

**MINUTES**

**UTAH  
RESPIRATORY CARE LICENSING  
BOARD MEETING**

**March 23, 2010**

**Room 464 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:00 a.m.

**ADJOURNED:** 11:00 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

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

**Board Members Absent:**

Beverly J. Lambdin

**DOPL Staff Present:**

Ronda Trujillo, Compliance Assistant

**Guests:**

M Cory Somerville  
Kalan Dumadag  
Christina Wiese  
Daniel Nielsen  
Tyler Miller

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Approval of the December 15, 2009 Board Meeting Minutes

Dr. Brinton seconded by Ms. Austin made a motion to approve the December 15, 2009 Board Meeting Minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Trujillo explained:

**Mr. Somerville** is currently in compliance with his Order (Stipulation and Order). Since Mr. Somerville's last appointment he has had one dilute urinalysis test, however his subsequent test was negative. Two letters have been submitted, one from his Supervisor, and one from his Sponsor, in support of Mr. Somerville's release from this probation. A brief discussion ensued regarding if Mr.

Somerville should be allowed to be released at this time. The Board was concerned due to Mr. Somerville having worked only two years of the three year probationary time, and having only been in full compliance for about eighteen months.

**Ms. Wiese** is in compliance with her Order. Since her last appointment she has found a PIR and 12-Step sponsor, the Division has received documentation from her employer that she has no access to prescription drugs, her physicians have submitted acknowledgements that they have read her Order, and documentation has been submitted regarding her physical, and therapist evaluations. Ms. Trujillo then added that Ms. Wiese did obtain an additional prescription due to an emergency room visit. The Board was concerned with Ms. Wiese's on going medical problems, and amount of prescriptions she currently takes.

**Mr. Nielsen** is in compliance with his MOU (Memorandum of Understanding). Since his last appointment he has continued to meet all requirements of his MOU, Ms. Trujillo then reminded the Board that Mr. Nielsen is currently a full time student, and is not employed within this profession.

9:30 a.m. Somerville, Cory

Mr. Somerville appeared for his scheduled probationary appointment with the Board. The Board expressed their concerns with releasing Mr. Somerville at this time. Mr. Somerville expressed his disagreement, by stating that he feels that he has made proven progress in the past eighteen months. The Board agreed, however, they were unwilling to consider Mr. Somerville's release until he has successfully completed a minimum of two years of employment, and full compliance with his Order.

Mr. Somerville then explained that the cost related to his probation is difficult to comply with; adding that upon completion of this probation the VA Hospital has expressed their willingness to hire him.

It was then determined that Mr. Somerville is in compliance with his Order, and shall meet again with this Board on September 28, 2010, unless he becomes non-compliant.

9:45 a.m. Wiese, Christina

Ms. Wiese appeared for her scheduled probationary appointment with the Board. Ms. Wiese explained that her supervisor and family are supportive in helping her meet her probationary requirements. She then added that she is working with her physicians to reduce the amount of prescription drugs she is taking. She will be meeting with her Therapist soon, Ms. Trujillo reminded Ms. Wiese to

begin submitting a Therapist report each month upon the date of her first appointment.

It was determined that Ms. Wiese is in compliance with her Order, and will next meet with the Board on June 22, 2010.

After Ms. Wiese left the meeting Ms. Trujillo reminded the Board, upon their approval Ms. Wiese may begin submitting her "Employer Reports" on a quarterly basis.

10:00 a.m. Nielsen, Daniel

Mr. Nielsen appeared for his scheduled probationary appointment with the Board. The Board expressed their concern that due to Mr. Nielsen not currently being employed in this profession, no time is being reduced from his probationary period. Mr. Nielsen explained that he has been looking for employment, and has not had much success.

Mr. Nielsen then explained he is attending AA meetings and 12-Step as required by his MOU. It was determined Mr. Nielsen is in compliance with his MOU and will meet again with the Board on June 22, 2010.

10:15 a.m. Miller, Tyler

Mr. Ormond explained that Mr. Miller originally became licensed as a Respiratory Care Practitioner in March of 1999, in October of 2005 he was issued a probationary license, and later in March 2006 he surrendered this license.

On March 2, 2010 Mr. Miller submitted an application to reinstate his Respiratory Care Practitioner's license he answered "yes" to numerous questions on his Respiratory Care Practitioners application, and submitted documentation regarding a February 7, 2010 Emery County DUI, misdemeanor; and Open Container, misdemeanor charges, to which he is scheduled to appear in court on April 13, 2010. In the application, documentation was also submitted from NBRC (National Board for Respiratory Care) which indicates that if Mr. Miller obtains a Respiratory Care Practitioners license, they will consider reinstating his certification with them.

Mr. Miller explained that his drug addiction began in 2001 when his son passed away suddenly. Mr. Miller then admitted that in the past he has used this as a crutch, however, he is no longer doing so. He then admitted that he has failed to deal with the situation appropriately, and has found relief from his grief by using drugs. Mr. Miller explained that his Registered Nurses and Respiratory Care Practitioners licenses were placed on Diversion; however, the licenses were later surrendered due to his inability to comply with the requirements.

Mr. Miller explained that he reapplied and received a probationary Registered Nurses license in 2008, to which he is compliant. Mr. Ormond questioned Mr. Miller if he has obtained any additional charges since 2008. Mr. Miller explained the circumstances related to the February 7, 2010 Emery County charges. He then clarified that it was the week that his son would have turned 18, and did not recognize the triggers to a relapse until it was too late.

Ms. Nylander seconded by Dr. Brinton made a motion to enter a closed meeting to discuss the circumstances around Mr. Millers Board of Nursing probation. The motion carried unanimously.

10:25 Reopened Meeting

Ms. Nylander seconded by Dr. Brinton made a motion to reopen the meeting. The motion carried unanimously.

Mr. Ormond questioned Mr. Miller regarding where he was currently employed. Mr. Miller responded that he had been working at Utah State Hospital, as a Registered Nurse, until February 2010. He is currently between positions; he is now attempting to obtain employment closer to his home.

Mr. Ormond then questioned why Mr. Miller has not been in compliance with his Nursing probation since prior to July 2009. Mr. Miller clarified that he thought he was in compliance, but there had been some confusion regarding when he is required to call for his urinalysis tests.

Ms. Austin seconded by Ms. Nylander made a motion to table Mr. Miller's application for licensure until the June 22, 2010 Board meeting to allow Mr. Miller sufficient time to come into compliance with his Nursing Probation. The motion carried unanimously.

10:30 a.m. Dumadag, Kalan

Mr. Dumadag appeared for his scheduled appointment with the Board to review his application as it relates to his Ogden City Justice Court, September 12, 2008, Unlawful Possession or Consumption of Alcohol by Minor, Class B Misdemeanor; and October 19, 2009, Contributing to the Delinquency of a Minor, Class B Misdemeanor, convictions.

Mr. Dumadag explained the circumstances around both charges. After a brief discussion it was determined that Mr. Dumadag's charges should not hinder him from holding licensure as a Respiratory Care Practitioner.

Ms. Austin seconded by Dr. Brinton made a motion to issue licensure, with no restrictions, to Mr. Dumadag. The motion carried unanimously.

Ms. Austin questioned what action would be taken if the Division was notified that a licensee was “inappropriately charting”. Mr. Ormond explained that the employer should notify Division Investigations, and if the conduct is considered to be “unprofessional” the Division would take action against the licensee.

A brief discussion ensued regarding the vague nature of this professions Administrative Rules. It was determined that representatives of the Utah Society of Respiratory Care should review the current Administrative Rules, and propose new language to better define: Good Moral Character; and Unprofessional Conduct. It was also recommended to utilize other States Administrative Rules as a template of any proposed changes.

**NEXT MEETING SCHEDULED FOR:** June 22, 2010

**ADJOURN:** 11:00 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.*

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June 22, 2010 (ss) Jack Fried  
Date Approved Chairperson, Utah Respiratory Care Licensing Board

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June 22, 2010 (ss) Clyde Ormond  
Date Approved Bureau Manager, Division of Occupational & Professional Licensing