

North Carolina Respiratory Care Board
October 11, 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

Others Present:

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

Absent:

Wayne Beauford, MD

Call to Order:

Dr. Coyle called the meeting to order at 9:57 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.

Approval of Minutes:

Dr. Coyle presented the minutes from the July 12, 2007 Board meeting. Mr. Shenton made a correction to the minutes. On page 5 under General Session, the minutes should read, "Mr. Shenton proposed that the case of Angelique Thompson be turned over to the Office of Administrative Hearing for adjudication." There was a motion which was seconded and passed unanimously. Dr. Karlson made a motion to approve the corrected minutes. The motion was seconded and carried unanimously.

Treasurer's Report:

Mr. Lindy Faulkner presented the results of the audit for July 1, 2006 through June 30, 2007. The proposed increase in fees will take care of the increased cost of operating. The internal control was examined, not audited. Mr. Faulkner suggested that the Treasurer open the bank statements.

Ms Samuels presented the treasurer's report. There is \$42,430.89 in the checking account and \$108,513.72 in the money market account. Total assets are \$150,944.61.

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

- Attended the annual NBRC Licensure Liaison Meeting held September 7 - 8, 2007 in Kansas City.
- The Practice Committee met on September 11, 2007. The Rules committee met on September 6, 2007. Any recommendations from these committees will be presented during their respective reports.
- Mr. Shenton will report on the ongoing lawsuit, NC Respiratory Care Board vs. Kights Medical, during the executive session.
- The Board's Investigators have completed 84 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Twenty facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed 16 investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on October 10, 2007. There are currently ten ongoing investigations.
- As of September 30, 2007: there have been 5404 Respiratory Care Practitioner Licenses issued. Totals: 3884 Active, 49 Inactive, 11 Temporary, and 80 Provisional. There are currently 85 Respiratory Care Assistant Registrations. There are 123 pending applicants, 1165 expired licenses, 25 practitioners deceased, 29 withdrawn applications, 6 voluntarily surrendered licenses, 2 summary suspension, 22 revoked licenses, and 8 denied applications.

Ethics Committee Report: Dr. Goodin reminded Board members to sign up to attend one of the Ethics education classes. Mr. Boyer will contact the Ethics Board to confirm which Board members have completed the class.

Practice Committee Report: Dr. Karlson reported that the committee met on September 11, 2007 to review the following:

- Discussed a declaratory ruling for Robert V. Smith, RRT, RCP, to allow him to provide advanced respiratory care. Mr. Smith does not meet the ruling requirements in that he does not have a degree in Respiratory Care. The committee recommended

approval of the declaratory ruling. Following a discussion by the Board and the Public, on page two the last documentation was changed to: Documentation that Mr. Smith has completed “69” credit hours of college credit in respiratory care or related course work, “which is equivalent to an AA degree.” The period of time allowed for Mr. Smith to complete his degree was changed from “1” year to “3” years and the documentation date was changed from October 11, “2008” to October 11, “2010.” Mr. Croft made a motion to approve the changes. The motion was seconded and passed unanimously. Mr. Croft made a motion to approve the declaratory ruling with the amendments. The motion was seconded and carried unanimously.

- Discussed a request from Tim Safley, RCP and Dave Shockley, RCP concerning CPAP setups by non-RCP’s. The committee recommended tabling the request for further review by interested stakeholders and the committee and to be brought back to the next Board meeting. Following a discussion by the Board, a subcommittee will be created and chaired by Mr. Safley. A report will be presented to the Practice Committee.
- Discussed a request from Denise Fletcher, attorney for Itamar, for interpretation of statutes/rules concerning set up of Watch-PAT 100. The committee recommended endorsing the interpretative letter. Following a discussion by the Board and Public, the request was tabled. It will go back to the committee for a declaratory ruling.

**Sleep Technology
Subcommittee Report:**

Mr. Croft reported that AASM has stated the A-STEP program is required to take the BRPT exam. The subcommittee will meet and review the Sleep declaratory ruling and the Watch-PAT concerns.

**Education Committee
Report:**

Mr. Croft reported that the NBRC’s new ruling regarding RRT eligibility will affect some of the Board’s declaratory rulings. Following a discussion by the Board, it was decided that information clarifying the new credentialing requirement needs to be on the website. It was suggested that software be purchased that would send an alert email to licensees when a change is made on the website. This would help to ensure that licensees are aware of updates.

Rules Committee Report:

Mr. Webb reported that the committee met on September 6, 2007 to discuss proposed changes to Board Rules 21 NCAC 61 .0201, 21 NCAC 61 .0204, and 21 NCAC 61 .0305. He presented the changes and the proposed timeline for approval.

Mr. Webb presented a chart showing the increases in fees that will help offset the increase in operating costs.

The committee recommended approval of the changes and it carried unanimously.

Mr. Webb reported that House Bill 1381 was ratified on August 2, 2007 and signed by the Governor on August 21, 2007.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on October 10, 2007 and interviewed thirteen individuals. Two individuals did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

Unfinished Business:

Mr. Boyer reported that the Medical Society will name a replacement for Dr. Coyle since his term will expire on October 31, 2007.

Mr. Webb presented a plaque to Dr. Coyle and thanked him for his outstanding service to the Board.

Mr. Webb reported that the Board is trying to make the website friendlier to the licensees and that RCP's need to visit the website to check for updates and changes.

There was a question from the Public regarding military personnel. Dr. Coyle stated that personnel working in military facilities are exempt from having to obtain state licensure. If they wish to work outside of military facilities, then they have to be licensed. Mr. Croft reported that as of this past June, the NBRC has cut off the military from taking the CRT. The Community Colleges are working on a way to deal with that. The colleges give credit for military training, but a minimum of 18 hours must be completed to earn an AA degree. If this could be done while in the military, then the personnel would be eligible to sit for the CRT.

New Business:

Dr. Coyle announced that the next Board meeting will be on January 10, 2008, at 9:30 AM in the new office space at the end of the hall.

Other New Business: There was none.

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.

General Session: **Hearing for Warren C. Freeman – License # 3921**

Mr. Freeman was not present and no one representing him 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.

Dr. Coyle closed the hearing and moved the Board into Executive Session.

Executive Session: Dr. Karlson made a motion to return to Public Session to announce the findings of the Hearing and Disciplinary actions. The motion was seconded and carried unanimously.

General Session: Dr. Coyle announced that the license of Warren C. Freeman was 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:

Willsheana Clark, RCP # 4822. Reprimand, \$200.00 disciplinary cost, and \$250.00 civil penalty.

Jessica Whisner, RCP # 2534. Probation for 1 year, random drug testing, supervisor quarterly reports, substance abuse evaluation, follow plan of treatment, \$200.00 disciplinary cost, \$250.00 civil penalty, and 180 days to pay.

Kemp Bradshaw, RCP # 707. 30 day suspension with 12 month stay, \$300.00 disciplinary cost, \$250.00 civil penalty, and 90 days to pay.

James Shelton, RCP # 5082. Application denied.

Brian Free, RCP # 5352. Reprimand, \$200.00 disciplinary cost, \$250.00 civil penalty, and 90 days to pay.

Ellen McCoy, RCP # 719. Dismissed.

Victoria Weatherford, RCP # 4959. Reinstate license, \$400 disciplinary cost, and 90 days to pay.

Sarah Meyers, RCP # 5008. Probation for 1 year, supervisor quarterly reports, random drug screening, substance abuse evaluation, follow plan of treatment which must be completed with report to Board before January 2008, \$300.00 disciplinary cost, \$250.00 civil penalty, and 180 days to pay.

Leslie Gray, RCP # 3170. Clear her South Carolina license, 20 hours of CE of which only 10 hours may be done online, monthly reports to the Executive Director regarding employment locations, and \$300.00 disciplinary cost before reinstatement of licensure.

LaTonya Richardson, RCP # 4828. Reprimand and \$100.00 disciplinary cost.

Emilee Metzen, Pending license # 5370. Approve application, random hospital drug testing with reports to the Board, and notification if she changes jobs.

John Crawford, RCP # 3532. Invite in for Board hearing in January 2008.

Mr. Croft made a motion to adjourn. The motion was seconded and passed unanimously.

Adjournment:

The meeting was adjourned at 2:35 PM.