

North Carolina Respiratory Care Board
January 2, 2004
Meeting Minutes

Members Present:

Joseph Coyle, MD
Mary Lou Fleming
Margaret A. Mitchell, RRT, RCP
Bruce K. Rubin, MEngr, MD
Ralph Webb, RRT, RCP
William Croft, RRT, RCP

Others Present:

Floyd Boyer, RRT, RCP – Executive Director
William Shenton – Board Counsel
Judith Tillman – Board Counsel
Jane Carter – Administrative Secretary
Judy Green, RRT, RCP - Investigator

Absent:

Nancy M. Hall

Call to Order:

Dr. Coyle called the meeting to order at 1:00 PM.

Conflict of Interest Notice:

Dr. Coyle read the North Carolina Board of Ethics' Conflict of Interest Reminder. If there are any conflicts of interest on any votes, Board members should refrain and inform the Chair at that time.

Dr. Coyle reminded the audience that the Board meetings are recorded and are a matter of public record. Comments and questions raised by the audience are recorded and may be part of the minutes.

Election of Officers:

Dr. Rubin nominated Dr. Coyle to serve as Chairman. Mr. Croft seconded and the nomination was passed unanimously. Dr. Rubin nominated Mr. Webb as Vice Chairman. Mr. Croft seconded and the nomination was passed unanimously. Dr. Rubin nominated Ms Fleming as Secretary and Treasurer. Mr. Croft seconded and the nomination was passed unanimously.

Committee Appointments:

Dr. Coyle made a recommendation that the committees remain as they are currently and that the open positions be filled by the new members that will be appointed to the Board. There was no objection by the Board.

Approval of Minutes:

Ms. Fleming read the minutes from the October 2, 2003 Board meeting. Mr. Webb made a motion to approve the minutes as written. It was seconded and carried unanimously.

Treasurer's Report:

Ms Fleming reviewed the Profit & Loss Budget vs Actual for October - December 2003 and the Profit & Loss Budget vs Actual for January – December 2003 into the minutes. The budget for 2004 was presented to the Board. Following a discussion by the Board, Mr. Croft made a motion to accept the budget as presented. The motion was seconded and passed unanimously.

Executive Director's Report:

Since the last Board meeting, Mr. Boyer has completed the following:

- On October 22 Dr. Coyle and Mr. Boyer interviewed candidates for the part time Board Investigator position. Judy Green, RRT, RCP was selected. Ms Green was introduced by Mr. Boyer.
- Met with the Statewide/Capital/General Government Subcommittee for consultation on the Board's proposed new fees on November 4. The report was presented and accepted by the subcommittee.
- Met with David Henderson, Executive Director of the NC Medical Board, on November 10 regarding concerns with physician owned sleep labs that are not in compliance with the NCRCB Declaratory Ruling on Free Standing Sleep Labs.
- Contacted Dr. Eleanor Greene, President of The Old North State Medical Society, on December 10 regarding their appointment to the Board.
- Mr. Boyer and Ms Carter took Mr. Mann to lunch on December 19 and presented him with a plaque for his service to the Board and the citizens of North Carolina.
- Ms Green completed 54 visits to facilities in western North Carolina and an investigation into a complaint on a RCP.
- Mr. Boyer completed 6 visits to facilities in response to complaints.
- Has spoken with the Governor's office and the Speaker's office regarding appointments to the Board. The Speaker Appointment Bill will come before the General Assembly in May.

As of December 31, 2003, 3593 licenses have been issued. There are 3177 Active licenses, 37 Inactive licenses, 106 Provisional licenses, 49 pending applicants, 262 expired licenses, 9 practitioners deceased, 6 withdrawn applications, 1 surrendered license, 1 revoked license, and 3 denied applications.

Ethics Committee Report: There was no report.

Rules Committee Report: Mr. Webb presented the minutes from the November 18, 2003 Public Hearing Meeting. There has been no comment from the public regarding the proposed changes to the administrative rules. Mr. Webb made a motion to adopt the proposed changes. The motion was seconded and passed unanimously. Mr. Boyer will submit the application to the Rules Review Committee by January 20, 2004. The rules will become effective March 1, 2004.

Education Committee Report: **Declaratory Ruling: Respiratory Care Student/Assistant**
Mr. Croft stated that the Declaratory Ruling on Respiratory Care Students was due to be reviewed. The committee recommended that “good standing” be clarified, that the educational institutions notify the employing facility and the Board of any change in the status of the student, that the student completes a registration form with the Board, and that the student wears a name tag displaying “Respiratory Care Assistant”. There was a discussion by the Board. It was decided to add a statement to the conclusion of the ruling that current students working as assistants will have 60 days to register with the Board. Ms Mitchell made a motion to accept the changes to the ruling. It was seconded and passed unanimously.

Polysomnographic Technologist Update
Mr. Croft presented CoARC’s proposed changes to the respiratory care accreditation standards. Current and past students at the community colleges could participate in this curriculum.

Position Statement: BSRT
Mr. Croft read a draft Tripartite Position Statement to be issued by the Board, the North Carolina Society for Respiratory Care, and the North Carolina Association of Respiratory Care Educators, concerning baccalaureate and graduate respiratory care education. Following a discussion by the Board and the public, Dr. Rubin made a motion to endorse the position statement. It was seconded and passed unanimously.

Practice Committee Report: **Declaratory Ruling: Conscious Sedation-Revised**
Dr. Rubin presented concerns from the NC Society of Anesthesiologists. The Practice Committee made a recommendation to remove rapid sequence induction and to remove the drugs Ketamine and Succinylcholine from the original ruling. The recommendation passed unanimously, and the Board voted to approve the issuance of the revised

ruling in the form attached.

Declaratory Ruling: Advanced Practice for RCP's

Dr. Rubin presented a request from MedCenter Air. There was a discussion by the Board concerning the skills, training, and experience that are required for a CCEMPT credential. Following a discussion by the Board and the public, Dr. Coyle recommended tabling the request until the next Board meeting in order to obtain more input from the EMS Office; and no member of the Board objected.

Joint Position Statement: Oxygen Conserving Devices

Dr. Rubin presented the position statement on oxygen conserving devices. He explained that these are devices that allow oxygen to last a longer period of time and that they require a prescription from a licensed physician. There was a discussion by the Board. It was recommended that the words "Also, the Boards find that" be removed from the last sentence of the position statement. The sentence would now read "The application of a conserving device without an appropriate assessment by an appropriately trained and licensed health care provider in the hospital, physician's practice, or home care environment to determine that the device is safe for the patient to use during exertion, sleep, and other activities, may be hazardous to the public health, safety, and welfare". This sentence would be moved to the end of the fifth paragraph of the statement. Ms. Mitchell made a motion to accept the revision. The motion was seconded, and the revised Joint Statement was unanimously approved.

Dr. Rubin described the operation of Oxygen Bars by some businesses. He presented a draft letter to David R. Work, the Executive Director of the NC Board of Pharmacy, requesting support in determining if the operation of Oxygen Bars violates the NC Pharmacy Board's statute or Board rule. If these Oxygen Bars are in violation of currently enacted statutes or rules adopted by either Board, then the Respiratory Care Board will seek to work with the Board of Pharmacy to close them. If the Bars are not in violation, then the Respiratory Care Board will seek to work with the Board of Pharmacy to formulate rules to regulate them. Following a discussion by the Board and the public, there was unanimous approval to send the letter to the Mr. Work.

Dr. Rubin presented a request from Ms Mary Lou Fleming to interpret the Support Technician Exemption as it pertains to HME (DME) techs applying CPAP masks, oxygen, etc. The delivery technician can deliver equipment and instruct the

patient on the use of the machine. A RCP must fit the mask and do the assessment. Following a discussion by the Board and comment from members of the public, it was determined that a clarification in the exemption needs to be made and Dr. Coyle requested the Rules Committee to work on the issue.

Investigation and Informal Settlement Committee:

Ms Mitchell reported that 5 individuals were interviewed prior to the Board meeting. Any resulting disciplinary actions are pending for these individuals and awaiting the closed session of today's Board meeting.

Unfinished Business:

Mr. Boyer presented a request from Mr. Smith at Mission Memorial Hospital to allow active verifications to be printed from the Board website while waiting on the license cards to be received in the mail. Following a discussion by the Board and the public, it was decided that upon request from the Respiratory Care Department Head of a facility, the Board office will fax an official verification of licensure to the Department Head. Dr. Rubin recommended that the Board office track the requests issued.

Mr. Boyer reported that the Howell Center withdrew its request to allow RCP's to administer Meds covered under the Med Tech Program.

New Business:

Mr. Boyer presented a proposal from MiraComp Technologies Inc. for online database and renewal services. This service would utilize Verisign Secure Credit Card Processing System. Online renewals have a \$2500 setup fee, a \$250 monthly hosting fee, a \$.50 per renewal transaction fee, and a \$500 Verisign setup fee. The user would be required to log on with an ID and PIN. With that set up, for an additional \$1200, the user could go online and make address changes. There could be automatic database synchronization between the office and the online database system for an additional \$1200. This would automatically update nightly, including weekends and holidays when the office is closed. Mr. Boyer will check with other Boards and State agencies to see which servers they utilize and will look into the economics of the services. There being no objection, Dr. Coyle charged Mr. Boyer to proceed.

In order to accommodate the growing database, the office needs a separate server. The cost for this would be no more than \$1937.29. There being no objection, Dr. Coyle charged Mr. Boyer to proceed to purchase the server.

Other New Business:

Licensing Hearing for David Anglin – License # 3003

The Board Hearing for David Anglin has been postponed until the April Board meeting per his request. Mr. Boyer will request documentation of the reason for postponement.

Licensing Hearing for Evelyn Accordino – License # 3116

Dr. Coyle explained that this is a public hearing which will be taped. If any Board member has a conflict of interest or a potential conflict of interest, they should refrain from participation in the hearing. Neither Ms Accordino nor any representative was present for the hearing when it was convened. Mr. Boyer was sworn in as the only witness. Mr. Shenton was the prosecuting attorney. Evidence, in the form of testimony from Mr. Boyer, as well as exhibits, was presented. Mr. Boyer recommended permanent revocation of Ms Accordino's license. By the time of the conclusion of the Board's evidence, no other individuals had appeared in the hearing room, and when Ms. Carter checked the Board's reception area and the hallway outside, no other person was found to be present. Thus, neither Ms. Accordino nor any representative appeared for the hearing.

Executive Session:

At 3:32 Mr. Croft made a motion to go into Executive Session. It was seconded and passed unanimously.

Dr. Rubin made a motion to return to the General Session. It was seconded and passed unanimously.

General Session:

Dr. Coyle announced the decision of the Board to revoke Ms Accordino's RCP license.

Adjournment:

Having no further business, the meeting was adjourned at 4:11 PM.