

**MINUTES**

**UTAH  
RESPIRATORY CARE LICENSING  
BOARD MEETING**

**September 28, 2010**

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

**CONVENED:** a.m. 9:02

**ADJOURNED:** a.m.11:13

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Yvonne King

**Board Members Present:**

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

**Board Members Absent:**

Michelle Nylander

**DOPL Staff Present:**

Mark Steinagel, Division Director  
Ronda Trujillo, Compliance Assistant  
Jacky Adams, Board Secretary

**Guests:**

Christina Wiese  
Michael Somerville

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Election of 2010 – 2011 Board Chairperson

Dr. Brinton second by Ms. Lambdin made a motion to nominate Mr. Fried as Chairperson. The motion carried unanimously.

Introduction of Yvonne King – New Board Secretary

Ms. King was introduced as the new Board Secretary. The Board expressed appreciation to Ms. Adams who will be moving out of state.

Approval of the June 22, 2010 Meeting Minutes

Ms. Lambdin second by Dr. Brinton made a motion to approve as amended the June 22, 2010 Board Meeting Minutes. The motion carried unanimously.

Board Training

The Board Training will be tabled until the December 28, 2010 meeting.

It was also noted that there will be a hearing at the next meeting scheduled December 28, 2010.

Mark Steinagel

Mr. Steinagel, Division Director introduced himself to the Board. Mr. Steinagel stated he wanted to get some input on industry issues and what the Board may want as far as changes in their profession. The Board indicated that they would like to see continuing education as a requirement to maintain licensure for respiratory care. Mr. Steinagel stated that this would take statutory authority and it could probably succeed with the legislature if the profession could articulate a good reason for the protection of health, safety and welfare to the public.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Trujillo explained:

**Ms. Wiese** is currently compliant and is going to Summit Pain Management. Mr. Kyle Harmer, P.A. from Summit was concerned that we were not letting her fill her prescription for depression medication due to the medication being prescribed from another practitioner. The Mr. Harmer, P.A. followed up with an evaluation and letter suggesting we have only one practitioner for Controlled Substance, but other practitioners for other issues. Ms. Trujillo also explained that monthly employer reports from Mr. Stuart Cannon are current and positive, monthly self assessment reports are current and monthly therapy reports from Ms Brenda Zigich are current and positive. Ms Trujillo also noted that she has not missed any tests, has prescriptions for all positive tests and is calling in daily.

Ms. Trujillo asked the Board if she could put Ms. Wiese on quarterly reporting. The Board indicated that because there is still a concern on the medications Ms. Wiese is taking they would like her to remain on monthly reporting.

**Mr. Nielsen** is non-compliant. On July 30, 2010 he tested positive for a controlled substance. Mr. Nielson admitted to the relapse and filled out a relapse form. The frequency of drug testing was increased. Mr. Nielson has missed calling Compass Vision six times since his last meeting with the Board. Employer reports stating he is not working in the field are current.

**Mr. Somerville:** is compliant. Supervisor/employer and therapist reports are current and positive. 12-Step/PIR cards are current and he is attending as required. There

have been no missed calls. All tests are negative.

9:30 a.m. Wiese, Christina

Ms. Wiese had an emergency room visit where she received pain medication. The Board had concerns about the ER visit because she was told not to get any pain medication except from Summit Pain Management. The Board also had a concern if there was a violation of her probation because she had seen a different doctor.

Ms. Wiese was present at the Board and stated she was carrying a load of laundry when she slipped down the stairs which were carpeted. Ms. Wiese also stated that she was not under the influence of drugs.

Ms. Wiese told the Board that criminal charges in Nebraska had been dismissed. Ms. Trujillo explained to Ms. Wiese that she will need to provide documentation from Nebraska on the dismissed charges to the Compliance Unit.

9:40 Closed Meeting

Ms. Austin seconded by Dr. Brinton made a motion to close the meeting to discuss concerns relating to Ms. Wiese compliance with her Stipulation. The motion carried unanimously.

9:55 Open Meeting

Ms. Austin second by Dr. Brinton made a motion to re-open the meeting. The motion carried unanimously.

The Board in its conclusion considered Ms. Wiese compliant and stated to continue the present course and meet with the Board on December 28, 2010.

10:00 a.m. Somerville, Cory – Probation Interview

Mr. Somerville, appeared before the Board for his probation review. The Board reviewed all reports and agreed that he was in compliance with his Memorandum of Understanding. Mr. Somerville requested to be released off probation early. He stated the benefit would be that he could work in a hospital where he could expand his knowledge and progress.

Ms. Austin second by Dr. Brinton made a motion to remove the probation status from Mr. Somerville's license. The motion carried unanimously.

10:15 a.m. Nielsen, Daniel

Mr. Nielsen did not show up for his scheduled appointment with the Board. Ms. Austin suggested because Mr. Nielsen was not working in the field, and is non-compliant, carrying a probationary license presents a burden for both Mr. Nielsen and the Board. The Board discussed the option of proceeding with an Order to

Show Cause for revocation of his license. It was suggested however to talk with Mr. Nielsen before the next meeting to explain what his options are.

Ms. Lambdin second by Ms. Austin made a motion to send a non-compliance letter to have Mr. Nielsen meet with the Board on December 28, 2010. The motion carried unanimously.

10:30 a.m. Peterson, Charles – Application Review

Mr. Peterson came before the Board with an application for licensure as a Respiratory Care Practitioner. Mr. Peterson held a previous license that was active until 2006 but because of a criminal offense in 2007 was denied renewal of his license. Mr. Ormond suggested he have the charge expunged. Mr. Peterson stated he has had no other offenses but has outstanding warrants for traffic violations. The Board expressed a concern of outstanding warrants and fines they strongly recommended resolving them.

Dr. Brinton second by Ms. Lambdin made a motion to approve Mr. Peterson's application for licensure as a Respiratory Care Practitioner. The motion carried unanimously.

NBRC – Certification of Licensees

The NBRC- Certification of licensees will be tabled for the next meeting scheduled December 28, 2010.

Open & Public Meetings Act

Reviewed, no further action taken.

Good Moral Character

Mr. Ormond suggested the Board review the rule under R156-1-302 Good Moral Character to base decisions on licensure. Mr. Ormond also stated that the Board could request changes to that rule.

**NEXT MEETING SCHEDULED FOR:**

December 28, 2010

**ADJOURN:**

11:13 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.*

December 28, 2010

(ss) Jack Fried

Date Approved

Chairperson, Utah Respiratory Care Licensing Board

December 28, 2010

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing