

**Health Licensing Office
Respiratory Therapist Licensing Board
Minutes of February 18, 2005**

MEMBERS PRESENT

Richard Larson, Vice Chairperson
Marie Keyes
Cheryl Vial
Dr. Kamal Shaker
Marilyn Barclay

STAFF PERSENT

Susan Wilson, Director
Patricia Allbritton, Administrative Services Division Manager
Samantha Patnode, Board Liaison

CALL TO ORDER

Richard Larson, Chair, called the meeting of the Respiratory Therapist Licensing Board to order at 10:05 a.m. February 18, 2005, at the Health Licensing Office in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

INTRODUCTION

Ms. Wilson welcomed Marilyn Barclay to the Board. Ms. Barclay has been a licensed respiratory therapist for 30 years and is currently manager of respiratory services at Albany General Hospital.

APPROVAL OF AGENDA

MOTION

Ms. Vial made a motion and Ms. Barclay seconded to approve the agenda. The motion passed unanimously with Ms. Vial, Mr. Larson, Ms. Barclay and Dr. Shaker voting aye.

MINUTES

MOTION

Ms. Barclay made a motion and Ms. Vial seconded to approve the minutes of October 29, 2004. The motion passed unanimously with Ms. Vial, Mr. Larson, Ms. Barclay and Dr. Shaker voting aye.

REPORTS

Revenues and Expenditures

Ms. Wilson introduced Ronald Riggs, Fiscal and Budget Officer for the Health Licensing Office. She said that Mr. Riggs' background includes fiscal and budget experience and he was employed in the Oregon Department of Transportation. Mr. Riggs explained the two main categories of interest. **Personal Services** are employee compensation and related benefits. **Services and Supplies** are non-personnel expenses for agency operations. Charges are divided into two types – direct and indirect – for each program. Indirect costs are for agency operation and include office supplies, rent, telephones, data processing hardware and software, etc. and are distributed by a prorate. Direct charges include attorney general counsel, postage, and rules, instate travel or investigative costs etc. and are distributed at actual rates.

Mr. Riggs explained that during the 2003 Legislative Session agencies were mandated to pay reduced amounts to "PERS" Public Employee Retirement System. As a result HLO made a one time payment to the State of Oregon General Fund of \$113,000, which is reflected on the report under "Transfer out". Staff clarified questions from the Board.

Board Members asked about the interest rate accrued by the Board. Ms. Wilson said that any interest gained or surplus money is statutorily dedicated for the use and operation of the Respiratory Therapist Licensing Board.

Ms. Wilson stated that licensing fees were recently decreased by \$25; from \$100 to \$75.

Compliance

Mr. Rodriguez, Chief Enforcement Officer for the Health Licensing Office, provided the complaint report, which reflects the total number of registrants, total complaints received and the overall percentage of complaints for each board, council and program within the HLO. Mr. Rodriguez reported on the 2004 complaint percentages for the Respiratory Therapist Licensing Board, which included:

January 1, 2004 through December 31, 2004

Total Number of Licenses – 1,283

Total Number of Complaints – 0

Percent of Complaints – 0%

Mr. Rodriguez reported that currently two licensees are on probation. He provided a full comparison report on complaints received and orders written for the years of 2001 through 2004. Mr. Rodriguez provided the Board a detailed list of complaints closed since the last meeting, which totaled one.

Licensing

Ms. Murphy pointed out a monthly and yearly status report that breaks down the license type by category -- renewed or originally issued per month.

Marie Keyes entered the meeting at 10:21 am.

January 1, 2004 to December 31, 2004:

Original **Permanent** Licenses Issued – 87

Original **Temporary** Licenses Issued – 34

Licenses Renewal – 1177

Late Renewals – 74

Outreach and Communication

Mr. Bohot, explained that the Web “migration” has been completed. HLO’S current web site is still operational but soon will be removed and migrated to Oregon.gov\HLO web site. He gave an overview of the new web site showing the organizational pattern and flow of the new page. He provided a report showing the number of web hits to the Respiratory Therapist home page in 2004, which ranged from 500 to 650 hits. Board members stated they would provide the agency with photographs for the web site relating to respiratory therapy. Mr. Bohot stated that the agency is currently working on an online monthly newsletter called “Licensing Line” that will be e-mailed to all board members upon completion.

Ms. Keyes noted that the temporary license information is incorrect on the website. Mr. Bohot noted the issue for correction.

Mr. Bohot explained that HLO has developed “blended” administrative rules that combine agency rules with rules specific to each profession. This new format was created to provide practitioners with the most reader-friendly experience. It will include rule revisions from the most recent rulemaking.

Mr. Bohot discussed a letter addressed to Jonathan Chin, Director of Emergency Medical Services, Department of Human Services asking for clarification on the level of training required for emergency medical personnel providing respiratory care during an ambulance transport.

Mr. Bohot stated that the agency's customer service program "Customer Connection" is seeking board and council members interested in participating in upcoming projects that are not only worthwhile but also fun, such as production of a board orientation video.

Ms. Keyes reported that agency staff may be providing incorrect information regarding continuing education requirements and how many hours would be given for a specific class. Ms. Allbritton stated that a certain number of continuing education hours are given for attending meetings, which discuss rules, legislation and policies. Mr. Bohot stated that HLO is preparing "fact sheets" for staff to keep them apprised of changes.

Ms. Keyes discussed the Oregon Society for Respiratory Care conference. She explained that the conference was a success and the information received by HLO was well received by attendees. She stated that the 2006 Conference will be held February 1st, 2nd and 3rd, 2006 at the Sheridan Hotel in Portland.

Dr. Shaker gave an overview of the Oregon Thoracic Society Conference held in Sunriver in February 2005. He explained that there was a breakout session specifically relating to respiratory therapy, which would be very beneficial for therapists. He suggested that working with OSRC and the HLO to notify respiratory therapists about the Oregon Thoracic Society conference will be very beneficial to the licensees. Suggestions were made to put links on the agency's web site directing licensees to sites where continuing education may be available. Dr. Shaker provided the web address of OregonThoracic.com.

Keyes suggested that an article be written about the Oregon Thoracic Society Conference and submitted to the OSRC for the *Breath Sounds* newsletter. She suggested that notification be provided for the newsletter, in November 2005 which is sent to all licensed respiratory therapists in the state.

Ms. Allbritton suggested that a link be added on renewal forms for upcoming conferences and meetings.

Legislation

Ms. Wilson reported meeting with the Health and Human Services Committee on February 11, 2005 regarding HB 2103 and HB 2105. She stated that the agency is currently waiting for a work session to be scheduled.

2005-07 Budget

Ms. Wilson explained that the State of Oregon budget is a two-year cycle. Actual data is collected for a period of two fiscal years from July 1 to June 30. The agency began work early in even numbered years and analyzed historical data to present the biennial budget to the Governor to recommend to the legislature. Development begins by analyzing the historical elements and program performance of the previous biennium. The budget is developed using a fixed inflation factor and a price lists for various statewide costs approved by the Department of Administrative Services (DAS) with predetermined instructions from the Governor's office and linked to the agency historic usage and assumed policy issues.

Permanent Administrative Rules

Ms. Allbritton presented a report for review and permanent adoption of administrative rules. She noted that at the October 28, 2004 board meeting, members raised several issues that presented artificial barriers to practice respiratory care in Oregon based on current qualifications adopted in rule. The Agency filed an emergency rule to allow recognition of an individual licensed in another state in good standing to be issued an Oregon license based on their licensure status in lieu of the requirement of passing an National Board of Respiratory Care (NBRC) examination. A rule amendment was requested to allow individuals seeking Oregon licensure from a state or country that does not require a license to practice respiratory care, and to accept specific documented training/education and experience that would substantiate qualification for Oregon licensure, and provide a basis for reinstatement of a license that has been expired beyond two years.

Another amendment to the rules provides a mechanism for renewal / reinstatement of a license if a licensee failed to obtain the required continuing education hours every two years as a condition of licensure, or in the instance where a practitioner lets their license remain in an expired status beyond two years.

Ms. Allbritton drew the Board's attention to additional changes: Amendments to OAR 331-710-0010 Application Requirements, 331-715-0010 License Renewal, and 331-720-0010 Continuing Education Requirements were reviewed. Ms. Allbritton drew the Board's attention to the added verbiage that had been proposed and reviewed by the Rules Committee pertaining to acceptable continuing education -- OAR 331-720-0010(3)(h) *An established and approved organization conducting humanitarian activities in another state or country, that is providing respiratory care services as defined in ORS 688.800(6) under its auspices. The organization and services are subject to board approval on a case-by-case basis for continuing education credit.*

Ms. Keyes pointed out that if practitioners are deployed and in war time status, renewals would not be considered late. Staff stated that opportunity is given to soldiers to provide information for review upon return from active duty.

Ms. Murphy stated if a person has been licensed and actively practicing in a state where continuing education credits are not required, they would need to show proof of licensure and active practice then an Oregon license will be granted.

Ms. Keyes explained that Alaska and Hawaii are the only states that do not currently require a license credential to practice respiratory care, but that every state recognizes the NBRC examination as its entry level examination with the exception of California. Dr. Shaker inquired about the application process and disclosure of specific information pertaining to background checks and disciplinary action. He asked what would occur if an applicant withheld pertinent information during the application process. Ms. Allbritton replied that the application forms lists a series of questions regarding disciplinary actions and status and the applicant must attest to being free of criminal conviction and failure to disclose the information or incorrectly respond are grounds for discipline.

Ms. Keyes recommended deleting specific provisions of OAR 331-715-0010 regarding license renewal – subsections (4)(5) and (6). Ms. Allbritton noted the provisions will be deleted from this rule as it duplicates information in OAR 331-720-0010. The issue of retaining continuing education records was raised. Mr. Larson asked if the documentation needed to be kept a period of four years. Ms. Allbritton stated records should be kept for two years after the close of the continuing education reporting period.

ITEMS FOR BOARD ACTION

Permanent Administrative Rules

MOTION

Ms. Vial made a motion and Ms. Keys seconded the motion to approve the administrative rule changes. The motion passed unanimously with Ms. Vial, Ms. Keyes, Mr. Larson, Ms. Barclay and Dr. Shaker voting aye.

Miscellaneous/Public Comment

Board Interest File

There was no information in the Board Interest File.

Ms. Vial suggested that the National Association of Home Health Care link be added to the HLO web page.

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Dr. Shaker inquired about regulation of sleep care technicians, and if licensure is required. Ms. Patnode explained that currently they are not regulated. Legislative support may be necessary if sleep care technicians are to be regulated.

Meeting adjourned at 1:15p.m.

Susan K. Wilson, Director