

**STATE BOARD OF RESPIRATORY CARE
SOMERSET CONFERENCE ROOM 6TH FLOOR
PUBLIC SESSION MINUTES**

February 1, 2005

Final

The January meeting of the 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 James Brophy Jeffrey Brozoski Janet Castronovo

Absent: John Kalynovych Dr. Robert Malovany

Also in attendance: Dorcas K. O'Neal, Executive Director, Michelle Weiner, Deputy Attorney General and Monica Carrington, Staff

Public Attendees: NONE

I. APPROVAL OF PUBLIC SESSION MINUTES

The Board reviewed the Public Session Minutes of January 4, 2005. The following redactions were made. On Page 2, Section II. Old Business, letter "A", paragraph 2, line 1 - DAG Weiner's name will be deleted. On a motion made and seconded, the Board unanimously approved the Public Session Minutes as redacted.

II. OLD BUSINESS/REAGENDIZED

A. Administration of Nebulized Morphine - (L. Bauer Inquiry) Update DAG Weiner from Pennsylvania, New York, and California. DAG Weiner submitted the statutes from Nevada which stated that pursuant to NV ST 453.375 - N.R.S. 453.375(4) a controlled substance may be possessed and administered by a respiratory therapist at the direction of a physician or physician assistant. The Board was also advised that its original position statement contained statutory language and that perhaps it should look at responding, specifically, to the letter of inquiry as to whether a respiratory therapist is authorized to withdraw an opioid from a repository for controlled dangerous substances and administer it in nebulized form without going through nursing.

On a motion by Jeff Brozoski seconded by Janet Castronovo, the Board unanimously determined that the Respiratory Care Act does not prohibit the administration of controlled substance, however the Board does not have jurisdiction over hospitals. Therefore, Mr. Bauer should contact the Department of Health and ascertain its guidelines. Mr. Bauer will be so advised.

B. The Board reviewed an e-mail on the administration of aerosolized nebulizer treatments from Christine Molina of the California Board of Respiratory Care. The California Respiratory Care Act includes a provision within the Business and Professional Code Section 3765 which states "This Act does not prohibit any of the following activities.....(d) the performance respiratory care by paramedical personnel who have been formally trained in these modalities and are duly licensed under the provisions of an act pertaining to their specialty.

She further stated that while the section specifically addresses licensed paramedics and not students, it clearly implies that need for training; such as that provided and conducted under the supervision of a licensed respiratory care practitioner.

III. NEW BUSINESS

A. Election of Officers - Kenneth Capek and Jeffrey Brozoski were re-elected, Chair and Vice Chair, respectively.

IV. INFORMATIONAL/FYI

None

V. LEGISLATIVE/REGULATIONS

A. The Board reviewed Assembly Bill 457 (Revises Respiratory Care Licensing Act); an act concerning respiratory care practitioners and amending and supplementing P.L.1991, c.31. The bill was approved on December 7, 2004.

At the previous meeting, the Board discussed a requirement of 15 CE's per annum and 30 CE's biennially but reserved action until requirements of other states could be reviewed. Requirements for CE's from all states which require continuing education were provided. This matter was reagendaized.

B. An e-mail from Kenneth Capek regarding acceptable options and the verification process for continuing education requirement was reagendaized as it is related to V(a).

C. The Board reviewed the Legislative Affairs regarding revised procedures for suspension or revocation of licenses for overdue child support as informational.

DISCIPLINARY ACTIONS REPORTED IN PUBLIC SESSION

A. I/M/O Larry Fritts - A Consent Order was filed on February 9, 2005 regarding diversion of controlled dangerous substances from Somerset Medical Center on July 16, 2004.

B. I/M/O Norman Lichtman - A Consent Order was filed on February 9, 2005 regarding the theft of a narcotic prescription pad.

C. I/M/O David Woldow- inquired as to whether a license is needed in the receiving state when transporting a patient across state lines. The Board was advised that its position statement contained statutory language and further that "policy" statement may not be enforceable. The Board determined that Mr. Woldow should contact the receiving state relative to its requirements

On a motion by James Brophy, seconded by Jeffrey Brozoski, the Public Session was adjourned at 11:05 a.m. and the Board convened in Executive Session for the purpose of receiving counsel, to hold two investigative inquiries, to review four items of old business and to review one application.

The Board reconvened in Public Session. The next scheduled Board meeting is March 1, 2005. There being no other business to come before the Board, on a motion by James Brophy, seconded by Jeffrey Brozoski, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director