

# North Carolina Respiratory Care Board

## Meeting Minutes

April 13, 2006

### **Members Present:**

Joseph Coyle, MD  
Mary Lou Fleming  
Sherry Samuels  
Margaret A. Mitchell, RCP  
Thomas Goodin, MD  
Bruce K. Rubin, MEngr, MD  
Ralph Webb, RCP  
William Croft, RCP  
Lisa Fox  
Wayne Beauford, MD

### **Others Present:**

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

### **Absent:**

### **Call to Order:**

Dr. Coyle called the meeting to order at 9:40 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 inform the Chair of the conflict at that time, and refrain from voting.

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.

### **Approval of Minutes:**

Dr. Coyle presented the minutes from the January 12, 2006 Board meeting. Dr. Rubin made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

### **Treasurer's Report:**

Ms Fleming reported that the checking account balance is \$32,025.28. The money market balance is \$94,853.87, and total assets are \$133,648.94. The Profit and Loss Budget vs. Actual shows below budget income of \$14,000. Following a discussion by the Board, Mr. Boyer was charged with checking with other Respiratory Boards regarding their fees and expenses, with regard to exploring a proposal for amending the Respiratory Care Practice Act to authorize a fee increase. It was noted that because 2006 is a short session of the General Assembly with a limited duration it will be necessary to plan to have any increase granted no sooner than the next long session in 2007.

- Executive Director's Report:** Mr. Boyer reported that the following events have occurred since the last Board meeting:
- He attended the 20<sup>th</sup> Annual High Country Conference on February 7-10, 2006.
  - He attended the Rules Review Commission on February 16, 2006. The Commission discussed the Board's proposed rule changes for 21 NCAC 61 .0103 and .0202.
  - He attended the House Select Committee on Healthcare meeting on March 7, 2006 and the House Health Care Workforce Sub Committee on April 11, 2006.
  - On March 2, 2006 Mr. Boyer and Vincent Miranda attended a meeting at the Sheps Center to discuss the Center's proposed changes to the NCRCB database set.
  - The Practice Committee met on March 20, the Sleep Technology Subcommittee met on March 21, and the Education Committee met on March 21.
  - The Board's Investigators have completed 63 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Fourteen facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed eleven investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on April 12. There are currently 12 ongoing investigations.
  - As of March 31, 2006: there have been 4551 Respiratory Care Practitioner Licenses issued. Totals: 3657 Active, 40 Inactive, 5 Temporary, and 470 Provisional. There are currently 132 Respiratory Care Assistant Registrations. There are 72 pending applicants, 765 expired licenses, 19 practitioners deceased, 22 withdrawn applications, 3 voluntarily surrendered licenses, 7 revoked licenses, 8 suspended licenses and 7 denied applications.

**Ethics Committee Report:** There was no report.

- Practice Committee Report:** Dr. Rubin reported that the committee met on March 20 to review requests from practitioners and to discuss items tabled from previous Board meetings.
- Discussed the draft position statement on Continuous Positive Airway Pressure Devices for home use. The committee recommends approval of this position statement. However, Dr. Rubin suggested tabling the

issue until the next Board meeting so all Board members can review the rules and the Position Statement. Board members should send their comments to Dr. Coyle. Mr. Jay Campbell, Executive Director of the Pharmacy Board, extended an invitation to the Board to attend the Durable Medical Equipment Committee meeting in Chapel Hill on April 25 and to present the NCRCB Position Statement. There was a discussion by the Board regarding the clarity of the Position Statement. All questions/comments should be sent to Dr. Coyle before the next Board Meeting.

- Discussed a request from Ronnie Reynolds at New Hanover Health Network to change the Declaratory Ruling for EMT's to allow EMT's to provide limited respiratory care tasks under the direct supervision of licensed RCP's. The committee recommended not approving this request. Following a discussion by the Board, there was a unanimous vote to let the previous ruling stand.
- Discussed a request from Scott Prater at Carolinas Medical Center to add certain medications to the Advanced Practice Ruling. There was a discussion by the Board which resulted in removing item 37, TB skin tests, from the Interpretative Letter. Dr. Goodin made a motion to accept the amendment. It was seconded and passed unanimously. The Board voted unanimously to accept the amended Letter.
- Discussed a request from Jennifer Griffin, RCP at WFUBMC, to add IV insertion and placement of Umbilical Artery Catheters and Umbilical Vein Catheters to the Advanced Practice Ruling. The committee recommended approval of the IV Insertion and not to approve UAC's and UVC's except in the setting of cardiopulmonary resuscitation when no other vascular access is available. Mr. Boyer had a request to reword the request from "not to approve UAC's and UVC's except" to "approve UAC's and UVC's only". Following a discussion, the Board approved the amended language. The Board voted unanimously to approve the IV insertion and to approve UAC's and UVC's only in the setting of cardiopulmonary resuscitation when no other vascular access is available.
- Discussed a request from Jimmy Phillips at Catawba Valley Medical Center to change the Declaratory Ruling for Conscious Sedation to allow RCP's to provide conscious sedation to patients for procedures other than respiratory care related procedures. The

committee recommended not approving this request. Following a discussion by the Board, there was a unanimous vote not to approve the request.

- Discussed a request from Dave Fuller at Park Ridge Hospital and Don Huston at Moses Cone Hospital to change the Declaratory Ruling for Respiratory Care Assistants to allow assistants to provide EZ PAP therapy. The committee recommended approval of this draft amended Declaratory Ruling. Following a discussion by the Board, it was decided to change the language to “devices designed to augment airway clearance, e.g. EzPAP, Flutter, etc.” Mr. Croft made a motion to amend the language. It was seconded and passed unanimously. There was a unanimous vote to accept the amended request.
- Discussed a request from Don Huston at Moses Cone Hospital concerning concurrent therapy. Mr. Huston expressed his concerns at the Practice Committee meeting and asked to speak to the Board. There was a discussion by the public and the Board. The committee recommended putting together a package to be posted on the Board website dealing with concurrent therapy. Mr. Boyer was charged with giving the guidelines to the Pharmacy Board for their comments in regards to medication concerns.

**Sleep Technology  
Subcommittee Report:**

Mr. Croft reported that the committee met on March 21 regarding the following:

- The committee approved the curriculum for the PAP Titration program, which should be ready by Fall. There was discussion by the Board of the curriculum.
- The committee reviewed the “A-Step” course which is sponsored by the American Academy of Sleep Medicine. The course is a basic introduction course which is similar to the program in Georgia and may help meet introductory training for sleep trainees. The PAP titration course would still be required.

**Rules Committee Report:**

Mr. Webb presented the report.

- The proposed changes to 21 NCAC 61 .0103 were approved by the Rules Review Commission on February 16, 2006 and the amendment was effective March 1, 2006.
- The proposed changes to 21 NCAC 61 .0202 were objected to by the Rules Review Commission on February 16, 2006. Mr. Shenton has been in contact with Mr. DeLuca and will comment on their conversations.

Mr. Shenton stated that the intent of the rule is to define the scope of the exemptions and to develop some language that will give further clarity to what is in the law. RRC objected because the rule used the same terminology that is found in the statutory provision that excludes support activities from respiratory care. There was a discussion by the Board and public of the rule. The Board approved withdrawing 21 NCAC 61 0202 and to refer the proposed changes to 21 NCAC 61. 0103 to the Rules Committee for consideration.

Mr. Croft presented the Education Committee's recommended changes to 21 NCAC 61 .0401.

- To increase the number of continuing education hours from 10 to 12; and to state that these hours shall not include facility required competency, skill evaluation, or continuing education required by the facility to comply with accreditation standards.
- To limit distance education to no more than 50% of the total continuing education hours.
- Repetition of the same continuing education for approval during a 24 month period shall not be allowed.
- Initial certification for ACLS, PALS, and NRP will be approved for continuing education credits, but recertification will not be approved.
- BLS Instructor will not be approved for continuing education.

There was a discussion by the Board and the public. These recommendations will go to the Rules Committee and comments may be directed to Mr. Webb.

#### **Education Committee Report:**

Mr. Croft reported that the committee met on March 21, 2006, regarding the following:

- Discussed the PAP Titration Course which was mentioned previously during the Sleep Technology Subcommittee report.
- Discussed the A-1 Step program which was presented during the Sleep Technology Subcommittee report.
- Discussed changes to continuing education requirements presented during the Rules Committee report.
- Discussed the new RCP curriculum review and planning begins in June 2006.
- Presented the BSRT update.
- Discussed NBRC Board testing issues and how they impact the licensing of graduates. Schools are encouraging students to wait until after graduation to take the CRT.

Mr. Boyer mentioned the letter that the Board received from Mr. William Pulley, the President of the NC Hospital Association, regarding the development of the BSRT.

**Investigation and Informal Settlement Committee:**

Ms Mitchell reported that the committee met on April 12, 2006 and interviewed 13 individuals. Four individuals did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

**Unfinished Business:**

There was none.

**New Business:**

Dr. Coyle presented a request from the Sheps Center to expand the database to comply with the Board's earlier agreement with them. Mr. Boyer presented a proposal from Vincent Miranda to expand the database:

- \$4500 for database development
- \$3000 for online development
- \$1200 for online change of service
- Total of \$8700 to meet the required guidelines

Following a discussion by the Board, Ms Fleming made a motion to spend \$8700 to meet the agreement. It was seconded and passed unanimously.

Dr. Coyle charged the Board's Committees to look at any Statutes that may need a change to be presented to the 2007 General Assembly.

Les Foss, Director of Respiratory Care at Mission Hospital in Asheville, expressed a concern regarding home C-PAP units. Patients are bringing C-PAP units into the hospitals when they are there for various procedures. He would like a Position Statement addressing the liability of the hospitals. Following a discussion by the Board, it was decided that the Practice Committee should address this issue at their June meeting.

Dr. Coyle advised the Board members to read the newsletter from the Board of Ethics.

Dr. Coyle stated that the next Board meeting will be at 9:30 AM on July 13, 2006.

**Other New Business:**

Tim Safley brought it to the Board's attention that some Home Care companies are questioning whether the Board's investigators have the authority to inspect their facilities.

Dr. Coyle recessed the meeting at 11:42. The meeting was reconvened at 12:00 PM.

**General Session:**

Dr. Coyle explained that these are public hearings which will be recorded. If any Board member has a conflict, they should recuse themselves from hearing the case.

**Hearing for Sarah I. Pomer – License # 3673**

Ms Pomer was not present and no one representing her was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer, the Board's Executive Director; Roger Shuler, night shift sleep technician from Margaret R. Pardee Hospital; Judy Green, a Board Investigator; and Robin Williams, sleep lab supervisor at Margaret R. Pardee Hospital, as witnesses.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing as well as a copy of the Exhibits that were introduced at the Board Office.

**Hearing for James D. Carr – License # 4503**

Mr. Carr 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

**Hearing for Rae Anne Bowser – License # 4067**

Ms Bowser 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

**Hearing for Patricia A. Gribble – License # 3477**

Ms Gribble 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

### **Hearing for Jessica S. Bilderback – License # 4487**

Ms Bilderback 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

### **Hearing for Latracia E. Fuller – License # 4412**

Ms Fuller 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

### **Hearing for Katherine J. Wiggins – License # 4497**

Ms Wiggins 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 at the Board Office an audio recording of the Hearing as well as a copy of the Exhibits that were introduced.

At the conclusion of the Wiggins Hearing, Dr. Rubin made a motion to enter into Executive Session to deliberate on the evidence. It was seconded and passed unanimously.

#### **Executive Session:**

At the conclusion of the deliberations, Dr. Rubin made a motion to enter into General Session. It was seconded and passed unanimously.

#### **General Session:**

Dr. Coyle announced that the decision of the Board is to revoke the license of Sarah I. Pomer, License # 3673.

Dr. Coyle announced that the decision of the Board is to revoke the license of James D. Carr, License # 4503.

Dr. Coyle announced that the decision of the Board is to revoke the license of Rae Anne Bowser, License # 4067.

Dr. Coyle announced that the decision of the Board is to revoke the license of Patricia A. Gribble, License # 3477.

Dr. Coyle announced that the decision of the Board is to revoke the license of Jessica S. Bilderback, License # 4487.

Dr. Coyle announced that the decision of the Board is to revoke the license of Latracia E. Fuller, License # 4412.

Dr. Coyle announced that the decision of the Board is to revoke the license of Katherine J. Wiggins, License # 4497.

Dr. Rubin made a motion to enter into Executive Session to discuss the findings of the Investigation and Informal Settlement Committee from its April 12, 2006 meeting. The motion was seconded and passed unanimously.

**Executive Session:**

Dr. Rubin made a motion to enter into General Session to inform the public of the Investigation and Informal Settlement Committee's findings. It was seconded and passed unanimously.

**General Session:**

Dr. Coyle announced that Mr. Boyer has a list of the disciplinary actions from the Investigation and Informal Settlement Committee.

Dr. Rubin made a motion to adjourn the meeting. It was seconded and passed unanimously.

**Adjournment:**

The meeting was adjourned at 3:05 PM.