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OHIO RESPIRATORY CARE BOARD

77 SOUTH HIGH STREET, 16TH FLOOR

COLUMBUS, OHIO 43215-6108

OFFICIAL BOARD MEETING MINUTES OF APRIL 6, 2011

Agenda item #1: CALL MEETING TO ORDER

Presiding: Marc Mays, President, called the meeting to order on April 6, 2011 at 9:15 a.m. in room West B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. Mr. Joel Marx took the roll. Present were Marc Mays, R.R.T., R.C.P., President, Kenneth Walz, J.D., R.R.T., R.C.P., Sandra Stabile Harwood, J.D., Public Member, Carol Gilligan, HME

Member, Anita Adams, M.B.A, R.C.P., Joel Marx, HME Member and Esther L. Kester, R.R.T., R.C.P. Mr. Mays noted for the record that Ms. Susan Ciarlariello and Dr. Robert Cohn advised the Board that they could not attend the meeting and were excused. Mr. Mays noted that a quorum of the members of the Board was present and that business could be conducted.

Members in attendance (Exhibit A):

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

E. Lucille Kester, R.R.T., R.C.P.

Carol Gilligan, HME Member

Sandra Stabile Harwood, J.D., Public Member

Joel Marx, HME Member

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

Anita Adams, M.B.A, R.C.P.

Staff in attendance:

Christopher H. Logsdon, Executive Director

Anthony Isom, Investigator

Others in Attendance:

Henry Appel, Assistant Attorney General

Christopher Baer, Attorney at Law

Jeffrey Merringer, RCP

Arlene Merringer

Jason McLean, Investigator, Ohio Board of Engineers

Eric Latimer

Emily Frutio

Agenda item #2: ADMINISTRATIVE HEARINGS

Mr. Walz announced that Agenda item #2A was continued pending consideration of a consent agreement.

Item #2B: In the Matter of Jeffrey Merringer, Case #2008ORCB031

The matter of Jeffrey L. Merringer, RCP.0244 came before the following members of the Ohio Respiratory Care Board on April 6, 2011 at 9:19 a.m. in room West B & C, 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, Esther L. Kester, R.R.T., R.C.P., Sandra Stabile Harwood, J.D., Public Member, Ken Walz, J.D., R.R.T, R.C.P., Carol Gilligan, HME Member, and Anita Adams, M.B.A, R.C.P. Marc Mays, RRT recused himself from the proceedings based upon his role as the Board liaison to the Investigatory Probable Review Committee during the period that Mr. Merringer entered into a Consent Agreement with the Board. Kenneth Walz, J.D., R.R.T., R.C.P. was the appointed hearing officer in this matter. Henry G. Appel, Assistant Attorney General, represented the state of Ohio. Mr. Jeffrey L. Merringer appeared with his Attorney, Christopher J. Baer, Attorney at Law, 777 S. Waggoner Road, Reynoldsburg, OH 43068. Teresa L. Mantz, was the hearing reporter from Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, OH 43215.

Prior to beginning the Hearing, Mr. Walz inquired if Mr. Baer was related to an attorney he knew. Mr. Baer stated that the attorney referenced was not related. Mr. Walz then continued with instructions for the conduct of the hearing. Mr. Walz inquired if there were any preliminary matters:

Mr. Appel, representing the state of Ohio, stated that he had no preliminary matters. Mr. Baer presented two preliminary matter:

(1) Mr. Baer stated that the hearing is based on a consent agreement his client signed in 2008. Mr. Baer argued that the grounds contained in the original consent agreement were flawed.

(2) Mr. Baer argued that his client was not physically competent to sign the original agreement and that is should be vacated.

State's Attorney, Mr. Appel argued that the respondent's concerns are beyond the scope of matters contained in the Notice of Opportunity for Hearing.

After consideration of the Respondent's arguments, Mr. Walz directed it would be appropriate to move forward on the subjects contained in the Notice of Opportunity for Hearing.

Respondent's counsel, Mr. Baer, urged the Board to consider his position. State's counsel, Mr. Appel, suggested that either the Board rule that the matter is excluded or the Board should hear the matter and create a record.

Mr. Walz inquired if the Board would like to go into executive session to review the matter.

Motion #1: Mr. Walz moved to enter Executive Session for the purpose of conferring with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action under R.C. 121.22(G)(3). Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Sandra Stabile Harwood -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 9:32 a.m. and returned to regular, public session at 9:52 a.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than remaining Board members were asked to leave the room.

Upon returning to public session, Mr. Walz informed both parties that the purpose of the hearing is the reasons contained in the Board's Notice of Opportunity for Hearing, but that the Board would not limit the testimony in this matter.

The State gave a brief opening statement.

Motion #2: Mr. Walz moved to enter Executive Session for the purpose of conferring with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action under R.C. 121.22(G)(3). Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Sandra Stabile Harwood -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 9:54 a.m. and returned to regular, public session at 10:54 a.m. Mr. Mays was excused from the meeting room and did not participate in deliberation. All other parties, other than remaining Board members were asked to leave the room. During executive session, the Board requested to have a representative from the Ohio Attorney General's office. Ms. Leah O'Carroll arrived and entered executive session at approximately 10:20 a.m. Ms. O'Carroll left at 10:50 a.m.

Following executive session, Mr. Walz continued with the hearing and asked the respondent to give an opening statement. Mr. Baer gave an opening statement on behalf of his client, Mr. Merringer.

Case for the State:

Witnesses called for the State:

State's Witness #1: Anthony Isom, Investigator

Following witness testimony, Mr. Appel moved to enter State's Exhibit 1 - 9 on the record. Mr. Walz asked Mr. Baer if he had any objection to the admission of State's exhibits 1 - 9. Hearing no objection, Mr. Walz admitted State's Exhibits 1 - 9.

State's Exhibits admitted:

- 1 - Notice of Opportunity for Hearing approved on April 14, 2010 and mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 2510 0001 7343 7529 on April 19, 2010, a signed return receipt for article #7004 2510 0001 7343 7529, and a signed receipt for article #7004 1160 0000 5913 2519 sent to Christopher J. Baer, Attorney.
- 2 - Notice for Request for Hearing, dated 4/26/2101 from Christopher J. Baer, Attorney for Jeffrey L. Merringer.
- 3 - Copy of Consent Agreement on record with the Ohio Respiratory Care Board for Jeffrey Merringer, case#2008ORCB031, effective on the last signature date October 14, 2008.

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- 4 - Hearing scheduling letter, dated January 6, 2011, mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 1160 0000 5913 4872 on January 7, 2011 and to Christopher J. Baer, Attorney at Law.
- 5 - Hearing scheduling letter, dated April 26, 2010, mailed to Jeffrey L. Merringer and Christopher J. Baer, Attorney at Law.
- 6 - Random Selection Report and Test History Report from First Lab. (Redacted)
- 7 - Copy of email sent from Amanda Morrison, FirstLab testing service, dated November 11, 2009..
- 8 - Letter dated April 24, 2009, from Tony Isom, Investigator, Ohio Respiratory Care Board to Jeffrey L. Merringer.
- 9 - Letter dated June 3, 2009, from Greta Slater, Administrative Assistant for Dr. Laura Phieffer.

Case for the Respondent:

Witnesses called for the Respondent:

Respondent's Witness #1: Jeffrey L. Merringer

The Board took a break at 11:43 a.m. and then returned to public session at 11:53 a.m.

Respondent's Witness #2: Arleen L. Merringer

Mr. Baer then called Christopher H. Logsdon to the stand. Mr. Appel objected based upon the fact that Mr. Logsdon was not identified as a witness for the State and the Respondent did not subpoena Mr. Logsdon. Further, Mr. Appel argued relevance. Mr. Baer stated that he sent Mr. Logsdon correspondence in 2008 that only he could identify. Mr. Appel stated that if the issue was a matter of admitting documents that he would be willing to review the documents. Mr. Appel stated that if Mr. Baer sent the documents then the state would concede the foundation of the documentation, but the relevance is a different issue. Mr. Walz sustained the objection.

Mr. Baer asked if he could have two documents admitted. Mr. Appel objected stating that he had not reviewed the documents in question. Mr. Baer stated that the documents should have been part of the record. Mr. Appel argued that he is not required to produce the entire file, because some of the file is investigative in nature and is confidential. Mr. Appel suggested that he be permitted to question one additional rebuttal witness and then he would be willing to review the respondent's additional documentation.

Following Mr. Baer's case-in-chief, the State asked to provide rebuttal. Mr. Baer did not object. Mr. Walz granted the request.

Mr. Baer moved to enter Respondent's Exhibit 1 -5 on the record. Mr. Appel requested that Respondent's Exhibits be relabeled as Exhibits A - F. Mr. Baer did not object. Mr. Walz asked Mr. Appel if he had any objection to the admission of Respondent's exhibits 1 - 5, now relabeled as Respondent's Exhibits A - F. Hearing no objection, Mr. Walz admitted Respondent's Exhibits A - F.

Respondent's Exhibits admitted:

- A - Copy of list of Ohio Statutes 2011, title 1 through title 63.
- B - Copy of list of Ohio Statutes 2011, title 45, sections 4501 through title 4585.
- C - Copy of list of Ohio Statutes 2011, title 45, sections 4511.01 through title 4511.991.
- D - Copy of certificate of completion for continuing education taken on May 28, 2008.

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- E - Copy of certificate of completion for continuing education taken on February 2, 2011.
- F - Copy of certificate of completion for continuing education taken on February 19, 2011.

State's Rebuttal Witness:

State's Witness #2: Jason McLean, Investigative Supervisor, Ohio Engineer's Board

Following witness testimony, Mr. Appel moved to enter State's Exhibit 10 -21 on the record. Mr. Walz asked Mr. Baer if he had any objection to the admission of State's exhibits 10 - 21. Mr. Baer objected to the admission of State's Exhibit #21 based upon Federal HIPAA laws. Mr. Appel responded that records obtained under the law enforcement exception are exempt from HIPAA requirements. Mr. Walz stated that Exhibit #21 did contain some medical records and he would Order that that exhibit be sealed. Hearing no other objection, Mr. Walz admitted State's Exhibits 10 - 21.

Additional State's Exhibits admitted:

- 10 - Notice of Opportunity for Hearing approved on August 12, 2008 and mailed to Jeffrey L. Merringer by registered mail/return receipt # 7004 2510 0001 7344 2783 on August 13, 2008, and a signed return receipt for article #7004 2510 0001 7344 2783.
- 11 - Letter from Jeffrey L. Merringer dated September 11, 2008, to the Ohio Respiratory Care Board.
- 12 - Letter from Jeffrey L. Merringer dated September 11, 2008, to the Ohio Respiratory Care Board.
- 13 - Letter from Jason McLean, Investigator for the Ohio Respiratory Care Board, dated September 25, 2008 to Jeffrey Merringer.
- 14 - Letter from Jason McLean, Investigator for the Ohio Respiratory Care Board, dated October 24, 2008 to Jeffrey Merringer.
- 15 - Copy of 2008 electronic license renewal application filed by Jeffrey L. Merringer. (Redacted)
- 16 - Copy of reverse side of 2004 license renewal application filed by Jeffrey L. Merringer.
- 17 - Copy of certified journal entry for Case #06TRC12349, in Fairfield County Municipal Court, filed on or about April 3, 2007.
- 18 - Copy of certified First Offense Sentence for Case #94TRC3962, in Lancaster Municipal Court, filed on May 16, 2004.
- 19 - Copy of certified journal entry for Case #07TRC9534, in Fairfield County Municipal Court, filed on or about December 20, 2007.
- 20 - Copy of electronic search results for Jeffrey Merringer, Fairfield County Municipal Court.
- 21 - Employment records from Mt. Carmel East Hospital for Jeffrey L. Merringer. **(Records Sealed by Order of the Board)**

Respondent's Rebuttal Witnesses:

Arleen L. Merringer

Jeffrey L. Merringer

The Board broke for lunch at 1:32 p.m. and returned to public session at 2:17 p.m.

Following witness testimony, Mr. Baer moved to admit two additional exhibits marked as exhibits G and H. Mr. Walz asked Mr. Appel if he had any objection to the admission of Respondent's Exhibits G and H. Hearing no objection, Mr. Walz admitted Respondent's Exhibits G and H.

Additional Respondent's Exhibits admitted:

G - Copy of letter dated January 27, 2009, sent to the Ohio Respiratory Care Board by Christopher J. Baer, Attorney at Law.

H - Copy of Facsimile dated January 28, 2009, from the Ohio Respiratory Care Board to Christopher J. Baer, Attorney at Law.

Both sides gave a closing statement.

The hearing concluded at 2:37 p.m.

Item #1.1: Adoption of Proposed Meeting Agenda

Before beginning the next administrative hearing, Mr. Mays noted that he neglected to have the agenda adopted. He reminded members that item 2A was continued.

Motion #3: Mr. Walz moved to approve the proposed meeting agenda for April 6, 2011. Ms. Harwood seconded the motion.
Discussion: None. Motion carried: 7-0.

Item #2C: In the Matter of Eric S. Latimer, Case #2011ORCB055

The matter of Eric S. Latimer came before the following members of the Ohio Respiratory Care Board on April 6, 2011 at 2:42 p.m. in room West B & C, 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, Esther L. Kester, R.R.T., R.C.P., Sandra Stabile Harwood, J.D., Public Member, Kenneth Walz, J.D., R.R.T, R.C.P., Carol Gilligan, HME Member, and Anita Adams, M.B.A, R.C.P. Kenneth Walz, J.D., R.R.T., R.C.P. was the appointed hearing officer in this matter. Henry G. Appel, Assistant Attorney General, represented the state of Ohio. Mr. Eric S. Latimer appeared Pro Se. Teresa L. Mantz, was the hearing reporter from Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, OH 43215.

Mr. Walz asked Mr. Latimer if he had received the Board's Notice of Opportunity for Hearing. Mr. Latimer confirmed receipt. Mr. Walz asked Mr. Latimer if he was prepared to go forward with the hearing without representation by legal counsel. Mr. Latimer stated that he was prepared to represent himself. Mr. Walz then explained the hearing procedures.

Mr. Walz inquired if there were any preliminary matters. There were no preliminary matters.

Mr. Appel then gave a brief opening statement. Mr. Latimer followed and gave a brief opening statement.

Witnesses called for the State:

State's Witness #1: Anthony Isom, Investigator.

State's Witness #2: Eric Shane Latimer was called as on cross-examination.

Following witness testimony, Mr. Appel moved to enter State's Exhibit 1, 3 through 8 on the record. Mr. Appel noted that there was no State's Exhibit #2. Mr. Walz asked Mr. Latimer if he had any objection to the admission of State's Exhibit 1, 3 through 8. Hearing no objection, Mr. Walz admitted State's Exhibit 1, 3 through 8.

State's Exhibits admitted:

- 1 - Notice of Opportunity for Hearing approved on February 9, 2011 and mailed to Eric Shane Latimer by registered mail/return receipt # 7004 1160 0000 5913 3356 on February 15, 2011, and a signed return receipt for article #7004 1160 0000 5913 3356.

There was no Exhibit #2.

- 3 - Hearing scheduling letter, dated February 23, 2011, mailed to Eric Shane Latimer by registered mail/return receipt # 7004 1160 0000 5913 3387 on February 23, 2011, and a signed return receipt for article #7004 1160 0000 5913 3387.
- 4 - Letter from Eric Latimer dated December 28, 2010, sent to the Ohio Respiratory Care Board.
- 5 - Application for Respiratory Care Professional license filed on December 23, 2010 by Eric Shane Latimer. **(Redacted)**
- 6 - Copy of indictment, Case #2009-08-2542 ABC, Court of Common Pleas, County of Summit, Ohio.
- 7 - Copy of supplemental indictment, Case #2009-08-2542 AC, Court of Common Pleas, County of Summit, Ohio.
- 8 - Certified Journal Entry for Drug Court, Case #2009-08-2542 A, Court of Common Pleas, County of Summit, Ohio.

Case for the Respondent:

Witnesses called for the Respondent:

Respondent's Witness #1: Mr. Latimer testified on his own behalf.

Respondent's Exhibits admitted:

- A - Letter from Jessica McAdoo, Case Manager, Oriana House, Inc. dated March 11, 2011.
- B - Letter from Ray Sibberson, Program Director, Akron University, Respiratory Care Program dated March 28, 2011.
- C - Copy of DD form 214, Military Discharge from Active Duty for Eric Shane Latimer. **(Redacted)**
- D - Letter from The Lambda Beta Society, dated September 27, 2010.

Both sides gave a brief closing statement.

The hearing concluded at 3:17 p.m.

Item #2D: In the Matter of Angela M. Rider, Case #2009ORCB051

The matter of Angela M. Rider came before the following members of the Ohio Respiratory Care Board on April 6, 2011 at 3:22 p.m. in room West B & C, 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, Esther L. Kester, R.R.T., R.C.P., Sandra Stabile Harwood, J.D.

(arrived at 3:23 p.m.), Public Member, Kenneth Walz, J.D., R.R.T., R.C.P., Carol Gilligan, HME Member, and Anita Adams, M.B.A., R.C.P. Kenneth Walz, J.D., R.R.T., R.C.P. was the appointed hearing officer in this matter. Henry G. Appel, Assistant Attorney General, represented the state of Ohio. Ms. Rider did not request a hearing before the board and was not present. 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 hearing reporter from Deposition Specialists, Inc. 35 East Gay Street, Suite 300, Columbus, OH 43215. Mr. Walz also inquired if there were any preliminary stipulations. Hearing none, he asked Ms. Tertel to present her case-in-chief.

Witnesses called for the State:

State's Witness #1: Christopher H. Logsdon, Executive Director

State's Witness #2: Anthony Isom, Investigator

Following witness testimony, Mr. Appel moved to admit State's Exhibits 1 through 10. Mr. Walz admitted State's exhibits 1 through 10.

State's Exhibits admitted:

- 1 - Cover letter with Notice for Opportunity for hearing approved on October 13, 2010 and mailed to Angela Marie Rider by registered mail/return receipt # 7004 1160 0000 5913 4537 on October 19, 2010, copy of mailing envelop returned to board marked "unclaimed" by U.S. Postal Service, and a certificate of mailing by ordinary mail dated November 15, 2010.
- 2 - Hearing scheduling letter, dated December 17, 2010, mailed to Angela Marie Rider address of record by ordinary mail with certificate of mailing.
- 3 - Copy of Consent Agreement on record with the Ohio Respiratory Care Board for Angela M. Rider, case #2009ORCB051, effective on the last signature date October 21, 2009.
- 4 - Test History Report from First Lab dated 7/9/2010. (Redacted)
- 5 - Random testing report from First Lab dated 1/11/2010. (Redacted)
- 6 - Copy of email from Amanda Morrison to Anthony Isom, dated May 11, 2010.
- 7 - Copy of letter from Angela M. Rider to the Ohio Respiratory Care Board, filed March 25, 2010.
- 8 - Copy of letter from Angela M. Rider to the Ohio Respiratory Care Board.
- 9 - Rite Aid patient history report for Angela Rider and copy of prescription for Angela Rider.
- 10 - Copy of letter from Angela M. Rider to the Ohio Respiratory Care Board, filed July 20, 2009.

Mr. Appel gave a brief closing statement.

The hearing concluded at 3:47 p.m.

Following the hearing, the Board President, Mr. Mays stated that the Board was running late. Mr. Mays stated that the Board could go into deliberation and try to deliberate on all of the cases heard or the Board could limit deliberation to those cases that could be reasonably concluded during this meeting. Mr. Logsdon recommended that the Board table Agenda item #3: Standing Committee,

Agenda item #5: Officer and Staff Report, and Agenda item #6: Committee Reports. Without objection, Mr. Mays tabled Agenda item #3: Standing Committee, Agenda item #5: Officer and Staff Report, and Agenda item #6: Committee Reports.

Motion #4: Mr. Marx moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, which is pending or imminent court action 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). Ms. Adams seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Sandra Stabile Harwood -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 3:48 p.m. and returned to regular, public session at 4:50 p.m. All voting members of the Board were present during executive session, except Mr. Mays was excused from the meeting room and did not participate in deliberation on case 2008ORCB031, but returned for deliberation for cases 2011ORCB055 and 2009ORCB051. Mr. Logsdon was asked to remain in Executive Session. All other attendees were excused from the meeting room.

Agenda item #8: JOURNAL ENTRIES

Item #8.2: In the Matter of Jeffrey L. Merringer, Case #2008ORCB031

Motion #5: Mr. Walz moved to table deliberation on the matter until the Board's next regularly scheduled meeting on June 21, 2011. Mr. Marx seconded the motion. Discussion: None. Motion carried: 6 - yes, 1 - abstained (Mr. Mays).

Item #8.3: In the Matter of Eric Shane Latimer, Case #2011ORCB055 (Exhibit B)

Motion #6: Mr. Walz moved that the allegations contained in Count I of the Notice of Opportunity for Hearing is True and based upon the findings of fact, conclusions of law the following Order of the Board is adopted:

ORDER OF THE BOARD

Pursuant to Ohio Revised Code 4761.09 (A), the Board shall issue Eric Shane Latimer a license to practice respiratory care as a Respiratory Care Professional. Upon issuance of the license, the Board shall place Eric Shane Latimer's license on PROBATION for a minimum of sixty (60) days. Prior to release from PROBATION, Eric Shane Latimer shall provide a certified judgment entry from the Court of Common Pleas, Summit County, Ohio that documents dismissal of all charges and successful completion of Drug Court. At the review and discretion of the Board, Eric Shane Latimer's license may be released from PROBATION.

The minutes of the Board shall serve as the journal of the Board in this matter and the original order shall be signed by the Board President and attached as an exhibit hereto. The Order of the Board shall become effective upon the date of mailing.

Mr. Marx seconded the motion. Discussion: Mr. Marx clarified that the Board would like to review the journal entry of the court before considering a release of the probation. Mr. Walz affirmed his understanding of the order. No further discussion. Motion carried: 7 Yes.

Item #8.4: In the Matter of Angela Marie Rider, Case #2009ORCB051 (Exhibit C)

Motion #7: Mr. May moved that the allegations contained in Count I of the Notice of Opportunity for Hearing is True and based upon the findings of fact, conclusions of law the following Order of the Board is adopted:

ORDER OF THE BOARD

Pursuant to Ohio Revised Code 4761.09 (A), the Board shall INDEFINITELY SUSPEND the Respiratory Care Professional license of Angela Marie Rider. Upon informing the Board of her intent to comply with the following provisions based upon the Consent Agreement approved by the Board on October 21, 2009, the SUSPENSION shall remain in effect for a minimum of two (2) years:

- (A) Upon notifying the Board, Angela Marie Rider shall submit to random drug and alcohol testing in the manner prescribed by the Board during the two-year minimum suspension period. Angela Marie Rider 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 and any adulterated OR diluted toxicology result shall constitute a positive screen for the purposes of this Order.
- (B) Angela Marie Rider shall attend Alcoholics Anonymous, or other board approved meetings, no less than two (2) times per week during the two-year minimum suspension period. Angela Marie Rider is responsible for providing the Board with monthly written documentation of attending such meetings.
- (C) Angela Marie Rider shall not use or possess illegal drugs or consume alcohol or other intoxicating substances or possess prescription drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Angela Marie Rider's history of chemical dependency, as evidenced by a written acknowledgement 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.
- (D) It is the responsibility of Angela Marie Rider to have on file with the board a working phone number with messaging system, a failure to do so will be a violation of this Order. The Investigator or authorized agent's request of drug screen by said messaging system constitutes an authorized drug screen request for the purposes of this Order.
- (E) In addition to complying with the conditions described in paragraphs (A) through (D) of this Order, Angela Marie Rider shall not be eligible for reinstatement of her license following the two-year minimum suspension until she provides proof of an alcohol and/or drug dependency assessment administered by a Certified License Physician or Drug Assessment Counselor that affirms that Angela Marie Rider is drug free. The Board shall receive a final discharge report from the treatment provider. Angela Marie Rider is responsible for furnishing such reports to the Board.

Ms. Rider SHALL NOT be permitted to practice respiratory care during ANY PORTION of the SUSPENSION imposed by the Board.

The minutes of the Board shall serve as the journal of the Board in this matter and the original order shall be signed by the Board President and attached as an exhibit hereto. The Order of the Board shall become effective upon the date of mailing.

Mr. Walz seconded the motion. Discussion: None. Motion carried: 7 - Yes.

Agenda item #7: PROBABLE REVIEW COMMITTEE

Motion #8: Ms. Kester moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, which is pending or imminent court action 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). Ms. Gilligan seconded the motion. Discussion: None. Roll Call vote:

Marc Mays -	Yes	Esther Lucile Kester -	Yes
Anita Adams -	Yes	Kenneth Walz -	Yes
Joel Marx -	Yes	Sandra Stabile Harwood -	Yes
Carol Gilligan -	Yes		

Motion carried.

The Board entered executive session at 5:00 p.m. and returned to regular, public session at 5:15 p.m. All seven Board Members, Mr. Isom, Mr. Appel, and Mr. Logsdon 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.*

Agenda item 7.1(a): Approval of Opportunity for Hearing Notices (Exhibit D - H)

Motion #9: 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>
D.	2011ORCB060 (Charles S. Meadows, New applicant)	(1) Failure to provide sufficient evident of good moral character, (2) Obtaining a license by concealment of material facts.	ORC 4761.09(A)(2)
E.	2011ORCB061 (Leah M. Shumney, New applicant)	(1) Obtaining a license by concealment of material facts.	ORC 4761.09(A)(2)
F.	2011ORCB069 (Nancy L. Helldobler, RCP.0719)	(1) Continuing Education not completed within term, (2) Practicing without a valid license.	ORC 4761.09 (A)(2)
G.	2011ORCB071 (Robert Alan Farren, RCP.3476)	Practicing while impaired not reported for renewal	ORC 4761.09 (A)(8)

HME Opportunity for Hearing Notices

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Allegation</u>	<u>ORC Code</u>
H.	2011HME021 (Erie Coast Chest Physicians, HMEL.11442)	Unlicensed Practice	ORC 4752.09 (A)(1)

Ms. Kester seconded the motion. Discussion: None. Motion carried: 6 – yes, 1 - abstained (Gilligan).

Agenda item 7.1(b): Withdraw of Approval of Opportunity for Hearing Notices (Exhibits I & J)

Motion #10: Mr. Walz moved to withdraw the Notices of Opportunity for Hearing issued separately to the following persons:

- I. Case #2011ORCB032 (Maribel Cancel, RCP.9266) - approved October 13, 2010
- J. Case #2011ORCB063 (Irina Y. Wyatt, RCP.8077) - approved February 9, 2011

Ms. Adams seconded the motion. Discussion: None. Motion carried: 7 - yes.

Agenda item 7.3: Consent Agreement Approval (Exhibits K - O)

**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: Ms. Adams moved to approve the consent agreement between the Board and the following cases, excluding Case #2011HME015:

RCB Agreements

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Violation</u>	<u>Disposition</u>
K.	Case #2010ORCB032 (Daniel Kevin Sell, RCP.6585)	(1) Falsifying patient records in violation of OAC 4761-10-01(O) and ORC 4761.09 (A)(2), (2) violating professional standard of practice in violation of OAC 4761-10-01(I) and ORC 4761.09 (A)(2), (3) negligence and gross misconduct in violation of ORC 4761.09 (A)(5)	Four month Suspension with conditions
L.	Case #2011ORCB043 (Samantha A. Gollon, RCP.4097)	Continuing Education was not within term in violation of ORC 4761.09 (A)(2).	Reprimand/fine
M.	Case #2011ORCB073 (Lisa A. Shively, RCP.9106)	Continuing Education	Reprimand/fine

was not within term in violation of ORC 4761.09 (A)(2).

N. Case #2011ORCB076 (Denise J. Mortimer, RCP.7246) Failed to complete required continuing education in violation of ORC 4761.09 (A)(2). Reprimand/fine with conditions

HME Agreements

<u>Exh. #</u>	<u>Case no./Respondent</u>	<u>Violation</u>	<u>Disposition</u>
O.	Case #2011HME012 (Aberdeen Medical Services, HMEI.11432)	Unlicensed practice in violation of ORC 4752.09 (A)(1).	Reprimand/fine

Ms. Harwood seconded the motion. Discussion: None. Motion carried: 7 – yes.

Motion #12: Mr. Walz moved to deny the consent agreement proposed in the matter of Case #2011ORCB015, because the terms violation OAC 4761:1-11-02. Ms. Harwood seconded the motion. Discussion: Mr. Marx inquired if the Executive Director would propose a revised agreement. Mr. Logsdon stated that he would amend the proposed agreement to comply with OAC 4761:1-11-02 and send it to the respondent. No further discussion. Motion carried: 7 - yes.

Agenda item 7.4 & 7.5: Closed investigations and probation compliance report

Motion #13: Mr. Walz moved to close the following probable review committee cases and to close the following probation cases that have met their obligations to the Board:

Probable Review Committee Cases:

	<u>Case #</u>	<u>Reason for closure</u>
1.	Case #2011HME020	Unfounded complaint
2.	Case #2011HME016	Deferred to accrediting organization
3.	Case #2011HME023	Unfounded complaint
4.	Case #2011ORCB072	Non-jurisdictional
5.	Case #2011ORCB068	Non-jurisdictional
6.	Case #2011ORCB067	Non-jurisdictional
7.	Case #2011ORCB058	Non-jurisdictional
8.	Case #2011HME022	Unfounded

Probation cases:

	<u>Respondent</u>	<u>Case #</u>	<u>Reason for closure</u>
1.	Rebecca Miller	Case #2011ORCB029	Reprimand Issued
2.	Fidaa Ata Lahoud	Case #2011ORCB044	Reprimand Issued
3.	Jill Tewart	Case #2011ORCB040	Fine paid
4.	Dominic Tiberio	Case #2010ORCB021	Fine paid/CE completed

5. Capitol Sleep Med. Case #2011HME008 Reprimand Issued

Agenda item #9: NEW BUSINESS

Mr. Mays stated that the Board meeting is running longer than scheduled. Mr. Mays asked if the members had any problems with tabling items 9.1, 9.2, 9.3, and 9.4. Hearing no objections, Mr. Mays stated that the Board would hold the business over until the next meeting.

Agenda item 6.5: Officer Elections

Members were provided ballots for the position of President, Secretary and Hearing Officer.

President

Mr. Mays was nominated to be Board President for the coming year. The nomination was seconded. Ballot count : 7 - yes. Mr. Mays was elected as President of the Ohio Respiratory Care Board for the term beginning April 6, 2011 and ending at the April meeting date in 2012.

Secretary

Sandra Harwood was nominated to be Secretary of the Board for the coming year. The nomination was seconded. Ballot count: 7 - Yes. Ms. Harwood was elected as Secretary of the Ohio Respiratory Care Board for the term beginning April 6, 2011 and ending at the April meeting date in 2012.

Hearing Officer

Kenneth Walz was nominated to be Hearing Officer for the coming year. The nomination was seconded. Ballot count: 7 - Yes. Mr. Walz was elected as Hearing Officer of the Ohio Respiratory Care Board for the term beginning April 6, 2011 and ending at the April meeting date in 2012.

Mr. Mays stated that Dr. Cohn would be appointed as the Vice-President of the Board. Mr. Mays then assigned the following persons to chair standing committees of the Ohio Respiratory Care Board:

Scope of Practice Committee - Dr. Robert Cohn

Home Medical Equipment Committee - Carol Gilligan (contingent upon re-appointment)

Education Committee - Esther L. Kester

Rules Committee - Sandra Stabile Harwood, J.D.

Agenda item #10: OPEN FORUM

No appearances for Open Forum

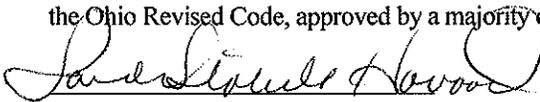
Agenda item #11: FOR THE GOOD OF THE BOARD

Mr. Mays asked if the Board should meet for two days in June. Mr. Logsdon stated that members have suggested such, because the agency is experiencing backlogs. Mr. Mays asked member to review their calendars. After consideration of available dates, the members chose June 21 and 22, 2011.

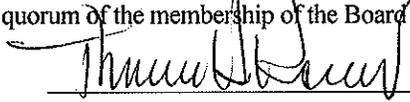
Agenda item #12: ADJOURNMENT

Mr. Mays adjourned the business meeting at 5:45 p.m.

Secretary's Certification: to the best of my knowledge, 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 June 22nd, 2011.



Secretary



Witness