



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

## *New Jersey Office of the Attorney General*

Division of Consumer Affairs  
State Board of Respiratory Care  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



**PAULA T. DOW**  
Attorney General

**SHARON M. JOYCE**  
Acting Director

**Mailing Address:**  
P.O. Box 45031  
Newark, NJ 07101  
(973) 504-6485

### **BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES**

#### **SOMERSET CONFERENCE ROOM, 6<sup>th</sup> Floor**

January 11, 2011  
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:** Kenneth Capek  
Janet Castronovo  
Christopher Lange

**ABSENT** Philip Freeman  
Robert Malovany, M.D.

**EXCUSED:** James Brophy  
Michael G. Brown

There being no quorum all actions taken in Committee are subject to ratification by the Board.

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

**Public attendance:** Bob Miller, JAMES, and Wendy Russalesi, JAMES.

#### **I. APPROVAL OF MINUTES**

The Committee reviewed the **Public Session Minutes of November 9, 2010. On a motion** by Janet Castronovo, seconded by Christopher Lange, the Committee

unanimously approved the Public Session Minutes as amended, subject to ratification by the Board.

## II. OLD BUSINESS/REAGENDIZED

- a. The Committee reviewed a fax from Kathleen J. Lester of Patton Boggs LLP, Attorney-At-Law, inquiring as to whether a Durable Medical Equipment company(DME) that supplies oxygen equipment is required under New Jersey law to have a respiratory therapist on staff and whether DME's fall under the jurisdiction of the Board of Respiratory Care.

The Committee authorized DAG Palan to contact Ms. Lester and inform her that the Board does not offer legal advice. Further, the Board regulates respiratory care practitioners and not Durable Medical Equipment Companies. Therefore, it has no jurisdiction over Durable Medical Equipment companies (DME's).

However, DME's performing tasks in an outpatient setting, which fall within the scope of practice of respiratory care shall ensure that a follow-up visit from a licensee and/ 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 equipment to the patient for an in-person assessment.

## III. NEW BUSINESS

- a. The Committee reviewed Respiratory Care Total Revenues for October 2010, as informational.
- b. The Committee reviewed Respiratory Care Total Revenues for November 2010, as informational.
- c. The Committee reviewed Respiratory Care Fiscal Year 2010, Final Budget Report, as informational.
- d. The Committee reviewed Division of Law Billing for the 1<sup>st</sup> Quarter of Fiscal Year 2011, as informational.
- e. The Committee reviewed a letter from Lawrence Rudesyle, MS, RRT, CHES, EMT-B, advising the Board of the proposal by the New Jersey Office of Emergency Medical Services (NJOEMS) in Trenton to train and to teach EMT students and those EMTs who must recertify as EMTs, to administer and to treat those patients who present with cardiopulmonary disease and inquiring as to whether EMT's are permitted to perform tasks in the scope of practice for respiratory care practitioners.

It was the consensus of the Committee to advise Mr. Rudesyle that pursuant to N.J.S.A. 45:14E-9 (c), nothing in P.L. 1991, c. 31 ( C. 45:14E-1et seq.) Is intended to limit the provision of respiratory care services rendered in the course of an emergency by a certified emergency medical technician or paramedic or

other person licensed to practice medicine, dentistry, podiatry or other health care professional trained to render emergency services. (e) Nothing in P.L. 1991, c. 31 (C.45:14E-1 et seq.) is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of New Jersey, so long as those duties are consistent with the accepted standards of the member's profession and the member does not present himself as a respiratory care practitioner.

The Committee authorized DAG Palan to inform Mr. Rudesyle of this statutory provision.

#### **IV. INFORMATIONAL/FYI**

**a. Meeting Schedule Dates for the Year 2011.**

The Board reviewed the meeting schedule for 2011, noting that while regular meetings are held on the first Tuesday of the month, the July meeting is an exception this year. It is the day after Independence Day, therefore, it will be held on the 2<sup>nd</sup> Tuesday July 12, 2011. The Committee approved the meeting dates with corrections as follow:

JANUARY 11, 2011	JULY 12, 2011
FEBRUARY 1, 2011	AUGUST 2, 2011
MARCH 1, 2011	SEPTEMBER 6, 2011
APRIL 12, 2011	OCTOBER 4, 2011
MAY 3, 2011	NOVEMBER 1, 2011
JUNE 7, 2011	DECEMBER 6, 2011

#### **V. LEGISLATION AND PROPOSED REGULATIONS**

**a.** The Board reviewed Reproposed Amendments: N.J.A.C.13:44F-3.3 (d), December 2010 DRAFT with Maryann Sheehan, Regulatory Analyst. Additional corrections were made for clarification.

**b.** The Committee reviewed Comment Summaries/Responses to proposed N.J.A.C.13:44F-3.3, Delegation to Unlicensed Assistants/CE.

On a motion by Christopher Lange, seconded by Janet Castronovo, the Committee voted to adopt the new rule proposed regarding Continuing Education Credits, N.J.A.C.13:44f-10.2(a), subject to ratification by the Board.

**c.** The Committee reviewed, Bill: A3203, which requires licensed health care professionals and facilities to bill Medicare beneficiaries within six months of providing health care service as informational, and took no position.

The Board reviewed Bill:S2072 Sca (1R) which Permits publication of legal notices by governments and individuals on official government websites instead of newspaper as informational and, took no position.

## **VI. PUBLIC COMMENT**

**None.**

## **VII. OTHER BUSINESS**

None.

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

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

- a. I/M/O DEIDRE FARAHANI - A Consent Order was filed on December 8, 2010. Ms. Farahani's employment was terminated for discontinuation of mechanical ventilator support on a patient without a physician's order. Respondent's license to practice respiratory care in New Jersey is suspended for two years, the first six months to be served as an active suspension and the remaining eighteen months of suspension stayed and serves as a period of probation.
- b. I/M/O JOSEPH CAPONE - A Consent Order was filed December 14, 2010. Mr. Capone was placed off duty for reasonable suspicion of alcohol impairment while on duty at Hackensack University Medical Center. Respondent is hereby reprimanded by the Board for engaging in conduct that relates adversely to the practice of respiratory care.

The next scheduled meeting is February 1, 2011. 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 3:00 p.m.

***Respectfully submitted,***

Dorcas K. O'Neal  
Executive Director





