



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Respiratory Care
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45031
Newark, NJ 07101
(973) 504-6485

SOMERSET CONFERENCE ROOM 6TH FLOOR

PUBLIC SESSION MINUTES

August 5, 2014

The October meeting of the New Jersey Board of Respiratory Care was convened in accordance with its notice to the Lieutenant Governor, 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: Christopher Lange
James Brophy
Michael Brown
Kenneth Capek

EXCUSED: Janet Castronovo
Dorcas K. O’Neal, Executive Director

ABSENT: Robert Malovany, MD.

Also in attendance: Tobey Palan, Deputy Attorney General, Rachel Glasgow, Regulatory Analyst, Bernadette Augustus and Kathleen Griffith, Staff.

- I. 1. **APPROVAL OF MINUTES of May 6, 2014.**
 - a. The Board reviewed the Public Minutes of May 6, 2014. On a motion by James Brophy, seconded by Christopher Lange, all actions taken in the Committee during the May 6, 2014 meeting, subject to ratification were unanimously approved by the Board.

- 1. **APPROVAL OF Minutes of June 3, 2014.**
 - a. The Board reviewed Public Minutes of June 3, 2014. On a motion by James Brophy, seconded by Christopher Lange, the Board unanimously approved the public Minutes as submitted.

II. **OLD BUSINESS/REAGENDIZED**

- a. The Board reviewed the letter signed by Michael Jensen, US Home Med LLC. Chairman Capek signed the letter which will be sent to Mr. Jensen.
- b. Request for Proposal (RFP) Continued Education Audit-Francine Widrich was to present the requirements. No update. Reagendized.
- c. The Board reviewed a brochure from the National Association of Board of Pharmacy addressing in part continuing education, **as informational.**

III. **NEW BUSINESS**

- a. The Board reviewed Division of Law Billing for the 3rd quarter of Fiscal Year 2014, **as informational.**
- b. The Board reviewed the fax from **John Easton, RRT**, requesting a waiver of the 60 CEU's towards reinstatement of his license which expired March 31, 2008.

On motion by Michael G. Brown, seconded by Christopher Lange, the Board determined that a letter be sent to Mr. Easton, **advising him that since he passed the CRT examination in April 2014, he would not have to submit the 60 CEU's.**

Based upon the law which went into effect August 1, 2014, the Board determined that Mr. Easton would submit the following fees:

Previous biennial renewal fee - (2012-2014).....	\$160.00
Renewal period fee - (2014-2016).....	\$ 80.00
Reinstatement fee.....	\$175.00
Total.....	\$415.00

- c. **Board reviewed the fax from Christine Harriott, RPSGT, RST, RRT, RPFT, NPS**, inquiring as to whether a Respiratory Care Practitioner can work under one license for both Polysomnography and respiratory care.

On a motion by Michael Brown, seconded by Christopher Lange, the Board determined that a letter be sent to Ms. Harriott advising that she may work in sleep with her respiratory care license. However, she should check with the individual sleep labs for which she is working.

- d. **The Board reviewed the e-mail from Melissa Schaller, Paralegal, Business Management, Cardinal Health at Home**, inquiring as to the regulations and requirements for drop-shipping.

The Board determined that, pursuant to N.J.A.C. 13:44F-3.3 (f), the licensed respiratory care practitioner who delegates tasks set forth in (d) above in an outpatient setting shall ensure 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.

1. The documentation of the follow-up visit shall be maintained for all patients during the course of respiratory care, and for a period of one year following the termination of respiratory care services.
2. The documentation of the follow-up visit shall be available for the Board's inspection on the business premises of the licensee or person exempt from licensure who conducts the follow-up visit, within 12 business hours of the Board's request. For the purposes of this section, "business hours" is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday.

Also, the Board determined no labeling is needed on the shipment to inform the patient or end user of any requirement. However, there should be communication with the customer regarding the 24 hour follow up visit after delivery.

Querist will be so advised.

- e. **ETHICS - Robert Campanelli, Ethics Officer presented the Uniform Code of Ethics to the Board members.**
- f. **The Board reviewed the application for PBCA Re-Certification for Blood Gas Puncture/Analysis from Bergen Regional Medical Center as well as a certificate of performance and the curriculum vitae of Eugene Babitz, RRT.**

The Board unanimously approved the PBCA. An e-mail is to be sent to Chairman Capek of its approval. The PBCA Committee will review all application. The Board office should keep a file for approved PBCA.

- g. The Board reviewed the letter from the NBRC, inviting the Executive Director or a designated representative to attend the 2014 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 12-13, 2014 at the NBRC Executive Office in Olathe, Kansas.

On a motion by Michael Brown, seconded by Christopher Lange the Board unanimously approved James Brophy to attend the 2014 NBRC meeting of the State Licensure Liaison Group, in Olathe, Kansas.

- h.** The Board reviewed the letter from Specialties in **Adolfo Silvera, Managing Partner Home Inc.**, requesting a license renewal, as opposed to reinstatement.

On a motion by Michael Brown, seconded by Christopher Lange the Board unanimously voted that a letter be sent to Silvera, advising that he cannot renew an expired license. He must adhere to the provision of N.J.A.C. 13:44F-7.3 (a) 1 thru 3 Reinstatement of Suspended License. Further, the Board voted to waive the \$175.00, 2014-2016 reinstatement fee. Finally, Mr. Silvera cannot practice without a valid respiratory care license in the State of New Jersey. **Mr. Silvera will be so advised.**

- i.** **The Board reviewed a fax from Susan Hills**, inquiring as to whether a license is needed to distribute oxygen and or medical gas in the State of New Jersey.

The Board determined that a letter be sent to Ms. Hill advising that due to lack of specificity and the limited facts presented, the Board is not clear as to her issue. Querist should contact State of New Jersey Department of Health, which regulates wholesale drugs and medical device registration.

Ms. Hill be so advised.

IV. LEGISLATION/REGULATIONS/REAGENDIZED

- a.** The Board reviewed, the Division of Consumer Affairs State Board of Respiratory Care - **Delegation by a Respiratory Care Practitioner to Unlicensed Person. Proposed Amendment: N.J.A.C. 13:44F-3.3., which was published in the New Jersey Register July 7, 2014**
- b.** **Sunset of N.J.A.C.13:44F, et seq. Rachel Glasgow, Regulatory Analyst. This matter is scheduled for next Board meeting.**

V. INFORMATIONAL/FYI

None

VI. PUBLIC COMMENT

None.

VII. OTHER BUSINESS

None.

There being no other business to come before the Board in Public Session, on a motion by James Brophy, seconded by Christopher Lange, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel, to conduct one (1) investigative inquiry, to review seven (7) items of old business and three (3) items of new business.

The Board reconvened in Public Session. The next scheduled meeting is September 9, 2014. There being no other business to come before the Board, on a motion by James Brophy, seconded by Michael Brown, the Board adjourned the meeting at 3:00 P.M.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director