

North Carolina Respiratory Care Board
Meeting Minutes
April 14, 2011

Members Present:

Ronald Perkin, MD
Sherry Samuels
Dan Grady, RCP
Edward Bratzke, MD
Joseph Coyle, MD
William Kiger, RRT, RCP
Kimberly Clark RCP
Kimberly Roseman

Others Present:

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

Absent:

Timothy Safley, RCP

Call to Order:

Dr. Coyle called the meeting to order at 10:00 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.

Dr. Coyle reminded the audience to hold their comments or questions until the end of the committee reports and Board member discussion. The Chair will recognize and ask for public comments at that time. Dr. Coyle requested that all cell phones and beepers be put on silent mode.

Approval of Minutes:

Ms Samuels presented the minutes from the January 13, 2011 Board meeting. Mr. Grady made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Mr. Boyer reported that as of March 31, 2011, there was \$2,911.09 in the checking account and \$50,543.43 in the money market account making a total of \$53,151.52 in the bank accounts. The total liabilities and equity is \$58,438.79.

- Executive Director's Report:** Mr. Boyer reported on the events that had occurred since the last Board meeting.
- Mr. Safley, the Rules Committee Chair, and Mr. Boyer held a Public Hearing on January 18, 2011 to receive verbal and written comments on a proposed change to Rule 21 NCAC 61 .0302 to require RCP's to maintain NBRC credentials in order to renew their license. There was no one in attendance and no written comments were received.
 - The Ad Hoc Committee for Asthma Education and In-Home Respiratory Care met on March 2, 2011 to discuss a proposed Position Statement that was sent to the Practice Committee for consideration.
 - The Practice Committee met on March 25, 2011.
 - The Education Committee, Rules Committee, and the Ethics Committee have not met.
 - The Board's Investigators have completed twenty (20) investigations. Fourteen (14) individuals were scheduled for interviews with the Board's Investigation and Informal Settlement Committee on April 13, 2011. There are currently six (6) ongoing investigations.
 - As of March 31, 2011: there have been 6526 Respiratory Care Practitioner Licenses applied for. Current Totals: 4338 Active, 49 Inactive, 0 Temporary, and 28 Provisional. There are currently 25 respiratory Care Assistant Registrations. There are 37 pending applicants, 1810 expired licenses, 134 failed to complete applications, 38 practitioners deceased, 48 withdrawn applications, 5 voluntarily surrendered licenses, 26 revoked licenses, and 13 denied applications.

Ethics Committee Report: Dr. Coyle reported that the Committee has not met. The Statements of Economic Interest are due tomorrow, April 15. Ethics education is due every other year and the information is online.

Practice Committee Report: Dr. Coyle reported that the Committee met on March 25, 2011 to review the following:

- Discussed a request from Board Member Dan Grady, RCP to adopt a Position Statement entitled "Delivery of Ventilator-Related Respiratory Care" and to adopt a Position Statement concerning Ventilator Adjustments. At the October 2010 Board meeting, Mr.

Grady was asked to develop a survey to solicit information about circumstances in which changes in ventilator adjustments raised concerns among practicing RCP's. As part of the Practice Committee Report to the Board, Mr. Grady presented the results from the survey, which had been sent to all RCP's in the state in mid-January after the Board meeting. The survey asked recipients to identify the incidence of certain specified situations during the twelve months preceding the survey, which involved persons admitted to an acute care hospital. Mr. Grady reported that 532 therapists responded and completed the survey. Since the survey was not structured to eliminate the possibility of more than one RCP reporting on the same incident or circumstance, it is impossible to know whether each of the events reported was a unique event that was not also reported by another RCP who responded to the survey. However, with that cautionary note, Mr. Grady summarized the results as follows:

- The total reported instances of ventilator settings being changed without communication or orders to therapists worked out to 1000 times per month over the period covered by the survey.
- The total reported instances of ventilator settings being changed without communication or orders to therapists, which were reported to result in unintended other changes worked out to 800 times per month over the period covered by the survey.
- The total reported instances of ventilators being changed without communication or orders to therapists which also were reported to result in patient harm was 133 to 212 per month over the survey period.
- The total reported instances of ventilators being discontinued altogether without communication or orders to therapists was 50 to 90 times per month over the survey period.

Mr. Grady stated that based on this data there is a significant cost associated with investigating the occurrences. Mr. Grady also referenced research from the Joint Commission, which was done in 2002 regarding ventilator deaths and injuries. Mr. Grady reported that he had contacted the Medical Society to discuss these findings and get its input but those contacts with the Medical Society were as yet

inconclusive, and based on this, he suggested that the Board not adopt the draft Position statement. He made a motion to adopt a more general Position statement. There was further discussion by the Board and the Public on this motion, at which point Dr. Perkin withdrew his second of the motion, and Mr. Grady withdrew the motion. Dr. Coyle suggested that it might be helpful in addressing this issue to define the competencies related to changing ventilator settings and address the training, documentation, and licensure components related to those competencies. Dr. Coyle charged Mr. Grady with moving forward with the issue and bringing the data to the Medical Society and Medical Board. Dr. Bratzke requested the raw data and offered to present it to the Medical Society and Medical Board. It was resolved that the ventilator Position statements should be tabled until further information is received.

- Discussed the recommendations of the Ad Hoc Committee on Asthma Education and In-Home Respiratory Care. Dr. Coyle presented a proposed Position Statement. Following a discussion by the Board, it was decided to remove the last paragraph from the Position Statement. Mr. Kiger made a motion to approve the Position Statement with the removal of the last paragraph. The motion was seconded. Following a discussion by the Board, there was a recommendation to add the sentence “As it relates to asthma education, the Board recommends that health care providers be certified by the National Asthma Educator Certification Board (NAEBC) as an Asthma Educator (AE-C) to provide this service in North Carolina.” Mr. Kiger made a motion to accept the added sentence to the Position Statement. The amendment was seconded and carried unanimously. The Board then unanimously approved the amended motion to approve the Position Statement.

- Discussed a recommendation from Dr. Bratzke to revise the RCP License application to ask questions similar to the NC Medical Board’s application. Ms Samuels made a motion to accept the revised application. The motion was seconded and carried unanimously.

- Discussed a request from Laura Tieber, RCP concerning bronchoscopy assistance. Ms Tieber has withdrawn the request since they are no longer doing this procedure.

Dr. Coyle charged Mr. Boyer and Mr. Shenton to revise the renewal application to reflect the language in the licensure application to strengthen the question regarding prior offenses.

Education Committee Report:

Dr. Clark reported that the Committee has not met. She stated that she was in Dallas, Texas for an AARC State Society Leadership workshop. The AARC will be gathering more data from stakeholders for the next year regarding the recommendation to move the entry level from an Associate Degree to a Baccalaureate Degree and to raise the minimum credential from the CRT to the RRT and to eliminate the CRT Exam. There was a discussion by the Public and the Board.

Rules Committee Report:

Mr. Boyer reported that a Public Hearing on Rule 21 NCAC 61 .0302 was held on January 18, 2011. There was no one in attendance and no written comments were received. Dr. Bratzke made a motion to adopt Rule 21 NCAC 61 .0302 as previously approved. The motion was seconded. There was a question from the Public regarding who would be affected by this change. There is an exemption for anyone who passed the credentialing exam before July 1, 2002 and for those people who do not have expiration dates for their credentials. The Board passed the motion unanimously.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on April 13, 2011 and interviewed eight (8) individuals. Six (6) individuals did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

The Committee also reviewed the Board's disciplinary manual and recommends the Board approve the proposed revisions noted in the draft manual. Mr. Shenton presented the changes. Section A contains the Investigative Procedures, Section B contains the Disciplinary Sanctions, and Section C contains the Discipline Glossary. The Committee recommends removing "and a copy of each such communication to another board or agency will be enclosed" from the last sentence on page 9. They also recommend changing the first sentence of the last paragraph on page 7 to read: "After a report is received, the Executive Director may open an Investigation File and may conduct an Initial Review to determine if there is sufficient information to start an Investigation." The Committee recommends accepting the revised manual with these two changes. Following a discussion by the Board, the recommendation was approved unanimously.

Unfinished Business: There was none.

New Business: Dr. Coyle presented three insurance renewal options for the Board:

- Continue to work through TriSure and NCAIA with TriSure obtaining renewal quotes
- Work solely with TriSure (removing NCAIA from the process)
- Work solely with NCAIA and receive renewal quotes from other carriers

Following a discussion by the Board, Dr. Clark made a motion to open the bids for the renewal process. The motion was seconded and carried unanimously.

There was a discussion by the Board about the AARC 2015 and Beyond Initiative.

Other New Business: Dr. Coyle asked Mr. Shenton to give some information on Bills in the General Assembly. Mr. Shenton stated that Senate Bill 22 was adopted on March 25, 2011. It requires that all regulatory boards observe certain restrictions in terms of rules that are adopted that result in substantial estimated additional costs. Substantial estimated additional costs means an aggregate financial impact on all persons subject to a proposed rule of at least five hundred thousand dollars in a 12 month period. Senate Joint Resolution 17 establishes the Joint Regulatory Reform Committee, which will be made up of members of the House and Senate.

Dr. Coyle presented House Bill 639 which is Clinical Exercise Physiologist Licensure Act. Following a discussion by the Board, there were concerns with dispensing appropriate ACLS prescription drugs as indicated by protocol and algorithm, intubation, and direct supervision needs to be clarified.

Mr. Kiger stated that he had offered his resignation from the Board due to a corporate policy of his new employer. Dr. Coyle presented him with a plaque and thanked him for his service to the Board.

Dr. Coyle stated that the CAC newsletter is in the packet for members to read.

The next Board meeting will be on July 14, 2011 at 10:00 AM at the Board office.

Ms Samuels made a motion to enter into Executive Session to discuss disciplinary actions from the Investigation and Informal Settlement Committee meeting held on April 13, 2011 and to receive advice from Board Counsel. The motion was seconded and carried unanimously.

Executive Session:

Mr. Grady made a motion to enter into Public Session. The motion was seconded and carried unanimously.

Public 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:

Steven Ferebee, License # 1844. 3 years of probation, annual review by the Investigation Committee and Board, restricted practice with no hands-on direct care, refresher course required if return to active practice, continue current psychiatric treatment plan with quarterly reports to the Board, monitoring by the Board, random drug screens, disciplinary cost \$2000, and civil penalty \$500.

Roy Stepp, License # 6060. Revocation.

Kathleen Schwartz, License # 4081. Provide CE's by May 15, 2011. If received honor request to go inactive and in good standing. If not received revoke.

Annah Moody, License # 6370. 12 months probation, quarterly reports from counseling, random drug screens, disciplinary cost \$100, civil penalty \$250 with 90 days to pay.

Danny McKay, License # 6332 Provisional. Letter of Concern.

Lori Johnson, License # 3408. Dismissed.

Chevi Clark, License # 6450 pending. Application denied.

Suzzette Daigle, License # 2846. Dismissed.

Jennifer Thompson, License # 5512. Invite to July meeting.

Thomas Beckom, License # 1700. Invite to July meeting.

Christopher Holbrook, License # 2172. Reprimand,

disciplinary cost \$100, civil penalty \$250.

Mershon Atkinson, License # 6529 pending. Approval of application.

Nancy Lindsey, RCP student. Letter of warning.

Mindy Carringer, License # 5001. Invite to July meeting.

Michael Lewis, License # 3016. Approve expungement.

John Griffin, License # 1803. Approve expungement.

CHAD Therapeutics. Issue Cease and Desist order.

Dr. Bratzke expressed a concern regarding on-going re-licensure of people not practicing respiratory care. This issue will be referred to the Practice Committee.

Mr. Grady expressed a concern regarding the measures used to determine staffing levels and resources. This issue will be referred to the Practice Committee.

Mr. Grady made a motion to adjourn. The motion was seconded and carried unanimously.

Adjournment:

The meeting was adjourned at 1:58 PM.