

North Carolina Respiratory Care Board

Meeting Minutes

April 12, 2007

Members Present:

Joseph Coyle, MD
Timothy Safley
Sherry Samuels
Thomas Goodin, MD
William Croft, RRT, RCP
Wayne Beauford, MD
Karl Karlson, MD

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
Ralph Webb, RRT, RCP
Lisa Fox

Call to Order:

Dr. Coyle called the meeting to order at 9:36 AM.

Conflict of Interest Notice:

Dr. Coyle 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.

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.

Introduction of New Board Member:

Dr. Coyle introduced Tim Safley to the Board. He is replacing Ms Fleming and was appointed by the NC Medical Equipment Association.

Approval of Minutes:

Dr. Coyle presented the minutes from the January 11, 2007 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 there is \$8,237.18 in the checking account, \$87,409.89 in the money market, and the total assets are \$95,857.07.

Executive Director's Report:

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

- Mr. Boyer and Mr. Webb met with Representative Tolson and Senator Purcell on January 23, 2007 and March 22, 2007, to discuss House Bill 143, Polysomnographic Technologist licensure, and amendments to the Respiratory Care Practice Act.
- House Bill 1381 was filed on April 11 and has gone through the first reading. It will increase the ceiling on fees, issue an endorsement to licensees providing advanced practice respiratory care, and authorize the Board to conduct inspection of facilities employing respiratory care practitioners or providing respiratory care.
- A public hearing was held on January 24, 2007 to receive public comments on proposed changes to Board Rule 21 NCAC 61 .0401.
- Attended a NC Community College meeting of state agencies on January 29, 2007. The meeting was called by Mr. Martin Lancaster, President of the System, to obtain support for Allied Health funding.
- Attended the 21st Annual High Country Conference held February 9 – 10.
- Attended the State Ethics Commission training session for ethics liaisons on February 28.
- The Sleep Technology Subcommittee met on January 9, January 19, and February 23. The Practice Committee met on March 5.
- The Board's Investigators have completed 52 visits and/or investigations to check on compliance with Board Statutes and Rules or as a result of complaints received by the Board. Two facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed eight investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on April 11. There are currently four ongoing investigations.
- As of March 30, 2007: there have been 5067 Respiratory Care Practitioner Licenses issued. Totals: 3801 Active, 48 Inactive, 7 Temporary, and 54 Provisional. There are currently 117 Respiratory Care Assistant Registrations. There are 78 pending applicants, 998 expired licenses, 23 practitioners deceased, 25 withdrawn applications, 4 voluntarily surrendered licenses, 21 summary suspensions, 19, revoked licenses, and 8 denied applications.

Ethics Committee Report: Dr. Goodin reported that the Statement of Economic Interest was due by March 15. Board members must attend an Ethics Education and Lobbying Education meeting within one year. The attendance form must be completed.

Practice Committee Report: Dr. Karlson reported that the committee:

- Discussed a declaratory ruling for Breath of Life Center in Cary concerning the facility providing hyperbaric therapy. The committee recommends approval of the ruling. Following a discussion by the Board and the public, Dr. Coyle referred this issue back to the Practice Committee.
- Discussed a request from Pam Capella of Lincare to approve EMT's to provide home respiratory care. The committee recommends denial of the request and approval of an Interpretative Letter. Dr. Goodin made a motion to accept the committee's recommendation. It passed unanimously.
- Discussed a request from Robyn Neely, RN of MedCenter Air at Carolinas Medical Center, concerning the advanced practice procedures performed by RCP's at the facility. The committee recommends approval of the request and approval of an Interpretative Letter. Following a discussion by the Board, Mr. Croft made a motion to approve the committee's recommendation. It passed unanimously.
- Discussed a request from Jennifer Griffin, RCP of Brenner's Childrens Hospital concerning the advanced practice procedures performed by RCP's at the facility. The committee recommends approval of the request and approval of an Interpretative Letter. Following a discussion by the Board, it was decided to clarify the setting for the use of fentanyl. The amended language would be "Fentanyl in patients with an established airway and being mechanically ventilated." Dr. Goodin made a motion to approve the recommendation with the amended language. It passed unanimously.
- Discussed a request from Kellie Hayworth of WakeMed concerning RCP's suturing post arterial line placement. The committee recommends approval of the request and approval of an Interpretative Letter. Following a discussion by the Board and the public, it was decided to add "as per hospital policy and procedures." Dr. Goodin made a motion to accept the recommendation with the amended language. It passed unanimously.
- Discussed House Bill 267 and Senate Bill 125 that would add ethyl alcohol as a substance specifically

named as a toxic vapor and to make illegal any instrument that can be used to atomize or introduce a toxic vapor into the body unless it is a device used to deliver a prescription medication or an approved over-the-counter medication. The committee recommends approval of the Resolution in Support of House Bill 267 and Senate Bill 125. The recommendation was approved and passed unanimously.

**Sleep Technology
Subcommittee Report:**

Mr. Croft reported that the committee sent out letters to several sleep community groups asking for their input for language in the Sleep Technologist Licensure Bill. There was no response to the requests. The Bill is currently in a committee, but may not pass. If the Bill does not pass, then the Board will look at the Declaratory Ruling and make some adjustments to it. The Board may look at Sleep as advanced practice for respiratory care practitioners. This will be considered by the Practice Committee at its next meeting.

**Education Committee
Report:**

Mr. Croft reported that the committee looked at the number of first and second year students and current job placement. Currently there are 183 first year students and 153 second year graduates. There are fourteen Respiratory Care Programs in the state. Wilkes Community College is the newest program and will admit students this fall. They will be accredited in 2009 after having the first graduating class.

UNCC baccalaureate program will begin in the fall of 2007. They have made an offer to an individual for the position of Program Director.

Rules Committee Report:

Mr. Boyer presented the report for Mr. Webb. There was a Public Hearing on January 24 at the Board office to hear public comments concerning the proposed changes to 21 NCAC 61 .0401 – Continuing Education Requirements. There were no written comments presented at the Hearing. Two individuals gave verbal comments concerning the increase from 10 to 12 hours for CE requirements. The Board received one written comment before the comment deadline expressing concern for the increase in CE hours. Mr. Boyer presented the timeline. Following a discussion by the public and Board, the recommendation passed unanimously.

The Education Committee will look at the possibility of extending the grace period for earning CE's to 3 or 4 months instead of the current 1 month.

Mr. Boyer reported that HB 1381 Section 1 5 (a) has been amended regarding conducting inspections.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on April 11 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:

Mr. Shenton reported that Kight's Medical filed a suit and got a scheduled Injunction Hearing. The judge verbally ruled that the Board would get a preliminary injunction so the Board inspectors may inspect the facilities. The judge directed the attorneys to work on the terms of the order. The details will be discussed during the Executive Session.

New Business:

Dr. Coyle presented the committee appointments. Dr. Beaufort asked to be added to the Practice Committee. Dr. Karlson was asked to be added to the Sleep Technology Subcommittee and he agreed to the appointment. Mr. Croft made a motion to accept the committee appointments. The motion was seconded and passed unanimously.

Dr. Coyle asked Mr. Boyer to give some background information regarding the Resolution in Support of Allied Health Funding. Mr. Croft made a motion to approve the Resolution. The motion was seconded and passed unanimously.

Dr. Coyle asked Mr. Boyer to give information regarding a fee for providing CE information to licensees for NBRC re-credentialing. Following a discussion by the Board and public, it was decided to charge a fee of \$10.00 for providing the CE information to the licensees.

Terry Smith, RCP from Mission Hospitals, requested that the Board denounce concurrent therapy. The California Board has denounced concurrent therapy. Following a discussion by the public and Board, it was decided that the Practice Committee draft a position statement.

Other New Business:

Mr. Croft reported that the eligibility guidelines for the RPSGT exam have been changed. This may present more issues. The Sleep subcommittee will look at this.

Mr. Boyer mentioned the California Society for Respiratory Care released a white paper suggesting the RRT minimum standard.

Tom Williams gave a report from the NC Task Force on Ethics and Pandemic Flu Planning. The guidelines will be published soon.

Dr. Coyle announced that the next Board meeting will be on July 12, 2007 at 9:30 AM.

Executive Session:

At 11:52 AM, Dr. Karlson made a motion to go into Executive Session. It was seconded and passed unanimously. Mr. Croft made the motion to enter into Public Session. It was seconded and carried unanimously.

General Session:

Hearing for Kervin D. Washington – License # 4782

Mr. Washington was not present and no one representing him 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.

At 12:52 PM, Dr. Beaufort made a motion to enter into Executive Session for deliberation. The motion was seconded and carried unanimously.

Executive Session:

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

General Session:

Dr. Coyle announced that the license of Kervin D. Washington is revoked.

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:

Mahlon Kent Bradshaw, RCP # 707. Letter of Concern and \$100 discipline.

Derek Sanderson, RCP # 4303. Letter of Concern and \$100 discipline.

Elizabeth Corbin, RCP – P # 4704. Letter of Concern and \$100 discipline.

Pamela Summers, RCP # 101. Letter of Concern.

Megan McIntyre, RCP # 4835. Probation 12 months, quarterly reports, continuing education on Ethics, \$250 discipline, and \$50 civil penalty.

Charles Warren, RCP # 1125. Dismissal.

Sarah Meyers, # G 5008. Approved for licensure.

Gail Wicker, RCP # 4540. Expunged.

Andrew Almond, RCP # 978. 12 months probation, quarterly reports, report from psychiatrist, follow plan of treatment, random drug screens, \$500 discipline, and \$500 civil penalty. One half of costs to be paid by July 2007 and the other half by December 31, 2007.

John Crawford, RCP # 3532. Summary Suspension.

Ricardo Rodriguez, RCP # 2138. Dismissal.

Joseph Riggs, RCP # 3319. Expunged.

Delphia Verdin, RCP # 4933. Summary Suspension.

Lori Green, RCP # 4962. Summary Suspension.

Victoria Weatherford, RCP # 4959. Summary Suspension.

Adjournment:

The meeting was adjourned at 2:23 PM.