

Minutes of the September 3, 2019 Board of Respiratory Care Conference Call Meeting

1. ROLL CALL

Jill Sand, Chairperson, called the conference call meeting of the Board of Respiratory Care to order at 1:07 p.m. on Tuesday, September 3, 2019 in the First Floor, Licensure Unit 1 Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Sand announced that this is a public meeting and the Open Meetings Law is posted.

Members Present: The following members answered roll call:

Jill Sand, Chair
Joseph Rush, Vice-Chair
Dr. William Johnson, Secretary
Dr. Adam Case, Member

Others Present:

Ami Huff, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator
Anna Harrison, Compliance Monitor
Juan Ramirez, Research Analyst
Jeff Newman, Investigator

2. ADOPTION OF AGENDA

MOTION: Johnson moved, seconded by Sand to adopt the agenda. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

3. APPROVAL OF FEBRUARY 7, 2018 MEETING MINUTES

MOTION: Johnson moved, seconded by Rush to approve the minutes from the February 7, 2018 meeting. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

4. APPROVAL OF AUGUST 30, 2018 MEETING MINUTES

MOTION: Rush moved, seconded by Sand to approve the minutes from the August 30, 2018 meeting. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

5. PRESENTATION ON DISCIPLINE BY ANNA HARRISON AND JUAN RAMIREZ

Harrison and Ramirez presented information to the Board about discipline within all health care professionals as well as respiratory care practitioners specifically. The information used was from licensees in Nebraska between January 2012 and February 2017. Ramirez presented the geographic, gender and age breakdown of all professionals and for respiratory care professionals only. Harrison provided a breakdown and explanation of the different types of discipline for licensees. She also provided information regarding the time frame of lapses and relapses for individuals on probation due to substance use disorders or convictions related to substance abuse. Ramirez noted that respiratory care practitioners have a lower percentage of professionals disciplined (1.1%) than all professions overall (2.1%).

(Ramirez left the meeting at 1:45 p.m.)

6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Johnson moved, seconded by Sand to go into closed session at 1:45 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

7. BOARD RECOMMENDATIONS – OPEN SESSION

MOTION: Rush moved, seconded by Sand to return to open session at 2:12 p.m. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

There were no recommendations.

(Huff and Newman left the meeting at 2:08 p.m.)

(Harrison left the meeting at 2:12 p.m.)

8. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot to approve the revisions made to the regulations regarding licensure of Respiratory Care practitioners. Case, Johnson, Rush and Sand voted to approve the revisions via mail ballot. The revisions were approved with four votes.

9. LEGISLATIVE UPDATE

Covert-ByBee provided a legislative update highlighting a few bills that passed that may affect respiratory care practitioners in Nebraska. LB 29 became operational on September 1, 2019 and allows for telehealth for a number of different professions including respiratory care practitioners. LB 112 provides waiver of initial licensure fees for applicants between the ages of 18-25, low income as defined by the bill and active duty military and dependents. It is operational as of January 1, 2020. LB 409 adopts design standards for health care facilities and is operational as of September 1, 2019.

10. REGULATION UPDATE

Covert-ByBee provided a regulation update. 172 NAC 10 was approved and promulgated, the Uniform Credentialing Act (UCA) general chapter that applies to all occupations under the UCA. The regulations regarding the practice of respiratory care have been submitted to department legal and then on to the Governor's Policy Research Office (GPRO). The GPRO completed their review and a public hearing was scheduled for Tuesday, October 8th to receive any comments from the public. The Department scheduled a meeting with the Board to meet October 21st to respond to any public comments.

11. BOARD APPOINTMENT CRITERIA/ONBOARDING PROCESS

Covert-ByBee stated that the Board of Health is looking for input from board members to indicate what criteria they consider most important for new board members. She suggested the Board of Health would use this information to help make decisions if a few candidates are very close in qualifications as a potential "tiebreaker." The Board provided feedback.

12. APPLICATION PROCESSING REPORT

Covert-ByBee provided an Application Processing Report. This was for informational purposes only.

13. ELECTION OF OFFICERS

Johnson moved, seconded by Rush to continue with the same slate of officers: Sand as chairperson, Rush as vice-chairperson and Johnson as secretary. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

14. NOTICE OF MEETING PUBLICATION

The Board is required to inform the public each year the method by which it will provide notice of meetings. In the past, the Board has chosen to post meeting agendas at the Nebraska State Office Building, to email agendas to the interested parties list, and to post agendas on the Department's website. Rush moved, seconded by Sand to continue these methods of publication. Voting aye: Case, Johnson, Rush and Sand. Voting nay: None. Motion carried.

15. TOPICS FOR NEXT MEETING

Suggested topics for the next meeting included trends in licensure for respiratory care practitioners state and nationwide.

16. SCHEDULE MEETINGS FOR NEXT YEAR

The Board scheduled a meeting for October 21, 2019 at 2:00 p.m. to respond to any public comments made at the public hearing regarding the revisions to the regulations. The two meetings for next year were scheduled for March 5, 2020 and August 6, 2020 both at 9:00 a.m.

17. RECOGNITION OF DR. WILLIAM JOHNSON

The Board and department recognized Dr. William Johnson for his ten years of service on the Board. His term will end on November 30, 2019.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 2:50 p.m.

Respectfully submitted,

Dr. William Johnson, Secretary