

# North Carolina Respiratory Care Board

## Meeting Minutes

January 11, 2007

### Members Present:

Joseph Coyle, MD  
Mary Lou Fleming  
Sherry Samuels  
Thomas Goodin, MD  
Karl Karlson, MD  
Ralph Webb, RRT, RCP  
William Croft, RRT, RCP  
Lisa Fox  
Wayne Beauford, 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

### **Call to Order:**

Dr. Coyle called the meeting to order at 9:32 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.

### **Approval of Minutes:**

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

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

Ms Fleming reported that there is \$1793.91 in the checking account, \$126,705.54 in the money market account, and the total assets are \$134,890.74. Profit and Loss Budget vs. Actual shows the net income as \$10,671.95.

### **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 November 11, 2006 to discuss proposed Sleep Technologist licensure and amendments to the Respiratory Care Practice Act.

- Met with Karen Carpenter, legal counsel for the NC Medical Board, on December 19, 2006 and with representatives of the NC Hospital Association on January 5, 2007 to discuss proposed Sleep Technologist licensure.
- The Education Committee and Rules Committee met on January 3, 2007. The Sleep Technology Subcommittee met on January 3, 2007 and on January 9, 2007. Any recommendations from these committees will be presented during their respective reports.
- The Task Force on Ethics and Pandemic Influenza has not met since the last Board meeting but will hold its final Public Hearing in Raleigh on January 11. This is to primarily gain the public's input on the issues. Once this has occurred, the Task Force will complete and present a final document of its recommendations.
- The Board's Investigators have completed 53 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Fifteen facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed ten investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on January 10, 2007. There are currently nine ongoing investigations.
- As of December 31, 2006: there have been 4999 Respiratory Care Practitioner Licenses issued. Totals: 3774 Active, 46 Inactive, 6 Temporary, and 59 Provisional. There are currently 104 Respiratory Care Assistant Registrations. There are 67 pending applicants, 972 expired licenses, 22 practitioners deceased, 23 withdrawn applications, 4 voluntarily surrendered licenses, 1 summary suspension, 17 revoked licenses, and 8 denied applications.

**Ethics Committee Report:**

Dr. Goodin reported that there is information from the State Ethic's committee in the Board packet. He reminded Board members to complete the statement of economic interest.

**Practice Committee Report:**

Dr. Coyle reported that the committee recommends withdrawing the proposed HME respiratory care equipment tasks. Following a discussion by the Board and Public, the Board voted unanimously for withdrawal.

Dr. Coyle presented a request from Brad Dotson for guidance regarding the scope of practice for RPSGT's and the application of CPAP and BiPAP. This has been defined in a

declaratory ruling. Mr. Boyer will respond to Mr. Dotson.

There was a request from James Hundley regarding the use of sleep aids. This is not under the Board's authority at this time.

**Sleep Technology  
Subcommittee Report:**

Mr. Croft reported that the committee feels that the current PAP Titration class does not sufficiently meet the declaratory ruling. Anyone who has taken the course does not have to retake it. The course has been turned over to the two colleges in the state that offer Polysomnography, Pitt Community College and Catawba Community College, to more fully develop the curriculum and to administer it to their continuing education departments. Sandhills Community College is starting a Polysomnography program which will offer the PAP Titration course.

The committee discussed potential licensure for Polysom Techs. The committee recommended moving forward with licensure and discussing language for a potential Bill. They would like to have two members on the Respiratory Care Board, a RPSGT and a doctor who is sleep certified, to represent the Sleep community if a licensing Bill is passed. There was a discussion by the Board. The potential Bill would have to go to a Bill sponsor who would give it to the Bill drafters. Then it would have to go to committees in the House and Senate, Health and Finance, and finally go to the floor for a vote. There was a discussion by the Public. Mr. Croft made a motion to move forward with the licensure Act with the adjustment of appointing two more Board members. The motion was seconded and was carried unanimously.

**Rules Committee Report:**

Mr. Webb reported that the Rules Review Commission objected to the language in the Board's proposed change to 21 NCAC 61 .0103 – Definitions, concerning smoking cessation programs. The RRC approved the Rule after deletion of the sentence and the Rule became effective January 1, 2007.

The committee discussed the recommendations of the Education Committee for changes to 21 NCAC 61 .0401 – Continuing Education Requirements. Mr. Webb presented the proposed timeline for the approval of the Rule.

The committee discussed proposed changes to the Respiratory Care Practice Act, page 8, regarding changing the maximum fees that may be charged and adding "License Endorsement" on page 10. There was a discussion by the Board and the Public. The Committee recommended the

changes to the Practice Act. The recommendation was carried unanimously.

The Committee recommended the changes to 21 NCAC 61 .0401 -. The recommendations are: page 2, section (c) change the word "Protocol" to "Program" and add the word "total" after "may count for a maximum"; page 2 delete "the documents required in Paragraph (d) of the Rule and include". Following a discussion by the Board, the recommendation was carried unanimously.

**Education Committee Report:**

Mr. Croft reported that UNC Charlotte is interviewing for a Director of the BSRT program.

Mr. Croft stated that the next educational endeavor to be considered for the future is a Clinical Doctorate, which is a three year degree. SLP, PT, and Pharmacy all have these programs as entry level for the field or as advanced practice rather than a MS degree, which is a 2 year degree.

The committee discussed the PAP Titration course that was in the Sleep Technology Subcommittee report.

They also discussed CE Rule 21 NCAC 61 .0401 and recommended language changes that were discussed in the Rules Committee report.

The discussion regarding licensure for Polysom Techs was tabled for the Sleep Technology Subcommittee's meeting.

**Investigation and Informal Settlement Committee:**

Ms Samuels reported that the committee met on January 10, 2007 to interview ten individuals. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

**Unfinished Business:**

There was none.

**New Business:**

UNC Charlotte will be able to market the BS degree program to all RCP's in NC and will not be charged for the mailing list.

Pam Capella, area manager with Lincare, asked the Board to clarify why EMT's can do assessments and pulse oximetry in their field but not in the home care setting. She will send the request to Mr. Boyer in an email and it will be given to the Practice Committee.

**Other New Business:**

Dr. Coyle announced that the next Board meeting will be on April 12, 2007 at 9:30 AM. The location may be changed to the auditorium at Mr. Shenton's office at 3600 Glenwood Avenue in Raleigh.

At 10:38 AM Ms Samuels made a motion to enter into Executive Session. The motion was seconded and carried unanimously.

**Executive Session:**

Ms. Fleming made a motion to enter into Public Session. It was seconded and carried unanimously.

**General Session:**

Dr. Coyle reported that the Board discussed an item of new business brought forth by Breath of Life Clinic. This was an educational discussion between their representatives and members of the Board on January 9, 2007. The Board is waiting for more information from them which will be referred to the Practice Committee.

**Hearing for Leslie Gray – License # 3170**

Ms Gray 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. Croft made a motion to enter into Executive Session for deliberation. The motion was seconded and carried unanimously.

**Executive Session:**

Mr. Croft made a motion to enter into Public Session. It was seconded and carried unanimously.

**General Session:**

Dr. Coyle announced the finding in regards to the hearing:

- Leslie Gray, RCP 3170 – License Revoked

**Adjournment:**

The meeting was adjourned at 1:58 PM.