

**BOARD OF RESPIRATORY CARE
PUBLIC SESSION MINUTES
SOMERSET CONFERENCE ROOM,
6th Floor
JANUARY 8, 2008**

FINAL

The January meeting of the New Jersey State Board of Respiratory Care was convened in accordance with its notice to the Secretary of State, 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: Jeffrey Brozoski Kenneth Capek Michael G. Brown James Brophy Janet Castronovo Robert Malovany, M.D.

ABSENT: Tajwar Aamir, M.D.

Also in attendance: Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General, Maryann Sheehan, Regulatory Analyst, Darlene Kane, Budget Officer and Bernadette Abercrombie, staff.

Public attendance: Joseph Goss, President, New Jersey Society for Respiratory Care.

I. APPROVAL OF MINUTES

The Board reviewed the Public Minutes of November 13, 2007. On a motion by James Brophy, seconded by Jeffrey Brozoski, the Board unanimously approved the Public Session Minutes as submitted.

II. OLD BUSINESS

- a. I/M/O MARK D. PAOLINO - Awaiting notarized copy of his military activation papers. The Board determined that this item be removed from the agenda, until a response is received from the licensee.
- b. Proposed criteria for Eligibility For Educational Sponsors for Non-Clinical Respiratory Care Continuing Education Credit. GUIDELINES FROM NEW YORK AND OHIO, was reagendaized for further review. Reagendaized.
- c. Deborah Heart and Lung symposium regarding whether the Board will approve courses offered- Board member, Brophy. The Board determined that this matter be reagendaized for further review. Reagendaized.

III. NEW BUSINESS

- a. Election of Officers for 2008 -Executive Director, O'Neal, opened the floor for nomination for Chairman of the Board. Janet Castronovo, nominated Jeffrey Brozoski. Mr. Brozoski, declined the nomination and nominated Kenneth Capek. Executive Director O'Neal, called for other nomination. Hearing none, she called for a motion to close the nomination. Mr. Capek was re-elected.

Executive Director O'Neal, opened the floor for nomination for Vice Chairman of the Board. James Brophy, nominated Jeffrey Brozoski. Executive Director called for other nominations. Hearing none, she called for a motion to close the nominations. Mr. Brozoski was re-elected Vice Chairman.

- b. The Board reviewed a fax from Terrence Shenfield, University Hospital, inquiring as to whether a licensed

respiratory therapist is needed to do Pulmonary Function testing in a hospital. The Board directed that a copy of Statutes and Regulations be sent to Mr. Shenfield.

c. RC Educational Consulting Services, Inc., listing of the 2008 AARC Course Approval Numbers, was reauthorized.

d. The Board reviewed Division of Law Billing for the 1st Quarter of Fiscal Year 2008, as informational.

e. The Board reviewed Respiratory Care Total Revenues for Jan-Oct., 2007, as informational.

f. The Board reviewed Respiratory Care Total Revenues for Jan-Nov., 2007, as informational.

g. The Board reviewed a fax from Michael Servello, stating that he was credentialed on September 9, 2002 and that his credential expired on September 30, 2007. He has to retake the CRT exam within two years. If he does not successfully pass, how does this affect his New Jersey License. The Board determined that he may practice respiratory care, as long as his license is in good standing with the Board in New Jersey.

h. The Board reviewed a memorandum from Darlene Kane, Budget Officer Division of Consumer Affairs regarding the fee credit of \$40.00, for renewal, March 31, 2008. Chairman recommended a credit of \$60.00. On a motion by Dr. Robert Malovany, seconded by Michael G. Brown, the Board unanimously agreed upon a \$60.00 credit for the license renewal period, April 1, 2008 to March 31, 2010.

IV. INFORMATIONAL/FYI

None.

V. PUBLIC COMMENTS

Joseph Goss, attended the Public meeting. Mr. Goss stated that once the new proposal goes through a therapist does need to deliver, exchange and demonstrate respiratory equipment. He stated that the old rule does have positive pressure with oxygen. Once oxygen is removed in the proposal, the therapist will have to demonstrate.

VI. LEGISLATION AND PROPOSED REGULATIONS/N.J.A.C.13:44F

a. The Board reviewed an E-mail from Jon Africano, comments regarding "delegation to an assistant." He believes this a serious mistake as far as the "set up" of any support equipment. Almost all newer ventilators require some sort of calibration between every patient use and he believes that set-ups should only be done by a licensed respiratory care practitioner.

b. The Board reviewed an E-mail from John Kalynovych, he stated that he would like to see a clause put in that states, the therapist upon suspension, needs to notify all their supervisors verbally and/or in writing within 24 hours of receiving notification from the Board. Upon failure to notify, there may be additional costs and/or suspension from the Board.

c. The Board reviewed an E-mail from John Kalynovych, commenting on N.J.A.C.13:44F-3.3, stating that some confusion arises with the statement that a licensed respiratory care practitioners shall not permit an assistant to set up, test, or exchange or demonstrate the equipment when oxygen is to be used on any life support system. He wants to know if it means an assistant cannot clean and test equipment if it uses oxygen.

e. The Board reviewed a letter from Nancy D'Ambrosio commenting on N.J.A.C.13:44F, specifically, the 24 hour in person visit to assess equipment before patient use. She recommends that a therapist contact either by phone or in person, a newly set up oxygen patient within 24 hours and make an in home follow up visit within 72 hours.

f. The Board reviewed an E-mail from Joseph Goss, RRT, commenting on N.J.A.C.13:44, specifically, N.J.A.C.13:44F-3.2(a) and the expansion of the role of assistants which the practice act does not provide for.

g. The Board reviewed a letter from Robert G. Miller, commenting on N.J.A.C.13:44F, specifically, the exchange of C-PAP units and the 24 hour. requirement for an in person visit to a patient by a respiratory care practitioner..

h. The Board reviewed a letter from Robert Guardabasco, President of New Jersey Society for Respiratory Care, commenting on N.J.A.C.13:44F, indicating that the New Jersey Society of Respiratory Care does not support the sections in the proposed amendments, related to the practice of respiratory care trainees, delegation by a respiratory care practitioner to unlicensed persons and in person assessment of equipment prior to patient use. Also, it does not support the proposed change to the section regarding supervision.

The Board reviewed all comments. Regulatory Analyst, Maryann Sheehan, will respond to the comments. The Board did however agree to remove "and/or" and use only "and" at N.J.A.C.13:44F-3.2(d). Also, the Regulatory Analyst will seek approval for N.J.A.C.13:44F-3.3(d), to amend to state, "exchange does not mean delivery."

Substantiative amendments may delay adoption for Sunset. The Board awaits information from Maryann Sheehan, Regulatory Analyst.

i. The Board reviewed Senate Committee Substitute for SENATE, No 2387 - Establishes certificate of rehabilitation for certain persons with criminal records, as informational.

VII. OTHER BUSINESS

None.

There being no other business to come before the Board in Public Session, on a motion by Jeffrey Brozoski, seconded by Janet Castronovo, the Board adjourned the Public Session and moved into Executive Session for the purpose of receiving counsel, to conduct two investigative inquiries, to review five items of old business, one item of new business and one applications.

The Board reconvened in public Session. The next schedule meeting is February 5, 2008. There being no other business to come before the Board, on a motion by Dr. Robert Malovany, seconded by Michael G. Brown, the Board adjourned the meeting at 3:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

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