

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of January 21, 2010

Thursday, January 21, 2010, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Board Chair Toni Rodriguez
- Arrived at 9:05 a.m.

Vice Chair Becky Brimhall
- Left at 2:00 p.m.

Chuck Ramirez

David Sanderson
- Left at 3:20

Bill Cohagen

Board Members Absent:

James Love

John O'Donnell

Staff Present:

Mary Hauf Martin

David Geriminsky

Valarie Davis

Legal Counsel:

Keely Verstegen

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Authored by: David Geriminsky
Recommended by: Mary Hauf Martin
Approved by the Board on February 18, 2010

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of January 21, 2010

CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Vice Chair Becky Brimhall

CONSENT AGENDA

CONSENT AGENDA:

All items listed with “C” are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

There being no items requested to be removed, a motion was made by **Becky Brimhall** to approve all items on the Consent Agenda. **David Sanderson** seconded. **The Motion Passed.**

C-1 APPROVAL OF MINUTES

Recommended for Approval

December 17, 2010

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

Kristina Ahmie
Margot Meissner
Scott Ross
Adnan Sutkovic

B. Shawn Bright
Evangeline Pomay-O
Barbara Salisbury
Gloria Valderrama

Megan Cooper
Brian Mann
Eric Sampson
Christine Young

Helen Grim
Ping Qiu
LaDonna Styles

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

None

iii. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

La Keisha Alexander	Vicki Billie	Van Bouttirath	Margaret Caponecchia
Cyndey Dell	Jacinda Demetros	Kristen Dessario	Anthony Diaz
Timothy Gordon	Thomas Hanson	LaDonna Harper	Salvador Heredia
Becky Kaplan	Reanna Lipscomb	Jay Maxwell	Yeni Morgan
Karen Neel	Angela Nelson	Sawsan Okmen	Michelle Platero
Stephanie Robinson	Jennifer St. John	Daniel Scott	Ajla Sinanovic
Stephanie Spector	Christopher Stratton	Jessica Thompson	Tina Tso Maccaffi
Felipe Vigueras			

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

None

C -3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

Eduardo Armenta Ariana Carbajal David Castro

C- 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Lisa Bennett	Erik Freimann	Jaime Gleason	Sandra Henriksen
Christopher Jaldos	Mary Jungbluth	Tracey Lewis-Kerr	Barbara Lex
David Maheu	Sherrie Marchetti	Gina Pierce	Robert Sanders
Stacy Scott	Richard Smith	Sylvain Thifault	Kirk Wanzer

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

Tisha Allred	Carlos Becerra	Iain Black	Amy Broderick
Tiffany Burriss	Rachel Cross-Nistor	Michael Delafield	Donna Hardy
Raymond Hernandez	Nicholas Joyner	Terry Lencyk	Elizabeth Lohman
Sarah Maguire	Kimberly McAlister	Kathryn Reynolds	Rick Robl
Joseph Schmeiz	Carmita Smith	Saren Spurgeon	Deborah Stenger
Monica Sullivan	Emmanuel Tagai		

C -6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Peggy Cameron-Effect	Frank Magrino	John Peart	Michelle Williams
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C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

Decision on Accepting Proposed Consent Agreements

none

Decision on Accepting Proposed Letters of Warning Issued

none

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, February 19, 2009, at 9:00 a.m.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

i. Election of Officers

The Board took nominations for individuals to elect to the position of Board Chair in the year 2010.

David Sanderson moved to nominate and elect Bill Cohagen to the position of Board Chair. **Chuck Ramirez** Seconded. The Motion Passed.

Recused: Bill Cohagen

The Board took nominations for individuals to elect to the position of Board Vice Chair in the year 2010.

Toni Rodriguez moved to nominate and elect David Sanderson to the position of Board Vice Chair. **Bill Cohagen** Seconded. The Motion Passed.

ii. Scope of Practice Issues

➤ Concurrent Therapy

Becky Brimhall moved, and Bill Cohagen seconded, the adoption of the following policy statement. The motion passed unanimously:

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on January 21, 2010, arrived at the following Advisory Opinion Statement.

Arizona Board of Respiratory Care Examiners Position

Advisory Opinion Statement on Concurrent Therapy

The Board unanimously agreed that in the State of Arizona:

- It is the duty and obligation of every Licensee to provide safe and skillful patient care.

- Licensees must assess each and every patient in their care.
- After an assessment is performed, a Licensee may make an informed decision as to whether or not the acuity of the patient would allow for concurrent therapy to be provided safely.
- For patients who would be endangered by the provision of concurrent therapy, it must not be used.
- The Board strongly recommends adherence to the White Paper on Concurrent Therapy by the American Association for Respiratory Care. (source: AARC website at http://www.aarc.org/resources/concurrent_therapy.html)

The concluding paragraph of the AARC White Paper is quoted here:

“Patient safety is the primary reason for respiratory therapists not to deliver care via concurrent therapy without a thorough patient assessment. Indiscriminate use of concurrent therapy may lead to declines in quality and may jeopardize patient safety. Aerosolized medications administered during treatments have potential adverse reactions. Recognition of these reactions is not possible if the patient is left unattended and thus a safety hazard exists.

Action should be taken to remedy situations that cause concern for patient safety and appropriateness of care. Possible actions include establishing protocols and other procedures, as well as conferences with managers and supervisors, if necessary. Additional actions may include reporting unsafe practices to appropriate authorities within the hospital or other health care agencies. Concurrent therapy may not only adversely affect quality of care and patient safety, but can lead to a decline in job satisfaction and a loss of trained personnel. Such adverse results further exacerbate the health care work force shortage. Ultimately, it is the ethical and professional responsibility of respiratory therapists to assure their patients receive both safe and effective care of the highest quality.”

➤ Injection of Lidocaine

Becky Brimhall moved, and Bill Cohagen seconded, to place a position statement on the February 2010 agenda, as follows:

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on January 21, 2010, arrived at the following Advisory Opinion Statement.

Arizona Board of Respiratory Care Examiners Position

Advisory Opinion Statement on Injection of Lidocaine

The Board unanimously agreed that Injection of Lidocaine as part of the provision of respiratory care procedures, such as the process for ABG sticks or Arterial line insertions, is absolutely in the scope of practice for licensed RCPs.

➤ Renal Replacement Therapy

Becky Brimhall moved, and Bill Cohagen seconded, to place a position statement on the February 2010 agenda, as follows:

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on January 21, 2010, arrived at the following Advisory Opinion Statement.

Arizona Board of Respiratory Care Examiners Position

Advisory Opinion Statement on Renal Replacement Therapy

Respiratory Therapists are heavily involved in ECMO. The Board unanimously agrees that in the presence of facility policies and procedures along with documentation of a training program and a method of tracking continuing competency, respiratory care practitioners in the State of Arizona may perform this therapy.

The Board strongly recommends that RCPs who are performing this procedure document both their training and on-going demonstration of competency.

➤ Staffing Guidelines

Becky Brimhall moved, and Bill Cohagen seconded, to place a position statement on the February 2010 agenda, as follows:

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on January 21, 2010, arrived at the following Advisory Opinion Statement.

Arizona Board of Respiratory Care Examiners Position

Advisory Opinion Statement on Staffing Guidelines

The establishment of appropriate staffing levels is the prerogative of health care facilities. Whatever staffing ratios are used, patient safety has to be the focus. Licensees, and Department Directors are urged to use the resources available to them, such as the AARC Reporting Manual and other available resources. If a patient is harmed, the allegation will be investigated. Please see the Board's Policy on Concurrent Therapy, adopted on January 21, 2010.

iii. Policy Issues

GUIDELINES FOR CASES WHERE A RESPIRATORY THERAPIST IS CONVICTED OF A FELONY OFFENSE

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

GUIDELINES FOR CASES WHERE A LICENSED RESPIRATORY THERAPIST IS CONVICTED OF A FELONY OFFENSE

ARS 41-1091 (B)

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Az. Administrative procedure act. If you believe that this substantive policy statement does impose additional or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Each case must be reviewed individually.

Arizona law states:

A.R.S. §32-3523. Qualifications:

- A.** An applicant for a license shall:
 - 1. Be a high school graduate or the equivalent as prescribed by the board by rule.
 - 2. Be a graduate of a respiratory therapy training program.
 - 3. Pass a written examination approved by the board or be eligible to take a written examination pursuant to section 32-3522.
 - 4. Not have committed acts or crimes which constitute grounds for denial of a license or disciplinary action pursuant to section 32-3552.**

§32-3552. Grounds for denial of licenses or disciplinary action; appeal

- A.** The board may deny an application for a license or take disciplinary action pursuant to section 32-3553 if the applicant or licensee:
 - 1. Makes a material misrepresentation on an application or procures a license by fraud.
 - 2. Negligently or knowingly employs an unlicensed person who represents himself as a licensed respiratory care practitioner.
 - 3. Commits an act of unprofessional conduct.
 - 4. Is convicted of a felony if the conviction has not been set aside by the court. Conviction by a court of competent jurisdiction is presumptive evidence that the person committed the felony.**

For License Applicants:

Class 6 or Undesignated Felony:

A Temporary License will not be issued unless and until an Applicant provides documentation to the Board that he or she has had her felony conviction(s) set aside and civil rights restored.

If an individual fails to document restoration of civil rights after a felony conviction, he or she is ineligible to be considered for the granting of a license.

Class 1 through Class 5 Felony:

A Temporary License will not be issued.

An individual who cannot document restoration of civil rights after a felony conviction is ineligible to be considered for the granting of a license.

For Current License Holders:

Class 6 or Undesignated Felony:

In the event of one or more felony conviction(s), a Licensee must provide documentation to the Board that he or she is eligible to have the felony conviction(s) set aside and civil rights restored.

In addition to all of the possible disciplinary actions the Board may take under the law (§32-3552), the Board **may** place a Licensee on a term of probation that requires him or her to document the restoration of civil rights.

Class 1 through Class 5 Felony:

The Board will initiate a formal administrative hearing to consider the revocation of a License of an individual who is convicted of a felony of a level that is not eligible to ever have his or her civil rights restored.

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL

A. Application for Licensure/Interview

1. Brian Curdo Case Number C002502-10-008833

Mr. Curdo was present. The Boards Executive Director stated that Mr. Curdo meets all the basic requirements for licensure. **Board Chair Toni Rodriguez** moved, considering Mr. Curdo's history, to Grant Mr. Curdo a license on a 3 year term of probation. This probation would include that he must AA meetings once a week, gain a sponsor, complete his court requirements, attend his counseling sessions, have random bodily fluid screens, that his employer be notified of this probation and all other normal terms of probation. After discussion, **Bill Cohagen** Seconded the motion. **The Motion Passed.**

B. Application for Licensure/Interview

1. Frank Miller Case Number C002540-10-009275

Mr. Miller was present. The Boards Executive Director stated that Mr. Curdo meets all the basic requirements for licensure. After discussion, **Bill Cohagen** moved to re-instate the license of Mr. Miller to practice respiratory therapy in the state of Arizona. **Chuck Ramirez** seconded. **The Motion Passed.**

2. John Davis Case Number C002541-10-009000

This Matter was tabled for reasons of Quorum.

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Aimee Hoffman Case Number C002531-10-007474

Ms. Hoffman was not present. After reviewing all available information, **Board Chair Toni Rodriguez** moved to invite her to an informal interview. **David Sanderson** seconded. **The Motion Passed.**

2. Tanya Nareau Case Number C002539-10-007550

Ms. Nareau was not present. After reviewing all available information and a brief discussion on the serious nature of the allegation, **Bill Cohagen** moved to issue a Formal Complaint and Notice of Hearing. **David Sanderson** Seconded. **The Motion Passed.**

**R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS
PURSUANT TO A.R.S. § 32-3553(G)**

1. Martin Rocabado Case Number C002490-10-003627

Mr. Rocabado was present. The Board requested additional information from him and gave direction to Board staff regarding this case. **Becky Brimhall** moved to Table this matter to a later agenda. After discussion, **Bill Cohagen** Seconded. **The Motion Passed.**

R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. David Coss Case Number C002350-09-004179

Mr. Coss was present and accompanied by his attorney, Alana Gottfried. The case was presented by Assistant Attorney General Keely Verstegen on behalf of the State of Arizona as follows:

The Board received an allegation against Licensee in October 2008.

Licensee was informed of the allegation, in writing.

At the public meeting held on May 21, 2009, the Board considered the matter. Licensee was present.

The Board reviewed the information; and, Licensee's disciplinary history, as follows:

- In September 2001, the Board revoked a previously held license due to Licensee's "improperly utilizing a health care facility's pharmacy system."
- Licensee successfully petitioned to have his license reinstated at the public meeting held on October 6, 2003. His license was placed on rehabilitative probation which he successfully completed in December 2006.

Licensee was invited to participate in further, public, meetings with the Board to consider this matter.

The Board received testimony from: Executive Director Mary Hauf Martin; Cherez Norris; Joe Pietro (via telephone); Travis Dshaak; Darrell Honesto; Carmita Smith (via telephone); and Licensee.

Licensee admitted that in October of 2008, while on duty at Kindred Hospital, he failed to follow the facility's policy related to: Utilizing the appropriate respiratory medications, from a locked cabinet in each patient's room, to administer therapy.

The Board took relevant documents into evidence.

After discussion, Bill Cohagen moved to adopt Findings of Fact as set forth above, which constitutes violations by Licensee of the following:

A.R.S. § 32-3552(A)(3) Definitions of Professional Conduct

In conjunction with:

A.R.S. § 32-3501(10) (i) Any conduct or practice which is contrary to recognized standards of ethics of the respiratory therapy profession or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public.

A.A.C. R4-45-214(1) Engaging in the practice of respiratory care in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

A.A.C. R4-45-214(16) Inaccurately recording, falsifying, or altering a patient record, including a patient chart or medication administration record.

Becky Brimhall seconded the motion. It passed unanimously. After further discussion, David Sanderson moved to issue a Decree of Censure. Bill Cohagen seconded. The motion passed by a vote of four to one, with Board Chair Toni Rodriguez voting no.

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

Informal Interview Regarding Probation Compliance

1. Franklin Minor Case Number C002503-10-008958

Ms. Minor was present. The Board took no action.

2. Robin Kaiser Case Number C002445-09-008609

Ms. Kaiser was present. The Board took no action.

3. Ronald Crandell Case Number C002393-08-1959

Mr. Crandell was present. The Board found that Mr. Crandell was in complete compliance with his probation. After discussion, **Bill Cohagen** moved to lift the probationary order from Mr. Crandell's license. **David Sanderson** Seconded. **The Motion Passed.**

4. Jaclyn Lucht Case Number C002509-10-007967

Ms. Lucht was present. The Board took no action and Ms. Lucht's probation automatically expired.

5. Bridget Koenen Case Number 03580-06-2150

Ms. Koenen was present and accompanied by her attorney James Marovich. After discussion and considering Ms. Koenen's history, **Bill Cohagen** moved to lift the probationary order from Ms. Koenen's license. Board Member further moved to modify Ms. Koenen's restriction of practice to allow her to work in an acute care setting while still limiting her practice from Critical /Intensive Care. **David Sanderson** Seconded. **The Motion Passed.**

R-8 CALL TO THE PUBLIC

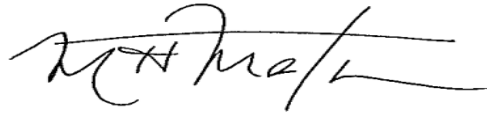
Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

There was no public presentation to the Board.

R-9 ADJOURNMENT

Board Chair Toni Rodriguez adjourned the meeting at 3:25 p.m., without objection

DATED this 16th day of February, 2010



MARY HAUF MARTIN

Executive Director