

STATE BOARD OF RESPIRATORY CARE
SOMERSET CONFERENCE ROOM 6TH FLOOR

PUBLIC SESSION MINUTES

July 27, 2004

The July 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
John Kalynovych

Absent:

Dr. Robert Malovany
Janet Castronovo

Also in attendance:

Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General, Devon Graf, Regulatory Analyst, 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 June 1, 2004. Redaction was made as follows: Page 2, Section II. C, line 4, after "Board" , insert "states", delete "suggested". Page 2, Section II. C, line 8, after "Board" , insert "states", delete "recommends". Page 2, Section II. C, line 10, after "Board" , insert "states", delete "recommends". Page 2, Section II. C, lines 11-12, after "by the" , insert "Board", delete "American Association for Respiratory Care (AARC)". Page 2, Section II. C, line 15, after "approved", delete "the". Page 2, Section III. A, line 4, after "Committee" , insert "(See VA)". On a motion by James Brophy, seconded by Jeffrey Brozoski, the Board unanimously approved the Public Session Minutes as redacted.

II. OLD BUSINESS/REAGENDIZED

A. The Board reviewed a fax from Joseph Goss from the New Jersey Society of Respiratory Care updating the Board of the amended language to Senate Bill 1233 which states, the definition of "respiratory care" specifically excludes those extracorporeal means of oxygenating blood which are provided by other licensed medical providers such as perfusionists. Such means of extracorporeal oxygenation of blood and extracorporeal therapy are currently performed by other licensed medical professionals.

B. The Board reviewed a letter from John J. Hill, RRT at Deborah Heart and Lung Center inquiring as to whether a Certified Medical Lab Technician/Technologist who draws arterial blood gas, performs analyses, and quality control is impacted by the Respiratory Care Act.

The Board directed DAG Palan to ascertain further information specifically related to the Clinical Laboratory Improvement Act of 1988 before the Board can make a determination regarding whether licensure is required for

a Certified Medical Lab Technician/Technologist and to determine if it is a part of their job to draw arterial blood gas, perform analyses, and quality control. This matter will be reagendaized for September 14, 2004.

III. NEW BUSINESS

A. The Board reviewed a fax from John Kalynovych, Clinical Care Coordinator at Overlook Hospital requesting clarification regarding Pulmonary Function Testing inquiring as to whether a Registered Nurse can perform all the testing of a Full Pulmonary Function Study and not be a CRT or an RRT or have any credentials toward PFT. In addition, Mr. Kalynovych wants to know what requirements a nurse would need to meet in order to perform Full Pulmonary Function studies.

After consideration the Board determined that this matter should be referred to the Board of Nursing.

B. The Board reviewed a fax from Vincent M. Ferrara, RRT at Blackwood Medical Center inquiring as to whether the sale of a CPAP mask require a prescription from a physician (assuming that this is a replacement mask six months after the initial setup of CPAP in the home).

It was the consensus of the Board that the New Jersey Board of Respiratory Care does not regulate the sale of medical equipment. The Board determined that this matter should be referred to the prescribing physician or the Board of Medical Examiners. Mr. Ferrara will be so advised.

C. The Board reviewed a fax from Hetal Rao, CRT inquiring about the requirements for opening up a personal respiratory homecare company.

It was the consensus of the Board that the New Jersey Board of Respiratory Care does not regulate personal respiratory homecare companies. Mr. Rao will be provided with an updated copy of the statutes and regulations.

IV. INFORMATIONAL/FYI

A. The Board reviewed the July 2004 NPDB-HIPDB Newsletter from the U.S. Department of Health and Human Services, as informational.

V. LEGISLATIVE / REGULATIONS

A. The Board reviewed an Act concerning criminal history record background checks and supplementing P.L.1985, c.69. This Act permits a person with a criminal record to obtain certain employment if a disqualifying offense was committed more than 10 years ago.

It was the determination of the Board to support this Act, as written the Board believes that it is adequately protective of the public. On a motion by Jeffrey Brozoski, seconded by James Brophy, the Board unanimously supported this Act.

VI. OTHER BUSINESS

A. The Board reviewed the Monthly Revenue Report for May 2004, as informational.

B. The Board reviewed the Monthly Revenue Report for June 2004, as informational.

VII. PUBLIC COMMENTS

None

VIII. DISCIPLINARY ACTION / REPORTED

None

On a motion by James Brophy, seconded by John Kalynovych, the Public Session was adjourned at 11:15 a.m. and the Board convened in Executive Session for the purpose of receiving counsel, conduct one investigative inquiry, to review four matters of old business involving ongoing investigations, one matter of new business, and four applications.

The Board reconvened in Public Session. The next scheduled Board meeting is September 14, 2004. There being no other business to come before the Board, on a motion by James Brophy, seconded by John Kalynovych, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director
