

## **ADVISORY BOARD ON RESPIRATORY CARE**

### **MINUTES**

**January 9, 2003**

The Advisory Board on Respiratory Care met on Thursday, January 9, 2003 at 1:00 p.m. at the Department of Health Professions. William Harp, MD, called the meeting to order. A quorum was declared.

**MEMBERS PRESENT:** Bonnie McQuaid, RRT  
Brian Wilson, RRT  
John Osborn, MD  
Brian Walsh, RRT

**MEMBERS ABSENT:** William Egelhoff

**STAFF PRESENT:** William L. Harp, M.D., Executive Director, Medicine  
Ola Powers, Deputy Executive Director-Licensing  
Nicole Gordon, Recording Secretary

**GUESTS PRESENT:** Joe Anderson, RRT  
JoLynn Hamelman, RRT

### **APPROVAL OF MINUTES OF JANUARY 10, 2002**

Brian Wilson moved to approve the minutes of the Advisory Board on Respiratory Care dated May 9, 2002. The motion was seconded and carried unanimously.

### **ADOPTION OF AGENDA**

Brian Walsh moved to adopt the agenda with additions to include the practice of students with direct supervision, and respiratory therapists use of narcotics. The motion was seconded, discussed carried.

### **PUBLIC COMMENTS OF AGENDA ITEMS**

No comment

### **REPORT OF OFFICERS**

There were no reports.

## **#1. REGULATORY UPDATE**

Information only.

## **#2. REGULATIONS IN DEVELOPMENT**

A copy of the proposed regulations for Respiratory Care was distributed and reviewed. Brian Wilson moved to add a requirement for traineeship similar to that for occupational therapist. The motion was seconded, discussed and carried.

## **#3. PROPOSED LEGISLATION FOR 2003 SESSION OF THE GENERAL ASSEMBLY**

A copy of House Bill 1441 was distributed. This House Bill deals with the disciplinary procedures with hospital reporting. It specifically states that “any hospital or nursing home that has not paid civil penalties assessed for failing to report disciplinary actions and certain disorders of health pursuant to § 54.1-2906 shall not be issued a license or certification or a renewal of such.”

An addition to § 54.1-2400 would add a section dealing with a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A board shall enter into a confidential consent agreement with a practitioner involving a standard of care violation only once during any 10-year period.

This bill would add § 54.1-2408.2. This section would impose a three-year minimum period for reinstatement after revocation. When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the Board, consider an application for and grant a new certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted.

## **4. IMPLICATIONS OF 2003 LEGISLATION OF HB 217 FOR THE ADVISORY BOARD**

Dr. Harp informed the Advisory Board they now could sit on informal conference panels and be a voting member for a disciplinary case if an OT is noticed for a hearing.

## **5. BOARD MEMBERS ORIENTATION DATES**

Tentative dates were discussed for orientation in February 2003. Once confirmed, members will be notified.

## **6. ELECTION OF OFFICERS**

Brian Wilson moved to nominate Bonnie McQuaid as chair. She was elected by acclamation. Bonnie McQuaid moved to nominate Brian Wilson as vice-chair. He was elected by acclamation.

## **7. STUDENTS PRACTICING RESPIRATORY CARE**

Concerns were addressed regarding students employed to perform respiratory care duties. No action was taken.

## **8. NARCOTICS AND RESPIRATORY CARE**

The board discussed administration of narcotics by respiratory care practitioners. Bonnie McQuaid commented that the law in Virginia does not prohibit a respiratory therapist from administering narcotics. It was recommended to amend regulations **18 VAC 85-40-70** to include the use of certain opioids and a requirement for education for their use.

## **ANNOUNCEMENTS**

The next meeting is scheduled for May 8, 2003 at 1p.m.

## **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned.

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Bonnie McQuaid, RRT  
Chairman

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William L. Harp, MD  
Executive Director

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Nicole Gordon  
Recording Secretary