

**STATE BOARD OF RESPIRATORY CARE
SOMERSET CONFERENCE ROOM 6TH FLOOR**

PUBLIC SESSION MINUTES

October 7, 2003

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 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
Janet Castrovono
James Brophy
John Kalynovych

Absent:

Dr. Robert Malovany

Also in attendance:

Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General, Anthony Miragliotta, Deputy Director of the Division of Consumer Affairs, Devon Graf, Regulatory Analyst, Frank Barto and David Wagreich, Staff

Public Attendees:

Joseph Goss, New Jersey Society of Respiratory Care

I. APPROVAL OF PUBLIC SESSION MINUTES

The Board reviewed the Public Session Minutes for September 9, 2003. On a motion by Janet Castronovo, seconded by Jeffrey Brozoski, the Board unanimously approved the Public Session Minutes as submitted.

II. OLD BUSINESS/REAGENDIZED

Status of Polysomnography

A. The Board reviewed the correspondence from AARC regarding the Matrix Guideline Document for Polysomnography, as informational. In addition, the Board reviewed the Position Statement from the New York State Society of Respiratory Care (NYSSRC) regarding polysomnography, which affirmed its stance to reach a collective solution that would ensure that appropriately trained and educated health professionals have demonstrated competency in the field of polysomnographic technology.

The Board also reviewed a letter from Robert B. Sigler, RRT, MBA, Director of both the Respiratory Care department and Sleep Disorder Center at Pascack Valley Hospital to Senator Robert W. Singer regarding the polysomnography (sleep) exception bill coming before the Senate Commerce Committee. Mr. Sigler attested to the value of a well trained and complete staff by having three registered sleep technologists (RPSGT) and a licensed respiratory therapist on staff. Mr. Sigler believes a blanket exception for everyone performing sleep

services in New Jersey is not in the best interest of public safety and that a sleep study performed by poorly trained or supervised personnel can result in misdiagnosis and mistreatment of the sleep problem.

The Board also reviewed Senate Bill # 2749 and a proposal for a Polysomnography Advisory Committee and reserved comment on these two matters, at this time. The Board will review any comments from Board members regarding polysomnography at the special Board meeting on Thursday, November 6, 2003.

III. NEW BUSINESS

A. The Board reviewed the news article "Get High on Oxygen" from the Waiting to2 Inhale Website announcing the grand opening of an Oxygen Bar in the Livingston Mall in New Jersey. The Board believes that statements made in the advertisement involve a regulated drug and alluded to certain medical claims/diagnosis. This matter will be referred to the Office of Consumer Protection (OCP), to the Board of Pharmacy, and the Board of Medical Examiners.

IV. INFORMATIONAL/FYI

A. The Board reviewed the information package from the Redleaf Institute advising of its 12 hour program for offenders of gender, sensitivity, and boundary issues, as informational.

V. LEGISLATIVE / REGULATIONS

A. The Board reviewed proposed new rule - NJAC 13:45A-27 - New Jersey Uniform Prescription Blanks Program - The Director of the Division of Consumer Affairs (the Director) is proposing a new subchapter, as part of the Division of Consumer Affairs (the Division), N.J.A.C. 13:45A, regarding the use of New Jersey Prescription Blanks (NJPBs) by licensed prescribers, healthcare facilities and pharmacies, as informational.

VI. OTHER BUSINESS

A. The Board reviewed the Monthly Revenue Report for August, 2003, as informational.

VII. PUBLIC COMMENTS

None

There being no other business to come before the Board in Public Session, on a motion by James Brophy, seconded by John Kalynovych, the Public Session was adjourned at 12:05 p.m. and the Board convened in Executive Session for the purpose of receiving counsel, to review four matters of old business involving ongoing investigations, one investigative report, and two applications.

The Board reconvened in Public Session. The next scheduled Board meeting is December 2, 2003. There being no other business to come before the Board, on a motion by James Brophy, seconded by Kenneth Capek, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director
