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BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES

SOMERSET CONFERENCE ROOM 6th Floor

November 12, 2013

Final

The November 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
James Brophy

EXCUSED: Janet Castronovo

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: Joseph Goss

1. The Board reviewed the Public Session Minutes September 10, 2013. **On a motion by James Brophy, seconded by Christopher Lange, the Board unanimously approved the Public Session Minutes as submitted.**

II. OLD BUSINESS/REAGENDIZED

None

III. NEW BUSINESS

- a. The Board reviewed Respiratory Care FY2013 Budget Report (Final), as **informational**.
- b. The Board reviewed a fax from Joe Ilcus, MBA, MSHA, CHC, inquiring as to whether an out of state CPAP Nebulizer supplier is required to have a New Jersey license and based New Jersey licensed Respiratory Practitioner.

On a motion by Christopher Lange, seconded by Michael G. Brown, 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.

This matter is being referred to the New Jersey Department of Health Food and Drug Safety Program.

Querist will be so advised.

- c. The Board reviewed the following application for a PBCA course at Bergen Regional Medical Center, submitted by Chairman Capek, for Board approval.

The Board reviewed an Application for Performance Based Competency Assessment (PBCA); PBCA Evaluation; Certificate of Performance; Respiratory Care Department Competencies(Arterial Blood Gas Puncture); Respiratory Care Department Competencies(Blood Gas Analysis); Respiratory Care Department Competencies (Modified Allen's Test) and the curriculum vitae of Kenneth Capek.

On a motion by Michael G. Brown, seconded by Christopher Lange, the Board tabled this matter pending receipt of the curriculum vitae receipt for Eugene Babitz.

- d. **CE Broker - This matter has been reagendaized.**
- e. **The Board reviewed a fax from Marwah Tahoun, Sr. Employee Relations Specialist, Hackensack UMC**, inquiring as to whether a licensed Respiratory Therapist is able to retain his current clerical position in the Pediatric ETD department and whether he is obligated to provide patient care under his Respiratory license. On a motion by Christopher Lange, seconded by Michael G. Brown, the Board determined that it has no jurisdiction over hospital hiring/employment policies nor does it establish hiring procedures.
- f. **The Board reviewed a fax from Steven Vinton**, requesting an approved course of study towards obtaining a license in New Jersey. Although Mr. Vinton is credentialed by the National Board of Respiratory Care, he was never licensed to practice as a respiratory care practitioner in New Jersey or any other state in the last 5 years. **The Board determined that pursuant to N.J.A.C.13:44F-4.1(b) 2 and 3, Mr. Vinton must take and successfully complete the following RC Education and Consulting Services Courses:**
 - i. **Course V7050 -Ethical Issues Facing Healthcare Professionals -5 CEU's;**
 - ii. **Course V7123 -Medical Error Prevention and Patient Safety -3CEU's,**
 - iii. **Course V7091 -Approaches to Nosocomial Infection Prevention and Control 7 CEU's and**
 - iv. **Course V7077 - New Vent Modes - 2 CEU's**

Querist will be so advised.

g. MEETING DATES FOR 2014.

JANUARY 7, 2014	JULY 8, 2014
FEBRUARY 4, 2014	AUGUST 5, 2014
MARCH 4, 2014	SEPTEMBER 9, 2014
APRIL 1, 2014	OCTOBER 14, 2014
MAY 6, 2014	NOVEMBER 18, 2014
JUNE 3, 2014	DECEMBER 2, 2014

On a motion by Michael G. Brown, seconded by Christopher Lange, the Board approved the following meeting dates for the Calender Year 2014, Somerset Conference Room, 6th Floor.

- h. Christopher Lange, Board Member- Report of the State Licensure Liaison Group meeting sponsored by the NBRC and AARC, September 20-21, 2013, in Kansas.
- i. **NBRC MEMORANDUM - Evolutionary Changes to Multiple-Choice Examinations to precede the CRT and RRT examination. This matter has been reagendaized.**

- J. **THIS MATTER WAS MOVED TO EXECUTIVE SESSION - I/M/O LORI-ANN LIGON** -Inquiring as to, “who polices the un-licensed PFT practice.” This matter was moved to Executive Session and reagendaized.
- k. **The Board reviewed a fax from Julio C. Vasquez, RRT.**, inquiring as to the guidelines that may restrict him from keeping his current position as a unit clerk.

The Board determined that, it has no jurisdiction over hospital policy. Querist will be so advised.

- l. **The Board reviewed a fax from Louis H. Brecht IB, BA, RRT, RPSGT, RST**, inquiring as to whether a licensed Respiratory Practitioner from Maryland would be permitted to transport a patient to New Jersey. The Board determined that a respiratory care practitioner may transport a patient to New Jersey so long as the patient is turned over to a healthcare professional of equal or higher training as applicable.
- m. **FEE CREDIT- The Board discussed and agreed to credit the 2014 biennial renewal licensure fee of \$160.00. On a motion by James Brophy, seconded by Michael G. Brown, the Board determined that a full credit be issued, subject to Budget review.**
- n. **DME Discussion - (AARC, Cheryl West, dated September 2013). (Reagendaized)**
- o. **The Board reviewed a fax from Phyllis Lindblom, Payor Relations & Contracting, Respiratory Technologies, Inc., St. Paul, Minnesota**, inquiring as to whether a Respiratory Care Practitioner license is needed if it is a Company/Corporation which distributes the InCourage Airway Clearance Therapy System to patients in New Jersey.

The Board determined that InCourage Airway Clearance Therapy System is deemed respiratory care equipment and any delivery in the State of New Jersey requires the 24 hour in-person follow-up visit by a licensed New Jersey respiratory care practitioner, pursuant to N.J.A.C.13:44F-3.3(f), 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.

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.

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 purpose of this section, "business hours" is defined as the hours between 9:00 a.m. and 5:00 p.m., Monday through Friday.

Ms. Lindblom will be so advised.

IV. INFORMATIONAL/FYI

None.

V. LEGISLATION AND PROPOSED REGULATIONS

3.

- a. **N.J.A.C. 13:44F-10.2 Approval of Continuing Education Programs, Courses, Seminars and Articles; determination of credits. Rachel Glasgow, Regulatory Analyst.** The Board discussed the proposed amendments to the continuing education regulations. Regulatory Analyst Rachel Glasgow will reach out to the AARC to gather additional information about courses offered for less than one continuing education credit. **Reagendized.**
- b. **P.L. 2013, Chapter 49, Assembly Bill No. 2882 - An act concerning professional and occupational licenses. Requires professional boards to provide credits toward requirements for licensure for veterans with substantially equivalent training.** On a motion by James Brophy, seconded by Michael G. Brown, the Board unanimously approved the regulation as proposed.
- c. **The Board reviewed N.J.A.C.13:44F-4.4 Credits towards licensure for education, training and experience received while serving as a member of the Armed Forces.** On a motion by James Brophy, seconded by Michael G. Brown, the Board unanimously approved the proposed regulations to implement P.L. 2013, c., 49, requiring the professional and occupational licensing boards to give credit towards its licensure requirements for substantially equivalent training, education, and experience received while serving in the Armed Forces.

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 James Brophy, seconded by Christopher Lange, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel, to review ten items of old business, one item of new business and one item of other business/Criminal History arrest notification.

The Board reconvened in Public Session. The next scheduled meeting is December 3, 2013, There being no other business to come before the Board, on a motion by Christopher Lange, seconded by James Brophy, the Board adjourned the meeting at 2:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

