

North Carolina Respiratory Care Board
Meeting Minutes
October 13, 2011

Members Present:

Ronald Perkin, MD
Timothy Safley, RCP
Sherry Samuels
Dan Grady, RCP
Edward Bratzke, MD
Joseph Coyle, MD
Kimberly Roseman

Others Present:

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

Absent:

Kimberly Clark, RCP
Rick Sells, RCP

Call to Order:

Dr. Coyle called the meeting to order at 10:01 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.

Dr. Coyle reminded the audience to hold their comments or questions until the end of the committee reports and Board member discussion. The Chair will recognize and ask for public comments at that time. Dr. Coyle requested that all cell phones and beepers be put on silent mode.

New Board Member:

Dr. Coyle welcomed Rick Sells as a new Board member. He will replace Bill Kiger. Mr. Sells was not present today due to a health issue. Dr. Coyle read Mr. Sell's Statement of Economic Interest letter.

Auditor's Report:

Lindy Faulconer, from Koonce, Wooten, and Haywood, LLC, presented the annual audit report. Total current assets are \$77,471 and total current liabilities are \$78,514 making the total net assets a negative \$1043. The total operating revenues were \$382,320 and the total operating expenses were \$348,242. The Board will continue to apply review

procedures in connection with their fiduciary responsibilities. Due to limited resources the Board will continue to outsource the preparation of the appropriate financial statement disclosures required under generally accepted accounting standards. There is a letter which is required communication between the auditor and the Board. There were no difficulties with the audit. The audit took three days. Mr. Grady made a motion to accept the audit. The motion was seconded and carried unanimously.

Approval of Minutes:

Ms Samuels presented the minutes from the July 14, 2011 Board meeting. Dr. Perkin made a motion to approve the minutes as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Mr. Safley reported that as of September 30, 2011, there was \$115,018.05 in the checking account and \$90,619.20 in the money market account making a total of \$205,637.25 in the bank accounts. For July through September 2011, the Profit and Loss shows a total income of \$218,877 with a budget of \$182,725. The income total is due to July through September being the period with the largest number of renewals. Mr. Safley suggested that the Board might want to look at how much should be in the reserve account. Dr. Coyle asked Mr. Boyer to check with other Respiratory Care Boards to see what they have in reserves. At some point the Board would like to lower the fees for the practitioners. Mr. Boyer will also look at the option of moving the money from the money market to CD's to earn more interest. Mr. Safley suggested that a committee be formed to look at putting a cap on the accrual of sick and vacation leave for employees. Dr. Perkin made a motion to accept the Treasurer's report. The motion was seconded and carried unanimously.

Executive Director's Report:

Mr. Boyer reported on the events that had occurred since the last Board meeting.

- The Practice Committee met on September 29, 2011. All recommendations from the committee will be discussed during the committee report.
- The Education Committee, Rules Committee, and the Ethics Committee have not met.
- Mr. Boyer met with the NC Board of Pharmacy Investigators on August 23, 2011, to discuss our disciplinary process and areas that we can help each

other. A major topic discussed was the setup of CPAP and what an unlicensed individual may perform.

- Dr. Coyle, Mr. Grady, and Mr. Boyer held a conference call on August 30, 2011, with representatives from Premier, as was charged by the Board at its July meeting. Premier was informed of the Board's concerns and the Board's position on the staffing of respiratory care departments. A follow up meeting is slated for this month.
- Dr. Coyle and Mr. Boyer attended the annual NBRC Licensure Liaison conference held in Kansas City, KS on September 9 – 11, 2011. Information received at the conference is attached.
- Mr. Boyer attended the NC Respiratory Care Society annual conference held in Wilmington, NC on September 28 – 29, 2011. He introduced the Keynote Speaker, Senator William Purcell. Dr. Coyle gave the presentation, "NCRCB Update" on September 28. The Society honored new Board member Rick Sells by naming a lecture the "Rick Sells Lecture" starting in 2012.
- The Board's Investigators have completed 39 investigations. Thirteen individuals were scheduled for interviews with the Board's Investigation and Informal Settlement Committee on October 12, 2011. There are currently 6 ongoing investigations.
- As of September 30, 2011: there have been 6787 Respiratory Care Practitioner Licenses applied for. Current totals: 4409 Active, 55 Inactive, 0 Temporary, and 31 Provisional. There is currently 1 Respiratory Care Assistant Registration. There are 40 pending applicants, 1975 expired licenses, 139 failed to complete applications, 42 practitioners deceased, 49 withdrawn applications, 6 voluntarily surrendered licenses, 27 revoked licenses, and 14 denied applications.

Dr. Coyle stated that at the State Meeting several people expressed their concern that Respiratory Care Assistants are going away and would like that re-visited in the future. Dr. Coyle brought up the possible future move of entry level criteria moving to RRT or moving to BSRT for full licensure and at some point in time a cooperative effort with the Medical Board to develop an advance level practitioner in respiratory care. There was good feedback and concerns expressed at the State and National meetings. There was a discussion by the Board and the Public.

Ethics Committee Report: There was no report.

Practice Committee Report: Dr. Coyle reported that the Committee met on September 29, 2011 at the State Society Meeting to discuss the following:

- Reviewed recommendations of staff per Board charge on July 14, 2011 to draft a letter to the NC Department of Health Service Regulation concerning respiratory care staffing levels in NC hospitals in response to a request from Dan Grady, RCP at Mission Hospitals. Dr. Coyle, Mr. Boyer, and Mr. Grady had a conference call with Premier to discuss staffing models and will have future meetings to address the concerns. The committee drafted a letter to be sent to Mr. Pratt at Division of Health Services which Dr. Coyle read. Dr. Bratzke suggested striking the last word, "issues" from the second paragraph. There was a discussion by the Board and the Public. The concern was that the staffing model needs to be based on patient safety. Dr. Coyle stated that there needs to be hard documentation of the effects. Following a discussion by the Board and the Public, it was determined that there must be a formal request for a declaratory ruling. The recommendation from the committee to send the letter to Mr. Pratt was seconded and carried unanimously.
- Reviewed recommendations of staff per Board charge on July 14, 2011 to draft an action plan concerning implementation of Board Rule 21 NCAC 61.0302 for RCP's who have let their NBRC credentials expire. There are three subsets of individuals who have not maintained their credential(s). The first group are those who renewed their licenses prior to June 1, 2011; the second group are those who renewed their licenses after June 1, 2011 and are still eligible to take the CRT; and the third group are those who renewed their licenses after June 1, 2011 and are no longer eligible to take the CRT due to changes in educational credentialing processes. The committee has drafted three different letters to be sent to the individuals. It was the recommendation of the committee to allow a grace period from now until the next renewal for those individuals in groups one and two and to allow them to retain their licenses but they may not use the NBRC credential(s). There was a discussion by the Board. The committee made a recommendation to accept the

letters for the first two groups. It was passed unanimously. The committee recommended to treat the individuals who fall into the third group as grandfathered in. Mr. Shenton stated that the Board could require another competency evaluation for these individuals. Following a discussion by the Board, it was decided that managers should submit documented competency reviews for these individuals. Mr. Shenton will work with Mr. Boyer on the language for the letter to be sent to those individuals who fall into the third group. The committee recommended the change in language with Mr. Shenton's oversight and also including a letter from the current manager regarding competencies. The recommendation passed unanimously.

- Discussed a request from Jim Rossetti, RCP of CMC/Livine Children's Hospital to interpret if RCP's may perform Tuberculin Skin Testing and Flu vaccinations. Dr. Coyle read a draft letter which the committee recommended. The recommendation was passed unanimously.
- Dr. Coyle presented three additional requests that were received after the Committee meeting. The first request was from Alicia Anderson asking if RCP's could administer B12 injections which are performed in a physician's office under the order and supervision of a licensed physician. The second request was from Bill Bryant to do peripheral venous blood draws. The third request was from Kelly Nowrey for administering ACLS / PALS medications which are performed under the order and supervision of a licensed physician. The committee recommended drafting letters, similar to the one to be sent to Mr. Rossitti. The recommendation was passed unanimously.

Education Committee Report:

There was no report. Dr. Coyle has asked Dr. Clark to have the committee assess what might be needed if there is a move to the RRT and BSRT for licensure.

Rules Committee Report:

There was no report.

Investigation and Informal Settlement Committee:

Ms Samuels reported that the committee met on October 12, 2011 and interviewed eleven individuals. Two individuals did not show. Any disciplinary actions are pending and awaiting the closed session of today's meeting.

Dr. Coyle presented a plaque to Ms Samuels for her service to the Board and to the citizens of North Carolina.

Unfinished Business: There was none.

New Business: There was none.

Ms Samuels made a motion to enter into Executive Session for the purpose of discussing disciplinary actions. The motion was seconded and carried unanimously.

Executive Session: Mr. Grady made a motion to enter into Public Session for a Hearing. The motion was seconded and carried unanimously.

Public Session: **Hearing for Thomas W. Beckom – License #1700**

Neither Mr. Beckom nor any one representing him was present at the start of the hearing. Mr. Shenton, Counsel for the Board, called Mr. Boyer, the Board's Executive Director, as a witness for the Board and Board Exhibits 1 - 3 , consisting of copies of material from Mr. Beckom's file were introduced. Mr. Shenton also called Ms Green, the Board's Investigator, as a witness for the Board and Board Exhibits 4 – 7 consisting of copies of material from Mr. Beckom's file were introduced.

Dr. Coyle read a statement that Mr. Beckom had written on his counseling form.

The Board audio taped the Hearing and will maintain an audio recording of the Hearing, as well as, a copy of the Exhibits that were introduced. At the conclusion of the Hearing, and while still under oath, Mr. Boyer checked the Board offices and he stated that neither Mr. Beckom nor anyone representing him was present.

Ms Samuels made a motion to enter into Executive Session to deliberate the case. The motion was seconded and carried unanimously.

Executive Session: Dr. Perkin made a motion to enter into Public Session to announce the findings of the Board. The motion was seconded and carried unanimously.

Public Session:

Dr. Coyle announced that the Board approved revocation of Mr. Beckom's license.

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:

Patricia Coe License # 4239. Reprimand, \$250 disciplinary cost, \$250 civil penalty, with 90 days to pay.

Polly Harmon License # 5484. Reprimand, \$250 disciplinary cost, \$250 civil penalty, with 90 days to pay.

Kathy Brown License # 4618. Refer for evaluation and recommendation, and invite back to the January meeting by telephone interview.

Jennifer Thompson License # 5512. Dismiss.

Vernon Sheppard, Jr. License # 3678. Reprimand, \$250 disciplinary cost, \$250 civil penalty, CE review for the next 3 years upon each renewal, with 90 days to pay.

Bradley Neil License # 6417. Can not renew his license without an interview with the Board.

Contessa Hill License # 5472. Letter of Concern. \$100 disciplinary cost with 90 days to pay.

Lisa Powell License # 1030. Letter of Concern. \$ 150 disciplinary cost with 90 days to pay.

Sylvia Ricci License # 1974. Dismiss. Mr. Shenton and Mr. Boyer will write a letter with Dr. Coyle's signature voicing the Board's concern relative to the way the situation was handled by the employees of the Carolinas Healthcare System.

Deborah Karl License # 6700 Pending. Application pending evaluation with recommendations, upon receipt Provisional licensure pending outcome of current legal issues.

Marshall Powers License # 95. Probation for 12 months, continue current treatment with quarterly reports, random drug screens, bearing cost of drug screens, \$100 disciplinary cost

with 90 days to pay.

Detra Dennis License # 6069. Reprimand, \$250 disciplinary cost, \$250 civil penalty, with 90 days to pay.

Expungements

Lisa Bundrick License # 3475. Expunge.

Mahmood Montazeri License # 5692. Expunge.

Samuel Wyld License # 3547. Expunge.

Ms Samuels expressed a concern over the number of CE violations. The Investigation and Informal Settlement Committee requested an administrative way to handle this violation. There was a discussion by the Board. Mr. Grady made a motion to authorize Mr. Boyer to offer a Consent Order for the first time violation. If the offer is accepted, then a Consent Order would be issued. If the offer is declined, then the individual would be invited to an interview with the Investigation and Informal Settlement Committee. The motion was seconded and carried unanimously. The Rules Committee will address the penalties for offenses.

Ms Samuels asked whether Hookah Bars are regulated. These are places where people can smoke flavored tobacco with the Eastern Indian water pipes. Mr. Shenton stated that unless they are advertising it as a treatment for a respiratory issue, then they don't fall under the Board's authority. Mr. Boyer stated that he would take the concern to the General Assembly.

Mr. Boyer presented the proposed lease for the Board's offices since it is time to renew. After a discussion, Ms Samuels made a motion to approve the lease agreement. The motion was seconded and passed unanimously.

Dr. Coyle announced that the next Board meeting would be on January 12, 2012.

Ms Samuels made a motion to adjourn. The motion was seconded and carried unanimously.

Adjournment:

The meeting was adjourned at 2:20 PM.