

IOWA BOARD OF RESPIRATORY CARE
Regular Meeting
February 15, 2011 - 10:00 AM
Conference Call

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

MINUTES

Call to Order:

Kerry George, Chair called the meeting to order at 10:04 a.m. by roll call vote: Kerry George, RCP; Kathy Semke, RCP; and Arlene Lee; Robert Zeman, RCP; Akshay Mahadevia, M.D

Absent: None

Staff present: Barb Huey, Bureau Chief; Susan Reynolds, Exiting Board Executive; Tony Alden New Board Executive; Kris Ensign, AAG; and Karla Hoover, Licensure Specialist

Approval of Minutes

Motion: Approve minutes of the November 18, 2010 board meeting. (MSC: Lee/Mahadevia)

Public Present: None

Reports:

Board Chairperson, Kerry George: Nothing to report

Exiting Board Executive, Susan Reynolds: Has enjoyed working with the board. She will be able to devote more time to the Cosmetology board.

New Board Executive, Tony Alden: Tony introduced himself. He has been with the bureau since 2006. Tony has been involved with background checks for Respiratory Care applicants for licensure since 2009. He reported that the results are received much quicker than when the process started in January 2009.

Bureau Chief, Barb Huey: Regarding staffing, with the hiring of Tony the Board Executive positions in the Bureau are at full staff. Currently there is one open position for staff support; however, there is a hiring freeze for filling the open clerk specialist positions, so the work will be distributed to current clerk specialists. Thank you to Susan Reynolds for her brief time as board administrator. Amanda software-will begin business requirements in March.

AAG, Kris Ensign: How to run Discipline proceedings – Hearing is coming up in the near future so Kris updated the board on discipline proceedings. When the board conducts a disciplinary hearing it is important to remember that Board members are the triers of the facts just like a judge or jury in a district court action. It is important that the board act with decorum. The board listens to the evidence presented by the attorneys through testimony and exhibits and makes its decision based on the evidence. The Board should remember to act in a professional manner. An Administrative Law

Judge (ALJ) is assigned to assist the board in the process. Once the board decides to file charges; the AAG cannot have communication with the board regarding the case.

New Business:

(Supervised) Attended versus (Unsupervised) unattended respiratory therapy

White paper issued some years ago with regard to stacking of treatments. This is where patients are left with treatments going so they can start more patients on their treatments. This leaves the patient unattended while having respiratory treatments.

Kerry George wanted input on possibly creating rules regarding unattended respiratory therapy. Kris advised the Board that this was not an issue for the Board to discuss as the Board had no authority. Kris pointed out the Board currently has the power to discipline licensees in issues of negligence or competency. The Board discussed the possibility of a policy statement to define attended /unattended therapy. Kris advised the Board that any definitions should be made through the rule making process and not through a policy statement.

Kerry had concerns over health facilities forcing respiratory therapists into providing unattended respiratory therapy. Kerry voiced his concern over how can the Board protect the public and the respiratory therapists from the facilities forcing therapists to provide unattended therapy. Kris and Tony pointed out the Board only has authority over the therapists. The therapists or patients would need to file complaints with the Health Facilities division of the Department of Investigations and Appeals. Kerry voiced his frustration that therapists are scared to complain for fear of losing their jobs.

Kerry also expressed dissatisfaction with the peer review process. Currently the Board only has one peer reviewer. Tony requested names of licensees who might have the expertise needed to be a peer reviewer. The association can also refer people they feel would be interested in being a peer reviewer.

Discuss rules changes to 645 IAC 261.4; Examination requirements, 645 IAC 261.6; Licensure by endorsement, and 645 IAC 262.2 Continuing education requirements
A rules committee was formed to draft proposed rules changes to bring back to the Board for discussion and possible notice.

Iowa Code and Administrative Rules:

Rescind 645 IAC 262.4, removes duplicate language that is already in Chapter 4. The Board gave consensus to notice.

Amend subrule 4.3(5) as follows: Board meetings shall be governed in accordance with Iowa Code chapter 21, ~~and the board's proceedings shall be conducted in accordance with Robert's Rules of Order, Revised.~~ The Board gave consensus to notice.

Closed Session

In accordance with Iowa Code 21.5(1)“ a,” “d,” & “f” the Board went into closed session at 11:15 a.m. by unanimous roll call vote to discuss closed session agenda items (MSC: Lee/Semke). The Board returned to open session at approximately 11:48 a.m. (MSC: Zeman/Lee). The following actions were taken by the board.

A motion to close case 11-001 was made by Semke and seconded by Lee. Motion carried unanimously.

A motion was made to accept the Notice of Hearing and Statement of Charges as presented in closed session for case 10-001 by Lee. Seconded by Semke. Motion carried unanimously with Zeman recused.

Future Board Meetings

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

May 17, 2011 The AAG stated that this board meeting must be in person because of a hearing
August 16, 2011
November 15, 2011

Adjournment

Motion: Adjourn meeting at 11:52 (MSC: Semke/Zeman)

Respectfully submitted,
Iowa Board of Respiratory Care

Approved by the Iowa Board of Respiratory Care on May 17, 2011