

North Carolina Respiratory Care Board

Meeting Minutes

October 12, 2006

Members Present:

Mary Lou Fleming
Sherry Samuels
Margaret A. Mitchell, RRT, RCP
Thomas Goodin, MD
Bruce K. Rubin, MEngr, MD
Ralph Webb, 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:

Dr. Joseph Coyle, MD
William Croft, RRT, RCP

Call to Order:

Mr. Webb called the meeting to order at 9:30 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:

Ms. Fleming presented the minutes from the July 13, 2006 Board meeting. Ms Fleming made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Lindy Faulkner, CPA with Koonce Wooten & Haywood, LLP, presented the independent audit report for FY 2005 – 2006.

Ms Fleming reported that there is \$74,023.28 in the checking account, \$95,688.92 in the money market account, and the total assets are \$109,712.20. Profit and Loss Budget vs. Actual shows the net income as -\$8670.48. She presented the budget for FY 2006 – 2007 which shows the net income as -\$18,980.00. Proposed changes in the fees will be presented to the General Assembly next year. Ms Fleming made a motion to approve the budget. The motion was seconded and carried unanimously.

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

- Annual reports were completed and delivered to the Governor, the General Assembly, the Secretary of State, and the Attorney General.
- Presented Respiratory Care Update to the Northwest AHEC Respiratory Care Seminar on August 31, 2006.
- Presented a Workforce Trends and Licensure lecture to the NC AHEC Allied Health Director's Meeting in Chapel Hill on September 6, 2006.
- Attended the NBRC Licensure Liaison meeting on September 15 – 16, 2006 in Kansas City.
- The Education Committee and the Practice Committee met on September 26, 2006. Recommendations from these committees will be presented during their respective reports.
- Tom Williams, RCP (NCRCB – NCSRC Liaison), has continued to attend the Task Force on Ethics and Pandemic Influenza meetings representing the NC Respiratory Care Board and the NC Society for Respiratory Care. Mr. Williams reported that there will be three public meetings to be held in Charlotte, Greenville, and Asheville. A guidance document will be published in January 2007.
- The Board's Investigators have completed 35 visits and/or investigations to check for compliance with Board Statutes and Rules or as a result of complaints received by the Board. Fifteen facilities and/or individuals were found to be out of compliance. The Board's Investigators have completed thirteen investigations that were scheduled for interview with the Board's Investigation and Informal Settlement Committee on October 11, 2006. There are currently eight ongoing investigations.
- As of September 31, 2006: there have been 4960 Respiratory Care Practitioner Licenses issued. Totals: 3743 Active, 48 Inactive, 4 Temporary, and 67 Provisional. There are currently 84 Respiratory Care Assistant Registrations. There are 82 pending applicants, 946 expired licenses, 21 practitioners deceased, 21 withdrawn applications, 4 voluntarily surrendered licenses, 14 revoked licenses, and 7 denied applications.

Ethics Committee Report: There was no report.

Practice Committee Report: Dr. Rubin reported that the committee met on September 26, 2006 to review requests from practitioners and to discuss items tabled from previous Board meetings.

- Discussed a draft letter to NC Congressmen concerning the thirty-six month cap on oxygen concentrator rental and the repeal of this provision of the Deficit Reduction Act. A proposed letter was discussed by Mary Lou Fleming at the last Board meeting. The Committee recommends the Board approve this letter.

Ms Mitchell made a motion to approve the letter. The motion was seconded and carried unanimously.

- Discussed the request from the NC Board of Pharmacy's DME Committee to draft a Guidance Document concerning approved HME Respiratory Care Equipment Tasks. The Committee recommends the Board approve the Guidance Document.

Mr. Webb read comments from Mary Lou Fleming and Bobbie O'Geary. Ms Fleming expressed her concerns. Following a discussion by the Board, Dr. Beaufort made a motion to delete "such as a RN" from paragraph 3. The motion was seconded and carried unanimously. Following a discussion by the Board and Public, Dr. Goodin made a motion to send the Draft back to the Committee. The motion was seconded and carried unanimously.

- Discussed a letter from Cheryl West, Director of Governmental Affairs of the AARC, concerning the Board's Declaratory Ruling allowing non-credentialed individuals to provide sleep related respiratory care services. Mr. Boyer had met with Ms West and representatives from the AARC. They are pleased with the way the Board is moving toward licensing the Polysom profession.
- Discussed a request from Joanne Zick, RCP of WakeMed Cardiac Cath Lab, concerning the advanced practice procedures performed by RCP's at the facility. She will provide written information to the Committee for their next meeting.
- Discussed a request from Jimmy Phillips, RCP from Catawba Valley Medical Center, and Jennifer Griffin, RCP from Wake Forest University Baptist Medical

Center, concerning the roles of neonatal transport teams performing advanced practice procedures. The transport teams are not directly under an EMS system as outlined in the Advanced Practice Ruling and provide procedures not listed in the ruling. The Committee will continue to review this request and provide a recommendation at the next Board meeting.

Education Committee Report:

Mr. Boyer reported that the Committee met on September 26, 2006.

- Discussed the current status of the BS program, the PAP Titration course, and the sleep tech training program at Central Carolina Community College.
- Discussed the proposed changes to the Continuing Education Rule 21 NCAC 61 .0401.

Following a discussion by the Board and Public, Dr. Rubin made a motion to change (a) (5) to “Presentation of a Respiratory Care Research study at a national continuing education conference.” The motion was seconded and carried unanimously.

Following a discussion by the Board, Dr. Rubin made a motion to add “respiratory care” to (b) so that it would read “five (5) hours of Board approved continuing education directly related to the advanced respiratory care practice.” The motion was seconded and carried unanimously.

The Board unanimously approved the recommendation with the changes.

Rules Committee Report:

Mr. Webb reported that the Rules Committee has not met since the last Board meeting and will be scheduled to meet in December to discuss changes to the Practice Act as discussed at the last Board meeting.

Mr. Webb reported that he chaired the Public Hearing held on August 30, 2006, to hear comments on the proposed changes to 21 NCAC 61 .0103 – Definitions. Since there were no public comments, he asked the Board to adopt the proposed changes to Rule 21 NCAC 61 .0103 as published in the NC Register on August 15, 2006. He presented the timelines for 21 NCAC 61 .0103 and 21 NCAC 61 .0401.

Dr. Rubin made a motion to adopt the changes. The motion was seconded and carried unanimously.

Investigation and Informal Settlement Committee:

Ms Mitchell reported that the committee met on October 11, 2006, and interviewed eleven 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:

Ms Mitchell discussed concerns with SNAP Laboratories regarding sleep procedures being offered in North Carolina. Mr. Boyer will send the information to the North Carolina Medical Board.

Mr. Boyer presented a concern about Breath of Life regarding hyperbaric treatments. Dr. Rubin made a motion to table the concern until the Executive Session. The motion was seconded and carried unanimously.

Dr. Rubin introduced Dr. Karl Karlson from Wake Forest University Baptist Medical Center. Dr. Karlson will replace Dr. Rubin on the Board.

Mr. Webb expressed appreciation and presented plaques to Dr. Rubin, Ms Mitchell, and Ms Fleming for their service to the Board. Their terms will expire on October 31, 2006.

The next Board meeting will be at 9:30 AM on January 11, 2007.

Other New Business:

There was none.

Executive Session:

Dr. Goodin made a motion at 11:52 AM to move into Executive Session to discuss disciplinary actions from the Investigation and Informal Settlement Committee held on October 11. It was seconded and passed unanimously.

General Session:

The Board returned to General Session after a lunch break.

Ms Mitchell announced the findings of the Board in regard to the matters reported for action by the Investigation and Informal Settlement Committee.

Mr. Webb called the calendar of Licensee Hearings scheduled for this date. Mr. Webb explained that each matter will be conducted as a public hearing which will be recorded. He reminded the Board that if any Board member has a conflict, they should note for the record that they recuse themselves

from hearing the case.

Hearing for Arthur O. Butts, Jr. – License # 4180

Mr. Butts 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.

Hearing for Mark C. Teasley – License # 846

Mr. Teasley 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.

Hearing for Stacey D. Tennant – License # 4190

Ms Tennant was not present and no one representing her 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.

Executive Session:

Ms Mitchell made a motion to enter into Executive Session for the purpose of deliberating the Licensee Hearings. The motion was seconded and carried unanimously.

General Session:

Dr. Rubin made a motion to return to General Session. The motion was seconded and carried unanimously.

Mr. Webb announced the findings of the Board in regard to the hearings:

- Arthur O. Butts, Jr., RCP 4180 – License Revoked
- Mark C. Teasley, RCP 846 – License Revoked
- Stacey D. Tennant, RCP 4190 – License Revoked

Adjournment:

The meeting was adjourned at 2:55 PM.