

**BOARD OF RESPIRATORY CARE
PUBLIC SESSION MINUTES
SOMERSET CONFERENCE ROOM,
6th Floor
October 07, 2008**

REVISED

The October 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 James Brophy Janet Castronovo

ABSENT: Robert Malovany, MD.

Also in attendance: Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General and Bernadette Augustus, staff.

Public attendance: None.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of August 5, 2008. On a motion by James Brophy, seconded by Michael G. Brown, the Board unanimously approved the Public Session Minutes as amended.

II. OLD BUSINESS

a. I/M/O Life Support Technologies, Inc.- Letters will be sent to Dr. Evan Sorokin, Director of Hyperbaric treatment, Virtua West Jersey Hospital, Berlin and Dr. Jody Giacomo, Director of Hyperbaric Treatment, CentraState Health System, requesting specific information as to the names of personnel providing treatment, the education or training personnel have had whether each health care provider is licensed. Reagendized.

III. NEW BUSINESS

a. The Board reviewed an Email from Dawn Similo, RRT, inquiring as to whether giving glucose tablets to hypoglycemic patient falls within the scope of practice or a respiratory care practitioner in an outpatient setting. The Board authorized DAG, Palan, to call Ms. Similo, to determine if there is a Medical Director and if there is a protocol in place for giving non-prescription medication.

b. The Board reviewed an anonymous fax from Specialty Hospital at Kimball Medical Center, a division of ACUTE HEALTH SYSTEM LLC., inquiring as to Board requirements to hold the position or title of Director. The Board unanimously determined that this issue does not fall under its jurisdiction. However, pursuant to N.J.A.C.8:43G-31.3 (b) . . . , there shall be an administrative director of respiratory care who is licensed by the New Jersey State Board of Respiratory Care, pursuant to the New Jersey Department of Health and Senior Services - Hospital Licensing Standards.

c. The Board reviewed a faxed copy of a sample of Certificate of Attendance from Linda Melchor, Saint Barnabas Health System, as informational.

d. The Board reviewed Respiratory Care Total Revenues for July 2008, as informational.

- e. The Board reviewed Respiratory Care Total Revenues for August, 2008, as informational.
- f. The Board reviewed Division of Law Billing for the 4th quarter of Fiscal Year 2008, as informational.
- g. The Board reviewed an E-mail from Mary A. Rossi, safety Administrator, Lincare Inc., safety Department, inquiring as to whether DME/Home Health Care services are allowed to dispense sterile water and/or saline solutions for respiratory therapy to patients as long as there is a current doctor's order. The Board authorized DAG, Palan, to contact Ms. Rossi and inform her that the Board responded in the affirmative to her query.
- h. The Board reviewed a fax from Andre Sirgo, Manager, Cardio -Pulmonary Dept., Hackettstown Regional Medical Center, inquiring as to whether Respiratory Care practitioners, with proper training can insert and maintain arterial lines; whether there are any restrictions when it comes to administering respiratory care medicines and whether respiratory care practitioners, when assisting in doing a stress test are allowed to administer dobutanice and adenosine.

The Board determined that as to question 1, pursuant to N.J.A.C. 13:44F-3.1(a(11)), a respiratory care practitioner may perform insertion and maintenance of artificial airways; as to question 2, the Board determined that a respiratory care practitioner may perform the duty under the direction or supervision of a physician, pursuant to N.J.A.C.13:44F-3.1(a(4)). A copy of the regulations will be sent to Mr. Sirgo

IV. INFORMATIONAL/FYI

None.

V. LEGISLATION/REGULATIONS

- a. The Board reviewed a Proposed (Draft) October, 2008, Delegation and Continuing Education, with Maryann Sheehan, Regulatory Analyst. Amendments were made at N.J.A.C.13:44F-10.2(a)7 and 8. Reagendized.
- b. The Board reviewed New Jersey Register Volume 40, Issue 16. Issue Date: August 18, 2008, Public Notices Law and Public Safety Division of Consumer Affairs - Notice of Requirements for Providers of Oxygen and Oxygen Delivery Systems. The Board will contact Assistant Director, Larry DeMarzo regarding whether this law applies to licensed respiratory care practitioners who provide Durable Medical Equipment (DME), in home setting. Reagendized
- c. The Board reviewed report to the State Board of Respiratory Care, Second Quarter April 1, 2008, Summary Report for June 30, 2008, as informational.
- d The Board P.L. 2008, CHAPTER 62, approval August 12, 2008, Assembly, No. 789 (Third Reprint) - AN ACT concerning the expiration date of certain professional and occupational licenses and registrations for certain members of the Armed Forces of the United States, amending P.L.1968,c.362 and supplementing P.L. 1978, c.73 (C.45:1-14et seq.), Assembly, No. 789. The Board supports this bill.

PUBLIC COMMENTS

None.

VI. OTHER BUSINESS

There being no other business to come before the Board in Public Session, on a motion by James Brophy, seconded by Jeffrey Brozoski, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel, to conduct two investigative inquiries and to review two items of old business.

The Board reconvened in public Session. The following disciplinary action is being reported in Public Session.

DISCIPLINARY ACTION

a. I/M/O KELLIE GALLAGHER- UNLICENSED PRACTICE- Filed Consent Order dated September 11, 2008. Ms. Gallagher had engaged in the practice of respiratory care at Virtua West Jersey Hospital, in Marlton, New Jersey, from June 2007 through May 2008, after the expiration of her temporary license on February 28, 2008, in violation of N.J.S.A 45:14E-9 and N.J.A.C. 13:44F-9.1, thus providing grounds for disciplinary action pursuant to N.J.S.A 45:1-21(h). Ms. Gallagher was assessed civil penalties in the amount of \$250.00.

b. I/M/O DANN KENNEDY - Aiding and abetting the unlicensed practice of Kellie Gallagher. Filed Consent Order dated August 12, 2008. Mr. Kennedy, Director of Respiratory Services at Virtua West Jersey Hospital permitted Ms. Gallagher to work from June 2007 through May 2008, in violation of N.J.S.A 45:1-21(n) and N.J.A.C. 13:44F-9.2, thus providing grounds for disciplinary action pursuant to N.J.S.A 45:1-21(h). Mr. Kennedy was assessed civil penalties in the amount of \$250.00.

The next scheduled meeting is November 4, 2008. There being no other business to come before the Board, on a motion by James Brophy, seconded by Janet Castronovo, the Board adjourned the meeting at 2:45 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director