

IOWA BOARD OF RESPIRATORY CARE
Regular Meeting
May 11, 2010, 10:00 AM

Origination Site: 5th Floor Board Room
Lucas State Office Building
Des Moines, IA 50319

MINUTES

Reason for Conference Call: Due to state budgetary constraints and the need to ensure the most efficient use of state resources, this board meeting was held by conference call pursuant to Iowa Code 21.8. The meeting was accessible to the public through attendance at the origination site.

Call to Order: 10:02AM

Kerry George, Chair, called the meeting to order at 10:00 a.m. by roll call vote: Kerry George, RCP; Kathy Semke, RCP; Akshay Mahadevia, M.D; and Arlene Lee. Absent: Robert Zeman, RCP.

Staff present: Ella Mae Baird, Board Executive; Eileen Gloor, Bureau Chief; Marvin Firch, Outreach and Compliance Educator; Karla Hoover, Licensure Specialist; and Kris Ensign, AAG.

Approval of Minutes

Motion: Approve minutes of the March 1 and April 7, 2010 board meeting. (MSC: Semke/Mahadevia)

Public Present: None

Reports

Chair: No Report

Board Executive, Ella Mae Baird

A copy of the full report is attached as an addendum to these minutes.

Bureau Chief, Eileen Gloor

A copy of the full report is attached as an addendum to these minutes.

AAG, Kris Ensign:

1. Kris Ensign introduced herself. Ms. Ensign has been with the Assistant Attorney General's Office for 22 years and now has been assigned seven boards in Professional Licensure.
2. Policy statements: She explained the difference between policy statements and rules and said that generally rules are preferable. Rules allow input from the public and from licensees and the legislature.
3. Board member guidelines: Board members were provided a copy of the Guidelines for Board Members. Ms. Ensign highlighted some important points identified in the guidelines: (1) Purpose of the board is to protect the public; (2) Board members should be knowledgeable of the laws and rules; (3) She reminded board members that whether they are professional members or public members they are seen as a representative of the board; (4) Information discussed in closed session is confidential and board members must maintain confidentiality;

and (5) If a board member is concerned about a conflict of interest, to discuss with the board executive or AAG.

Election of Officers

Chair: Kerry George nominated to the position of Chair for 2010-2011 year, (MSC: Semke/Lee)

Vice Chair: Akshay Mahadevia, M.D, nominated to the position of Vice-Chair for 2010-2011 year. (MSC: Lee/Semke)

Secretary: Kathy Semke nominated to the position of Secretary for 2010-2011 year. (MSC Lee/Mahadevia)

Old Business: None

New Business: None

Iowa Code and Administrative Rules: None

Recognition:

Board expressed its thanks and appreciation to Ella Mae Baird for her service to the Respiratory Care Board during the past several years.

Closed Session

In accordance with Iowa Code 21.5(1)“ a” & “d,” the Board went into closed session at 10:39 a.m. by unanimous roll call vote to discuss closed session agenda items (MSC: Lee/Mahadevia). The Board returned to open session at approximately 10:46 a.m. No public action was taken by the board.

Future Board Meetings

August 10, 2010
November 18, 2010

Scheduled board meeting for 2011 will be the 3rd Tuesday of the month as follows:

February 15, 2011
May 17, 2011
August 16, 2011
November 15, 2011

Adjournment

Motion: Adjourn meeting at 10:47 a.m. (MSC: Lee/Mahadevia)

Respectfully submitted,
Kathy Semke, RCP

BOARD OF RESPIRATORY CARE
BOARD EXECUTIVE REPORT
May 11, 2010

Change in AAG Assignments: Earlier this year, Emily Kimes-Schwiesow was assigned as legal counsel for the Board of Respiratory Care, and Emily attended the March board meeting. Emily resigned her position with the Assistant Attorney General's Office to spend more time with her young family. This board is now assigned to AAG, Kris Ensign. Kris provides legal guidance to six other boards in Professional Licensure.

Retirement: I am one of four individuals that will be retiring from Professional Licensure, and my last day will be June 18. I plan to have the follow-up from this board meeting completed and organized for my replacement. I have enjoyed working with you during these past seven years.

Legislation: The Technical Bill passed successfully and was signed by the Governor. The Technical Bill included a non-substantive revision to Iowa respiratory care statute and will be effective July 1, 2010. Iowa Code 152B.13 covered the organization of the board and the term of office for board members, which can also be found in Code 147. Also, parts of this section are outdated and not in agreement with Iowa Code section 147.12 that was revised in 2008.

Renewal: 1,529 respiratory care practitioner licenses were scheduled for renewal in 2010, and 1,388 completed the renewal by March 31. Fifteen individuals renewed late, and will be subject to an audit of their continuing education. This means that 126 respiratory care licenses scheduled to be renewed were not renewed and are now on inactive status.

Audit of Continuing Education: Lalah McGowen is preparing to send out audit letters to licensees who have been selected for audit. Approximately five percent of the renewals are randomly selected for audit; all individuals who renew during the grace period in 2010 will be audited; and licensees who renewed during the grace period in 2008 will be re-audited if they completed continuing education during the 2008 to 2010 compliance period.

Board Meeting Dates for 2010:

August 10, 2010
November 18, 2010

Board Meeting Dates for 2011:

February 15, 2011
May 17, 2011
August 16, 2011
November 15, 2011

Bureau Chief Report
4/01/10 – 6/30/10

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully and have been signed by the Governor. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel restrictions remain in effect for Board members and staff. Memberships in professional organizations continue to be approved based on justification of

their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.

- 5. State early retirement incentive** The Bureau is impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments are permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees submitted their applications by April 15, 2010. The Department submitted a plan that has been approved by the Department of Administrative Services. For Professional Licensure, this would allow the Bureau to fill the positions vacated by one board executive and the discipline office coordinator with no pay reductions. Marvin Firch will serve as interim Bureau Chief effective June 25. Dates for filling the positions vacated under the program will be determined pending approval of the plan by the Department of Management. This plan leaves one board executive position vacant.
- 6. Outreach and compliance** Marvin Firch is working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.
- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive

reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.

9. **Bureau relocation** The schedule for relocation to the building that was previously Mercy Capitol on the Capitol Complex has been delayed. Professional Licensure is still anticipated to share physical space with the Plumbing Board and Emergency Medical Services when the move occurs.