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BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES

SOMERSET CONFERENCE ROOM 6th Floor

September 10, 2013

Final

The September meeting of the New Jersey State 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: Kenneth Capek
Christopher Lange
Michael G. Brown
Janet Castronovo
James Brophy

ABSENT: Robert Malovany, MD

Also in attendance: Virginia Class-Matthews, Deputy Attorney General, Dorcas K. O’Neal, Executive Director, and Bernadette Augustus, staff.

Public attendance: None

1. The Board reviewed the Public Session Minutes July 9, 2013. **On a motion by James Brophy, seconded by Janet Castronovo, the Board unanimously approved the Public Session Minutes as submitted.**

II. OLD BUSINESS/REAGENDIZED

- a. The Board reviewed the CEU for BLS certification, submitted by Chairman Capek. **On a motion by James Brophy, seconded by Michael G. Brown, the Board determined to amend the Regulations to add BLS; Successful completion of course offered or approved by Pediatric Advanced Cardiac Life Support (PALS), American Heart Association(AHA) or Basic Life Support (BLS), limit to two continuing education credits for initial or renewal.**

III. NEW BUSINESS

- a. **The Board reviewed an e-mail from John Raab, CRT, RPFT, NPS, CCT., inquiring as to whether Respiratory Therapists can open a business for themselves and have their own private practice. The Board determined that Respiratory Therapists who open a business and have a private practice do not fall under the jurisdiction of the Board of Respiratory Care. Therefore, this matter has been referred to the New Jersey Department of Regulated Business. Querist will be so advised.**
- b. **The Board reviewed a Fax from Morris K. Pratt, Orbit Medical of Portland, Inc., inquiring as to whether a license is required to drop ship Durable Medical Equipment (CPAP equipment and supplies) to the State of New Jersey.**

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) . . . 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.**

Querist will be so advised.

- c. The Board reviewed the Division of Law Billing for the 4th quarter of Fiscal Year 2013, **as informational.**
- d. **The Board reviewed a fax from Shawna Strickland, PhD, RRT-NPS, AE-C, PAARC, Associate Executive Director, American Association for Respiratory Care, seeking clarification of N.J.A.C 13:44F-10.2(b); as to whether a program that is less than 50 minutes is not acceptable but a larger conference with smaller blocks of time (less than 50 minutes each) is acceptable. **The Board determined that at the present, this information is incorrect. Also, this matter is currently under review.****
- e. The Board reviewed a **fax from Michael Corinotis, Director of Operations, Hyperbaric Therapy USA (HBTUSA),** inquiring as to the licensure requirements, guidelines and protocols for operating a free standing Hyperbaric Oxygen Therapy Clinic in New Jersey (no hospital affiliation). **The Board determined that though Hyperbaric treatments are in the scope of practice of respiratory care practitioners, licensure requirements, guidelines and protocols in operating a free standing hyperbaric oxygen therapy clinic, (brick and mortar), do not fall under the jurisdiction of the Board of Respiratory Care. Therefore, this matter is being referred to the New Jersey State Board of Regulated Business, the New Jersey Department of Health and to the New Jersey Board of Medical Examiners.**

Querist will be so advised.

IV. INFORMATIONAL/FYI

None.

V. LEGISLATION AND PROPOSED REGULATIONS

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 Janet Castronovo, seconded by James Brophy, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel, to conduct three investigative inquiries, to review five items of old business and one item of new business.

The Board reconvened in Public Session. The next scheduled meeting is October 1, 2013. There being no other business to come before the Board, on a motion by Janet Castronovo, seconded by James Brophy, the Board adjourned the meeting at 2:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

