

---FINAL APPROVED---

**ADVISORY BOARD ON RESPIRATORY CARE
Minutes
October 6, 2009**

The Advisory Board on Respiratory Care met on Tuesday, October 6, 2009 at 1:00 p.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Brian Wilson, CRT, Chair
Stan Holland, RRT, Vice-Chair
Robin Wilson, RRT

MEMBERS ABSENT: Milagritos Flinn
John Osborn, MD

STAFF PRESENT: William L. Harp, M.D., Executive Director
Elaine Yeatts, Senior Regulatory Analyst
Ola Powers, Deputy Executive Director of Licensing
Colanthia Morton, Operations Manager
Tamara Farmer, Licensing Specialist

GUESTS PRESENT: John Kight, RPh
Justin Crow, DHP
Jolynn Hamelman, VSRC
James Pickrell, Society RCP

CALL TO ORDER

Brian Wilson called the meeting to order, and Elaine Yeatts announced the Emergency Egress Procedures.

ROLL CALL

Roll was called, and a quorum was declared.

APPROVAL OF MINUTES OF June 2, 2009

Robin Wilson moved to approve the minutes dated June 2, 2009. The motion was seconded and carried.

ADOPTION OF AGENDA

Stan Holland moved to adopt the agenda. The motion was seconded and carried.

PUBLIC COMMENT ON AGENDA ITEMS

Mr. Wilson determined that Mr. Kight would join in the Advisory's discussion of item #4. There was no other public comment.

NEW BUSINESS

#1. Report on Polysomnography

Justin Crow provided a report on polysomnography. Mr. Crow discussed the regulatory options for polysomnographers should they become a profession licensed by the Virginia Board of Medicine. The two regulatory schemes contemplated would be 1) an independent advisory board for polysomnography and 2) have polysomnography placed with the existing Advisory Board on Respiratory Care. Whether to create the profession of polysomnography or not has been considered by the Board of Health Professions Regulatory Research Committee and the Advisory Board on Respiratory Care. The full Board of Health Professions will consider the need to regulate the activity of polysomnographers at its November 10, 2009 meeting.

#2. Respiratory care scope of practice issues

As he introduced this agenda item, Mr. Wilson indicated that he was part of a durable medical home health care company in the Danville area. The Advisory then reviewed communications from John Kight, RPh, CEO and President of Kight's Medical Corp., which is primarily based in Raleigh, NC, but also operates as a durable medical equipment company in the Commonwealth. The issues that evoked Mr. Kight's communications were whether the setting of machine pressures and the fitting of CPAP and BIPAP masks are the practice of respiratory care or are they tasks that can be performed by personnel other than licensed respiratory care individuals. Mr. Kight joined in the discussion and presented his concerns and his logic for the position that properly trained individuals working for a durable medical equipment company could lawfully perform these tasks for the public. The discussion by the Advisory encompassed the law and regulations governing durable medical equipment companies, as well as the law and regulations governing the practice of respiratory care. The points at which the business of medical equipment supply and respiratory care seemed to intersect, practically and in the law, were identified and discussed. Clinical and nonclinical perspectives were shared, based upon experience. The Advisory viewed the setting of pressures on CPAP and BIPAP machines to be a task that could clearly be performed by trained personnel of a durable medical equipment company. The Advisory believed that there were clinical aspects to the fitting of masks and data to support its clinical importance. However, it acknowledged that there was no law or regulation that specifically spoke to the task of fitting masks or that clearly defined it as the practice of

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respiratory care. The Advisory noted that durable medical equipment companies lawfully dispense equipment pursuant to a physician's order. Further, as Mr. Kight described the training of his staff and his procedures for supplying his customers with masks and his company's follow up with them, it appeared that the task of fitting a mask could be safely accomplished by a properly trained individual with any subsequent compliance issues being referred to the prescribing physician.

#3. Election of Officers

Robin Wilson nominated Brian Wilson to remain as Chair of the Advisory. The nomination was seconded and carried. Stan Holland nominated Robin Wilson as Vice-Chair. The nomination was seconded and carried.

ANNOUNCEMENTS

Dr. Harp informed the Advisory Board to take note that the Board of Health Professions Research Committee is currently exploring the idea of an Allied Professions board. The minutes from the Board of Health Professions' meeting of September 30, 2009, at which this topic was addressed, will be available for review at the next Respiratory Care Advisory Board Meeting in February 2010.

NEXT SCHEDULED MEETING

February 2, 2010

ADJOURNMENT

Stan Holland moved to adjourn the meeting. The motion was seconded and carried.

Brian Wilson, CRT, Chair

William L. Harp, M.D.
Executive Director

Tamara Farmer, Licensing Specialist