

**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 Riendeau, 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. Riendeau 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. Riendeau 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:

<u>Carol Mack</u>	<u>board chair</u>	<u>10-3-12</u>
Name	Position	Date