

These minutes have been approved by the Board of Respiratory Care via mail ballot 8.8.2022.

Minutes of the August 4, 2022
Board of Respiratory Care Video Conference Meeting

1. ROLL CALL

Jill Sand, Vice-Chairperson, called the meeting of the Board of Respiratory Care to order at 9:02 a.m. on Thursday, August 4, 2022, in the Fourth Floor Conference Room 4E, at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted outside the Licensure Unit at least twenty-four (24) hours prior to the meeting.

Sand announced that this is an open meeting and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Jill H. Sand, Vice-Chairperson (via Webex)
Ryan A. Martin, Secretary
Marcy Wyrens, Member (via Webex)
Rene A. Botts, Member (arrived at 9:04 AM)

Others Present:

Milissa Johnson-Wiles, Assistant Attorney General
TJ O'Neill, Assistant Attorney General
Suzanna Glover-Etrich, DHHS Legal Counsel (via Webex)
Jeff Newman, Investigator
Mark Meyerson, Investigator
Claire Covert-ByBee, Licensure Program Manager
Amy Blinston, Health Licensing Coordinator

Guests Present:

Heather Nichols (via Webex)

2. INTRODUCTIONS

Covert-ByBee announced that there are several introductions, to include a new Assistant Attorney General, TJ O'Neill. All board members and staff present introduced themselves.

3. ADOPTION OF THE AGENDA

MOTION: Botts moved, seconded by Martin, to adopt the agenda for the meeting.
Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

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4. REAFFIRMATION OF MAIL BALLOT

Covert-ByBee stated that there has been one mail ballot since the last Board meeting. The mail ballot approved minutes from the March 3, 2022, Board Meeting. Voting to approve, Botts, Martin, and Sand on March 21, 2022. Wyrens did not vote.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION / REPORTS – CLOSED SESSION

MOTION: Martin moved, seconded by Wyrens to move into closed session at 9:08 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

6. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 10:29 a.m.

MOTION: Botts moved, seconded by Martin, to recommend issuing a Respiratory Care Practitioner license to Alyssa Lopez. Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

MOTION: Martin moved, seconded by Botts, to recommend issuing a Respiratory Care Practitioner license to Nicole Guevara. Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

MOTION: Martin moved, seconded by Sand, to recommend tabling the application of Juanita Cates-Gaines to obtain additional information. Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

7. SCOPE OF PRACTICE AND BOARD OPINION

Scope of Practice Question: Who is allowed to change tubing from wall oxygen to a portable unit should the patient need to be moved to another department for treatment or therapy?

After discussion, the Board reaffirmed a prior Board of Respiratory Care opinion from 2005, that oxygen is a medication, therefore, licensed professionals for whom oxygen therapy is not part of their scope of practice and unlicensed staff are not allowed to initiate, adjust rate, disconnect, or reconnect oxygen except in an emergency.

MOTION: Botts moved, seconded by Martin, to reaffirm the previous Board of Respiratory Care opinion from 2005. Voting aye: Botts, Martin, Wyrens, and Sand. Voting nay: None. Motion carried.

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8. UPDATES ON LEGISLATIVE BILLS

Covert-ByBee provided updates on several legislative bills:

LB709 changes requirements relating to preliminary applications under the Occupational Board Reform Act and was indefinitely postponed.

LB742 provided for minutes to be kept in an electronic record under the Open Meetings Act. The bill was passed and approved by Governor.

LB743 would change provisions relating to when closed sessions may be held under the Open Meetings Act. This bill was indefinitely postponed.

LB908 provides additional requirements for virtual conferencing under the Open Meetings Act. This bill was passed and approved by Governor.

LB753 was amended into LB752 and requires health care practitioners to provide notification regarding stem cell therapy.

LB885 would require implicit bias training for certain applicants and credential holders under the Uniform Credentialing Act. This bill was indefinitely postponed.

LB963 was indefinitely postponed. This bill would adopt the Medical Ethics and Diversity Act.

9. UPDATE ON LANCE

Covert-ByBee provided an update on LANCE, which is a complex database which will allow licensees to create a profile, complete their application electronically, make fee payments via credit cards, print their own licenses, submit documentation, and view their application process through an online system. LANCE is nearly ready for user acceptance testing however currently we do not have a launch date.

10. LICENSURE AND EXECUTIVE ORDERS

Covert-ByBee provided the Board with executive orders issued by Governor Ricketts for reference. Executive order 22-02 directly refers to orders 21-15 and 21-18 and is set to expire on September 30, 2022. These orders were issued to address medical workforce shortages.

11. SCHEDULE MEETINGS FOR 2023

The Board of Respiratory Care scheduled meetings for March 2nd and August 3rd, 2023.

12. APPLICATION PROCESSING REPORT

Blinston presented the Licensure Application Processing Report. This was for informational purposes only.

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13. TOPICS FOR NEXT MEETING

Covert-ByBee indicated that the standard topics would include a Legislative Update, Application Processing Report, Executive Orders (if any) and Update on LANCE.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 11:04 a.m.

Respectfully submitted,

Ryan A. Martin, Secretary