

The Florida

Board of Respiratory Care

MINUTES

April 12, 2019

Mission Inn Resort & Club
10400 County Road 48
Howey-in-the-Hills, FL 34737
(352) 324-3101



Ronald Mitchell, CRT
Chair

Craig Broeker, RRT
Vice Chair

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
April 12, 2019
AGENDA**

Minutes

Mission Inn Resort & Club
10400 County Road 48
Howey-in-the-Hills, FL 34737
(352) 324-3101

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

8:30 a.m. CST

Call to Order – General Business Meeting

Mr. Ronald Eric Mitchell, Chair, called the general business meeting to order at 8:30 a.m. Those present for the meeting, included the following:

Members Present

Ronald Eric Mitchell, CRT, Chair
Craig Broeker, RRT, Vice Chair
Roberto Garcia, RRT
Joseph Frey, RRT
Shawnta Friday-Stroud, Ph., D.
Janelle Hom

Staff Present

Allen Hall, Executive Director
Traci Zeh, Program Operations Administrator

Board Counsel

John Fricke, Jr., Board Counsel
Office of the Attorney General

Court Reporter

Jane Heneghan
American Court Reporting
3213 Hargill Drive
Orlando, FL 32806

ReportingOrlando@aol.com

(407) 896-1813

Prosecuting Attorney

Mary Ali Iglehart
DOH Assistant General Counsel
Chad Dunn
DOH Assistant General Counsel

Dr. Martha Brown was present on behalf of the Professionals Resource Network, Inc. (PRN).

Due to participation in the Probable Cause Panel, Mr. Frey was recused from tab 1 and Mr. Broeker was recused from tab 2.

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

DISCIPLINARY PROCEEDINGS

MOTION FOR DETERMINATION OF WAIVER AND FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

1. Loretta Kay Bambury, CRT., Case No: 2017-06705 (PCP, Frey and Nunez)

Respondent was not present nor represented by Counsel.

Ms. Iglehart summarized the case for the Board. Respondent was charged with the following violations: **Count I** - Section 468.365 (1)(x), Florida Statutes (2015), through a violation of Section 456.072(1)(x), Florida Statutes (2015), for failing to report to the Board, in writing, within 30 days of being convicted or found guilty of or entering a plea to a crime. **Count II** - Section 468.365 (1)(x), Florida Statutes (2015), through a violation of Section 456.072(1)(x), Florida Statutes (2015), for failing to report to the Board, in writing, within 30 days of being convicted or found guilty of or entering a plea to a crime. **Count III** - Section 468.365 (1)(x), Florida Statutes (2015), through a violation of Section 456.072(1)(x), Florida Statutes (2015), for failing to report to the Board, in writing, within 30 days of being convicted or found guilty of or entering a plea to a crime.

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

Mr. Mitchell asked to be recused due to personal associations with the respondent.

MOTION: Dr. Friday-Stroud made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty, making a finding that the Respondent was properly served and has waived his right to a formal hearing, adopted the findings of fact that is set forth in the Administrative Complaint. The motion was seconded by Mr. Garcia and carried 4/0.

MOTION: Dr. Friday-Stroud made a motion to adopt the conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Practice Act. The motion was seconded by Ms. Hom and carried 4/0.

MOTION: After discussion, Dr. Friday-Stroud made a motion to impose the following penalties:

- Reprimand
- Fine of \$900.00 to be paid within one (1) year of the filing of the Final Order
- Costs of \$747.99 to be paid within one (1) year of the filing of the Final Order
- Respondents license will be suspended for six (6) months.

The motion was seconded by Mr. Broeker and carried 4/0.

MOTION FOR BOARD'S FINAL ORDER BY DISCIPLINARY VOLUNTARY RELINQUISHMENT

2. Ronald Brandley O'Dett, R.R.T., Case No: 2018-14966 (PCP, Broeker and Nunez)

Respondent was not present nor represented by Counsel.

Ms. Iglehart summarized the case for the Board. Respondent was charged with the following violation: Section 468.365(1)(x), Florida Statutes (2017) through a violation of Section 456.072(1) (aa), Florida Statutes (2017), by testing positive for any drug, on any confirmed preemployment drug screen without having a lawful prescription of legitimate medical reason for using the drug(s).

The case was presented as a motion of Board's Final Order by Voluntary Relinquishment.

MOTION: Ms. Hom made a motion to accept the Order for Voluntary Relinquishment.

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

PROSECUTOR'S REPORT

3. Mary Ali Iglehart, Prosecuting Attorney

- PSU Inventory Report

Inventory of Cases as of March 11, 2019

Cases under legal review (60 Status):	12
Cases awaiting probable cause Determination (70 Status):	5
Total Cases where PC has been found (80 Status):	5
Cases Submitted for Board Review (100 Status):	3
Cases Currently Filed at DOAH (110 Status):	1
Year and Older Cases	4
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Total Cases open/active in PSU:	28

MOTION: Mr. Mitchell made a motion to allow prosecution service to continue prosecuting year-old cases. The motion was seconded by Mr. Broeker and carried 6/0.

ADMINISTRATIVE PROCEEDINGS

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

4. Michael Burk Jr., Registered Respiratory Therapist

Mr. Burk was not present nor represented by Counsel.

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

Mr. Burk did not appear at the January 2019 meeting, and was issued a notice requiring is appearance at the April 12, 2109, general business meeting.

Mr. Burk submitted a request to withdraw his application.

MOTION: After discussion, Dr. Friday Stroud made a motion to accept Mr. Burks request to withdraw his application. The motion was seconded by Mr. Garcia and carried 6/0.

5. William Thomas Carpenter, Certified Respiratory Therapist

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

He was requested to appear before the board due to his disciplinary history.

MOTION: After discussion, Mr. Mitchell made a motion to grant licensure, with no conditions contingent upon receipt confirming that all penalties have been met with the Missouri Department of Revenue and the Missouri Board for Respiratory Care.

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

MOTION: After discussion, Mr. Mitchell made a motion that should Mr. Carpenter fail to comply with the contingencies of his application within 90 days of the filing of the Order, the application for licensure will be denied.

The motion was seconded by Dr. Friday-Stroud and carried 6/0.

6. Martin Allan Morris, Registered Respiratory Therapist

Mr. Morris was not present nor represented by Counsel.

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 require Mr. Morris' appearance at the regularly scheduled Respiratory Care meeting on July 19, 2019.

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

7. Roger Tomlinson, Registered Respiratory Therapist

Mr. Tomlinson 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, Dr. Friday-Stroud made a motion to grant licensure with the following conditions:

- Comply with terms of the previous Final Order in Case No. 2007-33810, filed on April 29, 2009, with the exceptions of the supervision and probationary term of the Order.
- Once licensed, Mr. Tomlinson's license will be placed on supervised probation for one year.

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

8. Timmy Joe Lofton, Registered Respiratory Therapist

Mr. Lofton 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, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Mr. Garcia and carried 6/0.

9. Earl DuChossois, Registered Respiratory Therapist

Mr. DuChossois 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, Mr. Frey made a motion to grant licensure with no conditions. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

EXEMPTION FROM EMPLOYMENT DISQUALIFICATION

10. Julia L. Whitt, TT1174

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

She applied for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Ms. Whitt’s request for an Employment Exemption from Disqualification. The motion was seconded by Ms. Hom and carried 6/0.

APPLICANT RATIFICATION LISTS

11. Certified Respiratory Therapists

MOTION: Mr. Frey made a motion to ratify the list of 25 names, beginning with Kimberly Dowell and ending with Jeffrey Patterson (Exhibit A), for CRT licensure by endorsement.

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

12. Registered Respiratory Therapists

MOTION: Mr. Frey made a motion to ratify the list of 125 names, beginning with Sara Baxter-May and ending with David William Humphrey (Exhibit B), for RRT licensure by endorsement.

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

13. New Continuing Education Providers

MOTION: Mr. Broeker made a motion to ratify the one name, Wellington RT Education (Exhibit C), for a continuing education provider.

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

14. Exemption from Employment Disqualification

MOTION: Dr. Friday-Stroud made a motion to ratify the one name James Randall Carty (Exhibit D), for exemption for disqualification from employment by delegation of authority from the Board for staff to administratively review and approve exemption applications that meet certain criteria.

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

RULE DISCUSSION/DEVELOPMENT, IF ANY

At this time, Board Counsel provided brief update of the Sunshine Law.

15. 64B32-1.008, F.A.C., Attendance at Board Meetings

64B32-1.008 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member's family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

The Board did not move forward with updating or proposing rule language for the tab.

16. 64B32-2.003, F.A.C. and 64B32-4.002, F.A.C., Fees for Application and Initial Licensure,

64B32-2.003 Fees for Application and Initial Licensure.

(1) The application fee for a person desiring to be granted licensure shall be \$50.00.

(2) The initial licensure fee for a person who becomes licensed shall be \$110.00.

(3) In addition to all other fees collected, there shall be a \$5.00 fee collected for each initial licensure and each renewal for the purpose of combating unlicensed activity.

MOTION: Mr. Mitchell made a motion to permanently reduce the initial licensure fee from \$110 to \$50.

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

MOTION: After discussion, Mr. Mitchell made a motion to direct the Board Counsel to open Rule 64B32-2.003, F.A.C. and Rule 64B32-2.001 for development and to provide an updated application and proposed rule language at the July 19, 2019 Board Meeting.

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

RULE STATUS REPORT

17. Assistant Attorney General, John Fricke

No report.

REPORTS, IF ANY

18. Board Member Reports, if any

- Board Chair, Mr. Mitchell
- Education Liaison, Mr. Broeker
- Legislative Liaison, Mr. Garcia
- Budget Liaison, Mr. Mitchell
- ULA Liaison, Mr. Frey
- Enforcement Liaison, Dr. Friday-Stroud
- Healthiest Weight Liaison, Ms. Hom

No reports.

19. Executive Director, Allen Hall

- Expenditures by Function Report
- Cash Balance Report

This was provided for informational purposes only.

Mr. Hall provided a brief legislation overview.

20. Professional Association Update, if any

No reports.

OLD BUSINESS

21. Board of Respiratory Care Minutes

- January 18, 2019, General Business Meeting

Motion: After Discussion, Mr. Broeker made a motion to approve the January 18, 2019 General Business minutes as presented. The motion was seconded by Mr. Frey and carried 6/0.

OTHER BUSINESS AND INFORMATION

22. Staff Recognition

Informational.

With no further discussion, the meeting was adjourned at 9:55 a.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1.	Dowell	Kimberley		TT	16507
2.	Perez	Luisa	M	TT	16508
3.	Faal	Mam		TT	16509
4.	Zeringue	Jennifer	Solar	TT	16510
5.	Chirillo	Ashley	Ann	TT	16511
6.	Faber	Cheri Lynn		TT	16512
7.	Twitchell	Tabitha		TT	16513
8.	Ayers-Dean	Susan	Deandra	TT	16514
9.	Negron	Laurie	Beth	TT	16515
10.	Mccoy	Susan		TT	16516
11.	Miller	Angela	Marie	TT	16517
12.	Harmon	Brandy		TT	16518
13.	Stempock	Heather		TT	16519
14.	Johnson	Barbara	Lenise	TT	16520
15.	Maywald	Caitlin		TT	16521
16.	Ba	Latusha	Eugenea	TT	16522
17.	Constant	Blondine		TT	16523
18.	Adams	John	Thomas	TT	16524
19.	Rush	Arroya	Cheikeen	TT	16525
20.	Garrigan	Christina	M	TT	16526
21.	Vazquez	Lauret		TT	16527
22.	Hoover	Robert	Thomas	TT	16528
23.	Alayande	Sitting Bull		TT	16529
24.	Ruthven	Jonathan	Eric	TT	16530
25.	Patterson	Jeffrey		TT	16531

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1.	Baxter-Mays	Sara		RT	17369
2.	Rosabal	Heriberto		RT	17370
3.	Faustin	Enode		RT	17371
4.	Harris	Patrick	Michael	RT	17372
5.	Simmons	Catharine	Valery	RT	17373
6.	Coleson	Rhiannon	Lindsey	RT	17374
7.	Joiner	Philip	Douglas	RT	17375
8.	Silaire	Marie	Nadege	RT	17376
9.	Sherman	Jamie		RT	17377
10.	Shaffer	Mindy	Louise	RT	17378
11.	Horney	David	Henry	RT	17379
12.	Lisok	Henry	Lotor	RT	17380
13.	Harris	Clydina		RT	17381
14.	Rivard	Marcia		RT	17382
15.	Arriaga	Michael	Daniel	RT	17383
16.	Shephard	Clashena	R	RT	17384
17.	Scott	Elizabeth	Ann	RT	17385
18.	Williams-Brown	Kristen		RT	17386
19.	Lane	Catherine		RT	17387
20.	Mata	Mario		RT	17388
21.	Van Buren	Hunter	Scott	RT	17389
22.	Gravatt	Adam		RT	17390
23.	Larmond	Kevin	Anthony	RT	17391
24.	Zufelt	Christine		RT	17392
25.	Seyler	Megan	Marie	RT	17393
26.	Morales	David		RT	17394
27.	Smith	Kimberly	M	RT	17395
28.	Shular-Reece	Merrill	Rhea	RT	17396
29.	Meek	Christopher	M	RT	17397
30.	Ray	Timothy	Roy	RT	17398
31.	Derry	Tammy	Lynn	RT	17399
32.	Morsell	Wanda	Stewart	RT	17400
33.	Hardy	Joshua	Wayne	RT	17401
34.	Spencer	John	Warren	RT	17402
35.	Oquinn	Kenny	Ray	RT	17403
36.	Hoogasian	Alex		RT	17404
37.	Poff	Adam		RT	17405
38.	Revels	Pamela		RT	17406
39.	Tant	Laura	Michelle	RT	17407
40.	Grieser	Maria		RT	17408
41.	Wimbs Miller	Terrence		RT	17409
42.	Curtis	Tommy		RT	17410
43.	Cassamajor	Suzanne		RT	17411
44.	Succes	Laurie	S	RT	17412
45.	Griffith	Dorothy	Ranae	RT	17413
46.	Parambath	Paul	T	RT	17414

47.	Vidal	Vilma		RT	17415
48.	Anderson	Mica	Nicole	RT	17416
49.	Shipley	Lois	Ann	RT	17417
50.	Smith	Arianna	Brie	RT	17418
51.	Ethridge	Pamela	Renee	RT	17419
52.	Robinson	Pamela	A	RT	17420
53.	Veloso	Dominic	Ken	RT	17421
54.	Diadhiou Toure	Binetou		RT	17422
55.	Jacob	Kristin	Danielle	RT	17423
56.	Romero	Michael	S	RT	17424
57.	Wilson	Hannah	Nicole	RT	17425
58.	Johnson	Andrew	M	RT	17426
59.	Singley	Kylie	Lynn	RT	17427
60.	Mcmillan	Jordan	Edward	RT	17428
61.	Laggis	Cheryl	C	RT	17429
62.	Frederick	Brittany		RT	17430
63.	John	Thomas	P	RT	17431
64.	Juste	Mirlanda		RT	17432
65.	Bryson	Martin	John	RT	17433
66.	Yellico	Nathan	P	RT	17434
67.	Hedden	Dayna	R	RT	17435
68.	Lewis	Sara	M	RT	17436
69.	Hull	Rebecca	Dale	RT	17437
70.	Duffy	Patrick	Jacob	RT	17438
71.	Rodriguez Gonzalez	Yuria		RT	17439
72.	Culmer Jr.	Jerome		RT	17440
73.	Isakh	Imran		RT	17441
74.	Taylor	Marena	Monae	RT	17442
75.	Stoner	Lea		RT	17443
76.	Williams	Jacqueline	J	RT	17444
77.	Goldman	Mark	D	RT	17445
78.	Morgan	Sierra	Rose	RT	17446
79.	Joseph	Hondy		RT	17447
80.	Davidson	Lori		RT	17448
81.	King	Cheryl	Ann	RT	17449
82.	Brown	Lindsey	Nichole	RT	17450
83.	Gunn	Noah	C.F.	RT	17451
84.	Burke	Michael	Anthony	RT	17452
85.	Newman	Benjamin	Edward	RT	17453
86.	Zirpolo	Mark	Angelo	RT	17454
87.	Donoso	Jennifer		RT	17455
88.	Coolidge	Elvia		RT	17456
89.	Marquez	Albert	J	RT	17457
90.	Hosein	Barry	S	RT	17458
91.	Meza	Theresa	Marie	RT	17459
92.	Cyrille	Mideline		RT	17460
93.	Lopez	Andre	Theo	RT	17461
94.	Johnson	Joshua	Alexander	RT	17462
95.	Bandy	Heather	Nicole	RT	17463
96.	Loope	Kathryn		RT	17464

97.	Bailey	Annemarie		RT	17465
98.	Gager	Crystal	Roxanne	RT	17466
99.	Sanson	Stacy	Ann	RT	17467
100.	Wilkerson	Shaketra		RT	17468
101.	Kiefer	Amanda		RT	17469
102.	George	Stephanie	Jean	RT	17470
103.	Holian	Stephen	Michael	RT	17471
104.	Bryant	William	Cullen	RT	17472
105.	Ruthven	Michelle	L	RT	17473
106.	Roberts	Liala	Huda	RT	17474
107.	Stewart	Brandy	Hill	RT	17475
108.	Berger	Jessica		RT	17476
109.	Martin	Tammy		RT	17477
110.	Milthaler	Kelly		RT	17478
111.	Snyder	Sarah	Kristine	RT	17479
112.	Mayor	Michael	Louis	RT	17480
113.	Wiesen	Andrew		RT	17481
114.	Larrivee	Ryan	Richard	RT	17482
115.	Diaz	Jovanny	Valdes	RT	17483
116.	Jones	Laura	O	RT	17484
117.	Rapant	David	F.	RT	17485
118.	Rumph	Brandy	D	RT	17486
119.	Wyatt	Justin	Heath	RT	17487
120.	Brown	Tiffani	Michelle	RT	17488
121.	Scott	Amina		RT	17489
122.	Longenhagen	Patricia	A	RT	17490
123.	Cervantes	Ivan		RT	17491
124.	Harper	Jill	Marie	RT	17492
125.	Humphrey	David	William	RT	17493

**NEW BOARD APPROVED CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

Provider name

Provider number

1. WELLINGTON RT EDUCATION

50-27482

**EXEMPTIONS FOR DISQUALIFICATION FROM EMPLOYMENT
FOR RATIFICATION**

The board has delegated authority to staff to administratively review and approve exemption applications that meet certain criteria. The list of administratively approved exemptions is included for ratification.

1. Mr. James Randall Carty RT13149