

RESPIRATORY CARE COMMITTEE MINUTES
July 8, 2022, AT 10:00 A.M.
Indiana Professional Licensing Agency
402 W Washington St Conference Center Room 1
Indianapolis, IN 46204

- I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM 10:00 a.m.**
Board Members Present: Dave Burnworth, Pat Ingle, Gary Smith
Staff Present: Toby Snell, Dinena Moore, Claire Dyer
- II. ADOPTION OF THE AGENDA** Motion made by GS and seconded by PI to adopt the agenda
Motion Carries 3-0-0
- III. ADOPTION OF THE MINUTES** Motion made by PI and seconded by GS to approve the minutes
Motion carries 3-0-0
- IV. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**
Report given by Ryan Eldridge

Court Reporter Margie Addington

V. ADMINISTRATIVE HEARING

A. Sheri Mosley 30003472A

Order To Show Cause 2011 RCC 0006

TELEPHONE

Respondent appears by phone with Counsel Steven Douglas

Nicholas Hart appears on behalf of the State

Mr Douglas waives opening statement

Mr Hart makes opening statement and request

Mr Douglas states that respondent that Ms Mosley has been noncompliance and did self-report on her renewal form placing her license on probation and she did seek to have the probation removed and was requesting it too soon based on the final order. Due to the pandemic that caused some issue as well for. The committee has been receiving reports since 2021 and she has been employed for 18 years and since being on probation she has had no incident. They are not denying that she did not submit reports. Ms Mosley has been performing well in her position and has had no further incidents and would like to see about getting her probation removed.

Mr Douglas rests his case

State calls Toby Snell as a witness

Mr Douglas asks Toby questions

State calls Ms Mosley

Asks her how she has been employed since 2016 and is employed at IU Health Morgan Have you had your employer send or she said yes she was up to 2016 based on not hearing back from the Board Director at that time. She has not submitted anything since 2016. Are still receiving therapy at this time. She was seeing one for 4 years and was doing meetings at that time but is no longer seeing a counsel. Has not submitted anything since 2016 but has been employed at the same place for 18 years.

State has no further questions

Mr Douglas asks Ms Mosley asks what Cindy's last name was as the board director and she does not recall and states her name is on the paperwork that she sent in

She stated she stopped receiving any communication from the IPLA board director at that time and she assumed her probation was done. She had not heard from the committee until receiving her OTSC in 2021

Gary asks you didn't receive emails back from the director and she just assumed everything was good even though her probationary terms had been met and she did not think to call the committee to find out. Did you read your terms of the probation and she said yes and did that for the 5 years

Pat asks that there were letters in your file? She did not see any documentation from a supervisor after 2016 and Mosely states yes

Dave asks have you gone in to see the status of your license and she state no

Pat asks did you attend therapy for four years and then you stopped at that time and she said there were several letters and the one letter was stating she didn't need to attend counseling any longer with the last one dating 2016. It was received in 2016

Pat asks do you agree that since 2016 you have not met your probation terms? She states she hadn't submitted anything, but she has continued to go to meetings and group. Have you communicated with the committee she stated no

Gary asks have you received anything from the committee since 2016 to 2021 she states no

Gary asks Toby questions in regard to the file

Pat asks Toby questions

Dave asks Toby questions

Closing Statement by Mr Douglas

Dave has an additional question and asks about her 18 years at IU Morgan and that is when she was having her issues and it was in 2011 and she did not have any concerns from any actions taken by her employer, and they were aware of the issue and she did work the entire time and did not identify any problems and has always had an outstanding performance review. How long were you not working during therapy, and she scheduled on her days off and her supervisor was aware of that.

Gary asks in 2011 what were the reasons for your probation she had received an OWI for alcohol, and she does not drink any longer.

Pat asks when you had the OWI your employer was aware of this, and Sheri reported it and has not had any further issues with her employer or arrests that your was not reported to the committee and she states she has not had anything further.

Mr Douglas has no further questions

Mr Hart has no further questions

Mr Douglas adds to his closing statement

Mr. Hart gives Closing Statement

The proceedings are now concluded.

Motion made by GS and seconded by PI to continue the probation terms for no less than 6 months

Motion carries 3-0-0

B. Grady Clifton 30002402A

Appeal on Reinstatement 2022 RCC 0002

TELEPHONE

Respondent appears by phone

Respondent makes opening statement and requests for the committee to reconsider the denial of his reinstatement. He did not appear at the last meeting as he is in IL working and could not appear in person

He was always in good standing with Indiana until he moved out of state in 2012 and did send all of his CEU's that he has completed along with his certification to show he is up to date and wanting to come back to Indiana and start working once he is back here. He is hoping to get his license reinstated as there are several jobs. He feels his license should be reinstated.

Dave asks to confirm when his license expired it was 2012 and he would need a total of 41 CEU's.

Pat asks in regard to the CE Broker which ones are live and which are video or nontraditional and the only one live is NRP and the rest were via computer. The ACLS and PALS they RQI which must be renewed every three months

Pat asks anything that says anytime on CE Broker is nontraditional and Mr Clifton states yes per Florida.

Dave asks about the CE Broker hours

Mr Clifton has no closing statement

Pat asks if he turned in all of his CE during that time? He said he does have past CEU's from Florida

These proceedings are now concluded

Motion made by PI and seconded by GS to affirm the denial of the appeal

Motion Carries 3-0-0

C. Scott Daugherty 30004334A

Petition to Withdraw Probation 2021 RCC 0005

Respondent appears

Ryan Eldridge and Christian Baldwin appears on behalf of the State

Mr Dougherty makes opening statement

Mr Dougherty requests to have the probation status withdrawn

Feels he has met all the terms of his probation

State makes opening statement

State calls Scott and asks what led up to the domestic battery charges

He was in a relationship that fell apart

Did you receive a pretrial diversion? He states yes and he has taken anger management classes and feels he is more patient.

State calls Toby Snell as witness

State Rests

Mr Daugherty has no questions for Ms Snell

Closing statement by Mr Daugherty

State makes closing statement

These proceedings are now concluded

Motion made by GS and seconded by PI to remove the probation status

Motion carries 3-0-0

D. Sheri Scott 30005931A

Petition to Withdraw Probation 2013 RCC 0007

Respondent appears without counsel

Ryan Eldridge and Christian Baldwin appears on behalf of the State

Respondent makes opening statement

State makes opening statement

Respondent states she would like the probation status withdrawn she is currently working at the same place and she is very aware and careful with prescriptions and she has completed Ethics CE and has submitted the required QR reports to the committee

State asks respondent questions

Committee asks questions

State calls Toby Snell

Respondent has no questions for the Witness

Committee questions for Toby Snell

State makes closing statement

Respondent makes closing statement

These proceedings are now concluded

Motion made by PI and seconded by GS to deny the probation withdraw

Motion carries 3-0-0

VI. PERSONAL APPEARANCES

A. Deborah Muehlenbein- Application

Deborah appears

She states she had been disciplined by the state Kentucky Board

She had a charting error during COVID and was in the stroke ICU and had six ventilators. It was a very hectic shift and she failed to chart breath sounds and charted on a patient that she didn't see and realized she did this and removed it from the chart. She has had no issues since this.

Motion made by PI and seconded by GS to issue the license free and clear

Motion Carries 3-0-0

B. Lucretia Lee – Application

Lucretia appears

She states that she has been arrested for battery, assault/ in IL and is in the process of expunging her cases. She was convicted of DUI in 2000. These charges all happened 24 years ago and was young.

Motion made by PI and seconded by GS to issue the license free and clear

Motion Carries 3-0-0

C. Stacy Johnson – Application

Stacy appears

She states that she had been arrested for theft, contributing to a minor, battery, and criminal trespass. These charges were in 1997 and 2006

Motion made by GS and seconded by PI to issue the license free and clear

Motion Carries 3-0-0

D. Joan Arseneau – Reinstatement

PHONE

Joan appears by phone

She states that she has lived out of state since 2002 and working in IL as an RCP

Motion made by GS and seconded by PI to deny the reinstatement due to lack of CEU's required.

Motion carries 3-0-0

E. Blake Pratt – Application

PHONE

Blake does not appear by phone

Called twice with no answer

Committee would like to reschedule

F. Sherri Pendergraft – Reinstatement

Sherri appears in person

She states her license expired in 2004 and would like to have it reinstated.

She has completed the required amount of CEU's needed

Motion made by GS and seconded by PI to reinstate the license.

Motion carries 3-0-0

G. Lynda Baker – Reinstatement

Lynda Baker does not appear

Committee would like to reschedule

H. Demi Lee – Application

PHONE

Demi appears by phone

In 2014 she was arrested for prostitution and in 2015 the charges were dismissed and charged her with disturbing the peace. She was on probation for 36 months and completed it in 2018.

Motion made by GS and seconded by PI to issue the license

Motion carries 3-0-0

VII. CE Review

A. Baptist Health Louisville – Critical Thinking Skills

Motion made by PI and seconded by GS to approve the CE Application

Motion Carries 3-0-0

VIII. DISCUSSION

A. Probation Reports Active and Expired licensee's

B. Draft Rule Vote Motion made by PI and seconded by GS to approve the Draft Rule.

Motion carries 3-0-0

IX. ADJOURNMENT 2:55



David Burnworth, Committee Chair

Respiratory Care Committee

Indiana Professional Licensing Agency

NEXT SCHEDULED MEETING:

October 14, 2022