COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE

THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED
MEETING OF THE BOARD OF RESPIRATORY CARE
IN COMPLIANCE WITH THE OPEN MEETING LAW, G.L. c. 30A, § 20

Wednesday, September 12, 2012
10 a.m. - noon
DPH Regional Health Office, 23 Service Center Road, Northampton, MA
Library

Agenda

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes
   A. July 18, 2012 Regularly Scheduled Meeting

IV. Adjudicatory Session (closed session)
    None.

V. M.G.L. c. 112, § 65C Session (closed session)
    None

VI. Limited Permit Applications
    None

VII. Full License Applications
     None

VIII. License Reactivation Applications
      None.

IX. Staff Assignments
    None

X. Complaints
   A. REP-2012-007 Carter, Stephen RT3376 (expires 5-31-2014)
      Allegation: Misrepresentation of Academic Credentials

XI. Scope of Practice Inquiries
   A. Joanne Mercaldi, TLC@Home Inquiry: can certified home health aides who hold expired
      Respiratory Care licenses perform in-home tracheotomy care and suctioning in a home
      setting.
B. Susan Gonyea, Rt775, Baystate Home Infusion and Respiratory Services Inquiry:
   1. can a Limited Permit holder work independently and provide services such as
      instruction on a nebulizer in a patient’s home when the supervisor is available by
      telephone?
   2. is a respiratory therapist required to fit masks for CPAP and BiPAP therapies?

XII. Other Business/Announcements
   A. Frequently Asked Questions About the Practice of Respiratory Care: Board review and
      discussion

   B. Regulations Review

XIII. Adjourn
COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

BOARD MEETING
Wednesday, September 12, 2012
DPH Regional Health Office
23 Service Center Road, Northampton, MA
Library

MINUTES

Board Members Present: Carol Mack, RT, Chair
Edward Burns, RT, Vice-Chair
Armand Rienseau, RT, RN, Member

Staff Present: Sally Graham, Executive Director
Joelle Stein, Board Counsel, OGC, DPH
Anson Chu, Administrative Assistant

I. Call to Order
Ms. Mack, Board Chair, called the meeting to order at 10:05 a.m.

II. Approval of the Agenda
The meeting agenda was reviewed. Ms. Mack made a motion to approve the agenda as presented; Mr. Rienseau seconded the motion. The motion passed unanimously.

Document: September 12, 2012 Meeting Agenda

III. Review and Approval of Minutes
A. July 18, 2012 Regularly Scheduled Board Meeting
The minutes of the July 18, 2012 Regularly Scheduled Board Meeting were reviewed. Mr. Rienseau made a motion to approve the minutes as presented; Ms. Mack seconded the motion. The motion passed unanimously.

Document: Minutes of July 18, 2012 Regularly Scheduled Board Meeting

IV. Adjudicatory Session
None.

V. M.G.L. c. 112, § 65C Session (closed session)
None.

VI. Limited Permit Applications
None.
VII. Full License Applications
None.

VIII. License Reactivation Applications
None.

IX. Staff Assignments
None.

X. Complaints
A. REP-2012-007 Carter, Stephen RT3376 (expires 5-31-2014)
   Allegation: Misrepresentation of Academic Credentials

   Ms. Mack made a motion to resolve the complaint with an offer of a consent
   agreement for license suspension based on the licensee's failure to respond to the
   Board's request for an explanation of the misrepresentation of his educational
   credentials on his resume and documentation of the CE required for license renewal,
   such suspension continuing until such time as the licensee provides such information;
   Mr. Burns seconded the motion. The motion passed unanimously.

   Documents: Complaint investigation and related documents

XI. Scope of Practice Inquiries
A. Joanne Mercaldi, TLC@Home Inquiry: May certified home health aides who hold
   expired Respiratory Therapist licenses perform in-home tracheotomy care and
   suctioning in a home setting.

   After discussion, the Board determined that home health aides trained by a licensed
   person (e.g., respiratory therapist, nurse, physician) with competency in these
   procedures could perform the services described. The home health aides cannot
   instruct family members, who must be trained by a licensed person with competency in
   these procedures. As holders of expired Respiratory Therapist licenses, the home
   health aides cannot provide respiratory care services and/or represent themselves as
   Respiratory Therapists. The Board directed board staff to inform Ms. Mercaldi of this
   determination.

   Document: Copy of email inquiry from Joanne Mercaldi of TLC@Home.

B. Susan Gonyea, RT775, Baystate Home Infusion and Respiratory Services Inquiry:
   1. May a Limited Permit holder work independently and provide services such as
      instruction on a nebulizer in a patient's home when the supervisor is available by
      telephone?

      2. Is a Respiratory Therapist required to fit masks for CPAP and BiPAP therapies?

      After discussion, the Board determined that a Limited Permit holder cannot work in
any setting without the on-site (physical presence) of a supervisor who is a licensed Respiratory Therapist. The Board further determined that a Respiratory Therapist is required to fit masks for CPAP and BiPAP therapies. The Board directed Board staff to inform Ms. Gonyea of these determinations.

Document: Copy of email inquiry from Susan Gonyea (RT775)

XII. Other Business/Announcements
A. Board Review and Discussion: Frequently Asked Questions About the Practice of Respiratory Care

The Board reviewed and discussed the draft, which Board staff had revised in accordance with the direction provided by the Board at its last meeting.

Ms Mack made a motion to adopt the document as revised; Mr. Riendeau seconded the motion. The motion passed unanimously.

Document: Draft of Frequently Asked Questions About the Practice of Respiratory Care

B. Regulations Review
The Board discussed the review of its regulations. Mr. Burns offered to conduct an initial review of recent changes in respiratory care board regulations in other states.

XIII. Adjourn
There being no other business before the Board, Ms. Mack made a motion to adjourn the meeting; Mr. Riendeau seconded the motion. The motion passed unanimously. The meeting adjourned at 12:18 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Wednesday, October 3, 2012, at 10:00 a.m. in Sturbridge, Massachusetts.

Respectfully submitted:

[Signature]
Name

[Signature]
board chair
Position

10-3-12
Date