

**BOARD OF RESPIRATORY CARE  
PUBLIC SESSION MINUTES  
MONMOUTH CONFERENCE ROOM, 7th Floor  
November 14, 2006  
FINAL**

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:**

James Brophy Jeffrey Brozowski  
Michael G. Brown Kenneth Capek  
Janet Castronove

**ABSENT:** Tajwar Aamir, MD. Robert Malovany, MD.

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

**I. APPROVAL OF MINUTES**

The Board reviewed the Public Minutes of October 3, 2006. On a motion by James Brophy, seconded by Jeffrey Brozowski, the Board unanimously approved the Public Session Minutes as submitted.

**II. OLD BUSINESS**

a. Consideration of the American Association for Respiratory Care (AARC) Continuing Respiratory Care Education Accreditation Requirements (CRCE) was reauthorized.

**III. NEW BUSINESS**

a. The Board reviewed the Total Revenues for September and October, 2006, as informational.

b. The Board reviewed a letter from Alan Charles Brooks, inquiring as to whether it is within the scope of practice of a respiratory care therapist in New Jersey to perform oral care. On a motion by Janet Castronovo, seconded by Michael G. Brown, the Board determined that pursuant to N.J.A.C.13:44F-3.1 (10), it is not customary for a respiratory care practitioner to brush teeth, however, oral care is within the scope of practice for the maintenance of natural and artificial airways, when it is done in the practice to prevent nosocomial infections such as those found in ventilator associated pneumonia protocols. Mr. Brooks will be so advised.

c. The Board reviewed a fax from Michelle Munier, Office Manager, at Better Breathing, A Center for Respiratory & Sleep Medicine, PC, inquiring as to whether a RRT, with a New York license is able to perform pulmonary function testing in New Jersey. On a motion by Jeffrey Brozowski, seconded by James Brophy, the Board determined that a New Jersey license is required to perform complete pulmonary function testing. Also, the Board determined that a New Jersey license is required to perform pulmonary rehabilitation. Ms. Munier will be so advised.

d. The Board reviewed an E-mail from Brian Somers, Director of Respiratory Care, Neurodiagnostics, Sleep Center, inquiring as to whether a transporter, nurse's aid or multi-tech can remove a patient from a flow meter

and place them on an O2 cylinder. On a motion by Jeffrey Brozoski, seconded by James Brophy, the Board determined based on the limited facts presented, a respiratory care practitioner may perform the changing and administering of oxygen and may delegate these duties to an appropriately trained assistant. Mr. Somers will be so advised.

e. The Board reviewed Respiratory Care meeting dates for 2007, as informational.

#### **IV. INFORMATIONAL**

a. The Board reviewed an article entitled "ON THE ROAD? Plan for Extended Licensure Application Process When Relocating, as informational.

b. The Board reviewed an article entitled "New York Licensure Law among Strongest in U.S., as informational.

#### **V. LEGISLATION AND REGULATION**

a. The Board reviewed ASSEMBLY, No. 3623 which establishes certificates of rehabilitation for certain persons with criminal records. The Board determined that A-3623, infringes upon the Board's discretion and ability to determine eligibility for licensure.

#### **VI. OTHER BUSINESS**

#### **VII. APPOINTMENT OF SUB COMMITTEE**

a. It was the consensus of the Board that Michael G. Brown and Janet Castronovo served on the Board sub-committee, to review any and all impairment matters received for the Board's consideration.

#### **VIII. PUBLIC COMMENT**

Dr. Louis E. Baxter, Sr., M.D., FASAM, Executive Director of the Professional Assistance Program -NJ, gave a presentation on impairment. Hand out relating to the Professional Assistance Program (PAP) was given to all Boardmembers.

He stated that the process upon admitting to the program, begins with an initial interview "face - to- face" with the patients. Dr. Baxter stated that he reviews referral information and also gets a complete history on their previous drug and alcohol treatment history, psychiatric history and past medical history. He stated that he review their legal and family history, including pertinent data and psychiatric evaluation as applicable. The patient receives a complete medical examination and neuropsychological evaluation. They also submits to random urine test. He stated that he makes a diagnosis after the completion of all data, including DSM-IV criteria for substance use, DSM - IV criteria for substance use, DSM - IV criteria for psychiatric disorder, laboratory test results for metabolic disorders and results of psychometric testing.

Dr. Baxter stated that their referral sources are through colleagues, office staff personnel, residency program directors, Hospitals JCAHO committees, family members, State Licensing Boards, Attorney General's Office and Out of State Physician Health Programs. He also said that the Board could make referrals directly to the Professional Assistance Program (PAP).

There being no other business to come before the Board in Public Session, on a motion by Michael G. Brown, seconded by Janet Castronovo, the Board moved to Executive Session to receive counsel, to conduct one investigative inquiry, to review ten items of old business and one item of new business.

The Board reconvened in Public Session. The next scheduled meeting is December 12, 2006. 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 4:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal  
Executive Director