

North Carolina Respiratory Care Board
July 12, 2007
Meeting Minutes

Members Present:

Joseph Coyle, MD
Timothy Safley, RCP
Sherry Samuels
Margaret A. Mitchell, RRT, RCP
Thomas Goodin, MD
Karl Karlson, MD
Ralph Webb, RRT, RCP
William Croft, RRT, RCP
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 9:30 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.

Resignation:

Dr. Coyle reported that Lisa Fox had submitted her resignation. The Board will need a Public member. Dr. Coyle asked the Board and Public to submit any names to Mr. Boyer.

Approval of Minutes:

Dr. Coyle presented the minutes from the April 12, 2007 Board meeting. Dr. Karlson made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Dr. Coyle presented the treasurer's report. There is \$34,324.31 in the checking account and \$77,911.77 in the money market. Total assets are \$116,963.62.

Mr. Boyer presented the proposed budget for July 2007 – June 2008. The current cash reserve is \$100,000.00. Dr. Karlson made a motion to accept the proposed budget. It was

seconded and passed unanimously.

Executive Director's Report: Since the last Board meeting, Mr. Boyer has completed the following:

- The Practice Committee met on June 11, the Sleep Technology Subcommittee met on June 15, and the Education Committee met on June 15. Any recommendations from these committees will be presented during their respective reports.
- Mr. Shenton will report on the ongoing lawsuit, NCRCB vs Kights Medical, during the executive session.
- Annual reports were completed and delivered to the Governor, the General Assembly, the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee.
- The Board's Investigators have completed seventy-nine visits and /or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Thirteen facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed fourteen investigations that were scheduled for interview with the Board's Investigation and Informal settlement Committee on July 11, 2007. There are currently five ongoing investigations.
- As of June 30, 2007, there have been 5297 Respiratory Care Practitioner Licenses issued. Totals: 3945 Active, 49 Inactive, 4 Temporary, and 97 Provisional. There are currently 48 Respiratory Care Assistant Registrations. There are 93 pending applicants, 1029 expired licenses, 24 practitioners deceased, 19 withdrawn applications, 4 voluntarily surrendered licenses, 4 summary suspensions, 20 revoked licenses, and 8 denied applications.

Ethics Committee Report: Dr. Goodin presented the education meeting schedule for July. He reminded the Board members that they must attend an education meeting before the end of the year.

Practice Committee Report: Dr. Karlson reported that the committee met on June 11.

- Presented a draft Declaratory Ruling for the Breath of Life Center in Cary. Following a discussion by the Board, the committee recommended approving the ruling. The recommendation was unanimously approved. The Breath of Life Center has 90 days to comply with the ruling.
- Discussed a request from Heather Anthony, RCP from Howell's Child Care Center, concerning LPN's

providing respiratory care. There was a discussion by the Board expressing concern with this practice. Dr. Goodin made a motion that Mr. Boyer and Mr. Shenton should meet with the Board of Nursing and express the concern. The Board would like assurance from the Board of Nursing regarding training and competency. The motion was seconded and passed unanimously.

- Discussed a request from Jimmy Phillips, RCP at Catawba Valley Medical Center, requesting interpretation of license laws concerning out of state transports. Following a discussion by the Board, it was decided to table the request and return it to the committee. Mr. Boyer will discuss the issue with neighboring states at the national meeting in Kansas in September.
- Discussed a request from Board staff that the Board change its policy to require the completion of fingerprinting and payment of fees before a license may be issued. A number of licenses have been issued over the past year to applicants who did not respond to repeated requests to complete the background packets. The Board has revoked numerous licenses as a result of the failure of the licensees to complete the requirement. Following a discussion by the Board, Ms Mitchell made a motion to add “and returned to the Board” after the word “completed” in the second sentence of number nine in the policy. The motion was seconded. The recommendation passed unanimously with the amendment.
- Discussed a request from Terry Smith, RCP of Mission Hospitals, asking the NCRCB to denounce Concurrent Therapy. Following a discussion by the Board, the committee recommended endorsing the AARC’s White Paper on Concurrent Therapy. The recommendation passed unanimously.

**Sleep Technology
Subcommittee Report:**

Mr. Croft reported that the subcommittee met on June 15.

- Discussed House Bill 143 and House Bill 2015. Representatives from the NC Association of Sleep Technologists were present to discuss their Bill, HB 2015. The subcommittee did not have a problem in supporting HB 2015 in lieu of HB 143 provided that certain provisions were made and approved by the Board. The Board will support HB 2015 with the changes. There will be two levels of technologists, RCP’s may continue to do Sleep, and a RCP will have a seat on their committee. It is very unlikely, given the

time frame, which either House Bill will move further along.

- Discussed changes to the declaratory ruling for sleep technologists. A modified ruling will be presented at the next Board meeting.

Education Committee Report:

Mr. Croft reported that the committee met on June 15.

- The BSRT program will begin this fall.
- The current declaratory ruling for RCA's was reviewed and there were no recommendations for changes.
- As of July 1 the number of required CE's is twelve.
- The practice of proper credential usage and maintenance was discussed. Everyone may need to be reminded of the required use of RCP as well as the CE requirement for maintaining the CRT and RRT credential for those individuals credentialed after July 1, 2002.
- There is a three year time limit for new graduates to take the RRT exam. If they fail to take and pass it within three years, they will be required to take the CRT again to be eligible. Some CE's approved by the Board for renewal does not count towards maintaining the NBRC credential.
- The committee recommended a change to the Advanced Practice Rulings concerning continuing education. "The RCP must comply with the continuing education requirements of 21 NCAC 61 .0401 of which a minimum of five hours of continuing education must be directly related to the advanced care procedures provided. The RCP is required to notify the Board annually that he or she provides advanced care procedures. All continuing education performed must be approved as outlined in 21 NCAC 61 .0401." The recommendation passed unanimously.

Rules Committee Report:

Mr. Webb reported that the Rules Review Commission met on June 28 and approved the changes to 21 NCAC 61 .0401. The Rule was effective July 1. The Board's website and forms have been updated to reflect the changes.

Following a discussion by the Board on House Bill 1381, Proposed Committee Substitute, Dr. Coyle made a recommendation that the Board only ask for increases in fees.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on July 11 and interviewed eight individuals. Six 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. Boyer presented a proposal for moving the Board office to a new suite in the same building. There was a discussion by the Board. This will be dependent upon the General Assembly's approval of increasing fees.
- There was a discussion regarding the Ethics Education Class. Mr. Boyer will ask the Ethics Board to see if the class can be done on the web.
- Dr. Coyle announced that the next Board meeting will be at 9:30AM on October 11, 2007 at the offices of Poyner and Spruill.
- Other New Business:** House Bill 720 changes the names of the Division of Facility Services and the Commission for Health Services.
- Mr. Webb made a motion to enter into Executive Session. It was seconded and passed unanimously.
- Executive Session:** Dr. Karlson made a motion to enter into General Session. It was seconded and passed unanimously.
- General Session:** Mr. Shenton suggested that case of Angelique Thompson be turned over to the Office of Administrative Hearing for adjudication. Dr. Karlson made a motion to refer the case of Angelique Thompson to the Office of Administrative Hearing for adjudication. . It was seconded and passed unanimously.

Hearing for Lori Green – License # 4962

Ms Green 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.

Hearing for Victoria Weatherford – License # 4959

Ms Weatherford 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.

At 2:09 Dr. Karlson made a motion to enter into Executive Session. It was seconded and passed unanimously.

Executive Session:

At 2:10 Dr. Karlson made a motion to enter into General Session. It was seconded and passed unanimously.

General Session:

Dr. Coyle announced that the licenses of Lori Green and Victoria Weatherford were revoked.

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:

Warren Freeman, RCP # 3921. Summary Suspension and Revocation, \$1050.00 discipline, and \$250.00 civil penalty.

Kimberly Hefner, RCP # 4520. Reprimand, \$500.00 discipline, and \$ 250 civil penalty.

Richard Chua, RCP # 5186 Pending. Approve licensure.

Jason Ward, RCP # 3360. Reprimand, \$ 100.00 discipline, and \$250.00 civil penalty.

Timothy Matheson, RCP # 4989. Reprimand, \$100.00 discipline, and \$250.00 civil penalty.

William Vaughan, RCP # 5021. Voluntarily surrendered license.

Kristy Pope, RCP # 3778. Letter of Concern.

Julene Greene, RCP # 2403. Invite licensee for a October committee interview.

Fredrick Mulcahy, RCP # 4821. Reprimand, \$100.00 discipline, and \$250.00 civil penalty.

Kristen Harrell, RCP # 4708. Pass CRT, Reapply for licensure, probation until December 31, 2008 or one year from issue date of license whichever is later, continue to report to human services and follow their plan of treatment, random drug screening, and \$250.00 discipline.

Stephen Newman, RCP # 5043. Letter of Concern.

Phillip Bland. \$200.00 discipline, and \$250.00 civil penalty.

Daniel Short, RCP # 4804. Reprimand, \$100.00 discipline, and \$250 civil penalty.

Erica East. Approve application. License # 5282

William Worth. Deny licensure # 5301.

Kathy White, RCP # 2180. Expunge Reprimand.

Robert White IV, RCP # 1325. Deny expungement.

Bradley Dotson, RCP # 3029. Expunge Reprimand.

Dr. Karlson made a motion to adjourn. The motion was seconded and passed unanimously.

Adjournment:

The meeting was adjourned at 2:15 PM.