

North Carolina Respiratory Care Board

Meeting Minutes

October 7, 2004

Members Present:

Joseph Coyle, MD
Mary Lou Fleming
Thomas Goodin, MD
Lisa Fox
Wayne Beauford, MD
Bruce K. Rubin, MEngr, MD
Ralph Webb, RRT, RCP

Others Present:

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

Absent:

Margaret A. Mitchell, RRT, RCP
Nancy Hall
William Croft, RRT, RCP

Call to Order:

Dr. Coyle called the meeting to order at 10:04 AM.

Conflict of Interest Notice:

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.

Reappointments:

Dr. Coyle has been reappointed by the NC Medical Society until October 2007, Dr. Rubin has been reappointed by the President Pro Tem of the Senate until October 2006, and Ralph Webb has been reappointed by the President Pro Tem of the Senate until October 2006.

Executive Session:

Dr. Coyle made a motion to go into Executive Session at 10:06 AM. The Public Session was resumed at 10:28 AM.

Approval of Minutes:

Dr. Coyle asked the Board to read the minutes from the July 1, 2004 Board meeting. Ms Fleming made a motion to approve the minutes meeting as written. The motion was seconded and carried unanimously.

Treasurer's Report:

Ms Fleming reported that the Board income was over budget for the quarter and the year by \$3800. Total assets as of

September 30, 2004 are \$189,034.25.

Chair's Report:

Since the last Board meeting held on July 1, 2004 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.
- The Public Hearing for the proposed rule amendments was held on July 30.
- Met with a representative at the SBI on August 30 concerning background checks and finger printing. The contract has been submitted to Dr. Coyle for review.
- Dr. Coyle and Mr. Boyer attended the NBRC Licensure Liaison meeting in Kansas City September 10-12.
- Presented licensure update to a Northwest AHEC conference in Winston Salem on August 31.
- Attended the NCSRC Symposium on September 7-10 and presented a plaque to Dr. Neil MacIntyre for his service to the Board and the citizens of NC.
- Ms Green completed 79 visits to facilities. Five facilities and/or individuals were out of compliance. Mr. Boyer completed 6 investigations with 5 individuals being out of compliance.
- Online renewal began on August 3 and as of September 30, 295 individuals have renewed online.
- As of September 30 there have been 4075 RCP licenses issued. The total are: 3340 Active, 44 Inactive, 5 Temporary, and 117 Provisional. Currently there are 103 Respiratory Care Assistant Registrations. There are 59 pending applicants, 480 expired licenses, 10 deceased practitioners, 11 withdrawn applications, 1 voluntarily surrendered license, 2 revoked licenses, and 5 denied applications.

Committee Appointments:

Dr. Coyle appointed Dr. Goodin to the Chair of the Ethics Committee, Dr. Beauford to the Rules Committee, and Ms Fox to the Education Committee.

Ethics Committee Report:

Dr. Rubin informed the Board of Ethics that he had received a letter from the Board of Ethics and that there were no conflicts of interest with the Board members (Dr. Rubin and Mr. Webb) that were re-appointed.

Practice Committee Report:

Dr. Rubin presented a request for interpretation concerning administration of Adenosin and Dobutamine to stress test patients. Following a discussion by the Board, the committee recommended contacting Heritage Hospital allowing them to

continue the practice as they are currently doing it while the issue is sent back to the Practice Committee for a declaratory ruling.

There was a request from Chad Dill to modify the declaratory ruling on Advanced Practice for RCP's to allow the CCENT-P certification to be accepted in lieu of the 3 years experience requirement. The committee recommended accepting the CCENT-P certification in lieu of the 3 years experience requirement. There was also a request to add that supervision could be provided by a Registered Nurse approved for advanced care procedures. The motion for changes was seconded and passed unanimously.

There was a request from Mark Trujillo of Franklin Regional Hospital for a declaratory ruling concerning the administration of Ambien to sleep lab patients. Following a discussion by the Board and Public, the committee recommended tabling the issue and sending it back to the committee.

There was a request from Michael Stolzenbach to allow Polysom Technicians, a new classification, to perform sleep studies without direct supervision of a RPSGT or RCP with conditions and to define "direct supervision" in the current declaratory ruling regarding Sleep Labs. After a discussion by the Board and Public, it was decided to leave the original declaratory ruling as it is. Dr. Coyle suggested tabling the request while sending it back to the committee to obtain more specific information.

The committee recommended that Mr. Boyer pursue gathering more information regarding concerns of unregulated free standing sleep labs. It was seconded and passed unanimously.

The committee discussed complaints received by Mr. Boyer concerning HME companies shipping CPAP units to patients without a RCP assessment or education. Dr. Coyle recommended that Mr. Boyer draft a Position Statement addressing this issue stating that the Board feels that at some point in the process there should be appropriate education.

Rules Committee Report:

Mr. Webb reported on the timeline for the rules changes that were approved by the Board on April 1, 2004.

Education Committee Report:

Mr. Boyer presented the report for Mr. Croft. There was a survey of the attendees at the NCSRC annual symposium in Asheville regarding the BSRT. Mr. Croft will present the results of the survey at the next Board meeting. House Bill 1498 has been combined with other study commissions into

SB 1152. Copies of the Workforce Study by the Sheps Center are available.

There was a request from Gary Mims of Gaston Memorial Hospital for the Board to accept any ACCME approved course for meeting the CE requirement. The committee recommended that there should not be any change in the Board Rule regarding CE requirements. It did recommend that if the Board staff receives CE documentation that does not appear to meet the requirements, that the RCP be sent a request to either complete additional CE or petition the Board to review and accept/reject any CE in question. There is one petition to be discussed during New Business today.

There was request from the Hospital Association to approve the CE programs for a three year period. The committee recommended that CE programs continue to be approved annually as set forth in the Board Rules.

Investigation and Informal Settlement Committee:

Dr. Coyle presented the report for Ms. Mitchell. The committee met on September 29 and interviewed 16 individuals. Two individuals did not appear for their interviews. Any disciplinary actions are pending and awaiting the executive session of today's Board Meeting.

Unfinished Business:

There was no unfinished business.

New Business:

Mr. Boyer reported that Bonnie Steinberg has petitioned the Board regarding 5 CE for Stress Management. Following a discussion by the Board, Dr. Coyle asked for a motion to accept this course for CE credit. There was no motion. Therefore, the request was not approved.

There was a request from Rick Sells of NC Baptist Hospital to allow online verification of license while the RCP is waiting for the wallet card in the mail. There have been many faxed requests for license verification. Dr. Rubin made a motion to approve online license verification until the wallet card is received by the RCP. The motion was seconded and passed unanimously.

Les Foss from Mission Hospitals in Asheville presented a request to allow a grace period of one month for earning CE's for those practitioners who renew their licenses early. In actuality, a RCP has only 11 months in which to earn CE's before renewing the license. The entire Board was in agreement with this request.

Mr. Boyer received a complaint regarding companies that come into North Carolina and send pulse oximeters out to

patients by mail with instructions to put it on your finger, send it back, and the company will send the results so that the patient can be requalified for oxygen. Mr. Boyer met with representatives from the Centers of Medicare and Medicaid Services regarding this practice. Mr. Boyer was charged with investigating this further. Ms Fleming will send Mr. Boyer some information from CMS.

There was a request to allow pulse oximetry to be done at Health Fairs. The Board's position is that this request is okay as long as the pulse oximetry is performed by a qualified person, there is an appropriate disclaimer, and if there is anything abnormal, it is referred to a physician.

Mr. Shenton referred to an email received by Mr. Boyer from Clayton Murphy of the Office of the State Controller. The email referred to a couple of State Statutes and said that several Boards need to submit audited financial statements. Mr. Shenton didn't find anything in the statutes that were cited requiring audited financial statements. Mr. Shenton suggested that a letter be sent from the Executive Director stating that the Board has financial statements showing revenue and expenses for the past two fiscal years. We haven't arranged for an audit and understand that we are not obligated to, but the attached documentation gives the full picture and a substantial equivalent of what an audited financial statement would have over two years. Mr. Boyer has checked with several CPA's to determine the cost of a two year audit. Dr. Coyle stated that he would like a periodic outside audit. Dr. Goodin made a motion to send the letter to Mr. Murphy and to authorize up to \$10,000 if an audit is required. The motion was seconded and passed unanimously. Mr. Boyer will get bids for an audit and present the results at the next Board meeting.

Executive Session:

Dr. Rubin made at motion at 12:57 PM to go into Executive Session. The motion was seconded and was carried unanimously.

Public Session:

Dr. Goodin made at motion at 2:44 PM to return to Public Session. The motion was seconded and was carried unanimously.

Adjournment:

The meeting was adjourned at 2:46 PM.