

North Carolina Respiratory Care Board
January 2, 2003
Meeting Minutes

Members Present:

Joseph Coyle, MD
Mary Lou Fleming
Charles Mann
Nancy M. Hall
Margaret A. Mitchell, RRT, RCP
Neil MacIntyre, MD
Bruce K. Rubin, MEngr, MD
Ralph Webb, RRT, RCP
William Croft, RRT, RCP

Others Present:

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

Absent:

None

Call to Order:

Dr. Coyle called the meeting to order at 1:05 PM.

Conflict of Interest Notice:

Dr. Coyle read the North Carolina Board of Ethics' Conflict of Interest Reminder. If there are any conflicts of interest on any votes, Board members should refrain 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.

Election of Officers and Appointments:

Mr. Mann made a motion to retain the officers as they were in 2002. The motion was seconded and it was passed unanimously.

Dr. Coyle announced the reappointments of Mr. Mann and Ms. Hall that will continue through October 31, 2005.

Dr. Coyle welcomed Mr. Bill Croft to the Board. He was appointed by Speaker Black and was sworn in prior to the meeting. Mr. Croft's appointment will continue to October 31, 2003.

Approval of Minutes:

Ms. Fleming read the minutes from the September 10, 2002 Board meeting. Mr. Webb made a motion to approve and accept the minutes as written. The motion was seconded and it was passed unanimously.

Treasurer's Report:

Ms Fleming read the Treasurer's report into the minutes. The current balance in the Board's checking account is \$142,213.36. Ms Fleming reviewed the 2002 budget as opposed to the actual expenses for the year and presented the 2003 budget month by month. Ms Fleming recommended that the 2003 budget be accepted. Mr. Mann made a motion to accept the recommendation. It was seconded and passed unanimously. Ms Fleming also made the recommendation that all but 2 month's operating expenses be moved into a money market which would earn interest. Dr. Rubin made the motion to accept the recommendation. It was seconded and passed unanimously.

Executive Director's Report:

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

- Attended the annual NBRC Licensure Liaison Group meeting in Kansas City, MO on September 12 and 13, 2002. Mr. Boyer met with the Division of Facility Services Licensure Division to discuss the Respiratory Care Act and Board Rules. He asked that they include in their next rules change the language that requires North Carolina RCP's to be licensed by the Board. He will accompany the supervisor on her next Long-Term Care site visit in January.
- Presented Licensure Update at an AHEC sponsored conference in Rocky Mount on September 12, 2002.
- Visited 4 facilities in response to complaints concerning persons that may be practicing without a license. Mr. Boyer also visited at random hospitals, nursing facilities and home care respiratory care departments in Taylorsville, North Wilkesboro, Spruce Pines, Lenoir, Jefferson, Morganton, Boone, Newland, Marion, Winston-Salem, Wilmington, Dunn, and Fayetteville.

As of December 31, 2002, there have been 3010 Active licenses and 81 Provisional licenses issued. There are 40 pending applications. There are 23 expired license holders— 21 Temporary and 2 Provisional.

Committee Appointments: Dr. Rubin made a motion to accept the committee appointments as presented by the Chair. It was seconded and passed unanimously.

Ethics Committee Report: A letter from the North Carolina Board of Ethics addressed to the Honorable James B. Black, Speaker of the House of Representatives in Raleigh, regarding the evaluation of statement of economic interest filed by William Croft, NC Respiratory Care Board, was read into the minutes by Dr. Rubin. There was no finding of an actual conflict of interest but there was the potential for conflict of interest.

The Ethics Committee meeting regarding American Home Patient will be discussed under unfinished business.

Rules Committee Report: No report.

Investigation and Informal Settlement Committee: Ms Mitchell reported that the committee has met 6 times to interview 40 Respiratory Care Practitioner licensees or applicants as a result of the Board receiving complaints, the Board staff finding them practicing without licenses, or for prior convictions.

Unfinished Business: **Update Concerning Nursing Assistants**
Nursing assistants are performing some basic respiratory care tasks. This has been discussed with the Board of Nursing and another meeting has been scheduled with them for February or March. There will be an update at the next Respiratory Care Board meeting in April.

Declaratory Ruling: EKG Technicians
This request from Wilkes Regional Medical Center was tabled at the last Board meeting until there was further investigation with the Hospital Association. Mr. Boyer reported that all facilities contacted supported the ruling with the exception of the Wayne Memorial Hospital in Goldsboro which expressed some concerns. Following a discussion from the public and the Board, there was a recommendation for Wayne Memorial Hospital to request a declaratory ruling for EKG technicians in their specific situation. Mr. Webb made a motion to accept the declaratory ruling as written. The motion was seconded and passed unanimously.

Declaratory Ruling: American Home Patient

This ruling request involves a reimbursement/bonus plan for employees of American Home Patient. The Ethics committee gave guidance to the Board regarding this ruling. The Board concluded that payment of bonuses under the arrangement described in Bonus Structure Number 1 (General Manager/Respiratory Therapist) and in Bonus Structure Number 2 (Respiratory Therapist Bonus Pool) may proceed for the reasons stated in the Declaratory Ruling. The payment of bonuses in Bonus Structure 3 (Sales Representatives/Respiratory Therapist Bonus Pool) has the potential for exercising influence on the patient for financial gain. The ruling as presented declined to address this circumstance, but the Board reserved the right to review and take action at a future date if additional information is provided by American Home Patient. Ms Hall made a motion to adjust this declaratory ruling to include the approval of Bonus Structure 3 with the separation of therapist activities from the bonus pool and ongoing monitoring to see that utilization is appropriate. It was seconded and the amendment passed unanimously. Ms Fleming made a motion to accept the declaratory ruling with the amendment. The motion was seconded and carried unanimously.

Declaratory Ruling: NC DFS Ruling Concerning Personal Care Aides

Dr. Coyle reported that the recommendations from the Ethics committee and the Practice committee would be not to approve the request. The Board concluded that Personal Care Aides who administer CPAP or BiPAP do not meet the requirements to be exempted from licensure. Mr. Boyer was directed to look into what process takes place for training, education, and credentialing. Dr. Rubin made a motion to accept the declaratory ruling. The motion was seconded and passed unanimously.

Position Statement: Accountability of Respiratory Care Supervisors

The draft requires that all issues or deficiencies be identified and to have a specific plan to remedy deficiencies, that there is a licensed RCP available at all times to truly supervise, specific protocol is in place for the activities of these individuals clearly defining the scope of practice, and that there is feedback to these individuals based on their performance.

Dr. MacIntyre made a motion to insert the words “the present foreseeable circumstances” to the last sentence of the last paragraph between the words “under” and “having”. The

motion also included changing the word “building” to “facility” in paragraph four of the document. The motion was seconded and passed unanimously. Mr. Webb made a motion to approve the ruling as amended. The motion was seconded and passed unanimously.

New Business:

**Declaratory Ruling by New Hanover Health Network:
Support Technicians**

The ruling request from New Hanover Health Network asks the Board to exempt from licensure requirements Support technicians that clean respiratory care equipment; set up and change oxygen tanks and regulars/flowmeters, wall mounted flowmeters, humidifier bottles, and oxygen cannulas: change out jet nebulizers and aerosol tubing; and record the hours of oxygen usage. Dr. Rubin made a motion to accept the ruling. It was seconded and passed unanimously.

**Declaratory Ruling Request by Forsyth Medical Center:
Nurses Performing Blood Gases**

Following a discussion from the Board and the public, it was decided that the Practice Committee will discuss this issue with the Board of Nursing and report back to the Board at the April meeting.

**Declaratory Ruling Request for Mission Saint Joseph’s:
Dispensing of Respiratory Care Medications**

Following a discussion from the Board and the public, it was decided that this is a matter for the Board of Pharmacy.

**Request from Forsyth Medical Center: Pulmonary
Function Technicians Ruling**

The request is to add arterial blood gas analysis and performing ECG testing to the original declaratory ruling approved September 10, 2002. Dr. Rubin made the motion to add the requested functions to the declaratory ruling. The motion was seconded and carried unanimously.

**Request from NC Memorial Hospital: RCP Students
Ruling**

This request is to include BiPAP to the list of competencies for Respiratory Care Assistants. Following a discussion by the Board, it was decided not to include this into the original declaratory ruling for students.

Request from RCP's to Change 12 Month Policy in the Board Continuing Education Policy

Mr. Boyer has received numerous requests from Respiratory Care Practitioners to change the 12 month policy for earning CE's. This request was referred to the Practice Committee.

Request from Carolinas Medical Center

This request is to exempt their staff from the requirements of displaying RCP on their badges. The law regarding this is very strictly worded and therefore, this request was declined.

Other New Business:

Mr. Webb presented a concern from sales representatives in NC who have RRT behind their names but are not licensed by the Board. The law states that these individuals can not hold themselves out as Respiratory Care Practitioners. A recommendation was made to table this concern until Mr. Boyer finds out what other states do.

Mr. Boyer stated for the minutes that the Board is still missing one member that hasn't been seated by Old North State Medical Society. A letter will be sent to them requesting a representative.

Executive Session:

The Board went into Executive Session to discuss applicants, disciplinary actions, and personnel matters.

Adjournment:

The meeting was adjourned at 4:30 PM.