

<b>Members in attendance (Exhibit A):</b> .....	<b>2</b>
<b>Agenda item #1: CALL MEETING TO ORDER</b> .....	<b>3</b>
<b>Agenda item #2: ADMINISTRATIVE HEARINGS</b> .....	<b>3</b>
Agenda item 2.a: In the matter of Robert A. Farren.....	3
Agenda item 2.b: In the matter of Brittany D. Beckman .....	4
Agenda item 2.f: In the matter of Tizazu F. Arega .....	4
Agenda item 2.d: In the matter of Kristina Marie Blake .....	5
Agenda item 2.e: In the matter of Summer Paige Peplow.....	5
<b>Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION</b> .....	<b>6</b>
Agenda item 3.a: In the matter of Robert A. Farren.....	6
Agenda item 3.f: In the matter of Tizazu F. Arega .....	6
Agenda item 3.d: In the matter of Kristina Marie Blake .....	7
Agenda item 3.e: In the matter of Summer Paige Peplow.....	7
<b>Agenda item #4: ADJOURNMENT</b> .....	<b>7</b>
<b>Agenda item #5: STANDING COMMITTEE MEETINGS</b> .....	<b>7</b>
<b>Agenda item #6: CALL MEETING TO ORDER</b> .....	<b>8</b>
<b>Members in attendance (Exhibit B):</b> .....	<b>8</b>
Agenda item 6.a: Approval of Board Meeting Agenda (Exhibit C).....	8
Agenda item 6.b: Approval of Prior Meeting Minutes – June 21, 2012 (Exhibit D) .....	9
<b>Agenda item #7: OFFICER AND STAFF REPORTS</b> .....	<b>9</b>
Agenda item 7.a: President’s Report.....	9
Agenda item 7.b: Executive Director’s Report (Exhibit E).....	9
Agenda item 7.c: HME Manager’s Report (Exhibit F).....	9
<b>Agenda item #9: PROBABLE REVIEW COMMITTEE REPORT</b> .....	<b>10</b>
Agenda item 9.b: Approval of Opportunity for Hearing Notices (Exhibits G and H).....	10
Agenda item 9.c: Consent Agreement Approval (Exhibits I, J, and K) .....	11
<b>Agenda item #10: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES</b> .....	<b>11</b>
Agenda item 10d: In the Matter of Kristina Marie Blake (Case #2012RCB061) (Exhibit L) .....	11
Agenda item 10e: In the Matter of Summer Paige Peplow (Case #2012RCB044) (Exhibit M) .....	15
Agenda item 10f: In the Matter of Tizazu F. Arega (Case #2012RCB043) (Exhibit N) .....	18
<b>Agenda item #8: COMMITTEE REPORTS</b> .....	<b>20</b>
Scope of Practice Committee Responses - (Exhibits O, P, Q, R, and S).....	21

<b>Agenda item #3 Cont'd:</b>	<b>CASE DELIBERATION IN PRIVATE SESSION.....</b>	<b>21</b>
<b>Agenda item #12:</b>	<b>NEW BUSINESS .....</b>	<b>22</b>
Agenda item 12.a:	Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit T) .....	22
Agenda item 12.b:	Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit U) .....	22
<b>Agenda item #13:</b>	<b>OLD BUSINESS .....</b>	<b>23</b>
Agenda item 13.a:	Board discussion on proposed draft rules (Exhibit V collective) .....	23
<b>Agenda item #14:</b>	<b>OPEN FORUM.....</b>	<b>23</b>
<b>Agenda item #15:</b>	<b>FOR THE GOOD OF THE BOARD .....</b>	<b>23</b>
<b>Agenda item #16</b>	<b>ADJOURNMENT .....</b>	<b>23</b>

---

## **OHIO RESPIRATORY CARE BOARD**

77 SOUTH HIGH STREET, 16<sup>TH</sup> FLOOR

COLUMBUS, OHIO 43215-6108

### **OFFICIAL BOARD MEETING MINUTES OF AUGUST 15 AND 16, 2012**

#### **Day 1, Administrative Hearings**

##### **Members in attendance (Exhibit A):**

Marc Mays, R.R.T., R.C.P., President

Carol Gilligan, HME Member

Joel Marx, HME Member

Robert Slabodnick, MEd, R.R.T., R.C.P.

Steven A. Pavlak, M.S., R.R.T., R.C.P.

Robert Cohn, M.D.

Kenneth Walz, J.D., R.R.T., R.C.P.

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

**Others in Attendance:**

Lyndsay A. Nash, Assistant Attorney General

Melissa L. Wilburn, Assistant Attorney General

Travis Young

Kristina Blake

**Agenda item #1: CALL MEETING TO ORDER**

Mr. Mays called the meeting to order at 9:10 AM. Mr. Mays asked Ms. Gilligan to call the roll. Present were Joel Marx, Marc Mays, Robert Slabodnick, Steven Pavlak, Kenneth Walz, Robert Cohn, M.D., and Carol Gilligan. Having a majority of the members, Mr. Mays announced there was a quorum to conduct business.

**Agenda item #2: ADMINISTRATIVE HEARINGS**

**Agenda item 2.a: In the matter of Robert A. Farren**

The matter of Robert A. Farren came before the following members of the Ohio Respiratory Care Board : Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., Robert Slabodnick, R.R.T., R.C.P., and Carol Gilligan, HME Member. Mr. Mays and Dr. Cohn recused themselves from the proceedings based upon their role as the board's liaisons to the investigatory probable review committee.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Melissa L. Wilburn, Assistant Attorney General, represented the state of Ohio.

Robert A. Farren did not appear for the hearing.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 9:13 a.m.

Preliminary matters: Mr. Walz asked that Respondent's exhibits A, B, C, D, E, and F be renumbered as 1, 2, 3, 4, 5, and 6 respectively to properly distinguish the exhibits from the State's exhibits that are similarly assigned.

Ms. Wilburn gave a brief opening statement.

During the hearing, the state called two witnesses. During the hearing, members of the Board asked questions of the witnesses. At the conclusion of the hearing, Mr. Walz admitted State's Exhibits A, B, C, D, E, F-1, F-2, F-3, F-4, and G and Respondent's exhibits 1 through 6 were admitted. The hearing officer, Mr. Walz, inquired about sealing specific exhibits. After taking into consideration the position of the State's counsel, Mr. Walz did not seal any records, but directed the staff to redact any personal confidential information required under federal or state law. The hearing concluded at 10:25 a.m.

Robert Slabodnick, R.R.T., R.C.P. was excused from the meeting at 10:35 a.m.

**Agenda Item 2.b: In the matter of Brittany D. Beckman**

The matter of Brittany D. Beckman came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board's liaison to the investigatory probable review committee.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Lyndsay A. Nash, Assistant Attorney General, represented the state of Ohio.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

Mr. Walz stated that he understood that there was a preliminary matter.

Ms. Nash informed the Board that Ms. Beckman had filed a request for a continuance based upon a medical condition. After hearing the request, Mr. Walz ordered that the matter be continued and that staff appropriately advise Ms. Beckman of the rescheduled date and time for the hearing. The matter concluded at 10:48 a.m.

**Agenda Item 2.f: In the matter of Tizazu F. Arega**

The matter of Tizazu F. Arega came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review committee.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Lyndsay A. Nash, Assistant Attorney General, represented the state of Ohio.

This hearing was held pursuant to Goldman vs. State Medical Board of Ohio, (March 29, 1996), Franklin County Court of Appeals, 95APE 10-1358 (unreported).

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 10:52 a.m.

Ms. Nash gave a brief opening statement.

During the hearing, the state called Christopher H. Logsdon, Executive Director as a witness. During the hearing, members of the Board asked questions of the witnesses. At the conclusion of the hearing, Mr. Walz admitted State's Exhibits A through D. The hearing concluded at 11:07 a.m.

**Agenda item 2.d: In the matter of Kristina Marie Blake**

The matter of Kristina Marie Blake came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review committee.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Melissa L. Wilburn, Assistant Attorney General, represented the state of Ohio.

Kristina Marie Blake appeared Pro Se.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 11:15 a.m.

Preliminary matters: Ms. Wilburn stated that the respondent, Ms. Blake, has agreed to stipulate to State's exhibit A through H.

Ms. Wilburn gave a brief opening statement. Following the Assistant Attorney General's opening statement, Ms. Blake gave a brief opening statement.

During the hearing, the state called Christopher H. Logsdon, Executive Director as a witness and Kristina Marie Blake was called as a witness, as on cross-examination. Members of the Board asked questions of the witnesses. The state rested.

Ms. Blake presented her case in chief. She testified on her own behalf. Mr. Walz admitted State's Exhibits A through H. Each side gave a brief closing statement. The hearing concluded at 12:06 p.m.

The Board broke for lunch at 12:10 p.m. and returned to public session at 1:00 p.m.

**Agenda item 2.e: In the matter of Summer Paige Peplow**

The matter of Summer Paige Peplow came before the following members of the Ohio Respiratory Care Board: Marc K. Mays, R.R.T., R.C.P., President, Joel Marx, HME member, Robert Cohn, M.D., Kenneth Walz, J.D., R.R.T, R.C.P., Steven A. Pavlak, R.R.T., R.C.P., and Carol Gilligan, HME Member. Dr. Cohn recused himself from the proceedings based upon his role as the board liaison to the investigatory probable review committee.

Kenneth Walz, J.D., R.R.T, R.C.P. was the appointed hearing officer in this matter.

Lyndsay A. Nash, Assistant Attorney General, represented the state of Ohio.

Summer Paige Peplow did not appear for this hearing.

Teresa L. Mantz was the Court Reporter, Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, Ohio 43215.

The hearing began at 1:02 p.m.

Preliminary matters: None.

Ms. Nash gave a brief opening statement.

During the hearing, the state called Christopher H. Logsdon, Executive Director and Anthony Isom, Investigator as witnesses. The state rested.

Mr. Walz admitted State's exhibit A, B, C, D, E-1, E-2, E-3, E-4, E-5, E-6, and F. Each side gave a brief closing statement. The hearing concluded at 1:43 p.m.

The Board took a break from 1:43 p.m. to 2:03 p.m.

**Agenda item #3: CASE DELIBERATION IN PRIVATE SESSION**

**Agenda item 3.a: In the matter of Robert A. Farren**

Motion #1: Ms. Gilligan moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Robert A. Farren. Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Abstained
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes

Motion carried.

The Board entered private session at 2:05 p.m. and returned to regular, public session at 2:35 p.m. Mr. Mays and Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

**Agenda item 3.f: In the matter of Tizazu F. Arega**

Motion #2: Mr. Marx moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Tizazu F. Arega. Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes

Motion carried.

The Board entered private session at 2:40 p.m. and returned to regular, public session at 2:45 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

**Agenda item 3.d: In the matter of Kristina Marie Blake**

Motion #3: Mr. Marx moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Kristina Marie Blake. Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes

Motion carried.

The Board entered private session at 2:46 p.m. and returned to regular, public session at 3:00 p.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

**Agenda item 3.e: In the matter of Summer Paige Peplow**

Motion #4: Ms. Gilligan moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Summer Paige Peplow. Mr. Marx seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Abstained
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes

Motion carried.

The Board entered private session at 3:01 p.m. and returned to regular, public session at 3:39 a.m. Dr. Cohn did not participate in deliberation. All other parties, other than the Board's Executive Director were asked to leave the room.

**Agenda item #4: ADJOURNMENT**

Day 1, Meeting adjourned at 3:45 p.m.

**Day 2, Committee Meetings and Regular Business meeting**

**Agenda item #5: STANDING COMMITTEE MEETINGS**

The Board's Scope of Practice Committee met prior to regular business at 9:05 a.m. in the Board Room, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Official minutes of the Board's Scope of Practice Committee were prepared and are maintained separate of this journal.

The Board's Home Medical Equipment Committee met at 9:15 a.m. in room 1616, 16th Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Official minutes of the Board's Home Medical Equipment Committee were prepared and are maintained separate of this journal.

**Agenda item #6: CALL MEETING TO ORDER**

Mr. Mays called the meeting to order at 10:10 a.m. Mr. Mays asked Ms. Gilligan to call the roll. Present were Joel Marx, Marc Mays, Steven Pavlak, Kenneth Walz, Robert Cohn, M.D., and Carol Gilligan. Having a majority of the members, Mr. Mays announced there was a quorum to conduct business.

**Members in attendance (Exhibit B):**

Marc Mays, R.R.T., R.C.P., President

Carol Gilligan, HME Member

Joel Marx, HME Member

Steven A. Pavlak, M.S., R.R.T., R.C.P.

Robert Cohn, M.D.

Kenneth Walz, J.D., R.R.T., R.C.P.

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Marcia Tatum, HME Manager

Anthony Isom, Investigator

**Others in Attendance:**

Heidi Wagner Dorn, Assistant Attorney General

Beth Cooper, Ohio Society for Respiratory Care

Edward Orlett, Ohio Society for Respiratory Care

John W. Waite, R.R.T., R.C.P.

**Agenda item 6.a: Approval of Board Meeting Agenda (Exhibit C)**

**Motion #5:** Mr. Marx moved to approve the meeting agenda for August 15 and 16, 2012. Dr. Cohn seconded the motion. **Discussion:** Dr. Cohn noted an error on the agenda. He asked that the HME Committee be added to Agenda item #8. Mr. Walz also noted that the times Agenda item #13 were incorrect. Mr. Marx accepted the changes as a friendly amendment to the main motion. Motion carried: 6 - 0.

**Agenda Item 6.b: Approval of Prior Meeting Minutes – June 21, 2012 (Exhibit D)**

Mr. Mays inquired if there were any changes or corrections to the minutes.

Motion #6: Dr. Cohn moved to approve the June 21, 2012 meeting minutes. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 4 – yes, 2 – abstained ( Mr. Walz and Dr. Cohn).

**Agenda item #7: OFFICER AND STAFF REPORTS**

**Agenda Item 7.a: President's Report**

Mr. Mays informed the Board that Ms. Harwood was not reappointed and therefore, the Board has a committee chair opening. He asked if there were any members with an interest in chairing the board's Rules Committee. Dr. Cohn recommended Mr. Pavlak. Mr. Mays inquired if there was any others interested. Hearing none, Mr. Pavlak was appointed to serve as the Chairperson for the Rules Committee. In addition, Mr. Mays appointed Joel Marx, Carol Gilligan, and Robert Slabodnick to serve on the Rules Committee.

**Agenda Item 7.b: Executive Director's Report (Exhibit E)**

Mr. Logsdon submitted a written report to the Board. He verbally reviewed the report.

1. Mr. Logsdon reviewed the year-end financial report for FY 2012. He informed the Board that the agency completed the year under budget, but that there were some expenses yet to be paid form FY 2012 funds. Regardless of these payments, Mr. Logsdon stated that he estimates that the Board will complete the fiscal year under budget.
2. Mr. Logsdon reviewed the Board's FY 2013 budget and informed the Board that he has begun to draft the FY 2013 and 2014 budget. He stated that the Board's deadline for budget submission is September 17, 2012. Mr. Logsdon requested that two members be appointed to serve as budget advisors. Mr. Mays appointed himself and Mr. Marx.
3. Mr. Logsdon reviewed the final budget disbursements for FY 2012 and the current FY 2013 budget balances.
4. Mr. Logsdon reviewed the final FY 2012 revenue totals and sources. Mr. Logsdon also reviewed revenues received since July 1, 2012 for FY 2013.
5. Mr. Logsdon reviewed his assessment of the license renewal cycle. He informed the Board that the agency staff worked very hard during renewal, in the absence of an important staff member. He stated that the Board received and processed 6,694 respiratory care professional license renewals, 32 limited permit II renewals, 156 limited permit I renewals, 791 HME Certificate of Registration renewals and 86 HME license renewals.
6. Mr. Logsdon then reviewed the license statistics report as of June 31, 2012.
7. Last, Mr. Logsdon reviewed the status of important legislation he was monitoring and his travel since the prior meeting.

**Agenda item 7.c: HME Manager's Report (Exhibit F)**

Ms. Tatum submitted a written report to the Board. She verbally reviewed the report.

1. Ms. Tatum informed the Board that she had processed and approved 7 new HME license applications and 33 HME Certificate of Registration applications since the Board's last regular business meeting. Ms. Tatum stated that she had 3 applications currently pending.
2. Ms. Tatum provided an update of the inspection contracts signed for FY 2013 and that she was in the process of finalizing the inspection schedule for the first quarter of FY 2013.
3. Ms. Tatum provided an update on the renewal process. She informed the Board that the online process went smoothly with the exception of some confusion over paperwork filing requirements, such as the continuing education plan submission requirement for HME license renewal.

4. Last, Ms. Tatum reviewed the aggregate revenue collection for FY 2012.

Motion #7: Mr. Walz moved to approve the President's report, the Executive Director's report and the HME Manager's report. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 – 0.

**Agenda item #9: PROBABLE REVIEW COMMITTEE REPORT**

Motion #8: Ms. Gilligan moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Steven Pavlak -	Yes
Joel Marx -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The Board entered executive session at 10:55 a.m. and returned to regular, public session at 11:40 a.m. Six Board members were present during executive session. Mr. Isom, Mr. Logsdon, and Ms. Wagner Dorn were present during Executive Session.

*\*Names and identifying information was redacted from discussion and proposed notices of opportunity for hearing during the course of executive session deliberation and the public meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed notices of opportunity for hearing through a motion on the record during public session.*

At 11:40 a.m. the Board took a short break.

Motion #9: Ms. Gilligan moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees under R.C. 121.22(G)(3) and involves matters that are required to be kept confidential under R.C. 149.43(A)(2) and R.C. 4761.031 and 4752.08 (B). Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Steven Pavlak -	Yes
Joel Marx -	Yes	Robert Cohn, M.D. -	Yes

Motion carried.

The Board entered executive session at 11:49 a.m. and returned to regular, public session at 11:51 a.m. Six Board members were present during executive session. Mr. Isom, Mr. Logsdon, and Ms. Wagner Dorn were present during Executive Session.

**Agenda item 9.b: Approval of Opportunity for Hearing Notices (Exhibits G and H)**

Motion #10: Ms. Gilligan moved to issue an opportunity for hearing notice as presented to the Board in the matters of:

**RCB Opportunity for Hearing Notices**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
G.	2012ORCB062 (Deborah A. Makowski, RCP.6099)	Violation of Code of Professional Conduct	OAR 4761-10-01 (M)
H.	2012ORCB065 (Judy K. Kackley, RCP.3931)	Impairment in Practice	ORC 4761.09 (A)(8)

Mr. Marx seconded the motion. Discussion: None. Motion carried: 5 – Yes, 1 – abstained (Mr. Mays).

**Agenda Item 9.c: Consent Agreement Approval (Exhibits I, J, and K)**

*\*Names and identifying information was redacted from discussion and proposed consent agreements during the course of executive session deliberation and the meeting. Matters were referred to only by case number in documentation and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes after approval of the proposed consent agreements through a motion on the record during public session.*

Motion #11: Mr. Marx moved to approve the consent agreement between the Board and the following cases:

**RCB Agreements**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
I.	Case #2012ORCB029 (Debra S. Rosenberger, RCP.1474)	Impairment in Practice	Suspended license X 60 days, then Probation ending 8-22-2014
J.	Case #2012ORCB030 (Nakia J. Hudson, L1.6522)	Conviction	Issued license – Probation until 2-17-2015

Ms. Gilligan seconded the motion. Discussion: None. Motion carried: 5 – yes, 1 – abstained (Mr. Mays)

Motion #12: Mr. Marx moved to approve the consent agreement between the Board and the following cases:

**HME Agreements**

<u>Exh. #</u>	<u>Case no. /Respondent</u>	<u>Violation</u>	<u>Action</u>
K.	Case #2012HME017 (Columbus Clinical Services, Inc.) HMEL.11455	Failure to comply w/ Standards and Material Misrepresentation	Surrender License

Ms. Gilligan seconded the motion. Motion carried: 5 – yes, 1 – abstained (Mr. Marx)

**Agenda item #10: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JOURNAL ENTRIES**

**Agenda Item 10d: In the Matter of Kristina Marie Blake (Case #2012RCB061) (Exhibit L)**

**Adjudication Order**

**In the Matter Of:**

Kristina Marie Blake  
835 Seabrights Lane  
Martins Ferry, OH 43935

THE MATTER OF KRISTINA MARIE BLAKE CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 15, 2012 AT 11:15 A.M. IN THE BOARD ROOM, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., KENNETH WALZ, J.D., R.R.T., R.C.P., CAROL GILLIGAN, HME MEMBER, AND STEVEN PAVLAK, R.R.T., M.S., ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

MELISSA L. WILBURN, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

KRISTINA MARIE BLAKE APPEARED PRO SE.

TERESA L. MANTZ WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

Respondent stipulated to State's Exhibits A – H.

**State's Exhibits admitted:**

- A – Notice of Opportunity for Hearing approved on June 6, 2012 and mailed to Kristina Marie Blake by certified mail/return receipt #7005 1820 0000 0296 1894 on June 21, 2012, and signed return receipt for article #7005 1820 0000 0296 1894.
- B – Hearing scheduling letter, dated June 26, 2012, mailed to Kristina Marie Blake by certified mail/return #7005 1820 0000 0296 1931 on June 26, 2012, and signed return receipt for article #7005 1820 0000 0296 1931.
- C – Certified copy of Sacramento Superior and Municipal Court's complaint, case #98F00515, against Kristina Marie Blake for willfully and unlawfully taking money and personal property of a value exceeding Four Hundred Dollars (\$400), in violation of Section 487(a) of the penal code, a felony.
- D – Sacramento Superior and Municipal Court's Minute Order and Order of Probation on a guilty plea, case #98F00515, against Kristina Marie Blake for willfully and unlawfully taking money and personal property of a value exceeding Four Hundred Dollars (\$400), in violation of Section 487(a) of the penal code, a felony.
- E – Certified copy of Sacramento Superior and Municipal Court's Minute Order and Order of Probation on a guilty plea, case #98F00515, against Kristina Marie Blake for willfully and unlawfully taking money and personal property of a value exceeding Four Hundred Dollars (\$400), in violation of Section 487(a) of the penal code, a felony.

- F - Certified copy of Sacramento Superior and Municipal Court's Minute Order and Order of Probation and sentencing on a guilty plea, case #05F11538, against Kristina Marie Blake for intent to utter, pass and facilitate the utterance and passage of a completed check, in violation of Section 475 (c) of the California Penal code, a misdemeanor.
- G - Placer County Superior Court Drug Court and Proposition 36 completion by Kristina Marie Blake allowing cases #62-55882 and 62-52559 to be dismissed.
- H - Initial application for respiratory care professional license, filed by Kristina Marie Blake on April 6, 2012.

Witnesses called by the State:

Kristina Marie Blake, as on cross examination.

Respondent's Exhibits admitted:

None.

Witnesses called by the Respondent:

1. Kristina Marie Blake provided testimony on her own behalf.

#### FINDINGS OF FACT

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on June 21, 2012 by certified mail/return receipt. Kristina Marie Blake received and signed for the Notice of Opportunity for Hearing.
2. The Ohio Respiratory Care Board finds that State's Exhibit B shows that Kristina Marie Blake was properly informed of the scheduling date for the administrative hearing, in compliance with Section 119.07 of the Ohio Revised Code.
3. On or about March 4, 1998, Kristina Marie Blake was convicted in the Sacramento Superior and Municipal Court, County of Sacramento, California, case #98F00515 of unlawfully taking money and personal property of a value exceeding four hundred dollars, in violation of Section 487(a) of the California Penal Code, a felony.
4. On or about September 13, 2006, Kristina Marie Blake was convicted in the Sacramento Superior and Municipal Court, County of Sacramento, California, case #05F11538 of intent to utter, pass and facilitate the utterance and passage of a completed check, in violation of Section 475(c) of the California Penal Code, a misdemeanor.
5. On or about September 11, 2006, Kristina Marie Blake was found eligible for Proposition 36, a treatment in lieu of conviction by the Superior Court of California, in the County of Placer, cases #62-52559 and #62-55882 of violating Section 11379(a) of the Health and Safety Code of California (a felony) and Section 11550(a) of the Health and Safety Code of California (a misdemeanor).
6. The Board finds that Kristina Marie Blake was convicted of a felony, one misdemeanor involving moral turpitude, and found eligible for California Proposition 36, a treatment in lieu of conviction that resulted in the dismissal of two offenses. The Board finds that sufficient evidence existed to issue Kristina Marie Blake a Notice of Opportunity for Hearing based upon her convictions.

7. Having found that Kristina Marie Blake was convicted of a felony, one misdemeanor involving moral turpitude, and found eligible for California Proposition 36, treatment in lieu of conviction, the Ohio Respiratory Care Board finds that Kristina Marie Blake was honest and contrite about her past convictions and her addiction to chemical substances. Based on the testimony provided by Kristina Marie Blake, the Ohio Respiratory Care Board also believes that Kristina Marie Blake has been drug free for approximately six years and has intentionally acted to remove herself from prior drug associates.

#### CONCLUSIONS OF LAW

- A. Ohio Revised Code § 4761.09 states in pertinent part:
  - (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
    - (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter; \*\*\*
- B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved by a preponderance of the evidence.

#### ORDER OF THE BOARD

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby ISSUES Kristina Marie Blake a License to practice respiratory care in the state of Ohio as a respiratory care professional. Upon issuance of the license, the Board immediately places Kristina Marie Blake on PROBATION for a period of 2 year(s) from the effective date of this order.

The following provisions of Kristina Marie Blake's probation shall remain in effect during the active term of the Probation:

1. Kristina Marie Blake shall obey all federal, state and local laws, and all rules governing the practice of respiratory care in Ohio. Any arrest, criminal charge, citation, guilty or no contest plea, criminal jury verdict, conviction or treatment in lieu of conviction for any crime other than a minor misdemeanor traffic offense after the effective date of this order shall constitute a violation of an order of the Board.
2. Kristina Marie Blake shall sign a valid release, allowing the Board to obtain records from any drug and alcohol treatment programs and or drug and alcohol testing programs.
3. Kristina Marie Blake shall not use or possess illegal drugs or consume alcohol or other intoxicating substances.
5. Kristina Marie Blake shall not use or possess prescription drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Kristina Marie Blake's history of chemical dependency, as evidenced by a written acknowledgement by that person of having reviewed this order. Any use of a prescription drug in a manner or dosage inconsistent with a physician's prescription will constitute a violation of this order.
6. Kristina Marie Blake shall submit to random drug and alcohol testing at least once every six months in the manner prescribed by the Board. Kristina Marie Blake shall pay for such testing. If such drug test evidences the use of alcohol, illegal or non-prescribed prescription drugs, it shall be deemed a violation of this Order. A failure to submit

a drug screen upon request, or a submission of any adulterated or diluted toxicology result, shall constitute a positive screen for the purposes of this Order. It is the responsibility of the respondent to have a working phone number with messaging system on file with the Board. Failure to do so will be a violation of this Order. A request from the Board's Investigator or designated alcohol and drug screening service to provide a drug screen shall constitute an authorized drug screen request for the purpose of this Order.

7. Kristina Marie Blake shall appear in person for interviews every six (6) months before the Board or its designated representative, or as otherwise directed by the Board or its designated representative. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #13: ROBERT COHN, M.D. MOVED FOR FINDINGS OF FACT; CAROL GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #14 CAROL GILLIGAN, HME MEMBER MOVED FOR CONCLUSIONS OF LAW; JOEL MARX, HME MEMBER SECONDED THE MOTION. MOTION PASSED MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #15: ROBERT COHN, M.D. MOVED FOR ORDER OF THE BOARD; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. (AYE – 5/NAY – 0/ABSTAINED – 1). MOTION PASSED.

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes. Dr. Cohn abstained from the vote on motions 13, 14, and 15.

---

**Agenda Item 10e: In the Matter of Summer Paige Peplow (Case #2012RCB044) (Exhibit M)**

The Ohio Respiratory Care Board  
Adjudication Order

**In the Matter Of:**

Summer Paige Peplow  
5444 Dunmere Lane, Apt. A  
Dublin, OH 43017

THE MATTER OF SUMMER PAIGE PELOW CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 15, 2012 AT 1:02 P.M. IN THE BOARD ROOM, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., KENNETH WALZ, J.D., R.R.T, R.C.P., CAROL GILLIGAN, HME MEMBER, AND STEVEN PAVLAK, R.R.T., M.S., ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

LYNDSAY A. NASH, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

SUMMER PAIGE PELOW DID NOT APPEAR.

TERESA L. MANTZ WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

There were no preliminary matters addressed by the State.

**State's Exhibits admitted:**

A – Notice of Opportunity for Hearing approved on April 18, 2012 and mailed on April 20, 2012 to Summer Paige Peplow by certified mail/return receipt #7005 1820 0000 0296 1542, including returned “unclaimed” envelope.

B – Proof of Service for Notice of Opportunity for Hearing mailed by Regular Mail Certificate of Mailing.

C – Hearing Schedule Letter, for an August 15, 2012 hearing date, mailed to Summer Paige Peplow by certified mail/return receipt #7005 1820 0000 0296 1757 on May 22, 2012, including returned “unclaimed” envelope.

D – Proof of Service for the Hearing Schedule Letter, for an August 15, 2012 hearing date was mailed to Summer Paige Peplow by Regular Mail Certificate of Mailing.

E – Certified copies (Redacted for Personal Confidential Information)

1. Clinical reference laboratory results dated February 5, 2012
2. Incident/offense report 90-12-000001, dated February 6, 2012
3. Photo (E-3)
4. Photo (E-4)
5. Photo (E-5)
6. Photo (E-6)

**Witnesses called by the State:**

1. Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board
2. Anthony Isom, Investigator for the Ohio Respiratory Care Board

**Respondent's Exhibits admitted:**

None.

**Witnesses called by the Respondent:**

None

**FINDINGS OF FACT**

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on April 20, 2012 by certified mail/return receipt. The Notice of Opportunity for Hearing was returned to the Ohio Respiratory Care

Board, stamped "unclaimed" by the U.S. Postal Service. In compliance with Section 119.07 of the Ohio Revised Code, the Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing to Summer Paige Peplow by regular mail with a certificate of mailing on May 15, 2012. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was mailed in compliance with Section 119.07 of the Ohio Revised Code.

2. Mr. Anthony Isom, Investigator for the Ohio Respiratory Care Board testified that Summer Paige Peplow telephoned the office requesting a hearing. As a result, a hearing scheduling letter was mailed to Summer Paige Peplow on May 22, 2012 by certified mail/return receipt. The hearing scheduling letter was returned to the Ohio Respiratory Care Board, stamped "unclaimed" by the U.S. Postal Service. The Ohio Respiratory Care Board mailed the hearing scheduling letter to Summer Paige Peplow by regular mail with a certificate of mailing on June 11, 2012. The Ohio Respiratory Care Board finds that State's Exhibit D shows that Summer Paige Peplow was properly informed of the scheduling date, place and time for the administrative hearing, in compliance with Section 119.07 of the Ohio Revised Code.
3. The Ohio Respiratory Care Board finds that on or about February 2, 2012, Summer Paige Peplow was employed as a respiratory therapist at Riverside Methodist Hospital – Ohio Health, Columbus, Ohio and on this day, while at work, an employee of the hospital found an unattended purse in a hallway. The employee's search of the purse found drug paraphernalia, including spoons, needles, and tourniquets. The purse was later determined to belong to Summer Paige Peplow.
4. The Ohio Respiratory Care Board finds that Summer Paige Peplow's employer conducted an employment drug and alcohol screen, which revealed a positive result for opiates – morphine. As a result, Summer Paige Peplow's employment was terminated.
5. The Ohio Respiratory Care Board finds that Summer Paige Peplow's statement to the Ohio Respiratory Care Board investigator (Exhibit F) confirms that she was under the influence of morphine during her work shift as a respiratory care professional on February 2, 2012.

#### CONCLUSIONS OF LAW

A. Ohio Revised Code § 4761.09 states in pertinent part:

(A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

\*\*\*

(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;

\*\*\*

B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved by a preponderance of the evidence.

#### ORDER OF THE BOARD

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby PERMANENTLY REVOKES Summer Paige Peplow's license to practice respiratory care in the state of Ohio as a respiratory care professional.

The Order of the Board shall become effective upon the date of mailing of the Order.

- Motion #16: STEVEN PAVLAK, R.R.T., M.S. MOVED FOR FINDINGS OF FACT; ROBERT COHN, M.D. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).
- Motion #17 CAROL GILLIGAN, HME MEMBER MOVED FOR CONCLUSIONS OF LAW; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).
- Motion #18: ROBERT COHN, M.D. MOVED FOR ORDER OF THE BOARD; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. (AYE – 5/NAY – 0/ABSTAINED – 1). MOTION PASSED

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

Mr. Mays stated that the original order shall be signed by the Board President and attached as an exhibit to the meeting minutes. Dr. Cohn abstained from the vote on motions 16, 17, and 18. Ms. Gilligan presented discussion on the interpretation of ORC 4761.09 (A)(8), stating that she interprets the language to state that use of a dangerous drug could be grounds for disciplinary action. Board's counsel declined to comment on Ms. Gilligan's perspective. General discussion on the topic ensued.

---

**Agenda Item 10f: In the Matter of Tizazu F. Arega (Case #2012RCB043) (Exhibit N)**

The Ohio Respiratory Care Board

**Adjudication Order**

**In the Matter Of:**

Tizazu F. Arega, Inmate #A658104  
Madison Correctional Institution  
London, OH 43140-0740

THE MATTER OF TIZAZU F. AREGA CAME BEFORE THE FOLLOWING MEMBERS OF THE OHIO RESPIRATORY CARE BOARD ON AUGUST 15, 2012 AT 10:52 A.M. IN THE BOARD ROOM, 31ST FLOOR OF THE VERN RIFFE BUILDING FOR GOVERNMENT AND THE ARTS, 77 S. HIGH STREET, COLUMBUS, OHIO. PRESENT WERE MARC MAYS, R.R.T., R.C.P., PRESIDENT, JOEL MARX, HME MEMBER, ROBERT COHN, M.D., KENNETH WALZ, J.D., R.R.T., R.C.P., CAROL GILLIGAN, HME MEMBER, AND STEVEN PAVLAK, R.R.T., M.S. ROBERT COHN, M.D. RECUSED HIMSELF FROM THE PROCEEDINGS BASED UPON HIS ROLE AS THE BOARD LIAISON TO THE INVESTIGATORY PROBABLE REVIEW COMMITTEE.

KENNETH WALZ, J.D., R.R.T., R.C.P. SERVED AS THE APPOINTED HEARING OFFICER IN THIS MATTER.

LYNDSAY A. NASH, ASSISTANT ATTORNEY GENERAL, REPRESENTED THE STATE OF OHIO.

TERESA L. MANTZ WAS THE HEARING REPORTER FROM DEPOSITION SPECIALISTS, INC. 35 EAST GAY STREET, SUITE 300, COLUMBUS, OH 43215.

**Preliminary matters:**

There were no preliminary matters addressed by the State.

**State's Exhibits admitted:**

- A – Notice of Opportunity for Hearing approved on April 18, 2012 and mailed to Tizazu Faedaku Arega by certified mail/return receipt #7005 1820 0000 0296 1559 on April 20, 2012, and returned to the Ohio Respiratory Care Board “Attempted Address not Known,” for article #7005 1820 0000 0296 1559.
- B – Receipt for Personal Delivery of Opportunity for Hearing Notice, delivered to and signed by Tizazu Faedaku Arega on April 27, 2012.
- C – Evidentiary Review Notice sent to Tizazu Faedaku Arega by certified mail/return receipt #7005 1820 0000 0296 1870 on June 18, 2012, and signed return receipt for article #7005 1820 0000 0296 1870.
- D – Certified Copy of Judgment Entry on Sentencing of Tizazu Faedaku Arega filed in the Court of Common Pleas, Franklin County, Ohio, Criminal Division; and certified copies for the Ohio Respiratory Care Board on March 13, 2012.

**Witnesses called by the State:**

1. Christopher H. Logsdon, Executive Director of the Ohio Respiratory Care Board

**Respondent's Exhibits admitted:**

None.

**Witnesses called by the Respondent:**

None

**FINDINGS OF FACT**

1. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was issued in compliance with Section 119.07 of the Ohio Revised Code. The Ohio Respiratory Care Board mailed the Notice of Opportunity for Hearing on April 20, 2012 by certified mail/return receipt. The Notice of Opportunity for Hearing was returned to the Ohio Respiratory Care Board, stamped “Attempted Address Not Known” by the U.S. Postal Service. In compliance with Section 119.07 of the Ohio Revised Code, an employee of the Ohio Respiratory Care Board personally delivered the Notice of Opportunity for Hearing to Tizazu F. Arega on April 27, 2012. The Ohio Respiratory Care Board finds that the Notice of Opportunity for Hearing was served in compliance with Section 119.07 of the Ohio Revised Code.
2. The Ohio Respiratory Care Board finds that Tizazu F. Arega did not request a hearing.
3. The Ohio Respiratory Care Board finds that on or about February 3, 2012, Tizazu F. Arega was convicted of one count of RAPE, in violation of Section 2907.02 of the Ohio Revised Code, a felony of the 1st degree, and one count of SEXUAL BATTERY, in violation of Section 2907.03 of the Ohio Revised Code, a felony of the 3rd degree in the Court of Common Pleas, Franklin County, Ohio, case #11CR-1145.
4. The Ohio Respiratory Care Board finds that the acts leading to Tizazu F. Arega's conviction occurred during the course of working as a health care provider. As such, the Ohio Respiratory Care Board finds this is an aggravating fact in this matter.

**CONCLUSIONS OF LAW**

- A. Ohio Revised Code § 4761.09 states in pertinent part:
- (A) The Ohio respiratory care board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:
- (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter;
- \*\*\*
- B. The factual and legal allegations contained in the Notice of Opportunity for Hearing have been proved by a preponderance of the evidence.

**ORDER OF THE BOARD**

THEREFORE, it is ordered, adjudged, and decreed by the Ohio Respiratory Care Board that:

In consideration of these findings and conclusions, the Board hereby PERMANENTLY REVOKES Tizazu F. Arega's license to practice respiratory care in the state of Ohio as a respiratory care professional.

The Order of the Board shall become effective upon the date of mailing of the Order.

Motion #19: ROBERT COHN, M.D. MOVED FOR FINDINGS OF FACT; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #20: JOEL MARX, HME MEMBER MOVED FOR CONCLUSIONS OF LAW; CAROLE GILLIGAN, HME MEMBER SECONDED THE MOTION. MOTION PASSED MOTION PASSED (AYE – 5/NAY – 0/ABSTAINED – 1).

Motion #21: ROBERT COHN, M.D. MOVED FOR ORDER OF THE BOARD; STEVEN PAVLAK, R.R.T., M.S. SECONDED THE MOTION. MOTION PASSED

SO ORDERED

This Board hereby certifies that the above language is incorporated into the Board's journal in this case.

---

The Board broke for lunch at 12:11 p.m. and returned to public session at 1:15 p.m.

**Agenda item #8: COMMITTEE REPORTS**

Scope of Practice Committee -- Robert Cohn, M.D.

Dr. Cohn gave a verbal report to the on the activities of the Scope of Practice Committee. The committee met prior to regular business. Dr. Cohn stated that the committee reviewed five inquiries. Dr. Cohn summarized the inquiries and the determination of the committee as follows:

1. Cheryl Wheeler , RRT– inquiry concerning the scope of practice of respiratory care in a pulmonary physician office. Specifically asking if a licensed therapist could obtain patient history, vital signs, reason for visit, examine patients, treat patients, including assisting with minor surgeries, administer injections, and process lab tests. The inquiry also stated a number of pulmonary procedures. The Committee found that many of some procedures could be within the scope of respiratory care if performed in the treatment and evaluation of cardiopulmonary impairments, but a number of procedures were not within the scope of respiratory care practice.
2. Vickey Fremder, RRT – inquiry concerning the ability of licensed respiratory therapists to implement order changes per a specified protocol by writing the change as a verbal order. The Committee, Dr. Cohn stated, determined that an order could not be implemented until actually signed or verbally ordered by a physician.
3. Jim Frederick, RRT – requested clarification of the scope of respiratory care practice as it relates to evaluating patients prior to placing a them on an oxygen conservation device (OCD) and implementing the order per standing order. Dr. Cohn stated that the Committee determined that the evaluation of a patient for placement on an OCD is a recognized standard of practice. The Committee determined that a proper order is required to implement the change, which could be done through a properly discharged standing order.
4. Marvin Armstrong, RRT – inquiry concerning the scope of respiratory care practice and the authorization of a licensed respiratory therapist to change change tracheostomy tubes and specifically changing a patient from a small tracheostomy tube to a larger tracheostomy tube. Dr. Cohn stated that the Committee determined that changing tracheostomy tubes is within the scope of practice, which constitutes applying an artificial airway; however, the Committee was in no position to address competency and risk for the organization.
5. Kathleen Deakins, RRT – inquiry concerning the scope of respiratory care practice and the authorization of a licensed respiratory therapist to administer nitrous oxide as a mild analgesic. The Committee recommended advising Ms. Deakins that the practice may not be within the scope of respiratory care practice.

Dr. Cohn stated that the Committee recommends the adoption of the responses to the five persons that sent inquiries to the Committee.

Motion #22: Mr. Marx moved to adopt the recommendations of the Scope of Practice Committee and to attach responses to the minutes of the Board meeting as defined exhibits. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – Yes.

### **Scope of Practice Committee Responses - (Exhibits O, P, Q, R, and S)**

HME Committee – Joel Marx

Mr. Marx gave a verbal report on the activities of the HME Committee. Mr. Marx stated that the Committee reviewed the HME Certificates of Registration and Licenses issued since the last meeting. Mr. Marx stated that the Committee also reviewed the inspection schedule. The Committee discussed portable seat assist and portable power seat devices and determined that they are not defined as home medical equipment under the laws and rules of the Ohio Respiratory Care Board. Last, the Committee reviewed the definition of the term “maintenance” as it is used in ORC 4752.01(C). The Committee compared the term to the term “repair” and determined that maintaining and repairing as equivalent terms.

Motion #23: Ms. Gilligan moved to approve the Committee Reports. Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 – 0.

**Agenda item #3 Cont'd: CASE DELIBERATION IN PRIVATE SESSION**

Motion #24: Mr. Marx moved to go into private session for the purpose of entering into quasi-judicial deliberations concerning proposed disciplinary action against Robert A. Farren. Mr. Pavlak seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Carol Gilligan -	Yes
Kenneth Walz -	Yes	Joel Marx -	Yes
Robert Cohn, M.D. -	Yes	Steven A. Pavlak -	Yes

Motion carried.

The Board entered private session at 1:40 p.m. and returned to regular, public session at 2:09 p.m. All other parties, other than the Board's Executive Director were asked to leave the room.

**Agenda item #12: NEW BUSINESS**

**Agenda Item 12.a: Application ratification for Respiratory Care Licenses and Limited Permits (Exhibit T)**

Motion #25: Mr. Marx moved to ratify respiratory care professional licenses and limited permits issued on the following dates:

Limited Permits issued on: June 21, 2012, June 28, 2012, July 5, 2012, July 12, 2012, July 17, 2012, and August 6, 2012.

Respiratory Care Professional Licenses issued on: June 21, 2012, June 22, 2012, June 28, 2012, July 5, 2012, July 12, 2012, July 17, 2012, July 18, 2012, July 23, 2012, and August 6, 2012.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried 6 - 0.

**Agenda Item 12.b: Application ratification for Home Medical Equipment Licenses and Certificates of Registration (Exhibit U)**

Motion #26: Mr. Marx moved to ratify HME licenses and certificates of registration issued on the following dates:

HMEL  
June 8, 2012, June 15, 2012, June 21, 2012, July 6, 2012, and July 9, 2012.

HMER  
May 31, 2012, June 7, 2012, June 8, 2012, June 11, 2012, June 15, 2012, June 21, 2012, June 22, 2012, June 26, 2012, June 28, 2012, June 29, 2012, July 2, 2012, July 3, 2012, July 9, 2012, July 11, 2012, and July 18, 2012.

Mr. Pavlak seconded the motion. Discussion: None. Motion carried: 6 - 0.

**Agenda item #13: OLD BUSINESS**

**Agenda item 13.a: Board discussion on proposed draft rules (Exhibit V collective)**

Mr. Logsdon presented draft rules and business impact analyses (BIA) for rules: 4761-5-01, 4761-5-04, 4761-8-01, 4761-5-06, and 4761:1-10-03. Members spent most of their allotted time going through the BIA for rules 4761-5-01, 4761-5-04, and 4761-8-01. Staff presented recommended changes, which were reviewed and discussed in detail throughout the proposed draft BIA. Following a review of the BIA, the Board directed the Executive Director to make all necessary changes and present a final version at the next meeting on October 10, 2012. Next, the Board reviewed each draft rule. The following changes were made to the drafts presented:

**Proposed rule 4761-5-01:**

1. Paragraph (A)(1)(b), delete "and up to date" and insert "obtaining and" after the word "on" in the first sentence.
2. Paragraph (B), insert "or their successor organization" after "NBRC" in the first sentence.
3. Paragraph (C), delete the third sentence in its entirety.

**Proposed rule 4761-5-04:**

1. Paragraph (A)(2), change the word "includes" to "are".
2. Paragraph (A)(2)(a), insert ";" after the word "origin", delete "or an" and create new paragraph (A)(2)(b).
3. Create new paragraph (A)(2)(c) beginning with the sentence starting "A letter of licensure verification..."
4. Change old paragraph (A)(2)(c) to (A)(2)(d).
5. New paragraph (A)(2)(c), section (vii), second sentence add "that" between "verify" and "the", add "the" after "on" and change "completing" to "completion of".
6. Paragraph (B), add "An applicant for Ohio" at the beginning of the sentence.

**Agenda item #14: OPEN FORUM**

There were no appearances for open forum.

**Agenda item #15: FOR THE GOOD OF THE BOARD**

There were no issues presented for the good of the Board.

**Agenda item #16: ADJOURNMENT**

Hearing no objection, Mr. Mays adjourned the meeting at 4:40 p.m.

Board Secretary's Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on October 10, 2012.

Board Secretary

Witness