

**North Carolina Respiratory Care Board**  
**Meeting Minutes**  
**July 14, 2011**

**Members Present:**

Ronald Perkin, MD  
Sherry Samuels  
Dan Grady, RCP  
Joseph Coyle, MD  
Kimberly Clark RCP  
Kimberly Roseman

**Others Present:**

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

**Absent:**

Timothy Safley, RCP  
Edward Bratzke, MD

**Call to Order:**

Dr. Coyle called the meeting to order at 10:02 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.

Dr. Coyle reminded the audience to hold their comments or questions until the end of the committee reports and Board member discussion. The Chair will recognize and ask for public comments at that time. Dr. Coyle requested that all cell phones and beepers be put on silent mode.

**Approval of Minutes:**

Ms Samuels presented the minutes from the April 14, 2011 Board meeting. Mr. Grady made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

**Treasurer's Report:**

Mr. Boyer reported that as of June 30, 2011, there was \$32,863.23 in the checking account and \$40,569.84 in the money market account making a total of \$73,433.07 in the bank accounts. Total assets are \$76,761.00 and total liabilities are \$76,761.00. The annual audit will be done in

August by Lindy Faulconer of Koonce, Wooten, and Haywood, LLC and the report will be presented at the October meeting. The Profit and Loss shows a positive income for the year. The proposed budget for next year shows a positive net income. Dr. Perkin made a motion to accept the proposed budget. The motion was seconded and carried unanimously.

**Executive Director's Report:** Mr. Boyer reported on the events that had occurred since the last Board meeting.

- The Practice Committee met on June 24, 2011. All recommendations from the committee will be discussed during the committee report.
- The Education Committee, Rules Committee, and the Ethics Committee have not met.
- The General Assembly adjourned on June 18, 2011. The President Pro Tem has not, as of yet, appointed a replacement for Bill Kiger's seat but may do so after the General Assembly convenes on July 13, 2011.
- Mr. Boyer gave a Licensure Update Presentation at FirstHealth Moore Regional on June 23, 2011.
- Dr. Coyle and Mr. Boyer will be attending the annual NBRC Licensure Liaison conference to be held in Kansas City, KS on September 9 – 11. They will report on the conference at the October Board meeting.
- The Board's Investigators have completed 39 investigations. Twelve individuals were scheduled for interviews with the Board's Investigation and Informal Settlement Committee on July 13, 2011. There are currently 5 ongoing investigations.
- As of June 30, 2011: there have been 6719 Respiratory Care Practitioner Licenses applied for. Current Totals: 4445 Active, 50 Inactive, 2 Temporary, and 52 Provisional. There are currently 4 Respiratory Care Assistant Registrations. There are 52 pending applicants, 1810 expired licenses, 132 failed to complete, 41 practitioners deceased, 49 withdrawn applications, 6 voluntarily surrendered licenses, 28 revoked licenses, and 14 denied applications.

**Ethics Committee Report:** There was no report.

**Practice Committee Report:** Dr. Coyle reported that the Committee met on June 24, 2011 at the Board office to review the following:

- Discussed a request from Dan Grady, RCP of Mission

Hospitals, to approve a Position Statement concerning Ventilator Adjustments. Mr. Grady had conducted an informal survey of respiratory care practitioners which identified some areas of concern in regard to adjustments being made to operating ventilators. Dr. Coyle read a draft Position Statement that had been prepared at the direction of the Practice Committee. Following a discussion by the Board and the Public, the Committee recommended approval of the Position Statement. It was passed unanimously.

- Discussed a request from Amy Trees, RCP, to add language to the Position Statement – “Provision of Respiratory Care Services outside the Hospital,” to specifically include pulmonary function testing, spirometry, and cardio-pulmonary diagnostic testing. The Position Statement was adopted at the April 14, 2011 Board meeting. The Board answered questions from the Public. The Committee recommended approval of the added language to the Position Statement. It was passed unanimously.
- Discussed a recommendation from Dan Grady, RCP of Mission Hospitals, to amend Board Rules to adopt by reference the AARC’s Uniform Reporting Manual. Mr. Grady presented the basic question of what metrics are used to determine staffing levels. Mr. Grady reported that the managers group in North Carolina has discussed this issue and stated that there are a variety of metrics that are being used to compare departments to help determine things like, productivity and staffing requirements for departments. He also reported that an informal survey of respiratory care managers had been conducted statewide which had identified staff coverage issues that result from use of some of the measuring tools used to assess staffing needs. It was noted that the Board has already adopted a Resolution endorsing the AARC’s Uniform Reporting Manual. Mr. Grady recommended referring this issue back to the Practice Committee. Mr. Shenton discussed some potential issues relating to the Board’s statutory authority to adopt rules that would establish staffing level requirements in hospitals and other organizations providing respiratory care. He noted that the Department of Health and Human Services has the statutory power to license many of the facilities in which RCP’s practice and to establish the standards for operation of those facilities, including staffing. There was a discussion by the Board and the Public concerning the patient care issue. The Board decided

to refer this issue to the Department of Health and Human Services as a concern from the Board and ask for their guidance. Mr. Shenton and Mr. Boyer will draft the letter to send to the Department of Health and Human Services. The Practice Committee will report on the follow up at the next Board meeting.

- Discussed the implementation of Board Rule 21 NCAC 61.0302 and possible recommendation to the Board for a grace period for RCP's who have let their NBRC credentials expire. As of July 1, 2002, the NBRC required RCP's to maintain their credentials. The Board Rule was implemented on June 1, 2011. The Committee recommended a 60-day grace period to allow RCP's to re-credential. The grace period would exist for one year. There was a discussion by the Board. Mr. Shenton also noted that the grace period would be a policy of the Board and would have no binding effect on hospitals and other organizations, which are free to adopt a stricter policy in regard to the continued employment of RCP's whose NBRC credentials have lapsed. Following a discussion by the Public and the Board, Dr. Coyle asked Mr. Shenton and Mr. Boyer to look into the possibility of dealing with this issue on an individual basis. The Committee made a revised recommendation to extend the grace period until the October Board meeting. The recommendation passed unanimously.
- Mr. Shenton reported to the Board concerning the "Regulatory Reform Act of 2011." This Act was vetoed by the Governor and the Senate has overridden the veto. The House will vote at a later date. He noted that if this Bill does become law, every State agency, board, commission, or other body with rule-making powers will be required to deliver to the Joint Select Regulatory Reform Committee of the General Assembly no later than October 1, 2011, a list of all permanent rules adopted by the body and certain specific information about whether each rule is mandated by a federal or state law; and also institute a regular annual review of rules. This Bill also would introduce new requirements for future rule making including submission of an economic impact statement. He also noted that there is a provision that would affect declaratory rulings such as those issued by the Board in the past. If the denial of a declaratory ruling were appealed, the Board would be limited to the written reasons given in justifying its actions.

- Mr. Shenton presented a draft introduction to all of the Board's Position Statements to be posted on the Board website. This introduction would explain the nature and limitations of all of the Board's position statements. Dr. Perkin made a motion to approve the document. The motion was seconded and passed unanimously.

**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 July 13, 2011 and interviewed six 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:**

There are requirements to report annually to the Governor and to the Office of State Budget and Management summaries of the Board's activities and financial report. Dr. Perkin made a motion to approve the reports. The motion was seconded and passed unanimously.

There were no concerns or issues from the Board or the Public.

Dr. Coyle announced that the next Board meeting will be on October 13, 2011 at 10:00 AM.

**Other New Business:**

Dr. Coyle reminded Board members to read the CAC newsletter and the AARC's State Government Affairs Activity Report.

Mr. Grady made a motion to enter into Executive Session to discuss disciplinary actions from the Investigation and Informal Settlement Committee and to do Board staff evaluations.

**Executive Session:**

Mr. Grady made a motion to enter into Public Session. The

motion was seconded and passed 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:

Lauren Doyle License # 5125. Reprimand, \$250 disciplinary cost, \$250 civil penalty, and 90 days to pay.

Linda Justice License # 2644. Invite to the October interview.

Elizabeth Davis License # 3718. Reprimand, \$250 disciplinary cost, \$250 civil penalty, and 90 days to pay.

Christina Powell License # 5678. Notify Wisconsin of her Consent Order and failure to pay fines.

Thomas Beckom License # 1700. Revocation. Schedule for Hearing with option for a informal interview.

Mindy Carringer License # 5001. Reprimand, \$250 disciplinary cost, \$250 civil penalty, 90 days to pay, and submit 12 CE's for the current year.

David Rhodes License # 5111. Invite to the October interview.

Devon Williams License # 6367. Proposed arrangement approved by the Board.

William McEntire License # 6532 Pending. Approve Provisional license until completion of 12 month Probation, attend formal alcohol abuse treatment program, random drug screens, and quarterly reports from the program to the Board.

Contessa Hill License # 5472. Invite to the October interview.

Roy Stepp License # 6060. Reinstate license, and \$150 disciplinary cost.

Tammy R. McFarland License # 1280. Proposed arrangement approved by the Board.

### Expungements

Brad Allen License # 3369 Approved.

Kimberly Hefner License # 4520 Approved.

Ms Samuels made a motion to adjourn. The motion was seconded and passed unanimously.

### **Adjournment:**

The meeting was adjourned at 1:28 PM.