

**KENTUCKY LICENSING BOARD OF DURABLE MEDICAL EQUIPMENT SUPPLIERS**  
**REGULAR BOARD MEETING MINUTES**  
August 16, 2022 at 9:30 AM

A regular board meeting of the Kentucky Licensing Board for Durable Medical Equipment Suppliers was held via Zoom and in person on August 16, 2022.

**BOARD MEMBERS PRESENT**

Carolyn Basford  
Cherri Lolley  
Cynthia “Cindy” Gueltzow  
David Chesnut

**BOARD MEMBERS ABSENT**

Cynthia Howard

**DPL STAFF**

Tasha Stewart, Interim Commissioner  
Jamar Carter, Admin. Section Supervisor  
Chessica Nation, Board Administrator

**PPC STAFF**

August Pozgay, Board Counsel

**GUESTS**

Robert Ernest  
Geoffrey Becker  
Angela Ward

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**CALL TO ORDER**

Carolyn Basford called the meeting to order at 9:34 A.M.

**APPROVAL OF MINUTES**

The minutes from the May 17, 2022 board meeting were reviewed. David Chesnut made a motion to approve the minutes. Cherri Lolley seconded the motion and it carried.

**FINANCIALS**

The Board reviewed the May, June, and July 2022 Financial Report.

**DPL REPORT**

The Board reviewed the Licensure Status Report of 760 active licenses, which is an increase of 12 licenses since the May 17, 2022 board meeting.

Ms. Nation reported that Commissioner Winstead retired effective August 1, 2022 and that Tasha Stewart would be serving as Interim Commissioner.

**LEGAL REPORT / COMPLAINTS**

Carolyn Basford made a motion to enter into closed session at 9:41 a.m. pursuant to KRS 61.810(1)(j) for quasi-judicial deliberations regarding 2022DME00001 and the matters of O.&M., DEGC, and M.M.D. David Chesnut seconded the motion and it carried.

David Chesnut made a motion to come out of closed session at 10:10 a.m. Carolyn Basford seconded the motion and it carried.

2022DME00001: Carolyn Basford made a motion to dismiss. David Chesnut seconded the motion and it carried.

DEGC: Cherri Lolley made a motion to approve the application. Carolyn Basford seconded the motion and it carried.

O.&M.: David Chesnut made a motion to send a letter, to be drafted by counsel and sent to the chair for approval, confirming receipt and stating that no action will be taken, but include a reminder of Kentucky's laws regarding change of representatives. Cynthia Gueltzow seconded the motion and it carried.

M.M.D.: Cynthia Gueltzow made a motion to deny the application as moot. Cherri Lolley seconded the motion and it carried.

August Pozgay announced that he has received a promotion with another state agency and will no longer be board counsel effective August 16, 2022.

### **NEW BUSINESS**

The Board reviewed three email questions that had come in between meetings.

For the first email, David Chesnut made a motion to send a cease and desist letter to the business and individual named in the email, refer the matter to the inspector for investigation, refer the matter to local law enforcement, and refer the matter to the KY Board of Prosthetics, Orthotics, and Pedorthics. Cynthia Gueltzow seconded the motion and it carried.

For the second email, Carolyn Basford made a motion for the board administrator to respond to this email, and all future, similar inquiries, with the following: "A separate license shall be required for each location of a home medical equipment and services provider. KRS 309.416(2). As long as your entity's local shipping facility is not providing home medical equipment as defined in KRS 309.402, you may proceed with the single license for each provider location." Cynthia Gueltzow seconded the motion and it carried.

For the third email, Carolyn Basford made a motion to respond with the standard response that the board is unable to provide legal advice. Cynthia Gueltzow seconded the motion and it carried.

### **OLD BUSINESS**

August Pozgay reported that the KY Board of Pharmacy has been reviewing and discussing the sterile water and saline draft regulations, but they are still working to find a resolution. David Chesnut made a motion to authorize the chair and board counsel to set up an information-gathering meeting with the KY Board of Pharmacy and Ohio pharmacy representatives, as needed. Cynthia Gueltzow seconded the motion and it carried.

**NEXT MEETING**

The next meeting is scheduled for November 15, 2022 at 9:30 a.m.

**ADJOURNMENT**

David Chesnut moved to adjourn at 10:47 a.m. Cynthia Gueltzow seconded the motion and it carried.