

**BOARD OF RESPIRATORY CARE
PUBLIC SESSION MINUTES
SOMERSET CONFERENCE ROOM,
6th Floor
SEPTEMBER 4, 2007**

FINAL

The September 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 Michael G. Brown Janet Castronovo

ABSENT: Robert Malovany, M.D James Brophy Tajwar Aamir, M.D. Dorcas K. O'Neal, Executive Director

Also in attendance: Darlene Lapola, Deputy Attorney General; Kathleen Griffith and Bernadette Abercrombie, staff.

Public attendance: None.

I. APPROVAL OF MINUTES

The Board reviewed the Public Minutes of July 10, 2007. On a motion by Michael G. Brown, seconded by Jeffrey Brozoski, the Board unanimously approved the Public Session Minutes as amended.

II. OLD BUSINESS

- a. The New Jersey Board of Respiratory Care, LICENSE CE CREDIT AUDIT FORM was reagendaized.
- b. The Board reviewed a fax from Chris Vasta, July 10, 2007, 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, is required . Reagendaized.
- c. The Board reviewed Respiratory Care CE Credit Q&A update May/July, 2007. On a motion by Janet Castronovo, seconded by Michael G. Brown, the Board unanimously approved CE Credit Q&A.
- d. I/M/O Mark D. Paolino - Awaiting notarized copy of his Military Activation papers. Reagendaized.

III. NEW BUSINESS

- a. The Board reviewed a fax from Terrence Shenfield, Clinical Supervisor, University Hospital, stating that there is a program at University Hospital where they are required to do a mandatory education for "infection control," patient safety and ethics modules. He stated that they are not AARC approved and are part of the UMDNJ mandatory education. They take about one hour each and there is a post test. The Board determined that if those courses are not approved by the New Jersey Society of Respiratory Care (NJSRC) or the American Association for Respiratory Care (AARC), they are not approved. Therefore, Mr. Shenfield should contact the NJSRC and the AARC. Mr. Shenfield will be so advised.
- b. The Board reviewed DEBORAH Heart and Lung symposium - Board member, Brophy; as informational.

c. The Board reviewed an E-mail from Denise M. Ginly, BS, RRT, RPFT, inquiring as to whether CEU's are received when a therapist retakes the CRT and /or RRT (just to earn CEU's). Also, if a number of CEU's are awarded, would they count toward the requirements for licensure. The Board determined that taking the CRT or RRT examination does not count toward the CEU requirement. Ms. Ginly will be so advised.

d. The Board reviewed the Division of Law Billing for the fourth quarter of Fiscal Year 2007, as information.

e. The Board reviewed a fax from Beth L. Rubin, Counsel, DECHERT, inquiring as whether a respiratory therapist who is licensed in a nearby state (e.g., New York, Pennsylvania or Delaware) can ride an out-of-state Specialty Care Transportation Unit (SCTU) ambulance from that state into New Jersey. The ambulance has a New Jersey SCTU license. The ambulance picks up a patient in New Jersey and takes that patient back to the state of origin. During transport, the respiratory therapist cares for the patient. The Board determined that an out-of-state respiratory therapist may transport a patient to New Jersey as there are allowances made for such transport of patients.

f. The Board reviewed a fax from Dianne Andrews, inquiring as to whether in New Jersey a respiratory therapist must set up CPAP, BIPAP, Ventilator, Oxygen, Nebulizers and whether a follow up call or visit required. The Board determined that, pursuant to N.J.A.C. 13:44F-3.3 (g), a licensed respiratory care practitioner who delegates tasks in an outpatient setting shall ensure that a 24 hour follow-up visit takes place after delivery of equipment to the patient, by a licensed respiratory care practitioner or a person exempt from licensure pursuant to N.J.S.A.45:14E-9 (c), for the purpose of conducting an in-person assessment of the equipment. The following 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.

Ms. Andrews will be so advised.

g. The Board reviewed a fax from Pabel Blanco, as to whether it is legal to have his driver deliver concentrators (or any other type of respiratory machine) turn on the machine and put the mask on the patient. The Board determined that querist should refer to the Regulations, governing the practice of respiratory care pursuant to N.J.A.C.13:44F-3.3 (g), page 43. Mr. Blanco will be so advised.

h. The Board reviewed a fax from Tricia Cunningham, Clinical Director Respiratory Care, inquiring as to the consequences for a RCP who is unable to show proof of compliance when audited, whether the facility of employment is responsible for tracking CEU's for their employees and whether the facility would be penalized should non-compliance occur. The Board determined that as to question 1, the consequences for not providing proof of CE's have not been determined at this time; as to questions 2 and 3, the Board determined that it is the licensee's responsibility to provide proof, therefore, the facility will not be penalized, nor the director. Ms. Cunningham will be so advised.

IV. INFORMATIONAL/FYI

a. The Board reviewed the Board of Respiratory Care Total Revenues for January - June, 2007, as informational.

b. The Board reviewed the Board of Respiratory Care Total Revenues for January - July, 2007, as informational.

c. The Board reviewed an Article- North Carolina Legislature has removed from a proposed law- North Carolina House Bill 1381- several provision, including one that would have required sleep disorder testing centers to have their facilities and records inspected by the North Carolina Respiratory Care Board (NCNCB), as informational.

V. LEGISLATION AND REGULATIONS

- a. The Board reviewed Summary of Bills considered by the Board, as informational.
- b. The Board reviewed TEMPORARY LICENSE Proposed Amendments: N.J.A.C.13:44F-5.1 and 8.1. Comment period ended 7/6/2007, no comments were received.

On a motion by Michael G. Brown, seconded by Jeffrey Brozoski, the Board unanimously voted to adopt N.J.A.C.13:44F-5.1 and 8.1., for publication in the New Jersey Register.

VI. PUBLIC COMMENTS

NONE

VII. OTHER BUSINESS

NONE

VIII. ADJOURNMENT

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 Board adjourned the Public Session and moved into Executive Session for the purpose of receiving counsel and to review six items of old business.

The Board reconvened in Public Session. The following disciplinary action was taken and is being reported in Public Session.

DISCIPLINARY ACTION TAKEN:

- a. I/M/O ROBERT H. SZYMANSKI - Consent Order filed August 24, 2007. On about April 16, 1994, respondent falsified his New Jersey application for a temporary license as a respiratory care therapist in that he answered "negatively" to the crime question.

A Consent Order was entered with conditions that respondent must undergo random directly witnessed urine monitoring testing for and controlled substances with a program pre-approved by the Board, a minimum of twice during a one month period beginning within fifteen (15) days from the filing date of the Order; respondent shall refrain from using any and all controlled substances or potentially addictive substances; respondent shall be responsible to ensure the pre-approved Board urine screening agency that he utilizes shall supply copies of all urine monitoring test report within ten (10) days; respondent shall expressly waives any claim to privilege or confidentiality that he may have concerning reports and disclosure to the Board; respondent shall provide the Board with written documentation demonstrating his attendance at and participation in an Alcoholics Anonymous Program or other rehabilitative or treatment programs.

Following review and satisfaction with the information provided by respondent and review of all documents, all of which are negative for alcohol and controlled substances, respondent will eligible for reinstatement on condition that he successfully pass the re-credentialing examination offered by the National Board for Respiratory Care (NBRC).

The next schedule meeting is October 2, 2007. There being no other business to come before the Board, on a motion by Jeffrey Brozoski, seconded by Michael G. Brown, the Board adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal

Executive Director