

## Minutes of the April 12, 2023, Board of Respiratory Care Meeting

### **1. ROLL CALL**

Jill Sand, Chairperson, called the meeting of the Board of Respiratory Care to order at 1:03 p.m. on April 12, 2023, in the Goldenrod Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on March 21, 2023.

Sand announced that this is an open meeting, and the Open Meetings Act is posted.

**Members Present:** The following members answered roll call:

Jill Sand, Chairperson  
Rene Botts, Vice-Chairperson  
Marcy Wyrens, Member  
Dr. Ryan Martin, Secretary

### **Staff Present:**

T.J. O'Neill, Assistant Attorney General  
Suzanna Glover-Ettrich, DHHS Legal- Hearing Officer (via Webex)  
Claire Covert-ByBee, Program Manager  
Amy Blinston, Health Licensing Coordinator  
Anna Harrison, DHHS Compliance Monitor (via Webex)  
Carla Cue, DHHS Investigations  
Jeff Newman, DHHS Investigations

### **2. ADOPTION OF AGENDA**

**MOTION:** Botts moved, seconded by Wyrens, to adopt the agenda. Voting aye: Wyrens, Martin, Botts, and Sand. Voting nay: none. Motion carried.

### **3. REAFFIRMATION OF MAIL BALLOT**

The Board reaffirmed the mail ballot approving the January 25, 2023, Meeting Minutes on February 17, 2023. Members Botts, Sand, Wyrens, and Martin, voted to approve the minutes as written. The minutes were approved.

### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Botts moved, seconded by Martin, to move into closed session at 1:05 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Wyrens, Botts, and Sand. Voting nay: none. Motion carried.

## **5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION**

**MOTION:** Wyrens moved, seconded by Martin, to recommend denial of Shane Marik’s application for reinstatement from discipline and early release from probation. The basis for the denial is that the full period of probation is necessary to ensure sobriety and public protection. Voting aye: Wyrens, Botts, Martin, and Sand. Voting nay: none. Motion carried.

**MOTION:** Botts moved, seconded by Martin, to recommend approval of Juanita Cates-Gaines’ application for initial licensure. Voting aye: Wyrens, Botts, Martin, and Sand. Voting nay: none. Motion carried.

## **6. OFFICER ELECTIONS**

**MOTION:** After discussion, Wyrens moved, seconded by Martin to keep the same slate of officers with Sand as Chairperson, Botts as Vice-Chairperson, and Martin as Secretary. Wyrens is the Investigative Consultant. Voting aye: Wyrens, Botts, Martin, and Sand. Voting nay: none. Motion carried.

## **7. PER DIEM DISCUSSION**

**MOTION:** Botts moved, seconded by Wyrens to keep the current per diem of \$50.00. Voting aye: Wyrens, Botts, Martin, and Sand. Voting nay: none. Motion carried.

## **8. CONVICTION REVIEW GUIDELINES**

**MOTION:** Botts moved, seconded by Wyrens, to keep the conviction review guidelines as currently written. Voting aye: Wyrens, Botts, Martin, and Sand. Voting nay: none. Motion carried.

## **9. EXECUTIVE ORDER 22-08**

There have been several questions regarding EO 22-08 and how it pertains to CE for Licensure. This EO does not impact the current requirements to obtain CE for the purposes of renewal/reinstatement as outlined in the chapter of regulations. Licensees will continue to have the option to select a waiver for circumstances beyond their control that lasted 30 continuous days or longer.

## **10. LEGISLATIVE UPDATE**

Covert-ByBee presented the Board with information regarding the following legislative bills: LB16, LB256, LB271, LB291, LB513, LB637, LB521, and LB810. These bills may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

## **11. UPDATE ON NEW LICENSURE DATABASE**

Covert-ByBee stated that a contract for the new database is now in place, and the Department is hoping to get started on that project very soon.

*These minutes were approved by the Board of Respiratory Care via mail ballot 4.17.2023.*

## **12. APPLICATION PROCESSING REPORT (APR)**

Blinston stated this report was prepared for informational purposes only.

## **13. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:20 p.m.

Respectfully submitted,

Dr. Ryan Martin, Secretary