

MINUTES

**UTAH
RESPIRATORY CARE LICENSING
BOARD MEETING**

December 15, 2009

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

CONVENED: 9:07 a.m.

ADJOURNED: 10:47 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Jack Fried, Chairperson
Jennifer G. Brinton, MD
Beverly J. Lambdin

Board Members Absent:

Michelle Nylander
Anita Austin

DOPL Staff Present:

Ronda Trujillo, Compliance Assistant

Guests:

Janelle Gardiner, President Elect – Utah Society of
Respiratory Care
Lisa Trujillo, President - Utah Society of Respiratory Care

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the September 24, 2009 Board Meeting Minutes

Dr. Brinton seconded by Ms. Lambdin made a motion to approve the September 24, 2009 Board Meeting Minutes. The motion carried unanimously.

Open & Public Meetings PowerPoint

Mr. Ormond conducted the Open & Public Meetings PowerPoint presentation. No further discussion ensued.

APPOINTMENTS:

9:15 a.m. Compliance

Ms. Trujillo explained:

Mr. Davis is compliance with his MOU (Memorandum of Understanding). Positive Employer Reports have been received from Mr. Pehrson and Mr. Fulcher. Ms. Trujillo then noted that the Employer Report from Mr. Fulcher was not received until November 12, 2009. She requested for the Board to remind Mr. Davis that in the future all reports

must be submitted to the Division prior to the 5th of the month, or he will be non-compliant.

Ms. Wiese is compliant with her Stipulation and Order. Ms. Trujillo clarified all Employer, Self Assessment, and PIR (Professionals In Recovery) Reports have been submitted. The Division has received notification that her original prescribing physician has read the Stipulation and Order, however, Ms. Wiese may be changing to a new physician after the first of the year. Ms. Wiese's employer has been requested to note her Employer Reports indicating if Ms. Wiese has access to any controlled substances. Ms. Wiese has been sentenced to fourteen months of probation, due to her Nebraska charges; she is attempting to transfer this probation to Utah. A chemical dependency evaluation was received from Michael Dusoe. Ms. Trujillo questioned the Board regarding if this evaluation would meet the requirements of Ms. Wiese's Physical and Psychological evaluations as well. Additionally Ms. Wiese is in full compliance with CVI.

Mr. Nelson is in compliance with his MOU. Ms. Trujillo added that he would be signing up with CVI after his December 11, 2009 payday. She then added that Mr. Nelson is not currently working in this profession.

9:30 a.m. Davis, Joshua

Mr. Davis was available for his telephone probation interview. He explained that he has had his charges expunged; it was then requested for him to submit a copy of his expungement order to the Division.

The Board questioned Mr. Davis regarding why one of his Employer Reports was submitted late. Mr. Davis explained that his supervisor had been out of the office for several days, and ensured the Board that in the future all reports will be submitted in the appropriate time frame.

It was determined Mr. Davis is in compliance with his MOU, and will next meet with the Board on June 22, 2010. If he is compliance a telephone interview will be conducted.

9:45 a.m. Wiese, Christina

Ms. Wiese appeared for her scheduled appointment with the Board. She submitted a list from her regular pharmacy outlining the prescriptions she has received.

Ms. Trujillo requested for Ms. Wiese to have her supervisor indicate on her next Employer Report whether she has access to any controlled substances while in the course of her duties.

Ms. Wiese explained that she intends to switch primary care physicians due to her lack of confidence in her current physician. Ms. Wiese's physical evaluation was then discussed, it was determined that she must obtain the evaluation from her new physician, prior to her next appointment with the Board. Additionally Ms. Wiese is in the process of obtaining acknowledgements, of their understanding of her Stipulation and Order, from all of her physician's.

Ms. Wiese's Nebraska probation was then discussed. Ms. Wiese agreed to contact her parole officer, and notify the Division if her probation can be transferred to Utah.

Due to recommendations from Ms. Wiese's Chemical Evaluation, the Board requested that she begin submitting "Therapist Reports" as required by her Stipulation and Order.

At 9:56 a.m. Ms. Lambdin, seconded by Mr. Fried, made a motion to close the meeting to discuss Ms. Wiese's Chemical Evaluation and her Medical Conditions. The motion carried unanimously.

10:24 a.m. Open Meeting

Ms. Lambdin seconded by Dr. Brinton made a motion to reopen the Board Meeting. The motion carried unanimously.

Mr. Fried explained that the Board is concerned with Ms. Wiese's number of prescribing physician. It was strongly recommended for Ms. Wiese to consult with her new physician and request a referral to a pain management specialist. It was then added that the pain management plan should be administered by her new physician.

Mr. Fried then explained that the Board is also very concerned with Ms. Wiese's admission that she takes 15 mg of pain medication then operates a vehicle.

Ms. Wiese was reminded that prior to her next appointment with the Board, on March 23, 2010, she must:

- Submit an Employer Report which indicates that she has no access to controlled substances;
- Obtain a PIR sponsor;
- Obtain a Physical Evaluation, from her new Physician; and
- Begin working with a pain management specialist.

She was also reminded to keep the Division informed regarding her Nebraska probation.

Mr. Nelson appeared for his first probation interview.

Mr. Nelson explained that he pleaded guilty on October 28, 2008 to a Possession of Drug Paraphernalia, a class B misdemeanor. He later pleaded guilty on March 6, 2009 to a Theft, a class B Misdemeanor. Mr. Nelson then explained that he has been “clean” for sixteen months.

Due to the nature and length of time since the charges occurred the Division has placed him on a three year probationary license, which in part requires that he work under indirect supervision, submit Employer Reports, and submit to random drug/alcohol screens.

The Board questioned him regarding what his current support system is. He explained that he attends AA meetings one to two times a week, and his family is his main support system. He then added that he has signed up with CVI.

Mr. Ormond then reminded Mr. Nelson that due him not currently working in this profession, no time is being deducted from his probationary period. Mr. Nelson responded positively commenting that he understands.

It was determined that Mr. Nelson is in compliance with his MOU and will next meet with the Board on March 23, 2010.

NEXT MEETING SCHEDULED FOR:

March 23, 2010

ADJOURN:

10:47 a.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 23, 2010

(ss) Jack Fried

Date Approved

Chairperson, Utah Respiratory Care Licensing Board

March 23, 2010

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing