

Minutes of the August 1, 2024, Board of Respiratory Care Practice

1. ROLL CALL

Jill Sand, Chairperson, called the meeting of the Board of Respiratory Care Practice to order at 9:02 a.m. on August 1, 2024, in the Goldenrod Conference Room 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 website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on July 26, 2024.

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

MEMBERS PRESENT: The following members answered roll call:

Jill Sand, Chair
Rene Botts, Vice-Chair
Marcy Wyrens, Member

MEMBERS ABSENT:

Ryan Martin, MD, Secretary

STAFF PRESENT:

Claire Covert-ByBee, DHHS Program Manager
Kim Hitzel, DHHS Health Licensing Coordinator
Jeff Newman, DHHS Investigations
T.J. O'Neill, Assistant Attorney General
Abby Hoy-Nissen, Assistant Attorney General
Teresa Hampton, DHHS Legal
Anna Harrison, DHHS Compliance Officer

MEMBER OF THE PUBLIC

Darcy O'Brien

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The following mail ballots were reaffirmed by the Board:

Approval of the March 7, 2024, Board Meeting minutes. Voting aye, Botts, Wyrens, Martin, and Sand. Voting nay, none. Minutes were approved March 12, 2024.

Approval of the Reinstatement Application for Kristi Jacobs. Voting aye, Botts, Sand, and Wyrens. Voting nay, None. Not Voting, Martin. Ballot approved June 13, 2024.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Botts moved, seconded by Sand to move into closed session.

Purpose: To hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions.

Voting aye: Botts, Wyrens, and Sand. Voting nay, None. Motion Carried. Board went into closed session at 9:05 am.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 9:18 am.
No recommendations were made.

6. LEGISLATIVE UPDATE:

The LB16 bill passed this year. One section of the law impacts the convictions that may be considered if the Board wishes to disqualify (deny) an applicant an initial license based on convictions. It essentially defines “disqualifying convictions”. This does not impact the Board’s ability to consider all convictions in matters where a license is issued with probation or limitations.

7. RESPIRATORY CARE COMPACT

Covert-ByBee stated that the Council on State Governments, along with a partnership with the American Association for Respiratory care and the Department of Defense is in the beginning stages of development of a compact. More information can be found on the website <https://compacts.csg.org/compact-updates/respiratory-therapy-licensure-compact>.

8. CROSS PROFESSIONAL MINIMUM DATA SET (CPMDS)

CPMDS is a set of data-related questions used to help with long-term planning for healthcare access. Currently DHHS does not collect these pieces of data. It is considered voluntary

information and could violate privacy issues. This is a topic that will continue to be discussed over the coming months at both the national and state levels.

9. LICENSURE APPLICATION PROCESSING REPORT

This report is presented for informational purposes only. The Board asked for more comprehensive renewal information in the next report. In addition, they would like to see data from previous years to compare licensure trends.

10. UPDATE ON NEW LICENSURE DATABASE

The Department is working closely with the contractor and the new database should be operational in late December 2024.

11. MEETING DATES FOR 2025

Meeting dates were discussed and the following are the agreed upon dates for 2025. The March 6, 2025 meeting will be held virtually. The August 7, 2025 meeting will be held in-person for Board Members. Both meetings will begin at 9 am.

12. TOPICS FOR NEXT MEETING

Topics to be on the agenda for the next meeting include Legislative Update, Application Processing report, Compact Update, Public Comment, Officer Elections, Notice of Meeting Publication, Per Diem, and Update on New Licensure Database.

13. PUBLIC COMMENT

Darcy O'Brien, representing herself had questions for the Board. DSOCRG@Cox.Net

What would the State of Nebraska need to do to join the compact?

A discussion was held that the American Association of Respiratory Care (AARC) is developing language that a state legislature could adopt to pass the necessary laws to join the compact. Each state would have to use the exact same language. At least 7 states must introduce and adopt the Compact for the process to start on the national level. Topics that would need to be decided are minimum education standards, minimum test requirements, and background check requirements, just to name a few.

Would joining the Compact open the Scope of Practice for each state?

The answer is no.

Are Compacts successful for each state?

Each Compact and State are unique and there is no easy answer for that question.

14. ADJOURNMENT

There being no further business the meeting adjourned at 10:16 am.

Respectfully submitted,

Rene Botts, Vice Chair