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BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES

SOMERSET CONFERENCE ROOM, 6th Floor

January 3, 2012

The January meeting of the New Jersey State Board of Respiratory Care was convened in accordance with its notice to the Lieutenant Governor, the Bergen Record, the Trenton Times, the Courier Post and the Star-Ledger and was conducted in accordance with the provisions of the Open Public Meetings Act.

Chairman Capek convened the meeting at 10:00 a.m. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Christopher Lange
Michael G. Brown
Kenneth Capek
James Brophy
Janet Castronovo

EXCUSED Philip Freeman

ABSENT Robert Malovany. MD.

Also in attendance: Tobey Palan, Deputy Attorney General, Dorcas K. O'Neal, Executive Director and Bernadette Augustus, staff.

Public attendance: None.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of December 6, 2011. **On a motion by James Brophy, seconded by Michael G. Brown, the Board unanimously approved the Public Session Minutes as submitted.**

II. OLD BUSINESS/REAGENDIZED

None.

III. NEW BUSINESS

- a. The Board reviewed the Division of Law Billing for the 1st quarter of Fiscal Year 2012, as informational.
- b. The Board reviewed a fax from Megan Hennessy, RRT, BA, Kennedy University Hospital, Stratford division, inquiring as to whether a Respiratory Therapist can legally extubate when withdrawing life for terminal patients. **On a motion by Christopher, seconded by Michael G. Brown, the Board determined that extubation is within the scope of practice of a respiratory care therapist but must also be in accordance with hospital policy.**
- c. **CONTINUING EDUCATION -(Submitted by Chairman Capek, for Board review).** The Board reviewed draft forms of application requirements, evaluation and frequently asked questions for Performance Based Competency Assessment (PBCA).
 - i. CRITERIA FOR CE CREDITS FOR PBCA approval
 - ii. BOARD OF RESPIRATORY CARE Q&A
 - iii. APPLICATION FOR PERFORMANCE BASED COMPETENCY ASSESSMENT (PBCA)
 - iv. CERTIFICATE OF PERFORMANCE
 - v. PBCA EVALUATION
- d. The Board reviewed a fax from Elaine F. Sawdye, Paralegal, Corporation & Regulatory Affairs, inquiring as to whether a Respiratory Care Therapist can instruct a patient on the use of the PAP device through face-to-face contact or can the instruction be performed via telephone. On a motion by Janet Castronovo, seconded by James Brophy, the Board determined that PAP devices are deemed respiratory care equipments and any delivery in the State of New Jersey require the 24 hour in-person follow-up visit by a licensed New Jersey respiratory care practitioner. Pursuant to N.J.A.C.13:44F-3.3(f), which states that,

The licensed respiratory care practitioner who delegates tasks set forth in (d) above in an outpatient setting shall ensure that a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9 (c) takes place within 24 hours of the delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

1. The documentation of the follow-up visit shall be maintained for all patients during the course of respiratory care, and for a period of one year following the termination of respiratory care services.
2. The documentation of the follow-up visit shall be available for the Board's inspection on the business premises of the licensee or person exempt from licensure who conducts the follow-up visit, within 12 business hours of the Board's request. For the purpose of this section, "business hours" is defined as the hours between 9:00 a.m. and 5:00 p.m., Monday through Friday.

The Board also authorized DAG Palan, to call Ms. Sawdye and confirm the 24 hour regulation with her.

IV. INFORMATIONAL/FYI

None.

V. LEGISLATION AND PROPOSED REGULATIONS

- a. The Board reviewed SENATE, No. 3121- Clarifies the effect of absence by a member of a public body, **as informational**.
- b. The Board reviewed ASSEMBLY, No. 4400 - Exempts individuals with certain types of military service from certain fees and continuing education or professional competency requirements, **as informational**.
- c. The Board reviewed ASSEMBLY, No. 4384- Revises law concerning certain professional and occupational licenses, **as informational**.

VI. PUBLIC COMMENT

None

VII. OTHER BUSINESS

There being no other business to come before the Board in Public Session, on a motion by James Brophy, seconded by Christopher Lange, the meeting was adjourned and the Board convened to Executive Session for the purpose of receiving counsel, to conduct five investigative inquiries and to review two matters of old business.

The Board reconvened in Public Session. The following disciplinary action is being reported in Public Session.

- a. **I/M/O MANUEL FOJO PRIETO** - Signed Consent Order of Voluntary Surrender, dated December 19, 2011. Respondent was terminated from Trinitas Regional Medical Center, New Jersey, for the attempted theft of patient valuables, and/or improperly failing

to safeguard patient valuables on or about June 3, 2011. Respondent testified that he did not attempt to steal any patient valuables. Further, Respondent stated that he was delayed in returning patient valuables he acknowledged he had in his possession due to a medical condition that impairs his ability to practice as a respiratory therapists.

Respondent wishes to voluntarily surrender his license to practice as a respiratory therapist.

The next scheduled meeting is March 7, 2012. There being no other business to come before the Board, on a motion by Janet Castronovo, seconded by Christopher Lange, the Board adjourned the meeting at 4:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

