

**BOARD OF RESPIRATORY CARE
PUBLIC SESSION MINUTES
ESSEX CONFERENCE ROOM,
7th Floor
JULY 10, 2007**

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:

Jeffrey Brozoski James Brophy
Michael G. Brown Kenneth Capek

ABSENT:

Robert Malovany, M.D Janet Castronovo
Tajwar Aamir, M.D.

Also in attendance: Dorcas K. O'Neal, Executive Director; Darlene Lapola, Deputy Attorney General, Maryann Sheenan, Regulatory Analyst, Sarah Turk, Division of Law Intern and Bernadette Abercrombie, staff.

Public attendance: Joseph Goss, President, New Jersey Society for Respiratory Care.

I. APPROVAL OF MINUTES

The Board reviewed the Public Minutes of June 5, 2007. On a motion by James Brophy, seconded by Michael G. Brown, the Board unanimously approved the Public Session Minutes as submitted.

II. OLD BUSINESS

- a. The New Jersey Board of Respiratory Care, LICENSE CE CREDIT AUDIT FORM was reauthorized.
- b. The Board reviewed Questions & Answers for May and July 2007, related to the Continuing Education Requirements. Redactions were made as follow:

First box delete Q & A:

Third Box delete Q&A.

Fourth box delete from A: Acceptable example: Relaxation, yoga and other alternative care, Spanish for healthcare personnel, communications and conflict resolution, and diversity training. In addition, managerial courses given within a healthcare setting or conference would meet these criteria.

On a motion by James Brophy, seconded by Jeffrey Brozoski, the Board approved the Questions and Answers.

III. NEW BUSINESS

a. The Board reviewed an Email from Jennifer Swansiger, RRT, inquiring as to whether a Patient Service Technician can set up CPAP, BIPAP and nebulizers in the State of New Jersey.

The Board determined that a Patient Service Technician may deliver the cited equipment providing that a respiratory therapist in an outpatient setting shall ensure that a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9(c), takes place within 24 hours of delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

Ms. Swansiger will be so advised.

b. The Board reviewed the TOTAL REVENUES FOR JANUARY -MAY, 2007, as informational.

c. The Board reviewed a fax from Mark D. Paolino, informing the Board that he received military orders for activation right after he applied for his license in 2006. He stated that he is only employed part time at Atlantic Regional Center. He is requesting that the fees paid for the cycle ending 3/31/2008 be applied to the cycle ending 3/31/2010. Also, he advised that he will not be able to start obtaining his CE's until after he returns from Iraq in 2008.

It was the consensus of the Board that the fees paid have already been applied to the license which was issued and will expire March 31, 2008. Mr. Paolino will be requested to send a notarized copy of his Military Activation papers. Reagendized.

d. The Board reviewed a fax from Matt Conlon, Grace Home Medical, LLC; inquiring as to whether there are State Licensing and/or certification requirements for a newly formed Medical Supply company interested in supplying respiratory products and services including CPAP and BiLevel therapies as well as Oxygen; whether the company is required to hire a full time employee or staff; whether a respiratory therapist is required to perform all or any patient set-up for CPAP, BIPAP etc and whether permits are required for business. On a motion by James Brophy, seconded by Jeffrey Brozoski, the Board determined that as to question 1, there are no state licensing and certification requirements by this Board. As to questions 2, 3 and 4, the Board has no jurisdiction over businesses, however, certain of its laws apply to delegation by a respiratory care practitioner to unlicensed persons. The Board also determined that an unlicensed person may deliver equipment, however, a respiratory therapist who delegates tasks in an outpatient setting shall ensure that a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9©. Querist will be advised that he should obtain counsel and a copy of the regulation will be sent to him.

e. The Board reviewed a fax from Chris Vasta, inquiring as to whether a respiratory care therapist or staff is needed, or a special permit or license to operate an internet business on line, with no prescription required, which sells sleep products, specifically Sleep Apnea Machines, CPAP masks, filters and parts to the general public as required . It was the consensus of the Board that this matter be reagendized pending receipt of further information from the office of Regulated Business.

IV. INFORMATIONAL

None.

V. LEGISLATION AND REGULATION

a. Sunset review of the Regulations Chapter 44F, State Board of Respiratory Care- Maryann Sheenan, Regulatory Analyst, requested that the Board review N.J.A.C. 13:44F-4.1, Eligibility for licensure for further clarification.

N.J.A.C.13:44F-4.1 Eligibility for Licensure. I, after submit, delete additional.

N.J.A.C.13:44F-4.1 Eligibility for Licensure. I, second line, insert after of, having education or refresher course approved by the Board.

On a motion by Jeffrey Brozoski, seconded Michael G. Brown, the Board approved the Sunset of Regulations.

VI. OTHER BUSINESS

None

VIII. PUBLIC COMMENT

Joseph Goss, President, New Jersey Society for Respiratory Care, attended the Public Meeting. He stated that there is a design review course in North Carolina for clinical competency. He stated that these courses are not accredited by the AARC, but if approved by the Board, licensees can be referred to the course. He stated that if the Board is requesting licensees to hold on to their certificates, they should to be notified now. He stated that the Q&A could be posted on the AARC website.

There being no other business to come before the Board in Public Session, on a motion by Jeffrey Brozoski, seconded by Michael G. Brown, the Public Session was adjourned and the Board convened to Executive Session for the purpose of receiving counsel, to conduct two investigative inquiries, to review two items of old business and three items of new business.

The Board reconvened in Public Session.

The next scheduled meeting is August 7, 2007. 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 2:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director