

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

**PUBLIC SESSION MINUTES**

March 2, 2004

The March 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  
Jeffrey Brozoski  
James Brophy  
Janet Castronovo  
John Kalynovych

**Absent:** Dr. Robert Malovany

**Also in attendance:** Dorcas K. O'Neal, Executive Director, Sandra Dick, Deputy Attorney General, Frank Barto and David Wagreich, Staff

**Public Attendees:** Joseph Goss, New Jersey Society of Respiratory Care

## **I. APPROVAL OF PUBLIC SESSION MINUTES**

The Board reviewed the Public Session Minutes for February 3, 2004. Redaction was made as follow: Page 3, Section V. A, line 13, after "Burt" , insert "Liebman", delete "Lubman". **On a motion by Jeffrey Brozoski, seconded by James Brophy, the Board unanimously approved the Public Session Minutes as redacted.**

## **II. OLD BUSINESS/REAGENDIZED**

### **A. ASSEMBLY BILL 3696/SENATE BILL 2494 (Revises Respiratory Care Practitioner Act) - Revision of P.L. 1991, C. 44F, Title 13.**

Joseph Goss, Legislative Liaison of the New Jersey Society of Respiratory Care advised that the Bill was introduced on February 23, 2004 to the Senate Commerce Committee under S1233 and that the changes recommended by the Board were not included. Mr. Goss had previously advised the Board that the bill would be pre-filed for introduction under A457 for the 2004 Legislative Session. Devon Graf, Regulatory Analyst, will keep the Board apprized of any legislative action regarding this bill. This matter will be reagendaized for April 6, 2004.

### **B. LEGISLATION SENATE BILL 2749 - Status of Polysomnography**

Senate Bill 2749 provides that the practice of polysomnography shall not be considered the practice of respiratory care. This Bill was introduced in the last Legislative Session on November 23, 2003. The Bill was accepted **as informational.**

**C. An Act** - concerning medical oxygen delivery system use in a residential setting and supplementing P.L1971,

c. 134(C.52:17B-118 et seq.).

The Board reviewed this act and concluded that the bill addresses providers of oxygen; a notification requirement to the fire department that any oxygen delivered should be reported to the fire department. The main issue here concerns obtaining consent for delivery of oxygen or oxygen delivery system from the patient or a patient representative and notification to the fire department. The act was accepted **as informational**.

D. The Board reviewed a request from the Health Integrity Databank requesting comments on the requirement to report "any other negative action or finding that is publicly available." The Executive Director will provide comments to the Healthcare Integrity and Protection Data Bank.

E. The Board reviewed questions 3 & 5 in a letter from **Shirley J. Esperanza, Esq.** who is planning a mail service pharmacy business to be located in Florida which may eventually do business in the State of New Jersey. Ms. Esperanza inquired as to the requirements for the sale of nebulizer compressors by a pharmacy; as to whether a follow-up visit from a respiratory therapist was required and whether a physician would be required to register with the Board of Respiratory Care if he /she distributes nebulizer compressors out of his/her office.

**It was the consensus of the Board that Ms. Esperanza's questions be referred to the Board of Pharmacy before it responds. Ms. Esperanza will be so advised.**

### **III. NEW BUSINESS**

None

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

None

### **V. LEGISLATIVE / REGULATIONS**

#### **A. ASSEMBLY BILL 457 (Revises Respiratory Care Practitioner Act)**

The Board reviewed A457 which "revises the Respiratory Care Practitioner Act." The companion bill S1233 was introduced on February 23, 2004. **The comments will be reported to Burt Liebman, Legislative Liaison.**

### **VI. OTHER BUSINESS**

- A. The Board reviewed the Revenue Report for Fiscal Year 2003, **as informational**.
- B. The Board reviewed the Monthly Revenue Report for January 2004, **as informational**.

### **VII. PUBLIC COMMENTS**

None

On a motion by James Brophy, seconded by John Kalynovych, the Public Session was adjourned at 10:50 a.m. and the Board convened in Executive Session for the purpose of receiving counsel, to conduct two investigative inquiries, to review five matters of old business involving ongoing investigations, one matter of new business, and three applications.

The Board reconvened in Public Session. The next scheduled Board meeting is April 6, 2004. There being no other business to come before the Board, on a motion by John Kalynovych, seconded by Janet Castronovo, the meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Dorcas K. O'Neal  
Executive Director

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