



**Oregon Health Licensing Agency (OHLA)  
Respiratory Therapist Licensing Board**



9:00 am Monday, February 13, 2009  
700 Summer Street N.E., Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Marilyn Barclay, Respiratory Care Practitioner  
Bruce Kromer, Respiratory Care Practitioner  
Mark Olsen, Respiratory Care Practitioner  
Richard Larson, Chairperson  
Michael Nurre, Vice Chairperson

**OTHERS PRESENT**

Samantha Patnode, Examination Analyst  
Trampus Schuck, Board Specialist  
Kraig Bohot, Communications Coordinator  
Mike Simpson, Quality and Statistical analyst  
Tim Molloy, Regulatory Operations Manager  
Brian DeForest, Acting Director OHLA  
Denise Anderson, Respiratory Therapist

**Call to Order**

Richard Larson, Chairperson, called the meeting of the Respiratory Therapist Licensing Board to order at 9:00 am on Friday, February 13, 2009, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer Street NE, Salem, Oregon.

**I - Approval of Agenda**

**MOTION**

Marilyn Barclay made a motion with a second by Mike Nurre to approve the agenda for February 13, 2009 with an amendment to change Public Comment to the beginning of the meeting. The motion passed unanimously

**Public Comment**

Denise Anderson, Respiratory Therapist with Legacy Emanuel Children's Hospital, Critical Care Transport Team in Portland, Oregon addressed the Board regarding clarification to current administrative rules. Anderson stated of the 1,470 licensed respiratory therapists in the State of Oregon, 50 are transport respiratory therapists. She stated traditionally, the minimum requirement for transport respiratory therapists is the National Board for Respiratory Care (NBRC) Registered Respiratory Therapist credential with three years experience; however individual employees generally have additional requirements. Anderson stated Oregon Revised Statute (ORS) 688.805 (6) allows licensed respiratory care practitioners to work in a wide variety of environments such as hospitals, skilled nursing facilities and in home health care settings but does not make the allowance for ambulances. Additionally, the broad language of the scope of practice in under ORS 688.800 transport teams in the

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State of Oregon and each has an opposite understanding of the law. Anderson requested the Board adopt a position statement to clarify the expanded scope of the transport respiratory therapist, as exemplified by the position statement on Extracorporeal Membrane Oxygenation (ECMO) and Conscious Sedation. Anderson stated such a statement would permit licensed respiratory therapists in Oregon to provide services in the transport environment without fear of liability.

Anderson provided the Board with the North Carolina Respiratory Care Board Declaratory Statute regarding advanced scope of practice and offered her assistance providing the board with research and documentation as necessary.

### **MOTION**

Bruce Kromer made a motion and Marilyn Barclay seconded to have the Practice Standards Committee review the issue of respiratory therapists providing services in emergency transport settings such as an ambulance. The motion passed unanimously.

## **II - Approval of Minutes**

### **MOTION**

Marilyn Barclay made a motion with a second by Mike Nurre to approve the October 17, 2008, minutes as presented. The motion passed unanimously.

## **III - Reports**

### **A. Director's Report (19:15)**

Brian DeForest, OHLA Interim Director, provided an introduction began by introducing himself, Cindy Forest, Human Resource Services Division and John DuFrene State Controllers Division. DeForest explained he was here on rotation from DAS pending a workplace assessment of OHLA to ensure that operations of the Agency continue. He assured the board the Agency would continue to operate and invited the board to contact him with any questions or concerns that may arise.

#### **● 2009 Legislation**

Samie Patnode, Policy Analyst, presented 2009 Legislation regarding OHLA Legislative Concept 765 reporting it had been pulled by the Governor's Office due to technical issues and provisions in the "Relating to Clause". The agency revised the areas in question but in doing so did not meet the deadline for completion. The Governor's Office and Department of Administrative Services, Budget and Management Division support the concept and encouraged the agency to pursue introducing the legislation as a committee bill. Patnode stated that many of changes are house keeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs.

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Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the Board and the agency. She noted that specific bills add public members to health related boards including the Respiratory Therapy Licensing Board. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidence where scopes of practice may crossover, and restricting the liability of hearings and court fees to complainants.

**B. Administrative Services Division (28:00)**

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Respiratory Therapy Licensing Board. His report included licensing, examinations, Website traffic, and regulatory statistics for 2008.

Simpson stated that a continuing education audit was done for 2006 and 2007. He provided an overview of the outcome noting 92 licensees were audited and 89 licensees passed, three failed, who will be going through the enforcement process. The board was provided with the report and a copy was placed in board documents for retention. Simpson stated audits for 2008 would begin in April of 2009.

**C. Regulatory Operations Division (41:30)**

Tim Molloy Regulatory Operations Manager stated the agency had received one new case since the October 2008 meeting which was investigated and no violations were found. Molloy provided an overview of ongoing cases.

**D. Program Operations Division (47:30)**

● **OHLA Proposed Administrative Rules**

Samie Patnode provided an overview of the agency proposed administrative rules which include temporary rules filed and effective December 1, 2008. They address requirements for completion of a fingerprint and criminal background check to determine fitness of individuals applying or renewing an authorization. The rules are used to clarify requirements for acceptable documentation and personal identification of applicants to strengthen applicant licensure qualification criteria. The purpose of the rule changes is to mitigate use of false identification and/or misrepresentation of personal information, to reduce potential agency liability, and secure license issuance and renewal procedures.

Other technical amendments were made relating to procedure of model rules, rulemaking, definitions, and Oregon Accounting Manual requirements. Corrections to statute citations and agency name were made.

Patnode noted that on January 7, 2009, the OHLA Customer Connection Committee met and reviewed the proposed administrative rules for accuracy and implication to each board, council and program. Present from the Respiratory Therapy Licensing Board was Bruce Kromer. She pointed out a change in the permanent rule making scheduled, noting public comment would be open until April 30, and rules would become permanent and effective on May 1, 2009

● **Outreach and Communication (54:45)**

Kraig Bohot, Communications Coordinator, began by showing the Board the new Regulatory Compliance resource page on the OHLA Website. Bohot explained this is a page to help licensees through the disciplinary process. He presented the Board with the OHLA ten year report and explained the OHLA ten-year report will be a virtual presentation which highlights and provide content for each professions regulated by the Agency.

Mr. Bohot provided an overview of the new Frequently Asked Questions section relating to fingerprinting and the requirements and purpose behind the new administrative rule. This will allow OHLA to perform fingerprinting and criminal background checks on applicants and current licensees

- **Committees and Reports**

No Committee reports at this time

**IV - Items for Board Action**

No Items required Board action at this time

**V - Executive Session - ORS 192.660(2)(b)**

Richard Larson convened Executive Session under ORS 192.660(2)(b) at 10:08 am for the purpose of reporting complaints or charges brought against, a public officer, employee, staff member or an individual agent. Executive Session concluded at 10:17 am

**Regular Session**

Richard Larson, Chairperson reconvened regular session at 10:17 am. No action or recommendations were made.

**VI - Other Board Business**

No other Board Business was provided.

**VII - Public Comment**

No public comment was provided.

**VIII - Miscellaneous**

Board interest file was reviewed by the board.

Richard Larson adjourned the meeting at 10:21 am.

Prepared by: Trampus Schuck, Board Specialist