

**STATE BOARD OF RESPIRATORY CARE
SOMERSET CONFERENCE ROOM, 6TH FLOOR
PUBLIC SESSION MINUTES
September 6, 2005**

The September 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 John Kalynovych Dr. Tajwar Aamir

ABSENT: Janet Castronovo James Brophy Dr. Robert Malovany

Also in attendance; Dorcas K. O'Neal, Executive Director; Tobey Palan, Deputy Attorney General; Monica Carrington and Bernadette Abercrombie; staff.

PUBLIC ATTENDEES: None

I. APPROVAL OF PUBLIC SESSION MINUTES

The Board reviewed the Public Session Minutes of August 2, 2005. On a motion made by Jeffrey Brozoski and seconded by John Kalynovych, the Board unanimously approved the Public Session Minutes as submitted.

II. OLD BUSINESS

NONE

III. NEW BUSINESS

- a. I/M/O DKB MED - Letter from Dave Maffei providing a copy of continuing education programs for respiratory therapists and other health care professionals. It was the consensus of the Board to advise Mr. Maffei, that the Board is currently in the process of promulgating regulations and it is too soon to comment on approval procedures.
- b. I/M/O CARE 2 LEARN.COM - Letter from C.J. Norris inquiring as to whether there are limits for on-line and self-study continuing education courses. It was the consensus of the Board to advise Norris, that the Board is currently in the process of promulgating regulations and it is too soon to comment on approval procedures.
- c. I/M/O HOLLAND & KNIGHT LLP - Letter from Melissa January inquiring as to whether there are other individuals besides respiratory therapists (such as EMT'S first responders, delivery personnel etc.) Who may deliver respiratory equipments to patients, set it up, instruct on its use and answer follow-up questions. On a made by John Kalynovych, and seconded by Dr. Tajwar Aamir, the Board determined that based on the limited facts presented, pursuant to N.J.A.C. 13:44F-3.3 Delegation by a respiratory care practitioner to unlicensed persons:
 - (b) Activities which a licensed respiratory care practitioner may delegate to individuals employed as assistants are limited to the following routine tasks which relate to the cleanliness and maintenance of equipment:
 1. Disassembling equipment;
 2. Cleaning equipment;
 3. Preparing equipment for sterilization;
 4. Maintaining oxygen cylinder and other specialty gas cylinders; and

5. Making oxygen checks and charges.

i. An assistant who has received a level of training to ensure that the assistant can satisfactorily complete activities set forth in (b) above may set up, test, exchange and demonstrate equipment relating to oxygen delivery systems, except that a licensed respiratory care practitioner shall not permit an assistant to set up, test, exchange or demonstrate the equipment when oxygen is to be used on any life support system. This includes mechanical ventilation, either positive or negative pressure, with or without artificial airways, in use continuously or intermittently.

(g) The licensed respiratory care practitioner who delegates tasks set forth in (b) above 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 the 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. January will be so advised and a copy of the regulations will be provided.

d. I/M/O JAMES SHARP, Esq. - Mr. Sharp requested details in connection with 15 CEU requirement. On a motion by Janet Castronovo, seconded by Jeffrey Brozoski, the Board unanimously determined that when the information becomes available, Mr. Sharp will be so advised.

e. I/M/O LESLIE R. JONES, Esq. - Inquiring on behalf of client, as to whether the company that contracts with managed care companies to provide education to members must be licensed and whether an educator may obtain a license without examination provided he or she has passed the Entry Level or Advance Practitioner examination offered by the NBRC. On a motion made by Jeffrey Brozoski seconded by Janet Castronovo, the Board determined that based on the facts presented, licensure is not required for educators who monitor respiratory therapists but do not provide direct patient care. Ms. Jones will be so advised.

IV. INFORMATIONAL FYI

NONE

V. LEGISLATION AND REGULATIONS

a. N.J.A.C. 13:44F - The Board reviewed Final Draft of Proposed Amendments - for Continuing Education Credits for Board approval - the following amendments were made:

(Page 1) N.J.A.C. 13:44F-4.1 (b) 3, Eligibility for Licensure - Insert after the words "within five years" proceeding the date of application for licensure.

Page 3 - N.J.A.C.13:44F-7.2 (b), first line insert "1-3" after the letter (a)

Page 5- SUBCHAPTER 10 CONTINUING EDUCATION N.J.A.C.13:44F-10.1 (c), add, as set forth in N.J.A.C.13:44F-10.2

Page 6 - N.J.A.C.13:44F-10.1 (h), delete

Page 6 - N.J.A.C.13:44F-10.2 (a)1,delete "one continuing education credit for each course credit awarded." insert pursuant to N.J.A.C.13:44F-10.5.

Page 6 - N.J.A.C.13:44F-10.2 (a) 3, last line - delete from courses credit awarded and insert instructional hour attended.

Page 7 - N.J.A.C.13:44F-10.2 (a) 4, delete paragraph.

Page 7 - N.J.A.C. 13:44F-10.2 (b), - delete as approved by the Board.

Page 7 - N.J.A.C.13:44F-10.2 (b)5, - delete approved by the Board and insert pursuant to N.J.A.C.13:44F-10.5.

Page 8- N.J.A.C.13:44F-10.3 (a)3 iv, delete

Page 7 - N.J.A.C.13:44F-10.2 (b)5, - delete approved by the Board and insert pursuant to N.J.A.C.13:44F-10.5.

Page 8- N.J.A.C.13:44F-10.3 (a)3 iv, delete

A final draft to be presented at October 4, 2005 meeting.

b. N.J.S.A. 45:14E-14 - Issuance of temporary license and N.J.A.C. 13:44F- 5.1 Temporary license. The Board will repeal the existing regulations and promulgate regulations to conform with the statute. This matter is reagendaized to October 4, 2005 meeting.

c. Senate No. 1804 - Health Care Professional Responsibility and Reporting Enhancement Act. The Board reviewed this matter as informational.

VI. OTHER BUSINESS

NONE

VII. PUBLIC COMMENTS

NONE

There being no other business to come before the Board in Public Session, on a motion made and seconded, the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to conduct three Investigative Inquiries, to review two items of old business, to review two items of new business and to review four applications.

The Board reconvened in Public Session at 5:25 P.M.

DISCIPLINARY ACTIONS

a. I/M/O HELEN Mc KINSTRY - Amended Consent Order, inclusive of alcohol screening. - Practicing after the expiration of her license. Consent Order Amended to include alcohol screening.

The next scheduled meeting is October 4, 2005. There being no other business to come before the Board, on a motion made and seconded the meeting was adjourned at 5:30 P.M.

Respectfully submitted

Dorcas K. O' Neal
Executive Director