

# STATE BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES

APRIL 1, 2003

The April 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:**

Jeffrey Brozoski  
James Brophy  
Kenneth Capek  
Janet Castronova  
Jon Kalynovych

**Absent:**

Dr. Robert Malovany

A quorum was confirmed by the Executive Secretary.

**Public attendees:**

Joseph Goss, Legislative Liaison, New Jersey Society of Respiratory Care

**Also in attendance:**

Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General, Kathleen Griffith, Dave Wagreich and Frank Barto, Staff.

## I. APPROVAL OF PUBLIC SESSION MINUTES

The Board reviewed the Public Session Minutes for March 4, 2003. On a motion by Jeffrey Brozoski seconded by Janet Castronova, the Board unanimously approved the Public Session Minutes as submitted.

## II. OLD BUSINESS/REAGENDIZED

### a. Notice Regarding Polysomnography Testing

The Board reviewed the final draft of the Notice regarding Polysomnography Testing. Redactions were made on page 1, second paragraph line 8, "and control" was deleted; page 2, line 11, the date was changed from "*March 31, 2006*" to "*April 30, 2006*".

**On a motion by James Brophy seconded by Jeffrey Brozoski, the Board unanimously approved the Notice with redactions.**

## III. NEW BUSINESS

a. The Board reviewed a fax from **Kandi Idol, Home Care Supply** inquiring as to whether a medical director is required in order to practice respiratory care as a home health company in New Jersey; inquiring about the follow-up time frame for an RRT or CRT after the patient is set up by a driver technician or other non-licensed

person and finally whether a follow-up visit by a respiratory therapist need be in person or whether it may occur by telephone.

*As to question 1, it was the consensus of the Board that inasmuch as the Board has no jurisdiction over business set-ups, that Ms. Idol should be referred to the Department of Health.*

*As to question 2 and 3, pursuant to N.J.A.C. 13:44F-3.3(g), a licensed respiratory care practitioner who delegates tasks set forth in (b) in an outpatient setting shall ensure that a follow-up visit from a licensee or a person exempt from licensure 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.*

Ms. Idol will be so advised and a copy of the statutes and regulations will be provided.

b. The Board reviewed a copy of a letter sent to Dr. Clifton Lacey, Commissioner of Health and Senior Services from Teodoro V. Santiago, Professor and Chief, Division of Pulmonary & Critical Care Medicine at Robert Wood Johnson Medical School, commenting on the Board's intention to notice polysomnographic technologists of its determination that such persons are performing tasks which fall within the scope of practice of respiratory care. In part, Dr. Santiago felt the *"unstated effect of the notice ...is that only respiratory therapist could serve as polysomnographers"...*that the proposal is ludicrous as it fails to recognize that Polysomnographic Technology as a separate specialty. This correspondence was accepted **as informational**.

c. The Board reviewed a copy of a letter sent to Dave Gourley, President of the New Jersey Society of Respiratory Care from Rita Brooks, Director of Capital Health System Sleep Centers stating in part that "... polysomnographers do not perform respiratory therapy; "... that certified or registered polysomnographic technologists and technicians have been exempted in some states....and that she believes that they should be exempted in New Jersey". The Board accepted this correspondence as informational.

#### **IV. INFORMATIONAL**

There were no items for review.

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

There were no items.

#### **VI. OTHER BUSINESS**

The board reviewed the Monthly Revenue Report for February, 2003, **as informational**.

There being no other business to come before the Board in Public Session, on a motion by Jeff Brozoski seconded by John Kalynovych the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to hold five investigative inquiries, to review six matters of old business involving on going investigation and one matter of new business.

The Board reconvened in Public Session. The next scheduled meeting is May 6, 2003. There being no other business to come before the Board on a motion by Jeff Brozoski seconded by James Brophy, the meeting was adjourned at 4:30 p.m.

Respectfully submitted;  
Board of Respiratory Care

Dorcas K. O'Neal  
Executive Director

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