



**JON S. CORZINE**  
Governor

## *New Jersey Office of the Attorney General*

Division of Consumer Affairs  
State Board of Respiratory Care  
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### **BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES**

#### **SOMERSET CONFERENCE ROOM 6<sup>th</sup> Floor**

January 5, 2010  
FINAL

The December 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, Kenneth Capek, convened the meeting at 10:30 a.m. A roll call was taken and the following attendance was recorded for these minutes.

**PRESENT:** Michael G. Brown  
Christopher Lange  
Kenneth Capek  
Janet Castronovo

**ABSENT:** Robert Malovany, M.D.  
James Brophy  
Philip Freeman

**Also in attendance** Tobey Palan, Deputy Attorney General, Dorcas K. O'Neal, Executive Director, Barbara Lopez, from the Attorney General Office and Bernadette Augustus, staff.

**Public attendance:** Joseph Goss.

#### **I. APPROVAL OF MINUTES**

**The Board reviewed the Public Session Minutes of December 1, 2009. On a motion by Michael G. Brown, seconded by Christopher Lange, the Board unanimously approved the Public Session Minutes of December 1, 2009 as submitted.**

### III. OLD BUSINESS

- a. **I/M/O Life Support Technologies, Inc.**- On a motion by Michael G. Brown, seconded by Christopher Lange, the Board determined that this matter be closed due to their non-responsiveness and that there is no quality of care issue at this time.

### IV. NEW BUSINESS

- a. Maryann Sheehan, Regulatory Analysis, needed the Board's clarification on the word "demonstrate", regarding N.J.A.C.13:44F-3.3.
- b. The Board reviewed an article submitted by Kenneth Capek, Chairman, called, "The Joint Commission Revises its Interpretation of Respiratory Care Orders, as informational.
- c. The Board reviewed the Respiratory Care Total Revenues for November, 2009, as informational.
- d. The Board reviewed the Respiratory Care Total Revenues for December, 2009, **as informational.**

### V. INFORMATIONAL/FYI

**None.**

### VI. LEGISLATION/REGULATIONS

- a. Assembly Regulated Professions Committee Statement to Assembly, No. 4026, Under current law, to prevent an individual from engaging in the unauthorized practice of a profession or occupation regulated by a board or committee within the Division of Consumer Affairs, the Attorney General must apply to the Superior Court for an injunction prohibiting such act or practice, **as informational.**
- b. Senate, No. 2944, Establishes additional investigative and enforcement powers in Division of Consumer Affairs to deter individuals from engaging in unauthorized practice of professions and occupations, as informational.

### VI. OTHER BUSINESS

**None.**

### VII PUBLIC COMMENT

There being no other business to come before the Board in Public Session, on a motion by Michael G. Brown, seconded by Christopher Lange, the meeting was adjourned and the Board

moved into Executive Session for the purpose of receiving counsel, to conduct two investigative inquiries, to review four items of old business and three items of new business.

**The Board reconvened in Public Session. The following disciplinary action was taken in Executive Session.**

**DISCIPLINARY ACTION TAKEN.**

**I/M/O ROSANNE LEONIDAS** - Filed Consent Order dated December 10, 2009. Respondent is reprimanded for violating N.J.S.A. 45:1-21 (d), since she engaged in repeated acts of negligence by erroneously identifying a patient in the (ICU) and then administering incorrect ventilation changes to the patient. Respondent shall immediately cease and desist from practicing respiratory care in any type of critical care unit; including any type of ICU, such as a neonatal ICU and/or surgical ICU, cardiac care unit, emergency room, trauma unit, progressive intensive care and/or cardiac care step down unit. Respondent shall only practice respiratory care in non-acute/non-critical care unit until further order of the Board, after application by Respondent and a demonstration of fitness and competency to practice respiratory care in acute and critical care units.

The next scheduled meeting is February 2, 2010. There being no other business to come before the Board, on a motion by Michael G. Brown, seconded by Christopher Lange, the Board adjourned the meeting at 1:00 p.m.

*Respectfully submitted,*

Dorcas K. O'Neal  
Executive Director





