

MINUTES
Department of Health
Medical Quality Assurance
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
January 11, 2008

Hilton Tampa Airport Westshore
2225 North Lois Avenue
Tampa, Florida 33607
(813) 877-6688

8:30 a.m. EST

Ms. Waggoner, Chair, called the general business meeting to order at 8:30 a.m. Those present for the meeting, included the following:

Members Present

Deborah Waggoner, RRT, Chair
Michele Grassi, RRT, Vice-Chair
Ellen Weiss, RRT
Morfia (Joy) Nunez, CRT
Shawnta Friday-Stroud, Ph.D.
David Rappa, RRT

Staff Present

Allen Hall, Acting Executive Director
Cheryl Searcy, Program Operations Administrator
Barbara Baker, Regulatory Specialist II

Counsel Present

Barbara Edwards, Board Attorney
Office of the Attorney General

Prosecuting Attorney

Anntionette Smith, DOH, Assistant General Counsel

Court Reporter:

Argus Bay Park Reporting
Patricia K. Gough
3410 Henderson Blvd # 100
Tampa, FL 33609
(813) 490-0003
www.argusreporting.com

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. Those present for all or part of the meeting, included the following:

Dr. Judy Rivenbark was present to represent the Professionals Resource Network (PRN). Dennis Willerth, Executive Director, was present to represent the Florida Society for Respiratory Care (FSRC).

Mr. Rappa, Ms. Grassi, and Ms. Weiss were recused from cases as noted in each tab, due to their participation on the Probable Cause Panel.

TAB 1 Thomas Devlin, RRT, DOH Case NO. 2007-03067

Default – (PCP Members – Rappa, Grassi)

Mr Rappa and Mrs. Grassi were recused due to participation on the Probable Cause Panel. Respondent was not present nor represented by counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating the following: Count I: Section 468.365(1)(b), Florida Statutes (2006), by having a license to deliver respiratory care services acted against by the licensing authority of another state, territory, or country. Respondent's Ohio nursing licensure application was voluntary withdrawal in lieu of denying licensure on May 18, 2007. Count II: Section 456.072(1)(x), Florida Statutes (2006), by failing to report to the board, or a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Count III: Section 468.365(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

An Administrative Complaint was file on August 28, 2007; however, Count I was dismissed by the Department. Respondent failed to respond to the Administrative Complaint in a timely matter. On January 7, 2008, after receiving Respondent's voluntary relinquishment of license, Ms. Smith filed a Motion for Final Order of Voluntary Relinquishment of Licensure in lieu of undergoing further disciplinary proceedings. Respondent agreed never to apply for licensure as a Respiratory Therapist in the state of Florida.

MOTION: Dr. Friday-Stroud moved to accept the Voluntary Relinquishment. The motion was seconded and carried 4/0.

TAB 2 Joseph Emile, CRT, DOH Case NO. 2005-63164 & 2005-6972

Default – (PCP Members – Rappa, Johnson)

Mr Rappa was recused due to participation on the Probable Cause Panel. Respondent was not present nor represented by counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating Section 468.365(1)(i), Florida Statutes (2005), by violating a lawful order of the Board or Department previously entered in a disciplinary hearing.

An Administrative Complaint was filed on December 6, 2007. Respondent was served with the Administrative Complaint via publication in the newspaper in the Respondent's county or residence; however, Respondent failed to respond.

MOTION: Dr. Friday-Stroud moved to accept and adopt the investigative report findings that the Respondent is in default, which was seconded and carried 5/0.

MOTION: Dr. Friday-Stroud moved that the Respondent was properly noticed and by failing to respond, waived his right for a hearing. The motion was seconded and carried 5/0.

MOTION: Ms. Nunez moved to adopt the findings of fact in the administrative complaint. The motion was seconded and carried 5/0.

MOTION: Dr. Friday-Stroud moved to adopt the conclusions of law in the administrative complaint. The motion was seconded and carried 5/0.

MOTION: After discussion, Ms. Nunez moved to impose a Reprimand, a fine of \$500.00 to be paid within one year, plus the previous fine and costs to be paid within twelve (12) months. Failure to pay all fines and costs incurred within twelve (12) months will result in the suspension of the Respondent's Florida license for six (6) months. The motion was seconded and carried 5/0.

MOTION: Dr. Friday-Stroud moved to assess the investigative costs of \$844.52 to be paid within one year from the date of the filing of the Final Order. The motion was seconded and carried 5/0.

Ms. Smith will file a Notice of Scrivener's Error correcting a clerical error in the Motion of Cost, which references the Board of Podiatry instead of the Board of Respiratory Care.

Tab 3 Eusebio Gamino, CRT, DOH Case NO. 2006-33862
Default – (PCP Members – Rappa, Weiss)

Mr Rappa and Ms. Weiss were recused due to participation on the Probable Cause Panel. Respondent was not present nor represented by counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating the following: Count I: Section 468.365(1)(f), Florida Statutes (2006), by engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to this part. Count II: Section 465.365 (1)(o), Florida Statutes (2006), by gross or repeated malpractice or the failure to deliver respiratory care services with the level of care, skill and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist. Count III: Section 465.365(1)(t), Florida Statutes (2006), states failing to keep written respiratory records justifying the reason for the action taken by the licensee is grounds for discipline. Count IV: Section 468.365 (1)(r), Florida Statutes (2006), by making deceptive, untrue, or fraudulent representations in the deliver of respiratory care services or employing a trick or scheme in the delivery of respiratory care services.

An Administrative Complaint was filed on July 2, 2007. Respondent was served with the Administrative Complaint via publication in the newspaper in Respondent's county or residence; however, he failed to respond.

MOTION: Dr. Friday-Stroud moved to accept and adopt the investigative report findings that the Respondent is in default, which was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved that the Respondent was properly noticed and by failing to respond, waived that right for a hearing. The motion was seconded and carried 4/0.

MOTION: Ms. Nunez moved to adopt the findings of fact in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: Ms. Nunez moved to adopt the conclusions of law in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: After discussion, Ms. Grassi moved to Revoke the Respondent's license and impose a fine of \$11,100.00 to be paid within one year of the filing of the Final Order. The motion was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to assess the investigative costs of \$4,107.51 to be paid within one year from the date of the filing of the Final Order. The motion was seconded and carried 4/0.

TAB 4 Robert L. Scott, CRT, DOH Case NO. 2006-06078
Default – (PCP Members - Rappa, Johnson)

Mr Rappa was recused due to participation on the Probable Cause Panel. Respondent was not present nor represented by counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating Section 468.365(1)(i), Florida Statutes (2006), by violating a lawful order of the Board or

Department previously entered in a disciplinary hearing. Respondent was served with the Administrative Complaint via publication in the newspaper in Respondent's county or residence; however, he failed to respond.

The case was presented as an Informal Hearing not Involving Disputed Issues of Material Facts, 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. Nunez moved to accept and adopt the investigative report findings that the Respondent is in default, which was seconded and carried 4/0.

MOTION: Ms. Nunez moved that the Respondent was properly noticed and by failing to respond, waived that right for a hearing. The motion was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to adopt the findings of fact in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: Ms. Grassi moved to adopt the conclusions of law in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: After discussion, Ms. Nunez moved to impose a Reprimand, a fine of \$300.00 to be paid within 30 days and immediate suspension of licensure until the Respondent complies with the Final Order previously entered in Case No. 2002-09332 as he failed to submit the required continuing education certificates. The motion was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to assess the investigative costs of \$1,545.43, to be paid within one year from the date of the filing of the Final Order.

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

TAB 5 Michael Talanda, CRT, DOH Case NO. 2006-34083

Informal Hearing, (PCP Members – Rappa, Weiss)

Mr. Rappa and Ms. Weiss were recused due to participation on the Probable Cause Panel. Respondent was not present and was not represented by legal counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating the following: Count I: Section 468.365(1)(f), Florida Statutes (2005,2006), by engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to the part. Count II: Section 468.365 (1)(o), Florida Statutes (2005, 2006), states that gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions. Count III: Section 468.365 (1)(t), Florida Statutes (2005, 2006), by failing to keep written respiratory records justifying the reason for the action taken by the licensee. Count IV: Section 468.365(1)(v), Florida Statutes (2005, 2006), by performing professional services which have not been duly ordered by a physician licensed pursuant to chapters 458 and 459 and which are not in accordance with protocols established by the hospital, or health care provider, or the board.

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 appropriate and to assess costs of the investigation.

MOTION: Ms. Nunez moved to accept the findings of the investigative report, which was seconded and carried 4/0.

MOTION: Ms. Nunez moved to accept the findings that the Respondent was properly served and an informal hearing was warranted, which was seconded and carried 4/0.

MOTION: Ms. Grassi moved to adopt the findings of fact and conclusions of law in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: After discussion, Ms. Grassi moved to Revoke the Respondent's license. The motion was seconded and carried 4/0. Ms. Grassi amended the motion to impose a pay a fine of \$500.00 to be paid within one year. The motion was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to assess costs in the amount of \$2,552.08 to be paid within one year of the date of the filing of the final Order. The motion was seconded and carried 4/0.

TAB 6 Claude C. Williams, RRT, DOH Case NO. 2006-41834
Informal Hearing, (PCP Members – Rappa, Grassi)

Mr. Rappa and Ms. Grassi were recused due to participation on the Probable Cause Panel. Respondent was not present and was not represented by legal counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating Section 468.365(1)(i), Florida Statutes (2006), by violating a lawful order of the Board or Department previously entered in a disciplinary hearing.

The case was presented as an Informal hearing not Involving Disputed Issues of Material Facts, which requires the Board to impose whatever discipline upon the Respondent's license that the Board deems appropriate and to assess costs of the investigation.

MOTION: Ms. Weiss moved to accept the findings of the investigative report, which was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to accept the findings that the Respondent was properly served and an informal hearing was warranted, which was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to adopt the findings of fact and conclusions of law in the administrative complaint. The motion was seconded and carried 4/0.

MOTION: After discussion, Ms. Nunez moved to impose a Reprimand and a fine of \$300.00. On or before February 15, 2008, the Respondent must remit the \$1,797.96 balance due from previous Final Order. If not paid by the mentioned date, the license will be suspended immediately and remain in effect for the entire six months or until the past due amount is paid, whichever ever occurs first. The motion was seconded and carried 4/0.

MOTION: Dr. Friday-Stroud moved to assess the current costs of \$1,130.25 to be paid within one year of the filing of the Final Order. The motion was seconded and carried 4/0.

MOTION FOR FINAL ORDER BY SETTLEMENT AGREEMENT

TAB 7 Cynthia Battle, CRT, DOH Case NO. 2006 33861

Settlement Agreement, (PCP Members – Rappa, Grassi)

Mr. Rappa and Ms. Grassi were recused due to participation on the Probable Cause Panel. Respondent was not present and was not represented by legal counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating the following: Count I: Section 468.365(1)(x), Florida Statutes (2003), by violating any provision of Chapter 468 and Chapter 456, or any rules adopted pursuant thereto constitutes grounds for disciplinary action by the Board of Respiratory Care. Count II: Section 468.365(1)(w), Florida Statutes (2003) by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted of found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

The case was presented as a Settlement Agreement that would imposed the following: A required appearance when the Settlement Agreement is considered; a Reprimand, an administrative fine of \$250.00 and investigative costs not to exceed \$1,447.04; read the Respiratory Care rules and laws and submit a signed affidavit to that effect.

MOTION: After discussion, Ms. Weiss moved to accept the Settlement Agreement, which included a Reprimand, a fine of \$250.00, and costs of \$519.04, both to be paid within six months. The motion was seconded and carried 4/0.

TAB 8 Rick King, RT, DOH Case NO. 2006-25139

Settlement Agreement, (PCP Members – Rappa, Johnson)

Mr. Rappa was recused due to participation on the Probable Cause Panel. Respondent was not present and not represented by legal counsel.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charges with violating Section 468.365(1) (w), Florida Statutes (2005), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted of found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

The case was presented as a Settlement Agreement that would impose the following: A written Reprimand; an administrative fine of \$250.00; and investigative costs not to exceed \$1,418.07.

MOTION: After discussion, Ms. Nunez moved to accept the Settlement Agreement, which included a Reprimand, a fine of \$250.00, and costs of \$683.79, both to be paid within six months. The motion was seconded and carried 5/0.

TAB 9 Gonzalo Del Monte, CRT, DOH Case NO. 2005-69184

Settlement Agreement, (PCP Members – Rappa, Weiss)

Mr. Rappa and Ms. Weiss were recused due to participation on the Probable Cause Panel. Respondent was not present and not represented by legal counsel. Dr Rivenbark was present to represent PRN and was sworn in by the court reporter.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating Section 456.072(1)(gg) Florida Statutes (2005, 2006), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described

in s.456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

The case was presented as a Settlement Agreement that would imposed the following: An appearance when the Settlement Agreement is considered: a Reprimand; a \$500.00 administrative fine; costs associated with the investigation and prosecution of \$2,584.19 not to exceed \$3,584.19 with total costs assessed when the Settlement Agreement is presented; and probation for a period of one year from the date of the filing of the Final Order, enter into a PRN contract within 30 day of the filing of the final order.

MOTION: After discussion, Dr. Friday-Stroud moved to accept the Settlement Agreement, which included a Reprimand, probation for a period of one year of the date for the filing of the final order, enter into a PRN contract, a fine of \$500.00, and costs of \$2,714.30. The timeframe for payment was extended to 18 months from the date of the filing of the Final Order. The motion was seconded and carried 5/0.

Dr Rivenbark requested Ms. Smith to send a copy of Respondent's DOH evaluation report to PRN.

TAB 10 Dolores Sweat, RRT, DOH Case NO. 2007-23029
Settlement Agreement, (PCP Members – Rappa, Grassi)

Mr. Rappa and Ms. Grassi were recused due to participation on the Probable Cause Panel. Respondent was present and sworn in by the court reporter. Dr. Rivenbark was present to represent PRN.

Ms. Smith, prosecuting attorney, summarized the case for the Board. Respondent was charged with violating the following: Count I: Section 468.365(1)(x), Florida Statutes (2007), by testing positive of any drug, as defined in s. 112.0455 , on any confirmed pre-employment of employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug. Count II Section 468.365(1)(g), Florida Statutes (2007), by engaging or attempting to engage in the possession, sale or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

The case was presented as a Settlement Agreement that would imposed the following: A Reprimand, a \$500.00 administrative fine; costs not to exceed \$2171.40, enter into a PRN contract for the length of time determined by PRN and shall comply with all terms of PRN contract, probation for a period of one year for the date for the final order and terms shall be set by the Board.

MOTION: After discussion, Ms. Nunez moved to accept the Settlement Agreement amending paragraphs 2, 4, 5, and 7. Motion to access the investigative costs of \$1,191.39 to be paid within 18 months. The amendments to the Settlement Agreement are: 1) reducing the fine from \$500.00 to \$300.00; 2) reducing the payment timeframe from 6 months to 18 months; and 3) submitting an affidavit of reading the laws and rules applicable to the practice of respiratory care instead of taking a laws and rules continuing education course. The motion was seconded and carried 4/0. Ms. Weiss moved to require the affidavit be submitted to the compliance officer within 10 days. The motion was seconded and carried 4/0.

Ms. Sweet accepted the amendments to the Settlement Agreement.

TAB 11 Prosecuting Attorney's Report
Case Report (Informational)

Ms. Smith presented the prosecutor's report outlining the current status of the forty-four (44) disciplinary cases, as of December 10, 2007.

Respiratory Care Inventory older than one (1) year: 6

PSU Inventory:	44	
Pre-Probable Cause Cases	10	
(a) Under legal review	5	
(b) Intake PSU	3	
(c) In holding status	2	
Post-Probable Cause	34	
(a) Presented at Current Board	10	
(b) Awaiting Proper Service/diligent search	23	
(c) Awaiting Reconsideration at next PCP	0	
(d) Possible Consideration for DOAH	1	
Total Cases:	44	

ADMINISTRATIVE PROCEEDINGS

PERSONAL APPEARANCES

TAB 12 Jeffrey M Goetz, Registered Respiratory Therapist

Mr. Goetz was present and sworn in by the court reporter. Mr. Goetz was requested to appear due to affirmative answer to question 5(A) on his application.

Motion: After discussion, Ms. Grassi made a motion to grant Mr. Goetz licensure with no conditions. The motion was seconded and carried 5/1 with Mr. Rappa opposing.

TAB 13 Filip Jean, Certified Respiratory Therapist

Mr. Jean was present and sworn in by the court reporter. Mr. Jean was requested to appear due to affirmative answer to question 5(A) on his application.

Motion: After discussion Ms. Grassi made a motion to grant Mr. Jean licensure with no conditions. The motion was seconded and carried 6/0.

TAB 14 Lucas L. Sieber, Certified Respiratory Therapist

Mr. Sieber was not present. Mr. Sieber was requested to appear due to affirmative answers to questions 7(C) and (D) on his application. Staff received an email stating he would not be able to appear. He requested to withdraw his application.

Motion: After discussion, Ms. Nunez made a motion to grant Mr. Sieber's request to withdraw his application for licensure in Florida. The motion was seconded and carried 6/0.

TAB 15 Bethany H. Williams-Castro, Certified Respiratory Therapist

Ms. Williams-Castro was present and sworn in by the court reporter. Ms. Williams-Castro was requested to appear due to affirmative answer to question 5(A) on her application.

Motion: After discussion, Dr. Friday-Stroud made a motion to grant Ms. Williams-Castro licensure with no condition The motion was seconded and carried 6/0.

If there were no new occurrences in her background history, upon Ms. Williams-Castro passing the Registered Respiratory Therapy exam and applying for licensure, she would not have to appear before the board.

Action Taken: Grant licensure with no conditions

REPORTS

TAB 16 Board Counsel's Report

a) Rule Report

b) 64B32-2.001 (License by Endorsement)

MOTION: After discussion, Dr. Friday-Stroud made a motion to approve the following rule language in rule 64B32-2.001(2)(d) and directed Ms. Edwards to move ahead for adoption. The motion was seconded and carried 6/0.

64B32-2.001 License by Endorsement.

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) ~~direct-contact~~ education hours in the topics and numbers of hours as follows ~~(for the purpose of this section, home study courses are not permitted):~~

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

c) 64B32-4.002 (Reactivation from Retired Status)

MOTION: After discussion, Dr. Friday-Stroud made a motion to approve the following rule language in rule 64B32-4.002(1)(d), (2)(e), and (3) and directed Ms. Edwards to move ahead for adoption. The motion was seconded and carried 6/0.

64B32-4.002 Reactivation of Retired Status License.

(1) No change

(a) through (c) No change

(d) A licensee must ~~attend HIV~~ and take a medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) No change

(a) through (d) No change

(e) A licensee must ~~attend HIV~~ and take a medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any course or courses which includes, at a minimum, fourteen (14) ~~direct-contact~~ education hours in the topics and number of hours as follows ~~For the purpose of this section, home study courses are not permitted.~~

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary function	1 hour

Arterial blood gases	1 hour
Respiratory equipment	2 hour
Airway care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

d) 64B32-6.001 (Continuing Education Requirements)

MOTION: After discussion, Ms. Nunez made a motion to approve the following rule language in rule 64B32-6.001(5)(a)3 and directed Ms. Edwards to move ahead for adoption. The motion was seconded and carried 6/0.

64B32-6.001 Continuing Education Requirement.

(1) through (4) No change.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

- | | |
|---|---|
| (a) 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 Section 64B32-6.004(3), F.A.C. |
| 1. Medical Errors | Mandatory part of Direct Delivery Services Requirements for all licensees: 2 hours in a board-approved continuing education course pursuant to Section 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 Section 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. |
| 3. <u>Emergency Preparedness</u> | <u>Mandatory part of Direct Delivery Services Requirements for all licensees: 2-hour course offered by a board approved CE provider.</u> |
| (b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques) | Mandatory for all licensees: No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to Section 64B32-6.004(3), F.A.C. |
| (c) Home Study Courses | Limitation applicable to all licensees: No more than 12 hours per biennium pursuant to Section 64B32-6.004(3), F.A.C. |
| (d) No change. | |

Upon notification from FSRC, staff will add a link to the Emergency Preparedness template presentation on the FSRC web site.

e) 64B32-6.004 (Procedure for Approval of Attendance of Education Courses)

At the October board meeting, the Board agreed to continue the discussion until the next board meeting as to whether to delete the American Nurses Association and the Florida Nurses Association from 64B32-6.004(2)3. Ms. Edwards provided a copy of Rule 64B32-6.004, each line double spaced for notes or comments. Mr. Rappa contacted the Florida Society for Respiratory Care (FSRC) for their input. Ms. Love contacted other Executive Directors to see what their boards are doing with continuing education and request copies of their continuing education rules for comparisons.

MOTION: After a lengthy discussion, Ms. Nunez made a motion to keep the rules as it is presently written. The motion was seconded and carried 6/0.

TAB 17 Executive Director's Report

- a) Board's Cash Balance Report for 12 Months Ending June 30, 2007 (*Informational*)
- b) Board's Expenditures Report for the Period Ending September 30, 2007 (*Informational*)
- c) Fiscal Year 07-08 Testing Service Budget Reductions Report (*Informational*)
- d) Delegation of Authority

MOTION: Ms. Weiss made a motion to approval the Delegation of Authority. The motion was seconded carried 6/0.

- e) Memo from Susan Love to the Board Members (*Informational*)

TAB 18 Board Chair's Report – Deborah Waggoner

Ms. Weiss shared with the Board a summary of the Annual Citizen Advocacy Center meeting she attended in Seattle, Washington, October 29-31, 2007. She provided a handout of the important topics discussed at the meeting, one regarding a Continuing Competency Portfolio. The Michigan Board of Respiratory Care would be reviewing the new portfolio.

Board staff was directed to contact the Michigan Board for additional information and a copy of the portfolio.

NEW BUSINESS

TAB 19 Discussion:

Mr. Dennis Willerth was present on behalf of Florida Society for Respiratory Care.

- a) NBRC Credentials
- b) Continuing Competency Program

Credentials awarded by the NBRC on or after July 1, 2002 are valid for a period of five years and are subject to the Continuing Competency Program requirements. Licensees who were credentialed prior to July 1, 2002 will not have to participate in this program and it will have no effect on their credentials.

- c) Florida Respiratory Practice Act

Ms. Edwards contacted the NBRC prior to the meeting for additional information; however, she had not received the requested information. Therefore, she suggested that no action be taken until further information and documentation were received.

MOTION: After a brief discussion, Ms. Grassi moved to table the discussion to a further meeting. The motion was seconded and carried 6/0.

APPLICANTS TO BE RATIFIED FOR LICENSURE AS SPECIFIED

TAB 20 Ratification of Certified Respiratory Therapists

MOTION: After discussion, Mr. Weiss moved to ratify the list of 59 names, beginning with Mauricio Amat-Y-Leon and ending with Adri Maria Zambrano, for CRT licensure by endorsement and the addendum list of 9 names, beginning with Tamara Latoya Coleburn and ending with Kimberly Weaver. The motion was seconded and carried 5/0.

TAB 21 Ratification of Registered Respiratory Therapists

MOTION: After discussion, Ms. Nunez moved to ratify the list of 117 names, beginning with Nancy Acker and ending with Patrick Zuletger, for RRT licensure by endorsement and the addendum list of 25 names, beginning with Krambell Antoine and ending with Kimberly Young. The motion was seconded and carried 5/0.

APPROVAL OF MINUTES

TAB 22 October 5, 2007 General Business Meeting

MOTION: After discussion, Ms. Weiss made a motion to approve the minutes with the following correction: Page 7, line 50, change a.m. to p.m. The motion was seconded and carried 6/0.

OTHER BUSINESS AND INFORMATION

TAB 23 Examination Statistics

Update from Testing Services, Eunice Filar (*Informational*)

TAB 24 PRN October 2007 Monthly Report (*Informational*)

TAB 25 Board of Respiratory Care Staff Recognition (*Informational*)

There being no further business before the Board, the meeting was adjourned at 12:35 p.m.