

MINUTES

**UTAH
RESPIRATORY CARE LICENSING
BOARD MEETING**

September 24, 2009

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

CONVENED: 9:04

ADJOURNED: 11:05

Bureau Manager:

Clyde Ormond

Board Secretary:

Kristy Haueter

Board Members Present:

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

Board Members Absent:

DOPL Staff Present:

Ronda Trujillo, Compliance Assistant

Guests:

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the June 25, 2009 Board Meeting Minutes

The minutes of the June 25, 2009 Board meeting were reviewed. A motion was made by Ms. Nylander and seconded by Ms. Austin to approve the Board Meeting Minutes of June 25, 2009. The motion carried unanimously.

Election of the 2009-2010 Board Chairperson

Ms. Nylander made a motion to nominate Mr. Fried as the Board chair for 2009-2010. Ms. Austin seconded the motion and all members voted in favor.

APPOINTMENTS:

9:15 a.m. Compliance

Ms. Trujillo explained to the Board that Mr. Davis is currently in compliance with his Memorandum of Understanding (MOU). It was determined by the Board that Mr. Davis should meet with the Board for the December 15, 2009 Board meeting.

Ms. Trujillo explained to the Board that Mr. Somerville is

currently in compliance with his Stipulation and Order. Ms. Trujillo explained that Mr. Somerville's supervisor, employer and therapist reports are current and positive. Mr. Somerville has also had two negative drug tests since the last meeting. Mr. Somerville submitted a letter requesting termination of probation.

Ms. Trujillo introduced a new probationer, Ms. Wiese. Ms. Trujillo has met with Ms. Wiese to review her Stipulation and Order. Ms. Wiese's Stipulation and Order requires Ms. Wiese to submit monthly employer reports for six months and then quarterly employer reports to the Board. Ms. Wiese is on probation for Falsifying her Utah Respiratory Care Practitioner Application and Utah Respiratory Care Practitioner Application for Renewal by being under investigation in Nebraska for possibly being impaired at the work place. Ms. Wiese plead guilty to this charge and surrendered her Nebraska Respiratory Care License.

9:30 a.m. Somerville, M. Corey, Probationary Interview

Mr. Somerville appeared for his scheduled appointment with the Board. Mr. Somerville is currently in compliance with his Stipulation and Order. Mr. Somerville's request for release from probation was reviewed.

After a brief discussion of Mr. Somerville's probation compliance by the Board it was determined at this time he does not have the full 36 months or 3 years experience working in the field as required in the Stipulation and Order. It was determined by the Board that by the December Board meeting Mr. Somerville will have approximately 21 months working in field. Currently he has approximately 18 months working in the field. Mr. Fried stated that he feels that the full 36 month of the probation should be fulfilled. Mr. Somerville's Stipulation and Order states that the time he is not working in the field does not count towards his probation.

A motion was made by Ms. Austin to extend Mr. Somerville's probation until December 2010 based on the fact he did not work in the field for the full time as indicated in his Stipulation and Order. The motion was seconded by Ms. Lambdin, all voting in favor.

The Board determined that if Mr. Somerville remains in compliance with his Stipulation and Order he will meet with the Board at the March 2010 Board meeting. And that if Mr. Somerville becomes non-compliant with his Stipulation and Order that he must meet with the Board at the December 2009 Board meeting.

9:45 a.m. Wiese, Christina - Probation Interview

Ms. Wiese appeared for her first scheduled probation appointment with the board. A detailed discussion of Ms.

Wiese's Stipulation and Order, Nebraska license and alleged drug use took place. Ms. Wiese gave an explanation of her investigation and alleged charges in Nebraska.

Ms. Wiese submitted an initial application for Respiratory Care Practitioner, to the State of Utah on April 20, 2007. This application included a qualifying questionnaire in which Ms. Wiese answered No to all qualifying questions. Question #5 reads "Are you currently under investigation or is any disciplinary action pending against you now by any licensing or governmental agency?"

On or about May 23, 2007 initial license to practice as a Respiratory Care Practitioner in the State of Utah was issued for Ms. Wiese.

On or about February 17, 2009 Ms. Wiese submitted a renewal application to the State of Utah with No answers to all qualifying questions including question #4 that reads "Are you currently under investigation or is any disciplinary, administrative, or criminal action pending against you now by any agency?"

At both of these times Ms. Wiese was under investigation through the Nebraska Department of Health and Human Services. This investigation began around March 2006 and ended on June 3, 2009 when Ms. Wiese entered into an "Agreed Settlement" with the Division of Public Health, State of Nebraska, in which Ms. Wiese admitted misconduct regarding being impaired in the workplace and surrendered her Nebraska license for a period of two years. In this settlement Ms. Wiese also stated that she was not licensed to practice respiratory care in any other state. When in fact she was currently licensed as a Respiratory Care Practitioner in Utah.

In March of 2009 Ms. Wiese then moved to Utah to be closer to friends and family. She is currently employed at Precision Health Services where there are not medications on location. Ms. Wiese stated that her employer has been notified and is supportive in her probation.

Ms. Wiese reported to the Board the prescription drugs she is currently taking. These drugs are prescribed by her doctor Dr. Zimmerman.

Ms. Wiese is attending weekly Narcotics Anonymous meetings, and does not currently have a sponsor. Ms. Wiese submitted her Practice Plan to the Board.

Ms. Wiese stated she must return to the State of Nebraska to court for charges that have been filed by the State of

Nebraska for the charge of Narcotic Obtained by Fraud, a felony.

Ms. Wiese requested that the Board accept a Chemical Dependency exam that was taken in Nebraska at the end of February 2009. Ms. Wiese explained that this exam was taken at a psychologist office. The Board had no objections to this, however, they requested for the results to be submitted to the Board for a final determination to be made.

Ms. Wiese is scheduled to meet with the Board on December 15, 2009.

DISCUSSION ITEMS:

Olson, Rachael – Application Review

Mr. Fried stated that he has spoke prior to the Board meeting with Ms. Olson and reviewed her criminal background at his place of employment where she was found not eligible for employment because of the hospitals background requirements.

Ms. Olson’s application, criminal history, education, letter of reference, and personal narrative was reviewed by the Board.

After a brief discussion of Ms. Olson’s application Ms. Nylander made a motion to issue license with no restrictions to Ms. Olson, Ms. Brinton seconded the motion, all voted in favor.

CORRESPONDENCE:

**Executive Order - Ethics
Perspectives - Flyer**

Reviewed, no further action taken.

NEXT MEETING SCHEDULED FOR:

Reviewed, no further action taken.

December 15, 2009

ADJOURN:

11:05 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.

(ss)

Date Approved

Chairperson, Utah Respiratory Care Licensing Board

(ss)

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing