

**BOARD OF RESPIRATORY CARE  
PUBLIC SESSION MINUTES  
SOMERSET CONFERENCE ROOM  
6th Floor  
July 7, 2009**

FINAL

The July 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:** Michael G. Brown Janet Castronovo Kenneth Capek

**ABSENT:** Robert Malovany, M.D. James Brophy

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

Public attendance: Joseph Goss.

#### I. APPROVAL OF MINUTES

The Committee reviewed the Public Session Minutes of June 2, 2009, redaction were made. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Minutes were approved as amended subject to ratification by the Board.

#### II. OLD BUSINESS

a. I/M/O Life Support Technologies, Inc.-Awaiting response from James Karaman, Assistant vice President, CentraState Health System, Freehold, New Jersey. DAG, Palan, will be provided a copy of the second letter sent to Mr. Karaman. Reagendized.

#### III. NEW BUSINESS

a. The Board reviewed a letter of invitation to the Executive Director or her designated representative to attend the 2009, meeting of the State Licensure Liaison Group, sponsored by the NBRC and the American Association for Respiratory Care (AARC). The meeting will be held September 25-26, 2009, at the NBRC Executive Office in Olathe, Kansas. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee approved Dorcas K. O'Neal, Executive Director to attend the State Licensure Liaison Group meeting.

b The Committee reviewed Respiratory Care Total Revenues for May, 2009, as informational.

c. The Committee reviewed a fax from Anthony Lajewski, inquiring as to whether a physician's order /certificate of medical necessity can be substituted for a New Jersey prescription blank (Blue). In the additional justification section are the oxygen Lpm/flow & frequency/&portability. Can this be used in place of a blue pad prescription. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee determined that so long as the document is dated, signed with an order and completed appropriately, it can serve as the doctor's order and it does not have to be a blue pad. The New Jersey prescription blanks must be used to obtain medications from a pharmacist.

d. The Board reviewed a e-mail from Linda Begley, inquiring as to whether the Board will change the requirement of respiratory therapists needing to set up oxygen in the home, given the fact that they are the only state in the United States that has this requirement; under the current statute. If a patient is in a Pennsylvania hospital and needs instruction for oxygen set ups, ventilator teaching, prior to going home to New Jersey, is a home care company permitted to send an unlicensed technician into the Pennsylvania Hospital for the set up and whether a respiratory therapist is needed to set up and teach CPAP's and BiPap's. The Committee determined that as to question 1, The State regulations are most protective of the public. Therefore, the law will not be changed. As to question 2, the Committee determined that the Board has jurisdiction in New Jersey and not Pennsylvania, however, for any set up and teaching including CPAP and BiPap in New Jersey, querist should refer to the regulations, governing the practice of respiratory care in New Jersey at N.J.A.C.13:44F-3.3(g). Regulations may be viewed at [www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov).

e. The Committee reviewed an e-mail from Hayfa Shakkour-Perez, regarding record keeping and scope of practice. She inquired as to whether respiratory care practitioner can document a patient chart when the patient's family modifies the therapy given. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee determined that based on the limited facts presented, a licensed respiratory therapist is required to document patient charts, as it is not only appropriate but required, pursuant to N.J.A.C.13:44F-8.2

Additionally, any changes/modifications made by a family member should be documented and reported directly to the physician. Ms. Hayfa Shakkour-Perez will be so advised.

f. The Committee reviewed an e-mail from Pamela McCargar, regarding record keeping and scope of practice. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee authorized DAG, Palan to call Ms. McCargar to respond to her inquiry and to advise her that any person engaged in the conduct cited, is in violation of N.J.S.A. 45-1.21 and such actions are considered professional misconduct.

g. The Committee reviewed a fax from Ed Mehaffey, inquiring as to whether a licensed RT can do a one-time spot check pulse ox on a patient without a written physician's order. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee authorized DAG, Palan to speak with Mr. Mehaffey regarding his inquiry.

#### IV. INFORMATIONAL/FYI

The members of the Board and staff, would like to publicly thank and acknowledge Mr. Jeffrey Brozoski for his many years of dedicated service to the consumers of the State of New Jersey and his contribution to the profession.

In furtherance to this acknowledgment, the Board will request the honor of Mr. Brozoski's presence at its September 15, 2009.

#### V. LEGISLATION/REGULATIONS

None.

#### VI. OTHER BUSINESS

a. Chairman Capek requested to speak at Englewood Hospital, on ethics, August 28, 2009. On a motion by Michael G. Brown, seconded by Janet Castronovo, the Committee unanimously approved Chairman Capek to speak at Englewood Hospital.

#### VII. CONTINUING EDUCATION CREDIT REVIEW

None.

## VIII. PUBLIC COMMENTS

Mr. Goss stated that he heard that the State Society, submitted comments to Board of Polysomnography regarding the scope of practice. He specifically addressed direct supervision. He stated that he hopes that respiratory therapists will continue to do Polysomnography and hopefully, the Board of Polysomnography will listen and make accommodations.

There being no other business to come before the Board in Public Session, on a motion by Janet Castronovo, seconded by Michael G. Brown, the meeting was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to review six items of old business and two items of new business.

The Board reconvened in public Session. The next scheduled meeting of September 1, 2009, will be cancelled. The next meeting will be held September 15, 2009. There being no other business to come before the Board, on a motion by Michael G. Brown, seconded by Janet Castronovo, the Board adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal  
Executive Director

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