

North Carolina Respiratory Care Board

Meeting Minutes January 14, 2010

Members Present:

Arnold Frazier, MD
Timothy Safley, RCP
Sherry Samuels
Ralph Webb, RCP
Kimberly Roseman
Joseph Coyle, MD
Dan Grady, RCP
Kimberly Clark, RCP

Others Present:

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

Absent:

Edward Bratzke, MD

Call to Order:

Mr. Webb called the meeting to order at 10:03 AM.

Conflict of Interest Notice:

Mr. Webb 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.

Mr. Webb 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.

Mr. Webb reminded the audience to hold their comments or questions until the end of committee reports and Board member discussion. The Chair will recognize and ask for public comments at that time.

Mr. Webb introduced the new Board members:

Dr. Edward Bratzke, MD, appointed by the President Pro Tem of the Senate. His term will expire October 31, 2012.

Dr. Joseph Coyle, MD, appointed by the Speaker of the House. His term will expire October 31, 2012.

Dan Grady, RCP, appointed by the NC Hospital Association. His term will expire October 31, 2012.

Kimberly Clark, RCP, appointed by the Speaker of the House. Her term will expire October 31, 2012.

Tim Safley, RCP, reappointed by the NC Association of Medical Equipment Services. His term will expire October 31, 2012.

Mr. Webb read the Statements of Economic Interest from the State Ethics Commission for each Board member.

Election of Officers:

Mr. Webb opened the floor for nominations for Chairman. Dr. Frazier nominated Dr. Coyle. It was seconded and carried unanimously.

Dr. Coyle recognized and thanked Mr. Webb for his service to the Board.

Dr. Coyle asked for nominations for Vice-Chairman. Mr. Webb nominated Dan Grady. It was seconded and carried unanimously.

Dr. Coyle asked for nominations for Secretary. Mr. Safley nominated Ms Samuels. It was seconded and carried unanimously.

Dr. Coyle asked for nominations for Treasurer. Dr. Frazier nominated Mr. Safley. It was seconded and carried unanimously.

Committee Appointments:

Dr. Coyle made the following recommendations:

Ethics Committee: Kim Roseman (Chair), Arnold Frazier, MD, and Floyd Boyer, RCP (ex officio)

Rules Committee: Tim Safley, RCP (Chair), Edward Bratzke, MD, Sherry Samuels, and Floyd Boyer, RCP (ex officio)

Investigation and Informal Settlement Committee: Sherry Samuels (Chair), Tim Safley, RCP, Dan Grady, RCP, Floyd Boyer, RCP (ex officio), and Judy Green, RCP (ex officio)

Practice Committee: Joseph Coyle, MD (Chair), Ralph Webb, RCP, Arnold Frazier, MD, and Floyd Boyer, RCP (ex officio)

Education Committee: Kimberly Clark, RCP (Chair), Ralph Webb, RCP, Bob Campbell, RCP, and Floyd Boyer, RCP (ex officio)

There were no objections by the Board.

Approval of Minutes:

Dr. Coyle presented the minutes from the October 8, 2009 Board meeting. Mr. Grady made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Mr. Safley asked Ms Samuels to present the Treasurer's report. She reported that as of December 31, 2009, there was \$4,657.14 in the checking account and \$115,252.61 in the money market account making a total of \$119,909.75 in the bank accounts. Total assets are \$126,475.91 and total liabilities are \$96,166.85. The Profit & Loss Budget vs Actual show that the total income from July 2009 through December 2009 was a deficit of \$16,127.00. This is due to fewer renewals than were anticipated. Total expenses were \$32,528.51 over budget due to legal fees.

Mr. Grady made a motion to accept the Treasurer's report. It was seconded and passed unanimously.

Executive Director's Report:

Mr. Boyer reported on the events that had occurred since the last Board meeting.

- Mr. Boyer and Mr. Webb attended the Mountain Air Conference held on October 23, 2009, in Asheville and presented lectures on Legislative Processes and Regulatory Issues.
- Mr. Boyer and Mr. Webb attended a reception held on November 24, 2009, in Pinehurst to honor former Board member Bill Croft on his being conferred a PhD.
- The Ethics Committee, the Practice Committee, the Education Committee, and the Rules Committee have not met since the last Board meeting.
- The Board's Investigators have completed 17 investigations. Five of these investigations were scheduled for interviews with the Board's Investigation and Informal Settlement Committee on January 13, 2010. There are currently five ongoing investigations.
- As of December 31, 2009: there have been 6150 Respiratory Care Practitioner Licenses applied for. Current Totals: 4207 Active, 46 Inactive, 0 Temporary, and 44 Provisional. There are currently 60 Respiratory Care Assistant Registrations. There are 16 pending applicants, 1604 expired licenses, 114 failed to complete applications, 33 practitioners deceased, 45

withdrawn applications, 5 voluntarily surrendered licenses, 23 revoked licenses, and 13 denied applications.

Ethics Committee Report: There was no report.

Practice Committee Report: There was no report.

Education Committee Report: There was no report.

Rules Committee Report: There was no report.

Investigation and Informal Settlement Committee: Ms Samuels reported that the committee met on January 13 and interviewed seven individuals. All scheduled individuals appeared for their interviews. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

Unfinished Business: Dr. Coyle stated there was a request from Mr. John Kight at the October 8, 2009 Board meeting. Mr. Shenton presented a letter that he wrote to Mr. Kight's counsel requesting the information that Mr. Kight was going to send to the Board before this Board meeting regarding other Boards which publish draft minutes in advance of their meetings. Mr. Kight's attorney informed Mr. Shenton that he had forwarded the letter to Mr. Kight. There has been no response from Mr. Kight. The Board was given information supplied by the Board staff regarding the practices of other Boards publishing draft minutes and approved minutes.

New Business: There was a request from Bill Croft, PhD, RCP for the Board to approve a Position Statement "Chronic Disease Management". Harold Finn, Jean Koehn, and Terry Smith presented the background and other input on this proposed draft. There was a discussion by the Public and the Board. Mr. Safley stated that there were other issues, such as, concurrent therapy charges and written orders not being appropriately followed. Mr. Safley stated that the Board needs to proceed with caution because there is more to the issue. Dr. Coyle read the proposed position statement. Dr. Frazier made a motion to accept the proposed position statement. It was seconded and carried unanimously.

Dr. Coyle asked for any questions or comments from the Board members. There was none. He then asked for questions or comments from the Public. Terry Smith asked about the status of the declaratory ruling on management of respiratory care services. Dr. Coyle stated that this will be addressed by the new Practice committee.

Other New Business:

Dr. Coyle announced that the next Board meeting will be held on April 8, 2010 at 10:00 AM at the Board office.

Mr. Grady made a motion to enter into Executive Session to discuss disciplinary actions from the Investigation and Informal Settlement Committee meeting held on January 13, 2010, and to receive reports from Board's Counsel concerning litigation. It was seconded and carried unanimously.

Executive Session:

Dr. Clark made a motion to enter into Public Session. It 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:

Wendy Campbell, License # 3781. Revocation, disciplinary cost to be calculated, and \$750 civil penalty. A letter will be sent to Ms Rupp thanking her for her help with the investigation but cautioning her not to practice respiratory care without a license.

Buffy Hilton, License # 556. Continue probation with increased drug screens. Ms Hilton is to pay all Board expenses including the drug screens.

Valerie Rivette, License # 1593. Dismissed for lack of evidence.

Barbara Roberson, License # 3111. Dismissed for lack of evidence.

Carolyn Zarsky, License # 2631 Pending. Approve application.

Expungements:

- Gerald Conken, RCP # 3262. Approved
- Kristina Walker, RCP # 4518. Approved

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

Adjournment:

The meeting was adjourned at 1:20 PM.