

North Carolina Respiratory Care Board
Meeting Minutes
April 10, 2008

Members Present:

Arnold Frazier, MD
Timothy Safley, RCP
Sherry Samuels
Thomas Goodin, MD
Karl Karlson, MD
Ralph Webb, RRT, RCP
William Croft, RRT, RCP
Wayne Beauford, MD
Kenya Wright

Others Present:

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

Absent:

Margaret A. Mitchell, RRT, RCP

Call to Order:

Mr. Webb called the meeting to order at 9:30 AM.

Conflict of Interest Notice:

Mr. Webb read the North Carolina Board of Ethics' Conflict of Interest Reminder, indicating that if there are any conflicts of interest on any matters that come before the Board; Board members should refrain from voting and inform the Chair at that time.

Mr. Webb 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.

Approval of Minutes:

Mr. Webb presented the minutes from the January 10, 2008 Board meeting. Dr Karlson made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Ms Samuels reported that is \$16,147.78 in the checking account and \$34,461.20 in the money market account. Total assets are \$51,279.02.

Executive Director's Report:

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

- Attended a Hearing held on January 30, 2008 at the Office of Administrative Hearings with Mr. Shenton, Ms Green, and Ms Samuels.
- Attended a Rules Review Commission meeting held on February 21, 2008 in reference to proposed amendments to Board Rules. Mr. Webb will report on the amended Rules during the Rules Committee Report.

- Attended an EAGLE conference meeting held on February 21, 2008. The Office of State Controller will begin a phased-in implementation of a statewide internal control program.
- Attended a meeting at the NC Board of Nursing on February 21, 2008 to discuss a CAC conference to be held in Asheville on October 27-29, 2008.
- The Board held a Special Called Meeting on February 28, 2008 to discuss litigation in which the Board is a party.
- The Practice Committee's Ad Hoc Home Care Committee met on February 29, 2008 and the Practice Committee met on April 9, 2008. Any recommendations from these committees will be presented during the Practice Committee Report.
- The Board's Investigators have completed 27 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Nine facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed nine investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on April 9, 2008. There are currently seven ongoing investigations.
- As of March 31, 2008: there have been 5500 Respiratory Care Practitioner Licenses issued. Totals: 3968 Active, 43 Inactive, 3 Temporary, and 51 Provisional. There are currently 124 Respiratory Care Assistant Registrations. There are 39 pending applications, 89 failed to complete applications, 1213 expired licenses, 27 practitioners deceased, 31 withdrawn application, 6 voluntarily surrendered licenses, 21 revoked licenses, and 9 denied applications.

Ethics Committee Report:

Dr. Goodin reminded Board members that the financial disclosure forms are due in five days. New Board members must attend the Ethics and Lobbying presentation within six months of their appointment.

Practice Committee Report:

Dr. Karlson reported that the committee met on April 9 to review the proposed Position Statement: "The Provision of Respiratory Care and Its Relationship to the Provision of Respiratory Care Equipment in the Home". The Position Statement better defines the role of respiratory care in patient assessment and what the simple delivery of equipment entails. Following a discussion by the Board, Dr. Goodin

made a motion to approve the Position Statement. It was seconded and carried unanimously.

There was a request from Monique Baxter and Gaye Fulcher of Carteret General Hospital for the Board's position on EMS personnel providing respiratory care in a hospital emergency room setting under the supervision of a RN and under protocols of the local OEMS. The committee recommended the approval of a resolution for the Executive Director and Board Counsel to draft a letter to the Hospital Association stating concerns of EMS personnel providing respiratory care in a hospital emergency room setting. There was a discussion by the Board and Public. Mr. Safley made a motion to accept the resolution. It was seconded and carried unanimously.

Dr. Karlson read the AARC Position Statement on Polysomnography. There was a request from the Hospital Association to endorse the Position Statement. Following a discussion by the Board, Dr. Karlson made a motion to defer any action until more data comes out in the next few months. The motion was seconded and carried unanimously.

**Sleep Technology
Subcommittee Report:**

Mr. Croft read a letter from the President of the Academy of Sleep Medicine asking for monetary support for legislative efforts.

**Education Committee
Report:**

Mr. Croft reported that the BSRT program at UNC Charlotte will begin online this Fall. Some of the entrance requirements have been relaxed to allow students to begin with the respiratory care courses instead of having to complete the other curriculum courses first.

Rules Committee Report:

Mr. Webb reported that the proposed Rules 21 NCAC 61.0201, 21 NCAC 61.0204, and 21 NCAC 61.0305 have been approved by the Rules Review Commission.

**Investigation and Informal
Settlement Committee:**

Ms Samuels reported that the committee met on April 9, 2008 and interviewed thirteen individuals. One individual did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

Unfinished Business:

There was none.

New Business:

Mr. Croft had a question which involves students. The Board Rules state that students who are engaged in a Respiratory Care Program can't be reimbursed for clinical services. In the polysomnography program there is a co-operative course in which students are basically employed for a semester and

they receive a stipend to offset travel and expenses. If a co-operative course was put into place for respiratory care students and they got a stipend, would that be equivalent to being paid for clinical services? There was a discussion by the Board. This could be done if it was a scholarship to cover only expenses, such as, travel, gas, etc.

Terry Smith from Missions Hospital in Asheville asked the Board to consider a two year license renewal period. This will be considered the next time the Practice Act is amended.

Other New Business:

Mr. Webb reported that the next Board Meeting will be on July 10, 2008 at 9:30AM at the Board office.

At 10:20 AM, Mr. Safley made a motion to enter into Executive Session. It was seconded and passed unanimously.

Executive Session:

Mr. Safley made a motion to enter into Public Session. It was seconded and passed unanimously.

General Session:

Ms Samuels announced the findings of the Board in regard to the matters reported for action by the Investigation and Informal Settlement Committee.

During the Executive Session, the Board voted unanimously to approve the following:

Crystal McFadden, RCP # 4813. Continuance until July.

Kellie Hilton, RCP # 4780. Dismissed.

Charles Mitchell, RCA Pending. Approve RCA registration and Provisional license when he graduates.

Amy Thomas, RCA # 3793. Probation for 24 months, complete a refresher course in professional ethics, \$500 discipline cost, and \$250 Civil penalties due before renewal date of 8/9/08.

Robert Chaney, RCP # 5452 Pending. Continuance until July.

Sarah Meyers, RCP # 5008. No action necessary.

Shaun Krueger, RCP # 3817. Dismissed.

Alvin Kreft, RCP # 5460 Pending. Approve application.

Crystal Ramsey, RCP # 3789. Dismissed.

Paul Roopra, RCP # 4486. No action.

Megan McIntyre, RCP # 4835. Continue probation, complete professional ethics course before her 2008 renewal.

Yolanda Bell, RCP # 2808. Approve request for expungement.

Hearing for Sheena E. Taylor – License # 5266

Ms Taylor was not present and no one representing her was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer, the Board's Executive Director, as a witness for the Board.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing, as well as, copies of the Exhibits that were introduced.

Mr. Webb closed the hearing.

Dr. Karlson made a motion to enter into Executive Session. The motion was seconded and passed unanimously.

Executive Session:

Dr Karlson made a motion to enter into Public Session. The motion was seconded and carried unanimously.

General Session:

Mr. Webb announced that the Board voted unanimously to revoke the license of Sheena E. Taylor, RCP # 5266.

**Oral Arguments - Angelique Thompson, License # 3394,
vs NCRCB**

Attorneys for Ms. Thompson were Lee Whitman and Sarah Johnson. Mr. Whitman made argument for the petitioner and Mr. Shenton made argument for the Board staff. Mr. Shenton and Mr. Boyer were not present during the Executive Session which followed the Oral Arguments.

Ms Karen Long counseled the Board during the deliberations. The Board gave instructions to Ms Long for preparation of the Board's decision.

The Board audio taped the Oral Arguments and will maintain an audio recording of the Oral Arguments.

Dr. Karlson made a motion to enter into Executive Session to discuss and deliberate the Final Order: Angelique Thompson,

License # 3394, vs NCRCB. The motion was seconded and carried unanimously.

Executive Session:

Dr Goodin made a motion to enter into Public Session. The motion was seconded and carried unanimously.

General Session:

No further Business

Adjournment:

The meeting was adjourned at 3:00 PM.