

Minutes of the August 6, 2020 Board of Respiratory Care Conference Call Meeting

1. ROLL CALL

Joseph Rush, Chairperson, called the conference call meeting of the Board of Respiratory Care to order at 9:05 a.m. on Thursday, August 6, 2020 in the Licensure Unit Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Rush announced that this is a public meeting and the Open Meetings Law is posted.

Members Present: The following members answered roll call:

Joseph Rush, Chairperson
Dr. Adam Case, Vice-Chairperson
Dr. Ryan Martin, Secretary
Jill Sand, Member

Others Present:

Natalee Hart, Assistant Attorney General
Jeff Newman, Investigator
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. ADOPTION OF AGENDA

MOTION: Martin moved, seconded by Case to adopt the agenda. Voting aye: Case, Martin, Rush and Sand. Voting nay: None. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot regarding approval of the April 2, 2020 meeting minutes.

The Board also reaffirmed the mail ballot recommending approval of the reinstatement application for Kevin Stiefel.

The Board also reaffirmed the mail ballot recommending approval of the application for Deanna Parker.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Sand moved, seconded by Martin to go into closed session at 9:07 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Case, Martin, Rush and Sand. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS – OPEN SESSION

The Board returned to open session at 9:24 a.m.

MOTION: Martin moved, seconded by Case to reinstate Antonino Nastasi's license early from probation to a non-disciplined license. Voting aye: Case, Martin, Rush and Sand. Voting nay: None. Motion carried.

6. REGULATION UPDATE

Covert-ByBee stated the regulations were officially promulgated on May 17th, 2020. She thanked the Board for all of their hard work on getting the regulations approved. She also explained that there are now two chapters of regulations that apply to respiratory care practitioners, 172 NAC 162 applies only to respiratory care practitioners and 172 NAC 10 applies to all occupations under the Uniform Credentialing Act including respiratory care practitioners.

7. LEGISLATIVE UPDATE

Covert-ByBee advised that the session had paused early due to COVID-19 and returned to session July 20th, slated to conclude on August 13th. No new bills were introduced except possibly to address the public health emergency response. There were not a lot of bills that affected respiratory care practitioners directly.

8. COVID-19 AND LICENSURE

Covert-ByBee shared information about Executive Orders 20-10 and 20-27. Executive Order 20-10 will be in effect until 30 days after the Public Health Emergency is lifted while Executive Order 20-27 is set to expire on December 31st, 2020. Renewal for respiratory care practitioners was suspended, for those that were not able to renew their expiration date has moved to December 31st, 2020. This was an arbitrary date to make sure they didn't expire, when the public health emergency declaration is lifted postcards will be sent again to those that did not renew giving them 90 days to complete the renewal process.

A new continuing education waiver was added as well that allows for individuals to waive their continuing education if they can show they were unable to complete their hours due to circumstances beyond their control. There must be supporting documentation submitted to qualify for this waiver. Lastly, Executive Order 20-10 allows for respiratory care practitioners that are licensed in good standing in another state to practice in Nebraska without applying for licensure during the public health emergency declaration and for 30 days after the declaration is lifted.

For the most up to date information please visit the DHHS COVID-19 website.

9. SCOPE OF PRACTICE: CAN RESPIRATORY CARE PRACTITIONERS ADMINISTER LEXISCAN DURING NUCLEAR MED CARDIAC STRESS TESTING?

Rush explained the question asking if respiratory care practitioners can administer this specific drug intravenously under physician supervision. He stated that there are occasionally stresses on his staff due to shortage of nurses or other personnel to administer the treatment. Glover-Ettrich addressed the statutes regarding licensure of respiratory care practitioners and advised in her view that this would not fall under the scope of practice as defined in the statutes. She also advised against approving administration of specific drugs under one method as it would create difficulties enforcing limitation on other drugs. Martin suggested possibly amending the statutes and Covert-ByBee and Glover-Ettrich went over the 407 credentialing review process.

MOTION: Martin moved, seconded by Sand that the Board's opinion is that respiratory care practitioners cannot administer Lexiscan during nuclear med cardiac stress testing under the current scope of practice as defined in statute. Voting aye: Case, Martin, Rush and Sand. Voting nay: None. Motion carried.

10. SCOPE OF PRACTICE: CAN RESPIRATORY CARE PRACTITIONERS CLOSE A SMALL SURGICAL OPENING UNDER GUIDANCE OF A DOCTOR?

Sand presented the question. Covert-ByBee advised that the statutes regarding Licensed Surgical First Assistants seem to address this role and that it appears to be outside the scope of practice of respiratory care practitioners.

MOTION: After discussion, Sand moved, seconded by Martin that the Board's opinion is that respiratory care practitioners cannot close a small surgical opening under guidance of a doctor under the current scope of practice as defined in statute. Voting aye: Case, Martin, Rush and Sand. Voting nay: None. Motion carried.

11. LICENSURE APPLICATION PROCESSING REPORT

Carranza presented the application processing report for informational purposes only.

12. PUBLIC COMMENT

There were no comments.

13. TOPICS FOR NEXT MEETING

Suggested topics for next meeting include a Palliative Care presentation, legislative update and regulations update.

The Board also scheduled two meetings for 2021 for March 4th and August 5th both at 9:00 a.m.

These minutes were approved by the Board of Respiratory Care via mail ballot.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 10:16 a.m.

Respectfully submitted,

Dr. Ryan Martin, Secretary