

North Carolina Respiratory Care Board
July 3, 2003
Meeting Minutes

Members Present:

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

Others Present:

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

Absent:

Nancy Hall

Call to Order:

Dr. Coyle called the meeting to order at 1:00 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.

Approval of Minutes:

Ms. Fleming read the minutes from the April 2, 2003 Board Meeting. Mr. Shenton stated that a correction needed to be made. There was a motion to go into Executive session and a motion to return to the General session. The motion to adjourn was made from the General session. Dr. Rubin made a motion to accept the minutes as corrected. The motion was seconded and passed unanimously.

Treasurer's Report:

Ms. Fleming read the Treasurer's report into the minutes. The profit & loss report for the second quarter shows a loss of \$771.41, which is significantly less than expected. The current balance in the checking account is \$24,560.17 and the current balance in the money market account is \$85,255.94.

- Executive Director's Report:** Since the last Board meeting, Mr. Boyer has completed the following:
- Presented NCRCB Update to 35 participants at the Greensboro AHEC sponsored Respiratory Care Conference on June 10, 2003.
 - Attended a Board of Pharmacy Hearing on April 15, 2003, concerning a company operating without appropriate pharmacy licenses and having individuals practicing without RCP licenses.
 - Presented information to the Medical Care Commission at a public hearing on May 21, 2003, concerning the language in their Temporary Rules. In a letter, Mr. Shenton outlined the Board's concerns and suggested changes to these rules. It was well received by the Commission.
 - Visited 1 facility in response to complaints concerning persons that may be practicing without a license and 4 facilities for complaints alleging a violation of Board rules.
 - Attended several committee hearings for House Bill 1257. It has been approved by the House and at this time it is in the Senate.

As of June 30, 2003, there have been a total of 3392 licenses issued to applicants. There are 3225 Active licenses, 5 Inactive licenses, 162 Provisional licenses, 50 Pending applications, 27 expired licenses, 5 practitioners deceased, 4 withdrawn applications, 1 surrendered license, and 3 denied applications.

As of July 3, 2003, 545 renewals have been processed and there are 24 are in pending status.

Mr. Boyer will be attending NBRC licensure liaison meeting on September 19 and 20 in Kansas City, MO.

There has been no response from the Old North State Society to appoint a physician to the Board.

Introduction of Counsel: Dr. Coyle recognized and introduced Ms Judith Tillman from the Attorney General's Office as additional counsel.

Ethics Committee Report: No report.

Dr. Rubin and Mr. Croft will meet at the conclusion of the Board meeting to review the Code of Ethics and recommend any changes to the Board Chair.

Practice Committee Report: The committee met to discuss questions that are now the subject of declaratory rulings. There is a complaint against Sleep Works in Rocky Mount for allowing their sleep tech trainees to work without direct supervision. Sleep Works has asked for a declaratory ruling to allow their trainees to work with indirect supervision. Dr. Rubin stated that there is already a declaratory ruling addressing supervision of sleep tech trainees. They must be under direct supervision. Following a discussion by the Board, Mr. Boyer was charged with notifying Sleep Works of the Board's decision.

There was a request for a declaratory ruling on Conscious Sedation. Mr. Phillips of Catawba Valley Medical Center requested approval for RCP's to administer conscious sedation for certain respiratory procedures. The committee recommended approval of this declaratory ruling. The guidelines for RCP's who administer conscious sedation are very strict and the declaratory ruling is very detailed. Following much discussion by the Board, Ms Mitchell made a motion to remove the statement requiring the RCP to register with the Board and provide documentation in order to administer conscious sedation, and to add a statement requiring the institution to maintain the documentation and compliance competency. The motion was seconded. Dr. Coyle postponed the declaratory ruling until the Board sends it to the Medical Board for their review.

There was a request from New Hanover Health Network to exempt Exercise Physiologists. Dr. Coyle postponed the ruling until the Board receives more documentation on the exam matrix.

Dr. Rubin presented a Position Statement on Electrocardiograph Technicians. The committee made a recommendation to accept the Position Statement. The recommendation was approved unanimously.

Rules Committee Report: Dr. McIntyre stated that the committee will need to meet before the next Board meeting if the General Assembly approves the changes to the Respiratory Care Act.

Investigation and Informal Settlement Committee: Ms Mitchell reported that 3 licensees were interviewed prior to the Board meeting and that any disciplinary actions are pending and awaiting the executive session. The policy for expunging a licensee's record states that "after a lapse of sufficient time" and documentation of satisfactory performance by a licensee that was subject to prior discipline, the licensee's record should be expunged from his/her file. The committee made a recommendation that it be changed to read

“after a minimum of one year”. Following a discussion by the Board, the recommendation was approved unanimously.

Unfinished Business:

Nursing Assistants

The Board of Nursing notified the Board that It hasn't had sufficient time to review this declaratory ruling. There was a discussion by the Board and the public. Dr. McIntyre made a motion to add “The Board finds that since NA II's are not specifically educated to perform these procedures and these procedures are not currently approved by the North Carolina Nursing Board for NA II's, the Respiratory Care Board does not condone their performance by NA II's at this time.”

There was a second to accept the amendment and it passed unanimously. Dr. McIntyre made a motion to accept the declaratory ruling as amended. It was seconded and passed unanimously.

New Business:

There was a request from Carolinas Medical Center to be allowed to use Photofrin, a photosensitizing agent that is absorbed by cancerous lung cells. There was concern that if this medication isn't FDA approved, then it should be administered under specific IRB approved protocol. Mr. Boyer was charged with responding to them.

Mr. Shenton reported on the HIPPA privacy rule. He suggested that the Board have an authorization form for a complainant to complete to authorize an institution or practitioner to disclose information to the Board and to the attorneys of an institution or practitioner. Mr. Boyer was charged to follow up on this.

Dr. Coyle reminded Board members, except for Mr. Mann and Ms Hall that their appointments will expire before the next Board meeting. The appointing person or body needs to be notified. Letters of appointments need to be given to Mr. Boyer.

The next Board meeting is on October 2, 2003. The Board voted to meet at 10:00 am in Wrightsville Beach at the Holiday Inn Sunspree.

Other New Business:

Licensing Hearing for Autumn Larson – License # 3033

Dr. Coyle explained that this is a public hearing which will be taped. If any Board member has a conflict, they should refrain. Neither Ms Larson nor any representative was present for the hearing. Mr. Boyer was sworn in as the only witness. Mr. Shenton was the prosecuting attorney. Evidence as well as exhibits were presented. Mr. Shenton recommended the revocation of Ms Larson's license.

Executive Session:

At 3:05 Mr. Webb made a motion to go into Executive Session. It was seconded and passed unanimously.

Mr. Webb made a motion to return to the General Session. It was seconded and passed unanimously.

General Session:

Dr. Coyle announced the decision of the Board to revoke Ms. Larson's RCP license.

Adjournment:

Having no further business the meeting was adjourned at 3:35 PM.