

**Oregon Health Licensing Agency
Respiratory Therapist Licensing Board
Minutes of October 17, 2008**

This set of minutes is a draft version from the Respiratory Therapist Licensing Board meeting held on October 17 2008, and must be approved by the Board at the next regularly scheduled board meeting.

MEMBERS PRESENT

Marilyn Barclay, Respiratory Care Practitioner
Bruce Kromer, Respiratory Care Practitioner
Mark Olsen, Respiratory Care Practitioner

MEMBERS ABSENT

Richard Larson, Chairperson
Michael Nurre, Vice Chairperson

STAFF PRESENT

Susan K. Wilson, Director
Richard McNew, Administrative Services Manager
Tim Molloy, Regulation Manager
Dixie Bryant, Program Operations Manager
Sarah Hoggatt, Board & Qualifications Specialist
Samie Patnode, Qualifications and Examination Analyst
Kraig Bohot, Communications Coordinator
Tricia Allbritton, Senior Policy & Strategic Analyst

PUBLIC PRESENT

No public present.

CALL TO ORDER

Marilyn Barclay, Acting-Chair, called the meeting of the Respiratory Therapist Licensing Board to order at 9:34 a.m., October 17, 2008, at the Oregon Health Licensing Agency, Rhoades Conference Room, 700 Summer St. NE, Salem, Oregon.

CONTINUING EDUCATION REPORT

Ms. Patnode, Qualifications and Examination Analyst, reported that as of October 1, 2008, the Respiratory Therapists Licensing Board continuing education reporting period will be extended to align with new two-year licensing cycle. She said the requirement is still 15 hours every two years. Ms. Patnode drew the board's attention to the agency Web site noting the continuing education page, which includes the rollout for the new requirements and a quick reference sheet.

Ms. Patnode explained that if a licensee's new expiration does not align with the current continuing education date, it is extended by one year. Upon renewal of a two-year license completing 22 continuing education hours, 15 hours for the original continuing education reporting period ending in 2009 and 7 hours for 2010.

If a licensee's continuing education reporting period does not need adjustments, they will complete their current reporting period and attest to 15 hours.

Ms. Patnode clarified questions from the Board and directed them to contact her if they had follow-up questions.

APPROVAL OF AGENDA

MOTION

Mr. Kromer made a motion with a second by Mr. Olsen to approve the agenda for October 17, 2008, with a revision. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

MINUTES

MOTION

Mr. Kromer made a motion with a second by Mr. Olsen to approve the minutes for February 22, 2008. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

MOTION

Mr. Olsen made a motion with a second by Mr. Kromer to approve the minutes for August 14, 2008. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

REPORTS

DIRECTOR'S REPORT

Ms. Wilson, Director, provided an overview of the agency-wide legislation LC 831. LC 831 continues to conform and streamline agency standards, regulation and requirements for programs and professions regulated by the agency. The legislation makes program changes, technical adjustments and corrections, maximizes the benefits of economies of scale, regulatory consistency and accountability to continue to achieve solutions and outcomes for consumer protection. The legislation establishes consistent term limits (two consecutive four year terms) and stipulates at least one public member be appointed to all boards. The legislation proposes professional development through prescribed education or training and identifies practice standards, testing and oversight as determined by agency rule.

Ms. Wilson stated that the Oregon Health Licensing Agency's proposed legislation encompasses some of the topics reviewed by the Interim Committee on Health Care chaired by Representative Mitch Greenlick. Representative Greenlick's legislative interim committee revealed board membership and the appointment process are not uniform nor is the number of public members serving on these boards. Representative Greenlick's interim study may recommend to the 2009 Legislature an increase in public members on boards to 50%. The recommendation may also include other improvements and changes in board specific areas.

Ms. Wilson stated there was general opposition among professional association representatives at the interim committee public hearing to the proposal to increase the number of public members on boards to 50%. Ms. Wilson stated since the role of boards is public protection, it is logical at least one public member serve. She stated board members will have an opportunity to review both agency legislation and any other legislation after the bills are drafted by legislative counsel. The Legislature begins Monday, January 12, 2009.

Ms. Wilson referenced the Oregon Health Care Workforce Institute PowerPoint presentation noting the legislature is considering a committee to review scope of practice issues. Governor Kulongoski has requested a study of Oregon's preparedness for a shortage in health care providers during the next decade. The study will identify areas with projected shortfalls and recommend solutions.

Ms. Wilson said bills are currently being drafted and will be ready in January of 2009. The bill, if approved, will not be made effective until 2010.

ADMINISTRATIVE SERVICES DIVISION

Mr. Simpson, Program Analyst, reported the statistics for the board's website traffic.

- Total page hits: 6,166
- Average hits a day: 198
- Visitors to the Respiratory Therapist Licensing Board web site: 961
- Top three most viewed pages: Respiratory Therapist home page, Respiratory Therapist continuing education page, and Respiratory Therapist how to get licensed.

Mr. Simpson discussed statistics for the number of licenses issued and renewals from January 2008 through September 2008.

- Permanent licenses issued: 207
- Temporary licenses issued: 59
- Renewals over the counter or by mail: 756
- Renewals online: 897

Mr. Simpson reported the regulatory statistics.

- Complaints received: 6
- Proposed Orders: 3
- Final Orders: 4

Board members asked why some licensees renew online while others renew over the counter or by mail and if their selection for renewal was age related. Mr. McNew stated some people simply prefer to come into the office and be assisted immediately. It was noted there was also a large number of renewals in October due to the new fee structure. Mr. Simpson explained the difference between active, inactive, and expired licenses.

REGULATORY OPERATIONS DIVISION

Mr. Molloy, Regulatory Operations Division Manager, reviewed the complaint flow chart which breaks down the process of disciplinary action. He discussed the determination by the agency to move toward emergency suspension which shifts responsibility to the licensee to contact the agency to convey a corrective action plan

Mr. Molloy provided an example copy of a Consent Order, emphasizing the agency places the responsibility to take corrective action on the respondent. Such action could include turning in required paperwork on urine testing or drug treatment. He noted there are four cases to be discussed in executive session.

Mr. Kromer inquired about the possibilities of an investigation into an employee not reporting a violation on a licensee. Mr. Molloy stated not reporting a violation or not cooperating with an

investigation is a violation. However, the agency does not have jurisdiction to take action on the employer of a licensee, only the licensee themselves.

PROGRAM OPERATIONS DIVISION

Ms. Allbritton, Senior Policy & Strategic Analyst, drew the board's attention to the permanent rule filing which went into effect October 1, 2008, changing the fees and continuing education reporting periods.

Ms. Allbritton explained that within legislative concept 001 the agency is proposing a dormant license, which would allow OHLA licensees to their license in a dormant status if they meet certain qualifications. The concept also includes multiple copies of licenses, up to three, being issued to licensees if they work in multiple locations. Upon passage of the bill the details will be outlines within administrative rule.

OUTREACH AND COMMUNICATION REPORT

Mr. Bohot, Communications Coordinator, discussed the press release sent out regarding the reduced fees and renewal cycles, along with a new brochure regarding compliance, which is now available on our Web site. He drew the board's attention to the updated Board member's biographies, and asked for members to review and provide feedback.

COMMITTEES AND REPORTS

Nothing to report.

ITEMS FOR BOARD ACTION

2009 SUBCOMMITTEES

Subcommittees provide review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. The board shall nominate committee members.

2009 Subcommittees	
Legislative / Rules / Practice Standards	Richard Larson, Michael Nurre
Enforcement Committee	Bruce Kromer, Mark Olsen
Licensing / Continuing Education	Bruce Kromer, MarilynBarclay
Public Protection, Safety and Communications	Mark Olsen, Richard Larson
Customer Connection Committee	Marilyn Barclay

MOTION

Mr. Olsen made a motion with a second by Mr. Kromer to approve the subcommittee appointments for 2009. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

2009 BOARD MEETING DATES

The Respiratory Therapy Licensing Board meets on a biannual basis with all meetings scheduled for 9 am on a Friday.

MOTION

Mr. Olsen made a motion with a second by Mr. Kromer to approve the board meeting dates for 2009: February 13th and October 16th with each meeting starting at 9 am. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

2009 CHAIR AND VICE CHAIR

The Respiratory Therapy Licensing Board shall elect a chairperson and vice-chairperson for 2009.

MOTION

Mr. Olsen made a motion with a second by Mr. Kromer to approve the chair and vice chair appointments for 2009: Richard Larson for chair and Bruce Kromer for vice chair. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

EXECUTIVE SESSION

Ms. Barclay called for the Board of Respiratory Therapy to enter Executive Session under ORS 92.660(1) (f) at 11:05 am for the purpose of considering information or records exempt from public inspection. He stated the Board would be reviewing enforcement files 08-5439, 06-4703, 08-5243, and 07-4991. No recommendations will be made during Executive Session.

Executive Session concluded at 11:22 am and Ms. Barclay, Acting Chairperson, reconvened regular session at 11:23 am. No action was taken.

OTHER BOARD BUSINESS

No other board business.

PUBLIC COMMENT

No public comment.

BOARD INTEREST FILE

No contents in the Board Interest File.

Mr. Olsen made a motion with a second by Mr. Kromer to adjourn the meeting. Aye: Ms. Barclay, Mr. Kromer, and Mr. Olsen. Nay: None. The motion passed.

The meeting adjourned at 11:28 am.

I attest that the Respiratory Therapist Licensing Board minutes of October 17, 2008, are a true and accurate reflection of the matters discussed and the views of the participants.

Sarah Hoggatt, Board Specialist

Date