the filing of the Final Order

MOTION: Ms. Sherrod made a motion to reject the Settlement Agreement. The motion was seconded by Mr. Colon and carried 5/0.

During discussion, the Respondent Mr. Bradley L. Jones, joined the meeting and was sworn in by the court reporter.

MOTION: After further discussion, Dr. Friday-Stroud made a motion to accept the settlement agreement.

Mr. Colon further reiterated to Mr. Jones the poor practice that has occurred. Mr. Jones stated he would be more comfortable discussing his case with his Attorney present.

Dr. Friday-Stroud rescinded her motion to accept the Settlement Agreement.

Mr. Sherrod made a new motion to continue the case until the next scheduled board meeting on July 10, 2015. The motion was seconded by Mr. Colon and carried 5/0.

PROSECUTOR’S REPORT

**TAB 3 Prosecution Attorney, Cecilie Sykes
PSU Respiratory Care Inventory**

Respiratory Care Inventory older than 1 year = 7

PSU Inventory = 19

Under Legal Review 8

Priority One Cases (EAU) 5

Agendaed for PCP 2

Post-PCP Complaints 6

Agendaed for Board	1
Awaiting Proper Service/Diligent Search	3

ADMINISTRATIVE PROCEEDINGS

REQUESTING MODIFICATION OF FINAL ORDER

TAB 4 Aaron Dean Bishop, TT 12422, DOH Case: 2010-00384

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

He has submitted a request for modification of Case No. 2010-00384, by asking for an extension of time to meet his conditions.

Ms. Bishop was charged with the following violations: **Count 1:** Section 468.365 (1)(v), F.S., by performing professional services which have not been duly ordered by a physician . **Count II:** Section 468.365 (1)(t) F.S., by failing to keep written respiratory care records justifying the reason for the action taken by the licensee. **Count III:** Section 456.072(1)(o), F.S., 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.

Mr. Bishop appeared before the board on April 13, 2012 where his case was presented as a Settlement Agreement which imposed the following:

- Reprimand
- Fine of \$150.00 to be paid within three years (due date April 26, 2015)
- Costs of \$1,743.30 to be paid within three years (due date April 26, 2015)

As of this date, no amount has been paid towards the fine and costs. Mr. Bishop has submitted a request for modification by asking for an extension of time to meet his conditions.

MOTION: After discussion, Ms. Sherrod made a motion to grant Mr. Bishop's request, extending the timeframe to pay his fines and costs associated with case number 2010-00384, adding an additional 12 months from the date of the Order. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

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

TAB 5 Kevin R. Sutton, Certified Respiratory Therapist

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

He was requested to appear before the board due to the "yes" answer in the disciplinary history section of his application.

MOTION: After discussion, Ms. Nunez made a motion to grant licensure with no conditions. The motion was seconded by Mr. Colon and carried 6/0.

TAB 6 James Johnson, Registered Respiratory Therapist

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

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

MOTION: After discussion, Mr. Colon made a motion to grant licensure with no conditions. The motion was seconded by Mr. Nunez and failed with a 3/3 vote.

MOTION: Ms. Friday-Stroud made a motion to approve licensure with conditions contingent upon completing two additional continuing education hours of medical errors, two hours in patient safety, and two hours of laws and rules within 3 months or the application is denied. The motion was seconded by Mr. Garcia and carried 6/0.

TAB 7 Logan Thomas Donahue, Registered Respiratory Therapist

Mr. Donahue was not present nor represented by Counsel.

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

MOTION: Ms. Nunez made a motion to table this tab until the next regularly scheduled meeting on July 10, 2015, due to non-appearance.

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

TAB 8 David Louis Farino, Registered Respiratory Therapist

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

He was requested to appear before the board due to the “yes” answer 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 Ms. Nunez and carried 6/0.

TAB 9 Patrick Alan Turner, Registered Respiratory Therapist

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

He was requested to appear before the board due to the “yes” answer 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 Ms. Nunez and carried 6/0.

TAB 10 Rena Sue Lyons, Registered Respiratory Therapist

Ms. Lyons 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 disciplinary history sections of her application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Ms. Lyons’ licensure contingent upon the following conditions:

- The applicant shall make contact with the Florida Professionals Resource Network (PRN) within 30 days, undergo an evaluation coordinated by PRN within 60 days of the filing of the Order and comply with any and all terms or conditions imposed by PRN within 90 days of the filing of the Order as a result of said evaluation.
- When Board staff receives response from PRN they will communicate with the Board Chair regarding the report.

The motion was seconded by Ms. Nunez and carried 6/0.

Dr. Friday-Stroud left the meeting at 10:15 a.m.

TAB 25 Matthew Drew Shanahan, Certified Respiratory Therapist

Mr. Shanahan was not present nor represented by Counsel.

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

MOTION: After discussion, Ms. Sherrod made a motion to table this tab until the next regularly scheduled meeting on July 10, 2015, due to non-appearance.

The motion was seconded by Dr. Friday-Stroud and carried 5/0.

TAB 26 Carrie Noell Kittle, Certified Respiratory Therapist

Ms. Kittle 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, Ms. Sherrod made a motion to deny Ms. Kittle licensure due to having a conviction of a crime related to the practice of or the ability to delivery respiratory care services safely in accordance to Chapter 456.031(3) and due to currently being on probation in another state. The motion did not have a second.

MOTION: After further discussion, Ms. Sherrod rescinded the motion, making a new motion to grant licensure contingent upon the following conditions:

- Applicant contacts the Professionals Resource Network (PRN) regarding possible transferal of the monitoring program from Tennessee (TN) and complies with any and all terms or conditions imposed by PRN and PRN advocates that the applicant is safe to practice respiratory care. Staff will direct responses to the Board Chair.
- Conditional licensure with quarterly reports provided by the Tennessee probation officers, sent directly to the Florida Board of Respiratory Care Staff, confirming compliance with conditions of the TN probation and Florida license conditions run concurrent with the Tennessee criminal probation.

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

TAB 27 Cathy Krupp, Registered Respiratory Therapist

Ms. Krupp 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 disciplinary history sections of her application.

MOTION: After discussion, Ms. Nunez made a motion to grant licensure with no conditions. The motion was seconded by Mr. Garcia and carried 4/1. Mr. Colon opposed.

TAB 28 Tiffany Lynn Palmer, TT10609

Ms. Palmer was not present nor represented by Counsel.

Ms. Palmer is requesting the board consider granting an exception to the continuing education requirement to allow her to use her on-line courses due to her inability to complete face to face live continuing education courses, by her living in China currently, the time difference makes live online courses difficult to complete.

Ms. Sherrod recommended that the licensee take advantage of the online “live” webinars which are available and suggested advising the licensee of all other options available.

MOTION: After discussion, Ms. Sherrod made a motion to reject Ms. Palmer’s request for exception to the continuing education at renewal due to the availability of live on-line webinars.

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

The Board advised staff to reiterate other options to the licensee.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

TAB 11 Joseph Blaise, TT8237

Mr. Blaise 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.

The Board instructed Mr. Blaise to obtain the Disqualification letter received from AHCA before the end of the meeting before the application is acted upon.

Mr. Blaise provided the disqualification letter for the Board, which confirmed his disqualifying offense.

MOTION: After discussion, Ms. Sherrod made a motion to grant Mr. Blaise’s request for an Employment Exemption from Disqualification. The motion was seconded by Ms. Nunez and carried 5/0.

APPLICANT RATIFICATION LISTS

TAB 12 Certified Respiratory Therapists

MOTION: Ms. Nunez made a motion to ratify the list of 38 names (exhibit A), beginning with David M. Hamilton II and ending with Susan Mary Hill for CRT licensure by endorsement. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 13 Registered Respiratory Therapists

MOTION: Ms. Nunez made a motion to ratify the list of 143 names (exhibit B), beginning with Sandra Kay Hutcheson and ending with Ismael Macalla-Rodriguez for RRT licensure by endorsement. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 14 Continuing Education Providers

MOTION: Ms. Nunez made a motion to ratify the one name (exhibit C), Jackson Memorial Hospital Respiratory Therapy Department, for providership. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 15 Voluntary Relinquishments

MOTION: Ms. Sherrod made a motion to ratify the three names (exhibit D), Karen Mella, Sherrill W. Carleton and Rick Fisher as voluntary relinquishment due to no longer practicing in Florida. The motion was seconded by Mr. Colon and carried 5/0.

RULE DISCUSSION

TAB 16 Continuing Education Requirements

During the January 2015 meeting, the board directed counsel to streamline the continuing education rules to remove duplicative language and inconsistencies. The draft language includes Chapter 64B32-6.004.

64B32-6.001 Continuing Education Requirement.

(1) The Legislature and the Board have determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills. To this end, continuing education is required as a condition for renewal of licensure of all respiratory care ~~licensees personnel without regard to the avenue taken to licensure.~~

(2) 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 ~~credit except including those earned as provided in this rule~~ Rule 64B32-6.001, F.A.C. None of these hours can be obtained by taking Basic Life Support (BLS) training. No more than five (5) hours per biennium shall be awarded for completion of courses focusing on risk management.

(3) Those persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the Medical Errors course and HIV/AIDS course pursuant to subsection (5) of this rule and Section 456.033, F.S., both of which must be completed for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) A licensee who holds a current license as a Certified Respiratory Therapist (CRT) or holds a current license in another health care profession may satisfy the continuing education requirement for issuance of the Registered Respiratory Therapist (RRT) or renewal of the CRT license with hours counted toward renewal of another license as long as the hours meet all the requirements of this rule chapter.

(5) ~~Beginning with the biennium ending May 31, 2015, a licensee needs twenty four (24) hours per biennium in order to renew the license, of which (2) credit hours must include Florida laws and rules to bring the licensee up to date on laws and rules of the Board and the regulatory agency under which the Board operates.~~

A licensee may be required to earn continuing education credit hours which include the following:~~The hours can be obtained in the following manner:~~

(a) Florida laws and rules

Mandatory for all licensees: 2 credit hours.

~~(b) Direct Delivery of Respiratory Care Services~~

~~Mandatory for all licensees: A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.~~

1. Prevention of Medical Errors

~~Mandatory for all licensees part of Direct Delivery Services Requirements for all licensees: 2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.~~

2. HIV/AIDS

~~Mandatory part of Direct Delivery Services Requirements for the initial renewal of all licensees, Optional for subsequent renewals: At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within the last five (5) years prior to either initial licensure or first renewal.~~

~~(c) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)~~

~~No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.~~

(d) Home Study Courses

~~Limitation applicable to all licensees: No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.~~

(e) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

~~(6) A licensee needs twenty-four (24) hours of Continuing Education each biennium in order to renew a Respiratory Care License.~~

64B32-6.002 Definitions.

(1) "Academic Quarter Credit Hour" means ten (10) ~~contact~~ hours.

(2) "Academic Semester Credit Hour" means fifteen (15) ~~contact~~ hours.

(3) "~~Appropriate C~~continuing education" , for the purposes of this rule chapter, means planned offerings designed to enhance learning and promote the continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual's respiratory care practice.

(4) "Approved" means acceptable to the Board.

(5) "Biennium" means a time period of two (2) calendar years, as designated by the Department.

(6) "~~One (1) Contact Hour~~" equals a minimum of fifty (50) minutes. One-half (1/2 or .5) ~~contact~~ hour equals a minimum of twenty-five (25) minutes.

~~(7) "Offering" means a planned educational experience dealing with a specific content based on the stated learner objectives.~~

~~(8) "Orientation — Standard Agency Operation" is the means by which respiratory care professionals are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work setting. Orientation does not meet the continuing education requirement for the purpose of these rules.~~

~~(9) "Participation" means sharing in the learning experience in order to achieve the stated learner objectives.~~

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the continuing education requirements. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 468.365(1)(a), Florida

Statutes.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded ~~contact~~ continuing education hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC),
2. The Florida Society for Respiratory Care, and

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, the Florida Nurses Association, and the Florida Board of Nursing.

(b) Attendance at all offerings that are conducted by institutions approved by the Commission on Accreditation for Respiratory Care (CoARC);

(c) Successful completion, for the first time, of any college or university course, but only if such course is part of the curriculum within an accredited respiratory therapy program and is provided by that accredited respiratory therapy program, up to the maximum hours permitted by subsection (3) of this rule.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium;

1. Advanced cardiac life support;
2. Neonatal resuscitation program;
3. Pediatric advanced life support;-
4. Any course offered by the National Board of Respiratory Care (NBRC).

(e) Successful completion of the following recertification classes, up to a maximum of 8 hours per biennium;

1. Advanced cardiac life support;
2. Neonatal resuscitation program;
3. Pediatric advanced life support.

(f) Successful passage, one time per biennium, of the following recertifying examinations given by the National Board for Respiratory Care (NBRC):

1. Clinical Simulation Recertification Examination – maximum of 4 hours;
2. Registry Recertification Examination (written portion) – maximum of 2 hours;
3. Certified Respiratory Therapist Recertification Examination – maximum of 3 hours;
4. Perinatal Pediatrics Recertification Examination – maximum of 3 hours.
5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recertification examinations – maximum of 2 hours.

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, where the licensee has not been required by the Board to appear, up to a maximum of 8 continuing education ~~direct patient care~~ hours per biennium.

~~(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of nondirect patient care continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.~~

~~(a) Beginning with the biennium ending May 31, 2009, each licensee will be required to have taken a continuing education course in emergency preparedness. This course shall count as two (2) hours of direct patient care credit. This course shall be taken each biennium thereafter and the two (2) hours credit shall count towards the minimum sixteen (16) hours needed to renew the license.~~

~~(b) Credit for two (2) hours of direct patient care shall be awarded for completion of a FEMA Emergency Management/ Preparedness continuing education course that ~~complies with the requirements set forth in rule paragraph (3)(c).~~ cover the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response.~~

~~(c) Continuing education courses in emergency preparedness, at a minimum, must cover the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response.~~

(4) Each licensee who is presenting a continuing education course as either the lecturer of the offering or as author of the course materials may earn a maximum 12 ~~contact~~ hours of continuing education credit per biennium. Each licensee who is either participating as a lecturer of a continuing education course or an author of a continuing education program may receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

(a) Continuing education credit may be awarded to a lecturer or author for the initial presentation of each program only; repeat presentations of the same continuing education course shall not be granted credit.

(b) In order for a continuing education credit to be awarded to each licensee participating as either faculty or author, the format of the continuing education program must ~~comply~~conform with all applicable sections of this rule chapter.

~~(c) Continuing education credit for publications is limited to continuing education offerings.~~

(d) The number of ~~contact~~ hours to be awarded to each licensee who participates in a continuing education program as either a lecturer or author is based on the definition of 50-minute contact "hour" employed within this rule chapter.

(5) Members of the Board's Probable Cause Panel shall receive two hours of medical errors and 3 hours of continuing education~~direct patient care~~ credit per biennium for their service on the Panel.

(6) The Board shall make exceptions for licensees from the continuing education requirements, including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements, upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: (1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; (2) where the licensee can demonstrate that the required course(s) are not reasonably available; and (3) where the licensee can demonstrate economic, technological, or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

64B32-6.005 Provider Approval and Renewal Procedures.

(1) The provider seeking approval shall:

Make application and profile electronically and allow a minimum of 90 days prior to the date the offering begins, and submit the form entitled APPLY TO BE A CE PROVIDER on FORM DH-MQA-CEB-MQA-CEB-1, May 2006 which was adopted and incorporated by reference in Department of Health Rule 64B-5.003, F.A.C., and is available at https://www.cebroker.com/public/pb_index.asp along with a minimum of one course for approval and the following:

(a) A statement of the educational goals and objectives of the program, including the criteria for successful completion of the program as explained to attendees;

(b) A detailed course outline or syllabus, including such items as method of instruction, and testing materials, if any;

(c) A current curriculum vitae of each speaker or lecturer appearing in the program;

(d) The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification of attendance; and

(e) A sample certificate of completion.

(f) Sample evaluation.

(g) The \$250 application fee.

(h) Submit a minimum of one (1) offering for the Boards' review.

(2) All course offerings shall be relevant to the practice of respiratory care as defined in Section 468.352(4), Florida Statutes, must be offered for the purpose of keeping licensees apprised of advancements and new developments in the practice of respiratory care, and is designed to enhance learning and skills consistent with contemporary standards for the profession.

(3) Provider approval shall be granted for each biennium in which the provider meets the requirements of

this rule. Provider approval shall expire on January 31 of each even-numbered year. In the event a provider applies for approval at a time other than the beginning of a biennium, any approval will expire at the end of the biennium in which the application was made.

(4) Every provider shall:

(a) Notify the Board through ~~CDC~~ Broker, of any change in contact persons or any significant alterations or changes in the content, goals or objectives, or syllabus of the program, or in the instructors of the program.

(b) Be subject to periodic review to determine if the program continues to meet the requirements of this rule.

(c) Allow for evaluation of the program by every participant.

(d) Maintain all records pertaining to the program for a period of not less than four (4) years from the date of the offering.

(5) The Board may utilize the assistance of a representative, expert groups, or individuals as appropriate in implementing these rules.

(6) The Board may audit providers as necessary to assure that the requirements of this rule are met. Failure to document compliance with these requirements or the furnishing of false or misleading information regarding compliance shall be grounds for discipline.

(7) Providers seeking renewal shall make application electronically a minimum of 90 days prior to the first offering in the new biennium on the form entitled RENEW CE PROVIDERSHIP-FORM DH-MQA-CEB-8, May 2006 adopted and incorporated by reference in the Department of Health Rule 64B-5.003, F.A.C., and available at https://www.cebroker.com/public/pb_index.asp. The biennial renewal fee for providers shall be \$220.00.

(8) The provider seeking initial approval for home study, self directed or anytime courses shall comply with the provisions of subsections (1) through (3), and providers seeking to renew approval as a provider of home study, self directed, or anytime courses shall comply with the provisions of subsections (4) through (7).

(a) In addition to the credit exclusion for recertification, review, refresher or preparatory courses as provided in Rule 64B32-6.004, F.A.C., a home study course submission shall not include reprints from textbooks.

(b) Each home study course submitted for the Board's review shall not exceed 12 ~~contact~~ hours in length as defined in Rule 64B32-6.002, F.A.C.

(c) Instead of the information submitted for in-person programs, the provider shall submit the following for pre-approval:

1. A statement of the educational goals and objectives of the program, including the criteria for successful completion of the program and the number of correct answers required on the test by a participant to receive credit for having taken the program;

2. All materials to be read by the participant, and the testing questions to be answered for successful completion;

3. A current curriculum vitae of each person substantially involved in the preparation of the substance of the program;

4. The identification procedures for verification that the named licensee has taken the home study course;

5. A sample certificate of completion; and

6. If not completely original, references and permission for use or reprint of any copyrighted materials regardless of source.

(9) The provider seeking home study, self directed, or anytime course approval for electronically delivered productions including but not limited to audio or video tape, DVD, CD, or other media delivery devices or methods also shall understand and agree:

(a) Not more than one offering shall be submitted per tape, DVD, CD or other media delivery device or method.

(b) Each tape, DVD, CD or other media delivery device or method shall contain a maximum of four contact hours worth of material.

(c) The offering shall begin with an introduction of the speaker(s) and with a statement of the educational objectives of the program, including the criteria for successful completion of the program.

(d) Approval for an offering related to ~~the direct delivery of~~ respiratory care services shall expire at the end of the biennium; however, the offering may be renewed, if unchanged without resubmission of the offering itself. If changed, the course may be resubmitted for consideration by the Board with changes if accompanied by a statement that the offering is current and reflective of advancements and new developments regarding respiratory care services. If changed, the course shall be submitted not fewer than 90 days prior to its being offered in the new biennium.

64B32-6.006 AIDS Education and Medical Error Prevention Education.

(1) Each licensee must complete at least three contact hours of HIV/AIDS education through a Board approved course no later than upon the licensee's first biennial renewal of licensure. New licensees may complete a course no more than five (5) years preceding initial licensure date.

(2) To receive Board approval courses on HIV/AIDS shall be at least one hour and include the following subject areas of Modes of transmission, Infection control procedures, Clinical management, Prevention, and current Florida law on AIDS and the impact on testing, confidentiality, and treatment. A home study course shall be permitted to fulfill this aspect of the HIV/AIDS education.

(3) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this Board.

~~Pursuant to Section 456.033, F.S., any Category I, American Medical Association (AMA) continuing medical education course, any Category I or Category III, American Association for Respiratory Care (AARC) continuing education course offered by an AMA approved respiratory therapy program and any courses approved by any board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., which includes topics on the transmission, infection control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, shall satisfy the requirements of Section 456.033, F.S., as part of the first renewal of the license. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, F.S.~~

~~(1) The required AIDS education can be completed with one course divided in incremental blocks of time, as long as each increment is at least one contact hour in length and the cumulative total equals a minimum of 3 contact hours, and all of the topics stated above are covered; or by one course which is at least 3 contact hours in length and covers all of the topics stated above; or by multiple courses which are each at least 1 contact hour in length and each cover all of the topics stated above. New licensees must complete three contact hours taken within the last five years prior to either initial licensure or first renewal.~~

~~(2) An appropriate course as described above may be used to fulfill up to 3 hours of a licensee's continuing education requirement for the first renewal.~~

~~(3) The requirements of this rule and of Section 456.033, Florida Statutes, shall not be read to require continuing education in excess of the number of hours required in Rule 64B32-6.001, F.A.C., provided that those hours include at least the minimum amount of education regarding AIDS as set forth in this rule.~~

(4) Each applicant and all licensees shall take a Board approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for each license renewal. The course shall include medication errors, including missed treatments, documentation errors, equipment errors, patient errors and communication errors.

The Board discussed rule language in details regarding accredited respiratory therapy program not necessarily being only the Commission on Accreditation for Respiratory Care (CoARC). The Respiratory Therapy Program Director from Valencia College addressed the Board. The Board agreed that the rule is not limited to CoARC, but instead any respiratory care related program.

MOTION: After discussion, Ms. Nunez made a motion to open rules 64B32-6.002 and 6.005, Florida Administrative Code (F.A.C.), for rule development. The motion was seconded by Mr. Colon and carried 5/0.

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed drafted language for 64B32-6.001, 6.002, 6.004, 6.005, and 6.006, F.A.C., and directed counsel to move forward with rulemaking procedures. The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION: Ms. Sherrod made a motion the proposed amendments is not likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Mr. Colon and carried 5/0.

RULE STATUS REPORT

TAB 17 Assistant Attorney General, Douglas Dolan

Rules Status Report – March 2015

<u>Rule Number</u>	<u>Title</u>	<u>Sent to OFARR</u>	<u>Rule Dev. Notice Published</u>	<u>Published</u>	<u>Adopted</u>
Rules in Process:					
64B32-5.006	Meditation	04/04/2014	04/14/2014	05/02/2014	Withdrawn
64B32-5.007	Citation	04/04/2014	04/14/2014	05/02/2014	Withdrawn
64B32-5.008	Notice of Noncompliance	04/04/2014	04/14/2014	05/02/2014	Withdrawn
64B32-6.001	Continuing Education Requirement	03/09/2015	03/17/2015		
64B32-6.004	Procedures for Approval of Attendance at Continuing Education Courses	03/09/2015	03/17/2015		
64B32-6.006	AIDS Education and Medical Error Prevention Education	03/09/2015	03/17/2015		

REPORTS

TAB 18 Board Chair, Morfia (Joy) Nunez

None.

TAB 19 Executive Director, Allen Hall

Expenditures by Function
Cash Balance Report

This was provided as informational.

NEW BUSINESS

TAB 20 Annual Regulatory Plan 2015

Mr. Harris provided an overview of the purpose of the annual regulatory plan, basically to identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period.

Mr. Colon made a motion to delegate authority to the Chair to review and approve any plan that has been prepared by the board counsel and the board staff. The motion was seconded by Mr. Garcia and carried 5/0.

TAB 21 Are You Renewal Ready? (*Informational*)

TAB 22 North Carolina Board of Dental Examiners v. Federal Trade Commission

Mr. Harris provided an overview of the case involving the North Carolina Board of Dental Examiners v. Federal Trade Commission. (*Informational*)

TAB 23 PCP Member Appointments

Due to new board member appointments, the Board Chair must appoint a new Panel Chair to the Probable Cause Panel (PCP) to replace Mr. Fields. The remaining 2015 dates for the (PCP) conference calls are listed:

June 16th
August 18th
October 13th
December 8th

After discussion, Ms. Nunez appointed the following:

June 16th - Mr. Garcia
August 18th - Mr. Garcia
October 13th - Mr. Garcia
December 8th - Mr. Frey

All PCP conference calls begin at 8:30 a.m. EST.

OLD BUSINESS

TAB 24 Board of Respiratory Care Minutes

- January 9, 2015 General Business Meeting

Motion: After Discussion, Ms. Sherrod made a motion to approve the January 9, 2015 minutes as presented. The motion was seconded by Ms. Nunez and carried 6/0.

Being no further business, the meeting adjourned at 11:47 a.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Hamilton, David M II	TT	15903
2. Ebanks, Shantel Sharlene	TT	15904
3. Mesa, Claudia Maria	TT	15905
4. Martin, Chesaney	TT	15906
5. Keller, Jennifer Dawn	TT	15907
6. Duncan, Angelina	TT	15908
7. Alexis, Ace Raymond	TT	15909
8. Mayeux, Rhiannon Lindsey	TT	15910
9. Vega, Linette	TT	15911
10. Bhaskaran, Sajeev	TT	15912
11. Solares, Edwin	TT	15913
12. Housman, Marcia Darlene	TT	15914
13. Spirato, Rita Mary	TT	15915
14. Templin, Susan Lynn	TT	15916
15. Duarte, Theresa Ann	TT	15917
16. Coronado, Linda	TT	15918
17. Bishop, Karla Lynn	TT	15919
18. Robinson, Denise Herrera	TT	15920
19. Sherman, Sharonda Renee	TT	15921
20. Witt, Lisa Dawn	TT	15922
21. Belmas, Marie Sthere	TT	15923
22. Cothiere, Youseline	TT	15924
23. Cottle, Bruce Robert	TT	15925
24. Nall, Donna M	TT	15926
25. Vazquez, Raymond Louis	TT	15927
26. Crespo, Tina Marie	TT	15928
27. Glover, Adrienne	TT	15929
28. Augustin, Marc	TT	15930
29. Pineda, Luis	TT	15931
30. Abla, Kelly Patrick	TT	15932
31. Stewart, Douglas Allen	TT	15933
32. Severe, Ruthline	TT	15934
33. Mulherin, Kendra Kaye	TT	15935
34. Morales, Raymond	TT	15936
35. Knox, Jessica Jane	TT	15937
36. Briscoe, Jacqueline Elaine	TT	15938
37. Intriago, Dahiana	TT	15939
38. Hill, Susan Mary	TT	15940

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1.	Hutcheson, Sandra Kay	RT	13959
2.	Gunderson, Nils Paul	RT	13960
3.	Brust, Alicia M	RT	13961
4.	Mcrea, Mariah Shea	RT	13962
5.	Prosser, Greg Joseph	RT	13963
6.	Ames, Annette Marie	RT	13964
7.	Gutierrez, Frank	RT	13965
8.	Singh, Vivek	RT	13966
9.	Pritchard, William Scott	RT	13967
10.	Vasquez, Jose	RT	13968
11.	Delaroderie, Thomas Andrew	RT	13969
12.	Delfosse, Matthew Jules	RT	13970
13.	Adjodha, Chetan	RT	13971
14.	Blakely, Demetra Jontae	RT	13972
15.	Reedy, Willie E Jr	RT	13973
16.	Winans, James Daniel	RT	13974
17.	Beresford, Michael Edward	RT	13975
18.	Stephens, Angelita	RT	13976
19.	Bartley, James Christopher	RT	13977
20.	Fick, Betsy Jo	RT	13978
21.	Martin-Rayburn, Olivia	RT	13979
22.	Teran, Jaime	RT	13980
23.	Soltan, Jeanette	RT	13981
24.	Baker, Leslie Jeanne	RT	13982
25.	Costello, Isabel Bsr	RT	13983
26.	Acosta, Elizabeth Carol	RT	13984
27.	Bussell, Lisa M	RT	13985
28.	Muraveynik, Darya S	RT	13986
29.	Lee, Tsehainesh	RT	13987
30.	Fernandez, Osvaldo L	RT	13988
31.	Rucker, Rebecca Merdith	RT	13989
32.	Rodriguez, Miranda Christine	RT	13990
33.	Hurst, Jill Andrea	RT	13991
34.	Sponagle, Daniel M	RT	13992
35.	Navarro, Ashley Angalene	RT	13993
36.	Enz, Richard Lawrence	RT	13994
37.	Kozminski, Keith Gregory	RT	13995
38.	Flynn, Melinda Faye	RT	13996
39.	Brawley, Kathleen	RT	13997
40.	Shangraw, Sherry Marie	RT	13998
41.	Creeden, Shawn Joseph	RT	13999
42.	Milashus, Agnes	RT	14000
43.	Cartagena, Lisette Milagro	RT	14001
44.	Hairston, Harry Donnell	RT	14002
45.	Jorda, Jeremy E	RT	14003
46.	Hollis, Jacob Charles	RT	14004
47.	Hall, Jacquelyn Ivey	RT	14005
48.	Crooks, Lloni-Rae Camille	RT	14006

49.	Bissell, Tabitha Anne	RT	14007
50.	Price, Blayde Madison	RT	14008
51.	Shannon, Jason Scott	RT	14009
52.	Byers, Kristen Lynn	RT	14010
53.	Bizila, Robert	RT	14011
54.	Haggard, Wendy Lynn	RT	14012
55.	Milliron, Michael Christian	RT	14013
56.	Shettia, Shymaa	RT	14014
57.	Footman, Kitzmet A	RT	14015
58.	Fernandez, Anthony Joseph	RT	14016
59.	Birkner, Janet	RT	14017
60.	Emerson, Carrie L	RT	14018
61.	Bhaskaran, Sajeev	RT	14019
62.	Licata, William Jon	RT	14020
63.	Trenado, Gilberto	RT	14021
64.	Miller, Cynthia Ann	RT	14022
65.	Villegas, Jimmy Morosi	RT	14023
66.	Real, Adolfo Ariel	RT	14024
67.	Mamman, Mathew A	RT	14025
68.	Drimak, Joan Lynn	RT	14026
69.	Austin, Alana Michelle	RT	14027
70.	Zito, James Steven	RT	14028
71.	Fremder, Vickey Sue	RT	14029
72.	Davis, Jenifer Nicole	RT	14030
73.	Woods, Heidi Pearl	RT	14031
74.	Johnson, Aaron Christopher	RT	14032
75.	Stapleton, Kendra J	RT	14033
76.	Dehaai, Ronda Jo	RT	14034
77.	Hussein, Osama Shafik	RT	14035
78.	Bucco, James Michael	RT	14036
79.	Walters, Sebrina	RT	14037
80.	Mendoza, Maria L	RT	14038
81.	Sheffield, Amanda Gail	RT	14039
82.	Fazendin, John Kevin	RT	14040
83.	Swiatkowski, Zbigniew John J	RT	14041
84.	Mancos, Mary Kathleen	RT	14042
85.	Green, Minerva A	RT	14043
86.	Rosado, Betzayda	RT	14044
87.	Lewis, Kahaya	RT	14045
88.	Goddard, Michael B	RT	14046
89.	Saint Fleur, Angela	RT	14047
90.	Guillory, Dana Tehroal	RT	14048
91.	O'Hare, Rachel Nichole	RT	14049
92.	Lima Neto, Pedro Macedo	RT	14050
93.	Musselwhite, Steven Andrew	RT	14051
94.	Mendicino, Julie Maire	RT	14052
95.	Strawn, Tabitha Lynn	RT	14053
96.	Bouffard, Anthony Jason	RT	14054
97.	Ford, Nicole Lynn	RT	14055
98.	Stenson, Sherri Nicole	RT	14056
99.	Ohara, Michael William	RT	14057

100.	Mclarning, Robin Elizabeth	RT	14058
101.	Kelley, Bridget Leigh	RT	14059
102.	Hattersley, Melissa Mary	RT	14060
103.	Vasquez, Natalia Cristina	RT	14061
104.	Macleod, Kenneth John Jr	RT	14062
105.	Redding, Bridget Kathleen	RT	14063
106.	Boland, Daniel Scott	RT	14064
107.	Conroy, Harold David	RT	14065
108.	Jones, Shauna Kaylynn	RT	14066
109.	Oglesby, R B Iii	RT	14067
110.	Mazza, Carlotta Ann	RT	14068
111.	Cadet, Nilsa Sylvain	RT	14069
112.	Augustin, Roosevelt	RT	14070
113.	Wood, Melanie Lynn	RT	14071
114.	Castaneda, Yohana	RT	14072
115.	Crespo, Tina Marie	RT	14073
116.	Gage, Matthew	RT	14074
117.	Fowler, Erin Rhea	RT	14075
118.	Sykes, Leslie R	RT	14076
119.	Orkin, Benjamin Michael	RT	14077
120.	Metellus, Magdalie Accilien	RT	14078
121.	Easterly, Ashley Nicole	RT	14079
122.	Madar, Sandy Leigh	RT	14080
123.	Derose, Kimberly Marie	RT	14081
124.	Lake, Misty Dawn	RT	14082
125.	Clark, Jessica Renee	RT	14083
126.	Flynn, Gloria Patricia	RT	14084
127.	Feeney, Cynthia Therese	RT	14085
128.	Ebanks, Shantel Sharlene	RT	14086
129.	Pantor, Stacy Ann	RT	14087
130.	Shaw, Kya Lenae	RT	14088
131.	Zephaniah, Jenny	RT	14089
132.	Smith, Kati Lynn	RT	14090
133.	Kirby, Kelly Irene	RT	14091
134.	Ahmu, Michael Douglas	RT	14092
135.	Hoskin, Prince Alex	RT	14093
136.	Morgan, Heather Taylor	RT	14094
137.	Giles, Cary Steven	RT	14095
138.	Bernavil, Shelly Augustin	RT	14096
139.	Jones, Mary Kay	RT	14097
140.	Marshall, Lashanda Q	RT	14098
141.	Perez, Amy Marie	RT	14099
142.	Conte, Joseph Anthony	RT	14100
143.	Macalla-Rodriguez, Ismael	RT	14101

**CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

1. Jackson Memorial Hospital Respiratory Therapy Dept. 50-17644

Voluntary Relinquishment Ratification List

- | | |
|-------------------------|--------|
| 1. Karen Mella | RT693 |
| 2. Sherrill W. Carleton | RT3975 |
| 3. Rick Fisher | RT7186 |