

**BOARD OF RESPIRATORY CARE
PUBLIC SESSION MINUTES
SOMERSET CONFERENCE ROOM
6th Floor
June 2, 2009
FINAL**

The June 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 James Brophy Michael G. Brown Janet Castronovo

ABSENT: Robert Malovany, M.D. and Dorcas K. O'Neal, Executive Director

Also in attendance Tobey Palan, Deputy Attorney General, Kathleen Griffith and Bernadette Augustus, staff.

Public attendance: Joseph Goss.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of June 2, 2009. On a motion by Jeffrey Brozoski, seconded by Janet Castronovo, the Board unanimously approved the Public Session Minutes as redacted.

II. OLD BUSINESS

a. I/M/O Life Support Technologies, Inc. The Board advised that if there is no response by the end of June, DAG Palan is authorized to call the cooperative counsel. Reagendized.

III. NEW BUSINESS

a. The Board reviewed an E-mail from Chairman, Capek, regarding AARC: Respiratory Therapy Under Attack by Polysomnography Legislation, as informational.

b The Board reviewed Division of Law Billing for the 3re quarter of fiscal Year 2009, as informational.

c. The Board reviewed Respiratory Care Total Revenues for April, 2009, as informational.

IV. INFORMATIONAL/FYI

None.

V. LEGISLATION/REGULATIONS

a. Comments to the Polysomnography, Regulation N.J.A.C.13:44L are due by June 19, 2009. This matter was moved to Executive Session for discussion.

VI. OTHER BUSINESS

None.

VII PUBLIC COMMENT

Mr. Goss stated that it must be clear that there is no dual licensure in New Jersey for respiratory care therapists. He stated that he has not heard from the Society in weeks. He stated that he will submit his own comments and a letter regarding the Polysomnography regulation and is not sure if the Society will mirror his comments. He stated that the AARC published a report stating that respiratory care is scoring high in examination given by the NBRC. He stated that it will be interesting to know how many therapists are doing sleep testing and home care. He stated that it is too late to start fighting. He stated that any letter written must start with the facts. He stated that in his letter he will ask if there are any respiratory therapists that have been disciplined while doing polysomnography. He stated that it is a grand awakening.

There being no other business to come before the Board in Public Session, on a motion by Jeffrey Brozowski, 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 five items of old business, three item of new business and to review comments regarding Polysomnography, Regulation N.J.A.C.13:44L.

The Board reconvened in public Session. The following are comments regarding Polysomnography, Regulation N.J.A.C.13:44L, being reported in Public Session.

The New Jersey State Board of Respiratory Care has had an opportunity to review the proposed regulations of the New Jersey State Board of Polysomnography in N.J.A.C. 13:44L. By this memo, the Board of Respiratory Care seeks to make clear its position with respect to the scope of practice of its licensees, requests a confirmation of a shared understanding from the Board of Polysomnography in their responses to comments in the New Jersey Register, and advance additional comments for your consideration. The Board of Respiratory Care takes the position that New Jersey licensed respiratory therapists will continue to work in the field of polysomnography as they have for many years, pursuant to their scope of practice outlined in N.J.A.C. 13:44F-3.3, and are not required to have dual licensure from the Board of Polysomnography in order to continue practicing polysomnography. An articulation by the Board of Polysomnography of that common understanding would assist in responding to inquiries from our respective communities.

In addition, the New Jersey State Board of Respiratory Care strongly recommends that the New Jersey State Board of Polysomnography incorporate the Joint Commission Accreditation Program into its proposed regulations along with the AASM (which is currently the only listed accreditation entity in the proposed regulations), as an additional entity that can also accredit sleep labs/centers, since, currently in the State of New Jersey, some sleep centers/labs receive their accreditation from the Joint Commission Accreditation Program. Also, the New Jersey Board of Respiratory Care is concerned that AASM does not recognize licensed respiratory therapists as professionals that are approved to perform polysomnography in AASM accredited sleep centers/labs in New Jersey, and if AASM is the only accrediting body for sleep centers/labs then the public will be greatly harmed because all of the experienced and trained respiratory therapists in New Jersey that presently work in Sleep centers/labs will not be able to continue to work.

The New Jersey State Board of Respiratory Care looks forward to working together with the New Jersey State Board of Polysomnography in the future.

The next scheduled meeting is July 7, 2009. There being no other business to come before the Board, on a motion by James Brophy, seconded by Michael G. Brown, the Board adjourned the meeting at 4:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director