

MINUTES

**UTAH
RESPIRATORY CARE LICENSING
BOARD MEETING**

December 30, 2008

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 12:05 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Jack Fried, Chairperson
Anita Austin
Michelle Nylander
Beverly J. Lambdin
Jennifer G. Brinton, MD

Board Members Absent:

DOPL Staff Present:

Rhonda Trujillo, Compliance Assistant
Judge Steven Eklund, Administrative Law Judge

Guests:

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

MINUTES:

Ms. Lambdin seconded by Ms. Austin made a motion to approve the September 23, 2008 Board Meeting minutes, the motion carried unanimously.

Update of Emergency Contact Information

Completed, with no further discussion.

HEARINGS:

9:00 a.m. Peterson, Charles

Conducted.

APPOINTMENTS:

10:15 a.m. Compliance

Ms. Trujillo, reminded the Board Members of the appropriate procedures to interview probationers, and complete the "Probation Reports".

10:30 a.m. Somerville, M. Corey

Ms. Trujillo explained that for the first time since beginning this probation in December 2006 Mr. Somerville is in compliance with his Stipulation and Order. She further explained, that her only concern was that Mr. Somerville's

last two Drug Screens have been “out of range”, she advised the Board to suggest that Mr. Somerville either test first thing in the morning, or only drink one glass of water or one can of coca cola prior to testing, adding that if he does as suggested he should not have any more “out of range” tests.

Mr. Somerville appeared for his scheduled appointment with the Board, and was advised of Ms. Trujillo’s suggestions. He then explained that he had begun working at the Veterans Hospital, however due to his name being on an “Exclusion list from the Inspector General” he had lost his position. He then added that his name has now been removed and when there is a new opening the hospital has indicated that they will rehire him.

It was then determined that Mr. Somerville is in full compliance with his Stipulation and Order and will meet again with the Board on March 26, 2009 at 9:15 a.m.

10:45 a.m. Davis, Joshua

Ms. Trujillo explained that this is Mr. Davis’s first probationary interview with the Board, and at this time he is in compliance with his MOU (Memorandum of Understanding). Ms. Trujillo further explained that Mr. Davis works for both Cache Valley and the University of Utah Hospitals. Mr. Davis is concerned that due to the size of Cache Valley and his direct supervisor not being present during his shifts, that he may not be meeting all requirements of his MOU.

Mr. Davis appeared for his scheduled appointment with the Board. Mr. Davis explained that his supervisor has delegated supervision to the “Charge Nurse”, and checks with her to ensure that no issues have occurred during Mr. Davis’s shifts. After a brief discussion it was determined that Mr. Davis’s current supervision arrangement meets the requirements of his MOU.

It was determined that Mr. Davis is in full compliance with his MOU and will meet again with the Board on June 25, 2009 at 9:15 a.m.

11:00 a.m. Comins, Amy

Ms. Comins appeared for her scheduled appointment with the Board to review her application for licensure as a Respiratory Care Practitioner as it relates to her May 10, 2004 Attempted Forgery, Third degree Felony, later amended to a class B Misdemeanor; Forgery, class B Misdemeanor; and Unlawful/Unprofessional Conduct Third degree Felony later amended to a class B Misdemeanor charge. Mr. Ormond explained that Ms. Comins had altered a “Verification of License” from the Divisions web site to reflect that she was licensed as an LPN (Licensed Practical

Nurse), when in fact she only held licensure as a Certified Nurses Assistant.

Ms. Comins explained that at the time she had wanted to feel that she had a higher standing in the community, she then added that she had worked as an LPN for about four to six months. The Board censured Ms. Comins for her actions, due the harm she could have caused to her patients while working as an LPN without being appropriately licensed, or trained. Ms. Comins acknowledged that she understood what the consequences to her actions could have been.

Ms. Austin seconded by Ms. Nylander made a motion to approve Ms. Comins application for licensure; based on the length of time since the charges occurred, the motion carried unanimously. The Board then reminded Ms. Comins that she is in a position of trust not to abuse it.

DISCUSSION ITEMS:

Criminal History – Licensure and Renewal

Mr. Ormond questioned the Board regarding what types of Criminal History charges they felt should cause a license to be placed on probation, reviewed by the Board, or denied.

The Board explained that any of the following charges should be reviewed by the Board, or placed on a probationary license:

- Felonies, no matter how old.
- One DUI (Driving under the Influence) younger than three years old or multiple DUI's with in the past five years.
- Drug charges younger than 5 years
- Theft charges of any type younger than 5 years
- Sexual charges of any type younger than 5 years

The Board further explained that any of the following charges should constitute an automatic denial of licensure:

- Multiple DUI's younger than three years old
- Drug charges younger than 3 years
- Honesty issues, falsification of renewal documentation
- Theft charges of any type younger than 3 years
- Sexual charges of any type younger than 3 years

CORRESPONDENCE:

CoARC - Separation from CAAHEP letter

The Board briefly reviewed the letter, and explained that CoARC (Committee on Accreditation for Respiratory Care) a subsidiary of CAAHEP (Commission on Accreditation of Allied Health Education Programs) is attempting to separate from CAAHEP by January 15, 2010.

It was then determined to table this issued until the next

meeting on March 25, 2009 for further discussion.

Executive Order – Ethics

Reviewed, with no further action taken.

NEXT MEETING SCHEDULED FOR:

March 26, 2009

ADJOURN:

12:05 p.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

March 26, 2009

(ss) Anita Austin

Date Approved

Chairperson, Utah Respiratory Care Licensing Board

March 31, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing