

**THE STATE BOARD OF RESPIRATORY CARE  
SOMERSET CONFERENCE ROOM, 6TH FLOOR  
PUBLIC SESSION MINUTES  
October 4, 2005**

FINAL

The October 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 provision 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  
Janet Castronovo  
James Brophy  
Harry Zikas

ABSENT: Dr. Robert Malovany

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

PUBLIC ATTENDEES: NONE

### **1. APPROVAL OF PUBLIC SESSION MINUTES**

The Board reviewed the Public Minutes of September 6, 2005. Amendments were made as follow: Add N.J.A.C 13:44F-3.3 (g) to the response on page 2, item III, section c; (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.

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' 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, Board Members names will be placed on all motions.

On a motion by James Brophy, seconded by John Kalynovych the Board unanimously approved the Public Session Minutes as amended.

### **II. OLD BUSINESS**

- a. The Board reviewed a fax from Englewood Hospital and Medical Center for Sleep Medicine regarding classes

for CEU requirements with AARC approval as informational.

### **III. NEW BUSINESS**

a. The Board reviewed a letter from Senator Shirley K. Turner on behalf of her constituent Karen Y. Baylor who is a Certified Cardiac Technician and a Certified Pulmonary Function Technologist. The Board determined that certain tasks performed by cardio pulmonary technicians fall within the scope of practice of respiratory care and are delineated in its notice to the cardio pulmonary community. Therefore, in accordance with its notice the Board will begin to take enforcement action on or after September 1, 2005, against individuals it becomes aware are performing pulmonary function testing without a license to practice respiratory care.

In the letter to Senator Turner from Karen Baylor, page one, paragraph three Ms. Baylor lists the duties of a cardio pulmonary technician. The duties listed in item six, methacholine challenge testing, item seven, pulmonary function testing and item eight, pulmonary exercise testing fall within the scope of practice respiratory care.

Senator Turner will be advised that pursuant to the letter sent to her by Ms. Baylor, items six, seven and eight under tasks for cardio pulmonary technicians fall within the scope of practice of respiratory care. Thus, the notice mailed June 2002, applies to Ms. Baylor. A copy of the statutes and regulations governing the practice of respiratory care and copy of the Notice of the Board of Respiratory Care regarding pulmonary function testing will be enclosed.

b. The Board reviewed a letter from Raymond P. Mantovani, M.D., inquiring as to whether a new pulmonary function testing laboratory utilizing a registered nurse is legal pursuant to N.J.A.C. 13:44F 3.1. It was the consensus of the Board that it has no jurisdiction over nurses. Dr. Mantovani will be so advised.

### **IV. INFORMATIONAL (FYI)**

NONE.

### **V. LEGISLATION AND REGULATIONS**

a. The Board reviewed copy of the Proposed Regulations for Continuing Education with amendments, made at its last meeting. The Board approved the draft as amended.

b. The Board reviewed N.J.S.A. 45:14E-14 Issurance of Temporary License and N.J.A.C. 13:44F-5.1 Temporary License - The Board reviewed the new statute providing that a temporary license shall expire automatically at the end of a six month period, at which time it shall be surrendered to the Board. N.J.A.C. 13:44F 5.1, - Temporary license will be amended to conform with the statute. Danielle Swensen; Regulatory Analyst, will be asked to draft the amended regulations. This matter was reagendized.

### **VI. OTHER BUSINESS**

NONE

### **VII. PUBLIC COMMENTS**

NONE

There being no other business to come before the Board in Public Session, on a motion by Janet Castronovo, seconded by Jeffrey Brozoski the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to conduct one Investigative Inquiry, to review six items of old business, to review three items of new business, and to review three applications.

The Board reconvened in Public Session at 2:25 P.M.

The next schedule meeting is November 1, 2005. There being no other business to come before the Board, on a

motion by Janet Castronovo and seconded by John Kalynovych the meeting was adjourned at 2:30 P.M.

Respectfully submitted,

Dorcas K. O'Neal  
Executive Director