

# North Carolina Respiratory Care Board

## Meeting Minutes

July 10, 2008

### **Members Present:**

Arnold Frazier, MD  
Sherry Samuels  
Margaret A. Mitchell, RRT, RCP  
Thomas Goodin, MD  
Karl Karlson, MD  
Ralph Webb, RRT, RCP  
William Croft, RRT, RCP  
Wayne Beauford, MD  
Kenya Wright

### **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:**

Mr. Webb called the meeting to order at 10:00 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.

### **Approval of Minutes:**

Mr. Webb presented the minutes from the April 10, 2008 Board meeting. Mr. Shenton offered corrections to the portion of the minutes relating to the Oral Arguments in the Angelique Thompson case. Attorneys for Ms. Thompson were Lee Whitman and Sarah Johnson. Mr. Whitman made argument for the petitioner and Mr. Shenton made argument for the Board staff. Mr. Shenton and Mr. Boyer were not present during the Executive Session which followed the Oral Arguments. Ms Karen Long counseled the Board during the deliberations. The Board gave instructions to Ms Long for preparation of the Board's decision. Dr. Goodin made a motion to accept the corrections to the minutes. The motion was seconded and carried unanimously. Dr. Karlson made a motion to approve the minutes as corrected. The motion was

seconded and carried unanimously.

**Treasurer's Report:**

Ms Samuels reported that as of June 30, 2008, there was \$22,820.97 in the checking account and \$24,469.20 in the money market account making a total of \$47,290.17 in the bank accounts. Total assets were \$52,599.43. The total accounts payable was -\$1411.36 due to a bill being paid twice in error. The Profit & Loss Budget vs Actual showed -\$46,480.90 which was reflected in the increase in legal fees. The budget for July 2008 – June 2009 was presented. Following a discussion by the Board, Ms Mitchell made a motion to accept the budget. It was seconded and carried unanimously.

**Executive Director's Report:**

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

- Attended a NCRSC sponsored Respiratory Care Manager's meeting held in Greensboro on June 12, 2008 to discuss concerns about the Position Statement, "The Provision of Respiratory Care and its Relationship to the Provision of Respiratory Care Equipment in the Home," and the proposed Polysomnography licensure Bill.
- Met with Representative Wainwright and the AASM's lobbyist, Mr. Pulley, on June 25 at the legislative office building to discuss the proposed polysomnography registration bill. Mr. Boyer also met with Representative Tolson the same day and informed him of the Board's concerns.
- The Education Committee met on June 16, 2008. The Practice Committee's Home Care Subcommittee met on June 18, 2008. The Practice Committee met on July 10, 2008. Any recommendations from these committees will be presented during their Committee Reports.
- The Board's Investigators have completed 20 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. The Board's Investigators have completed 15 investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on July 9, 2008. There are currently 5 ongoing investigations.
- As of June 30, 2008: there have been 5700 Respiratory Care Practitioner Licenses issued. Totals: 4092 Active, 50 Inactive, 1 Temporary, and 72 Provisional. There are currently 43 Respiratory Care Assistant Registrations. There are 50 pending applicants, 83 Failed to Complete Applications, 1253

expired licenses, 29 practitioners deceased, 33 withdrawn applications, 6 voluntarily surrendered licenses, 22 revoked licenses, and 9 denied applications.

- Mr. Boyer submitted the Draft Reports, as required by NC General Statute 90-652(10) and 93B-2, to the Board for review and asked for any comments, corrections or items to be included in the reports by July 15, 2008.

**Ethics Committee Report:** Dr. Goodin reported that most of the Board members have attended the required Ethics training meeting. Dr. Frazier will attend the August meeting.

**Practice Committee Report:** Dr. Karlson reported that the Committee met on July 10, 2008.

There was a request from Tammy Creed, RCP and Laurie Hunt, RCP of Randolph Hospital for the Board's position on RCP's administering atropine and Lopressor during stress testing. The committee recommended modifying the declaratory ruling of January 6, 2005 to include these medications. Following a discussion by the Board, the motion passed unanimously.

The committee discussed the Position Statement: "The Provision of Respiratory Care and its Relationship to the Provision of Respiratory Care Equipment in the Home". The committee presented three options: rescind the document, accept the document without modifications, or modify the statement. Following a discussion by the Board and the Public, it was decided to consider a fourth option which would be to suspend the document until the committee could do more revision. Dr. Karlson made a motion to suspend the current document pending further revision and discussion with the Board of Pharmacy regarding durable medical equipment. The motion was seconded and passed unanimously.

There was a request from the NC Hospital Association to endorse the AARC's Position Statement on Polysomnography as the official position of the Board. Following a discussion by the Board and the public, it was decided that the request should be tabled for the committee to review the request.

The committee discussed the proposed House Bill to register Polysomnographic Technologists. There was a discussion by the Board and the Public. The proposed

House Bill will come back into the long session of the General Assembly.

There was a request from Vanessa Judge, RCP of Presbyterian Hospital, for the Board to address the safe work loads that a RCP may perform. There also was a request from Dan Grady, RCP of FirstHealth Moore Regional, to endorse the AARC's Uniform Reporting Manual as the official position of the Board. Mr. Grady presented the time standards and staffing system. Following a discussion by the Board and the public, the committee made a motion to recommend endorsement. The motion passed unanimously.

There was a request from Wendy Yates of Respirationics to allow RCP's licensed in other states to perform orientation and competency evaluations of North Carolina licensed RCP's without being licensed in North Carolina. The request was sent to all fifty Boards. Following a discussion by the Board and the public, it was decided to ask Respirationics to provide more information about the competency evaluations.

**Education Committee Report:**

Mr. Croft reported that the committee met in conjunction with the NCARE Rocking Chair Conference on June 16, 2008 in Greensboro. The committee discussed the RCA Ruling, Provisional license procedures, and the new CE Preceptor program. Kim Clark announced that Dr. Joe Coyle will be a full-time faculty member at UNC Charlotte for the BSRT program. Concerns were expressed over the excessive requirements and responsibilities that are expected from educators in regards to many of the rules. Mr. Croft explained that they were being provided with information from an educational perspective.

**Rules Committee Report:**

There was no report.

**Investigation and Informal Settlement Committee:**

Ms Samuels reported that the committee met on July 9, 2008 and interviewed ten individuals. Five individuals did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

**Unfinished Business:**

There was none.

**New Business:**

Mr. Webb announced that the next Board meeting will be on October 9, 2008 at 10:00 AM at the Board office.

Dr. Goodin made a motion to enter into Executive Session. The motion was seconded and carried unanimously.

**Executive Session:**

\_\_\_\_\_ made a motion to enter into the Public Session. It was seconded and carried unanimously.

**General 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:

Sarah Meyers, RCP # 5008. Mr. Boyer will contact her counselor to verify that she is continuing her plan of treatment and receive reports accordingly. She is to be invited to the October committee meeting.

Craig Hawkins, RCP # 3292. Suspension of license for 3 months, to be invited to October committee meeting where he will provide a written plan for community service regarding his drug situation, monthly reports from the after care program, and random drug screening.

Crystal Bickford, RCP # 4813. Reprimand, \$500 discipline cost, and \$250 civil penalty.

Gregory Hidalgo, RCP # 4990. Summary suspension with permanent revocation.

Henry Richardson, RCP # 5016. Reprimand, \$250 discipline cost, and \$250 civil penalty.

Tera Beshears, RCP # 5061. Suspension of license for 6 months, \$500 discipline cost, and \$250 civil penalty.

Peggy Jenner, RCP # 3571. Reprimand, \$150 discipline cost, \$250 civil penalty.

Joseph Polino, RCP # 5631 (Pending). Approve application.

Travis Maher, RCP # 5561 (Pending). Approve application.

William Petty, RCP # 5479 (Pending). Deny application and notify the Maryland Respiratory Care Board.

Samuel Howard, RCP # 5057. Invite to October committee meeting.

Jantina McDougald, RCP # 4187. Reprimand, \$100 discipline, and \$250 civil penalty.

Frank Campbell, Jr., RCP # 3998. Invite to the October committee meeting. Mr. Boyer will inform him that he cannot practice respiratory care in NC until he comes before the committee.

Michael Wirt, RCP # 890. No action necessary.

Wayne Shinkle, RCP # 5563 (Pending). Invite to October committee meeting.

Ashley Jones, RCP # 3352. Approve request for expungement.

Dave Decady, RCP # 117 (Expired). Complete three hour ethics class, write 1000 word paper on why respiratory therapists should not write prescriptions for themselves, paper to be reviewed by Mr. Boyer and the Board.

\_\_\_\_\_ made a motion to adjourn. It was seconded and carried unanimously.

**Adjournment:**

The meeting was adjourned at \_\_\_\_\_ PM.