

**North Carolina Respiratory Care Board
Meeting Minutes
July 9, 2009**

Members Present:

Arnold Frazier, MD
Timothy Safley, RCP
Sherry Samuels
Thomas Goodin, MD
Karl Karlson, MD
Ralph Webb, RRT, RCP
William Croft, RRT, RCP
Kimberly Roseman

Others Present:

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

Absent:

Margaret Mitchell, RRT, RCP
Wayne Beauford, MD

Call to Order: Mr. Webb called the meeting to order at 10:03 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 9, 2009 Board meeting. Mr. Croft made a motion to approve the minutes as written. The motion was seconded and carried unanimously. Mr. Webb presented the minutes from the Special Board Meeting held on May 18, 2009. Ms Samuels made a correction stating that she was present by phone. Dr. Goodin made a motion to approve the minutes with the correction. The motion was seconded and carried unanimously.

Treasurer's Report: Ms Samuels reported that as of June 30, 2009, there was \$38,419.92 in the checking account and \$55,084.66 in the money market account making a total of \$93,504.58 in the bank accounts. The Profit & Loss Budget vs Actual shows

total income is \$26,588 over budget and total expenses are \$10,693 under budget.

The budget for 2009 – 2010 is not complete and will be presented at the October Board meeting.

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

- Mr. Boyer attended a NCRSC sponsored Respiratory Care Manager's meeting in Williamston on May 15 to discuss the proposed Polysomnography Registration Bill and to inform the group of the change in license expiration dates.
- Mr. Webb and Mr. Boyer attended the NC Senate Health Care Committee meeting held on June 17. The committee met to consider HB 819 Polysomnography Practice Act and other health related bills. The committee found HB 819 favorable. The Bill was referred to the Senate Finance Committee for consideration.
- The Practice Committee meeting that was scheduled for July 8 was cancelled by Dr. Karlson. The Rules Committee and the Education Committee have not met.
- The annual reports required by NC General Statutes 90-652(10) and 93B-2 are due by July 15. Board members need to review these and submit any comments before July 15.
- The Board's Investigators have completed 16 visits and/or investigations and 7 of these investigations were scheduled for interview with the Board's Investigation and Informal Settlement Committee on July 8. There are currently 2 ongoing investigations.
- As of June 30, 2009: there have been 6043 Respiratory Care Practitioner Licenses applied for. Current Totals: 4203 Active, 44 Inactive, 1 Temporary, and 85 Provisional. There are currently 17 Respiratory care Assistant Registration. There are 34 pending applicants, 1456 expired licenses, 104 Failed to complete, 31 practitioners deceased, 43 withdrawn applications, 5 voluntarily surrendered licenses, 1 summary suspension, 23 revoked licenses, and 13 denied applications.

Ethics Committee Report: Dr. Goodin stated there was no report.

Practice Committee Report: Dr. Karlson reported that the committee did not meet on July 8. He presented a communication regarding

Polysomnography legislation. Mr. Croft stated that there needs to be a document made as soon as the Bill passes so therapists are reassured what their role will be in sleep studies. RCP's with dual credentials will have to be licensed by the Board and registered with the Secretary of State. Dr. Karlson stated that had the committee met, the recommendation would be to table this until the legislation is passed.

The second request was from Terry Smith, representing the NCSRC, and Dan Grady, RCP concerning standards for managing Respiratory Care Departments. Mr. Smith presented an updated attachment to the document. Copies of the update will be given to the Board after the Executive Session. The document is patterned similar to the Nurse's Practice Act. Dr. Karlson stated that the Practice Committee will review the paperwork that will be provided by Mr. Smith and will address it at the October Board meeting.

Dr. Karlson recused himself from the discussion involving a request to interpret any concerns with RCP's altering physician orders as approved by protocols approved by the facility's Medical Staff. Following a discussion by the Board and the Public, Mr. Croft made a motion to clarify that protocols written in the scope of practice of respiratory care that any medication adjustment within that protocol that are appropriate in the guidelines are legal. Mr. Shenton stated that the task of the Board is to interpret the Practice Act and to determine whether individuals are within the scope of the Act. Mr. Croft's motion was seconded and passed unanimously.

Education Committee Report:

Mr. Croft reported that the 2015 committee released a document and asked that it not be discussed until the final document is presented. This should be available for the October Board meeting. It would still be a year away from the next conference which will finalize the 2015 guidelines.

The Board received 131 applications from students and will receive an additional 20 applications.

Overall, the number of applications for licensure is rising about 100 per year.

Rules Committee Report:

Mr. Safley stated that there was no report.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on July 8, 2009 and interviewed 8 individuals. One individual 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. John Kight asked for a copy of an informal email memo that Dr. Karlson presented during the January 8, 2009 Board meeting. He also wanted to know who was responsible for posting on the website the time and dates of the meetings. He asked if correspondence is included in the minutes that are posted on the website. Correspondence from individuals is not included in the postings. He was given a copy of the approved minutes from the January Board meeting that he had requested.

Mr. Webb stated that the next Board meeting will be held on October 8, 2009 at 10:00 AM at the Board office.

Mr. Terry Smith stated that he would not be the President of the NCSRC in October and asked if he could share copies of the documentation regarding the management of Respiratory Care Departments.

Dr. Karlson made a motion that the Board move into Executive Session. The motion was seconded and carried unanimously.

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

Public Session: Mr. Shenton proposed that the Board consider entering into Executive Session to discuss pending litigation. He re-introduced Ms Holloway with the Attorney General's office. Mr. Safley made a motion to engage the Attorney General's office for assistance in litigation matters. The motion was seconded and carried unanimously. Dr. Karlson made a motion to enter into Executive Session. The motion was seconded and carried unanimously.

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

Public Session:

Terry Smith presented the proposal for Administration of Respiratory Care Departments and would like for the Board to consider using this proposal as a guide for a position statement. There was a discussion by the Board and the Public. The Board will have to look specifically at the items that tie the statement to the Practice Act. Mr. Shenton cautioned the Board to consider telling a facility how they must organize their management. Dr. Karlson stated that the Practice Committee will look at the data and come up with a recommendation at the next Board meeting.

Mr. Smith thanked Mr. Croft for his efforts at the meeting held at the Legislative Building.

Dr. Goodin made a motion to enter into Executive Session to continue the Investigation and Informal Settlement Committee's findings. The motion was seconded and carried unanimously.

Executive Session:

Ms Samuels made a motion to enter into Public Session. The motion was seconded and carried 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:

David Carpenter, RCP # 5102. Probation for 12 months, quarterly reports from supervisor, \$250 disciplinary cost, and \$500 civil penalty.

Robert Strickland, RCP # 2994. Probation for 12 months, random drug screens, quarterly reports from supervisor, \$100 disciplinary cost, and \$100 civil penalty.

Sarah Ortt, License # 6012 Pending. Approve licensure.

James Papin, License # 4118 Pending. Grant license.

Sheila Godfrey, RCP # 1591. Allow license to expire.

Buffy Hilton, RCP # 556. Probation for 24 months, continue EAP, follow plan of treatment, random drug screens, quarterly reports from supervisor, \$100 disciplinary cost, and \$250 civil penalty.

James Gordon, RCP # 5620. Restore license contingent

upon conditions: psychological evaluation to determine fitness for work, results sent to the Board within 3 months, follow plan of treatment, reports from the therapist to the Board. Upon receipt of these items, probation with the following conditions: work only under direct supervision, notify the Board upon employment, within 6 months of employment re-interview with the Investigation and Informal Settlement Committee, and quarterly reports from supervisor.

Expungements:

Robert White, RCP # 1325. Approved.

Tammie Readling, RCP # 3730. Approved.

Darrell Pennington, RCP # 385. Approved.

Mr. Webb thanked Mr. Shenton for his work.

Dr. Frazier made a motion to adjourn the meeting. The motion was seconded and carried unanimously.

Adjournment:

The meeting was adjourned at 2:44 PM.