

North Carolina Respiratory Care Board

Meeting Minutes

January 12, 2006

Members Present:

Joseph Coyle, MD
Mary Lou Fleming
Sherry Samuels
Margaret A. Mitchell, RRT, RCP
Thomas Goodin, MD
Bruce K. Rubin, MEngr, 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:

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 so that this is clear for the record.

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.

Appointments:

Dr. Coyle welcomed Sherry Samuels as a new Board member. She was appointed by the Governor to replace Ms Hall, and her term will expire October 31, 2008.

Election of Officers:

Dr. Rubin nominated Dr. Coyle to serve as Chairman. The nomination was seconded and carried unanimously. Mr. Croft nominated Mr. Webb to serve as Vice-Chair. The nomination was seconded and carried unanimously. Dr. Rubin nominated Ms Fleming to serve as Secretary/Treasurer. The nomination was seconded and carried unanimously.

Committee Appointments:

Dr. Coyle presented a list of appointments. There were no objections to the appointments.

Approval of Minutes:

Dr. Coyle presented the minutes from the October 6, 2005 Board meeting. The spelling of “pericardiocentesis” is to be corrected. Ms Fleming made a motion to approve the minutes with the correction. The motion was seconded and carried unanimously.

Treasurer’s Report:

Ms Fleming stated that the checking account balance is \$21,604.29, the money market balance is \$114,287.06, and total assets are \$142,551.17. The Profit and Loss Budget vs. Actual shows below budget income at \$15,500 which is due to a lower renewal number than expected. This may correct itself during the next quarter. There was a discussion of this by the Board. Expenses will be reviewed periodically.

Executive Director’s Report:

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

- Presented the NCRCB update to RCP’s at an AHEC class held at Wayne Memorial Hospital on October 13, 2005.
- A Public Hearing on proposed Rule changes was held on November 17, 2005. The Sleep Technology Subcommittee met on December 8, 2005. The Practice Committee met on December 16, 2005, and the Education Committee met on January 4, 2006. Any recommendations from these committees will be presented during their respective reports.
- Attended the House Select Committee on Healthcare: Subcommittee on Healthcare Workforce meeting held on December 15, 2005.
- Board Investigators have completed 47 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. 18 facilities and/or individuals were found to be out of compliance. The Board’s Investigators have completed 15 investigations that were scheduled for interview with the Board’s Investigation and Informal Settlement Committee on January 11, 2006. There are currently 4 ongoing investigations.
- As of December 31, 2005: there have been 4578 Respiratory Care Practitioner Licenses issued. Totals: 3612 Active, 38 Inactive, 5 Temporary, and 60 Provisional. There are currently 132 Respiratory Care Assistant Registrations. There are 63 pending applicants, 744 expired licenses, 19 practitioners deceased, 20 withdrawn applications, 2 voluntarily surrendered licenses, 7 revoked licenses, 1 suspended license, and 7 denied applications.

There was a discussion by the Board and the public regarding the meeting on the Healthcare Workforce.

Ethics Committee Report: There was no report.

Practice Committee Report: Dr. Rubin reported that the committee met on December 16, 2005 to review requests from practitioners and to discuss tabled items from previous Board meetings.

- Presented the Draft Position Statement on “Financial Relationships and Referral Incentives.” Following a discussion by the Board, the Position Statement was unanimously approved.
- Presented the Guidance Documents approved by the Sleep Technology Subcommittee. Following a discussion by the Board and public, it was decided to delete the words “in space” from page 3. Mr. Boyer and Mr. Shenton will review and finalize the language in the Position Statement to conform it to the Board’s instructions.
- Tabled a request from Scott Prater at Carolinas Medical Center to add certain medications and procedures to the Advanced Practice Ruling. The committee charged Mr. Boyer with providing a recommendation to the committee at its next meeting to establish a mechanism to handle individual facility requests concerning advanced practice. There was a discussion by the Board. The committee will continue to look at individual requests.

Rules Committee Report: Mr. Webb reported that there was a public hearing on November 17, 2005 to take public comments concerning the proposed changes to 21 NCAC 61 .0103 and 21 NCAC 61 .0202 concerning set up of respiratory care equipment by support technicians and adding language to exempt various credentialed health care providers. He presented the timeline for the approval of the proposed rules. Ms. Star Wood and Ms. Sanya Gough had some questions, and they were instructed to put them in written form. Ms Wood did not provide a written statement of her concern. Ms Gough provided a written statement of her concern regarding 21 NCAC 61 .0202 3 (a). She requested a statement from the Board regarding drop shipments of CPAP directly from the manufacturer to the patient. Following a discussion by the Board, it was recommended that the Practice Committee draft a Position Statement clarifying delivery and set up. This was approved unanimously.

Education Committee Report:

Mr. Croft reported that the Education Committee met on January 4, 2006.

- The BS program is being considered by Appalachian, East Carolina, and UNC Charlotte. The NC Hospital Association will provide a statement of support. The program has been written.
- Currently the Refresher course has been offered at one Community College. Sandhills Community College will be providing it this spring for one former respiratory therapist who is coming back into the field.
- The PAP Titration course development will be completed by the Sleep Technology Subcommittee in the near future for approval by the Education Committee. AHEC was proposed as the primary provider of the PAP Titration course. However, other educational providers are welcome to offer the course provided they meet the criteria for administration of the course.
- There was a concern regarding limiting the number of online CE hours. Following a discussion by the Board, it was decided that the committee should discuss the issue again and make recommendations at the next Board meeting.

Investigation and Informal Settlement Committee:

Ms Mitchell reported that the committee met on January 11, 2006 and interviewed 11 individuals. One individual did not show, and one interview was postponed until the next meeting. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

Unfinished Business:

Mr. Boyer had been asked to look into the Physician's Health Program of the N.C. Medical Board, and whether it might be available to licensees of other Boards. He reported that it is only open to physicians. Mr. Boyer will look into an alternative and bring recommendations to the next Board meeting. This would be a consistent way to deal with many of the issues that come through the Investigation and Informal Settlement Committee that are related to physical health, mental health, and substance abuse.

New Business:

Dr. Coyle reminded everyone that the next Board Meeting will be on Thursday, April 13, 2006, beginning at 9:30 AM.

All Board members that are appointed by the State must complete the Board of Ethics' statement of economic interest before May 1, 2006.

Dr. Coyle reported that Roger Wolfe, an AirCare employee, also had expressed a concern about the Board's Position Statement regarding the delivery and set up of CPAP. This will be handled through the position statement that the Practice Committee will draft.

Other New Business:

There were no other concerns or questions from the Board or the public.

Executive Session:

Dr. Rubin made a motion to enter into Executive Session at 11:20 AM. It was seconded and carried unanimously.

Dr. Rubin made a motion to enter back into General Session at 1:29 PM. It was seconded and carried unanimously.

Adjournment:

The meeting was adjourned at 1:30 PM.