

Open Session Meeting Minutes
IOWA BOARD OF RESPIRATORY CARE & POLYSOMNOGRAPHY
May 17, 2022
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

A hybrid meeting was held in conference room #526 of the Lucas State Office Building. Some attendees attended in-person and some attendees attended virtually via Zoom.

Chairperson – Call to Order

The meeting was called to order at 10:01 a.m. by Lilla, Vice Chairperson.

Introductions:

Members Present

Lawrence “Gene” Lilla, RCP
Cynthia Duncan, RCP
Benjamin Jagow, Public Member
Dr. Samantha Danielson-Jones

Members Absent

None

Staff Present

Steve Garrison, Bureau Chief
Kristi Traynor, Assistant Attorney General
Janelle Larson, Board Executive
Beth Jorgenson, Discipline Coordinator

Guests Present

Nick Laning, Lobbyist, Iowa Sleep Society
Brandon Butter, NuCara Home Medical, Iowa Sleep Society

Election of Officers

Chair

Danielson-Jones moved the nomination of Lilla as Board Chair. A second was received by Duncan. All ayes, nays none, motion carried.

Vice Chair

Lilla moved the nomination of Danielson-Jones as Board vice Chair. A second was received by Duncan. All ayes, nays none, motion carried.

Approval of Open Session Minutes

May 18, 2021 & January 5, 2022

A motion was made by Danielson-Jones to approve the open session meeting minutes of May 18, 2021 as presented. A second was received from Lilla. All ayes, opposed none, motion carried.

A motion was made by Danielson-Jones to approve the open session meeting minutes of January 5, 2022 as presented. A second was received from Lilla. All ayes, opposed none, motion carried.

Reports

Bureau Chief Report

Garrison gave an overview on the Bureau's budget. There will be a major database upgrade this year so that amount will be adjusted. Rent expenses will depreciate when the Bureau relocates to the other larger board offices.

Assistant Attorney General Report

AAG Traynor reported an Iowa Supreme Court decision. The Bureau will be changing its process for publicizing disciplinary charges following a recent Iowa Supreme Court decision. AAG Traynor summarized the proceedings and the court's opinion. She explained that following the decision, the Board's Notices of Hearing and Statements of Charges will still be posted to the Board's website, but the Factual Circumstances within the document will be redacted. The factual allegations will be made public upon the case's resolution, which will either be through the terms of a settlement agreement or within a Findings of Fact, Conclusions of Law, Decision, and Order following a contested case hearing.

New Business

CJIS Security Training-all board members will receive this training. Larson shared the Security Awareness Training with all persons attending this meeting. It will need to be completed every two years. Garrison gave an overview and Larson went through the test questions and received 100%.

Review Delegations of Authority to Board Office

Discussion was had on review and approval of applications. Garrison and Larson gave an overview on applicants with a criminal history who are within 5 months of completing probation or whose conviction was 5 years ago or more at time of application. Reviewed process for requests for medical extensions/exemptions of a single biennium.

Discussion was had on initiating complaint investigations. When the staff office would forward complaints for investigations, refer to law enforcement if complaint indicates commission of crimes and the process to close complaints invalid on face meaning clearly not a valid complaint.

Jagow moved to except the Delegations of Authority to Board office. A second was received by Lilla. All ayes, nays none, motion carried.

Administrative Rules

Proposed Adoption and Filing: Amendments to Chapter 5 regarding Polysomnography licensure fees (ARC 6180C).

Danielson-Jones moved the adoption and filing of Chapter 5 regarding Polysomnography licensure fees (ARC 6180C). A second was received by Lilla. All ayes, nays none, motion carried.

Discussion and potential notice of Intended Action: Amend Chapter 261 regarding requirements for licensure. There were no concerns.

Danielson-Jones moved to notice this Intended Action on Chapter 261 regarding requirements for licensure. A second was received by Jagow. All ayes, nays none, motion carried.

Discussion and potential notice of Intended Action: Amend Chapter 262 regarding continuing education requirements. There were no concerns.

Danielson-Jones moved to notice this Intended Action on Chapter 262 regarding continuing education requirements. A second was received by Jagow. All ayes, nays none, motion carried.

Public Comment

Laning thanked the Board for their work on the rules. He also wanted to partner with the Board staff to find more Board members. It was also suggested that Butters reapply.

Closed Session

Lilla moved the board go into closed session at 11:05 a.m. to discuss whether to initiate licensee disciplinary investigations or proceedings as allowed under Iowa Code section 21.5(1) d, to discuss records that are required to be kept confidential as allowed under Iowa Code section 21.5(1)(a). A second was received from Jagow. Roll call was taken:

Lilla – Aye

Danielson-Jones- Aye

Jagow-Aye

Duncan-Aye

Motion carried.

Open Session to vote on items discussed in closed session

The Board returned to open session at 11:23 a.m.

Lilla moved the Board approve the closed session meeting minutes of May 18, 2021 as presented. A second was received by Danielson-Jones. All ayes, nays none, motion carried.

Lilla moved the Board close 21-0012. A second was received by Jagow. All ayes, nays none, motion carried.

Jagow moved to have staff issue the applicant's license, for an application submitted 5/22/22, upon confirmation that the former state board's monitoring order was fully complied with.

Future Meetings

August 16, 2022

November 15, 2022

Adjournment

A motion was made by Lilla to adjourn the meeting at 11:26 a.m. A second was received from Jagow. All ayes, opposed none, motion carried.