

North Carolina Respiratory Care Board

Meeting Minutes

July 7, 2005

Members Present:

Joseph Coyle, MD
Mary Lou Fleming
Nancy M. Hall
Margaret A. Mitchell, RRT, RCP
William Croft, RRT, RCP
Lisa Fox
Wayne Beauford, MD

Others Present:

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

Absent:

Ralph Webb, RRT, RCP
Thomas Goodin, MD
Bruce K. Rubin, MEngr, MD

Call to Order:

Dr. Coyle called the meeting to order at 10:06 AM.

Initial Notices:

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:

Dr. Coyle presented the minutes from the April 7, 2005, Board meeting. Ms Fleming made a motion to approve the minutes of the meeting as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Ms Fleming presented the Board's Budgeted vs. Actual revenues and expenses. She reported that the total assets are \$101,086.82. Mr. Boyer stated that the Profit and Loss statement did not reflect the online renewals which were an additional \$12,000. This correction will be made to the statement and forwarded to the Board members. Ms Fleming then presented the budget for the next fiscal year. Following a discussion by the Board, Mr. Croft made a motion to approve the budget for next year. It was seconded and carried unanimously.

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

- Met with Jeff Horton, Chief of the Licensure and Certification Section of the Division of Facility Services, on June 13, 2005, to discuss possible regulation of independent sleep labs through DFS. Mr. Horton will present the request to the Department of Health and Resources. They also discussed Senate Bill 42, Edition 2.
- Mr. Boyer and Ms Green have completed 48 visits to facilities to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Six facilities and/or individuals were found to be out of compliance. There are 2 ongoing investigations.
- The Sleep Technology Subcommittee met on April 28 and June 15, 2005. The Rules Committee met on June 22, 2005, and the Practice Committee met on June 28, 2005. Any recommendations from these committees will be presented during their reports.
- Linwood Faulconer, CPA from the firm Koonce, Wooten, and Haywood, CPA, met with Mr. Boyer at the Board office on June 29, 2005 and began the audit of the Board's books.
- As of June 30, 2005: There have been 4424 Respiratory Care Practitioner Licenses issued. Totals 3608 Active, 47 Inactive, 3 Temporary, and 83 Provisional. There are currently 85 Respiratory Care Assistant Registrations. There are 58 pending applicants, 573 expired licenses, 14 practitioners deceased, 19 withdrawn applications, 1 voluntarily surrendered license, 3 revoked licenses, 3 suspended licenses, and 6 denied applications.

Ethics Committee Report: There was no report.

Practice Committee Report: Dr. Coyle presented the report. He thanked the Sleep Technology Subcommittee for its work. The Subcommittee proposed a draft Declaratory Ruling to the Practice Committee regarding the current Declaratory Ruling on polysomnographic staff. The Practice Committee endorsed the draft. It was recommended to establish a Polysomnography Technician level credential that would require six months of direct patient care, one year of post secondary education in an accredited sleep program, and that those individuals pass an exam to be approved by the Board. Those technicians would be allowed to practice sleep technology with general supervision. General supervision means the supervising RPSGT or RCP is

available for supervision and consultation to the technician. This may be by telephone or in person. If required, the supervisor must be readily available by telephone and able to respond on-site. The supervising RCP must have taken and successfully passed the same Board approved Polysomnographic Technician certification exam. Mr. Croft added a clarification stating that the trainee will be under direct supervision of a trained supervisor. Following a discussion by the Board and the Public, the committee recommended approval of the ruling. Ms Mitchell seconded the recommendation, and it carried unanimously.

The next request was from Rick Sells at NC Baptist asking the Board to review the qualifications of Transport Technicians in regards to exempting them from the requirements for licensure and to allow them to set up oxygen and monitor its use during patient transports. The committee recommended that a ruling be drafted for review at the next committee meeting and that no action be taken at this time.

There was a request from Sheila White and Kathy Short at UNC and Rick Sells at NC Baptist about changes to the ECMO Ruling and the Advance Practice Ruling regarding the number of hours of CE's for persons that provide both. The committee recommended that the additional CE's be required for the calendar year 2006 forward, that the rulings be changed to allow ACLS, PALS, and NRP to be counted toward the total CE requirement, and to change the three-year experience requirement after RRT exam passage to two years. Following a discussion by the Board and Public, Ms Mitchell seconded the recommendation. The motion carried unanimously.

There were two requests that were tabled at the last Board meeting. The first was a request for clarification by Don Mabe at CMC-Mercy concerning a JCAHO interpretation of the Respiratory Care Practice Act that would not allow RCP's to have access to medications secured in accordance to the hospital's policy. The Board has not received the information from Mr. Mabe and JCAHO to complete the request for interpretation.

The second request was from Ronnie Reynolds at New Hanover regarding EMT's providing general floor respiratory care under direct RCP supervision. The original Declaratory Ruling did not approve the practice of respiratory care outside the EMS by EMT's. The Board has not received the information from Mr. Reynolds and New Hanover OEMS to complete the request for interpretation.

Rules Committee Report:

Dr. Coyle asked Mr. Boyer to describe changes to the Board's rules. The Rules Review Commission approved changes to 21 NCAC 61 .0305 Inactive Status, which is effective June 1, 2005, and 21 NCAC 61 .0308 Continuing Duty to Report, which is effective July, 1 2005. These rules are posted on the Board's website.

The committee will meet in August or September to discuss changes to 21 NCAC 61 0202 and 21 NCAC 61 .0103 concerning set up of respiratory care equipment by support technicians.

The committee will also discuss possible changes to 21 NCAC 61 .0202 and 21 NCAC 61 .0103 to include the language for exempting some credentialed health care providers. The language will be combined from the numerous declaratory rulings the Board has approved in the past.

Education Committee Report:

Mr. Croft presented an update from the Council for Allied Health in NC regarding job vacancy rates and an assessment of the workforce.

Appalachian State University and UNC Charlotte have expressed interest in the BSRT program. The goal is for this program to be provided through both traditional and distance learning.

Mr. Croft gave an overview of the Refresher Course which will be available for RCP's who have been out of practice for five or more years.

Investigation and Informal Settlement Committee:

Ms Mitchell reported that the committee met on July 6, 2005, and interviewed 11 individuals. Three 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:

Terry Smith of Mission Hospitals presented a request to change from an annual renewal to a two-year renewal period. There was a discussion by the Board and the Public. It was determined that this would require a change to the Law. The Board will keep this in mind to consider if the Practice Act is opened for other statute changes.

Dr. Coyle asked the Board to read the newsletter from the Board of Ethics.

Other New Business: There being no further business, Dr. Coyle recessed the meeting for lunch at 11:07 AM.

Executive Session: At 11:35 AM, Mr. Croft made a motion to go into Executive Session. The motion was seconded by Ms Fox and was carried unanimously.

At 1:20 PM, Mr. Croft made a motion to end the Executive Session for Hearings. Ms Fleming seconded the motion and it carried unanimously.

General Session: **Hearing for Thomas Y. Williams, Jr. – License # 3591**

Dr. Coyle explained that this is a public hearing which will be recorded. If any Board member has a conflict, they should recuse themselves from hearing the case. Dr. Coyle recused himself and Mr. Croft acted as the Board Chair.

Mr. Williams was not present and no one representing him was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer and Mr. Tom Nelson as Board witnesses.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing at the Board Office.

At the conclusion of the Hearing, Ms Fox made a motion to enter Executive Session. It was seconded by Ms Mitchell and carried unanimously.

Executive Session: After the conclusion of the Board's deliberations on the hearing, Ms. Fleming made a motion to end the Executive Session. Ms. Mitchell seconded the motion and it carried unanimously.

General Session: Mr. Croft announced that the decision of the Board is to permanently revoke the license of Thomas Y. Williams, Jr., License # 3591.

Hearing for Nicholas S. Chastain – License # 2930

Mr. Chastain was not present and no one representing him was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer and Ms Judy Green as witnesses for the Board.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing at the Board Office.

At the conclusion of the Hearing, Ms Fleming made a motion to enter Executive Session. It was seconded by Mr. Croft and carried unanimously.

Executive Session:

After the conclusion of the Board's deliberations on the hearing, Mr. Croft made a motion to end the Executive Session. Ms. Fox seconded the motion and it carried unanimously.

General Session:

Dr. Coyle announced that the decision of the Board is to permanently revoke the license of Nicholas S. Chastain, license # 2930.

Hearing for Craig A. Ditmars – License # 2701

Mr. Ditmars was not present and no one representing him was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer as a witness for the Board.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing at the Board Office.

At the conclusion of the Hearing, Mr. Croft made a motion to enter Executive Session. It was seconded by Dr. Beauford and carried unanimously.

Executive Session:

After the conclusion of the Board's deliberations on the hearing, Ms. Mitchell made a motion to end the Executive Session. Mr. Croft seconded the motion and it carried unanimously.

General Session:

Dr. Coyle announced that the decision of the Board is to permanently revoke the license of Craig A. Ditmars, license # 2930.

Hearing for Torie L. East – License # 3620

Ms East was not present and no one representing her was present. Mr. Shenton, Counsel for the Board, called Mr. Boyer as a witness for the Board.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing at the Board Office.

At the conclusion of the Hearing, Mr. Croft made a motion to enter Executive Session. It was seconded by Dr. Beauford and carried unanimously.

Executive Session:

After the conclusion of the Board's deliberations on the hearing, Ms. Fleming made a motion to end the Executive Session. Ms. Fox seconded the motion and it carried unanimously.

General Session:

Dr. Coyle announced that the decision of the Board is to permanently revoke the license of Torie L. East, license # 3620.

Adjournment:

Mr. Croft made a motion to adjourn the meeting. Dr. Beauford seconded the motion, and it carried unanimously. The meeting was adjourned at 3:04 PM.