

**Board of Respiratory Care
Electronic Meeting
Minutes**

Date: April 5, 2007

Time: 9:00 a.m., C.S.T.

Location: Health Related Boards
227 French Landing Drive
Suite 300
Heritage Place, Metro Center
Nashville, TN 37243

Members Present: Billy Alred, Board Chair
Shirley Brackett
Darryl Jordan, M.D.
Candace Partee, Secretary
Colleen Schabacker

Members Absent: Delmar Mack, Ed.D.
Roger Major
Timothy McGill
Robbie Bell, Ex Officio

Staff Present: Marva Swann, Unit Director
Tomica Walker, Board Administrator
Ernie Sykes, Advisory Attorney
Jerry Kosten, Regulations Manager

Marva Swann called the roll to establish that all participants were simultaneously able to hear and speak to each other during the meeting. Each participant answered affirmatively that they were connected. Each participant answered affirmatively that they were able to hear the response given by the other participants.

Ernest Sykes, advisory attorney, for the Board read a statement that this meeting was convened due to the necessity of timely action being taken regarding the Board's concerns with SB 495/HB1885 relating to the regulation of polysomnography.

Marva Swann took a roll call vote as to whether the Board wished to proceed to conduct this meeting electronically with all members voting yes. It was also established in the affirmative by all participating Board members that such timely action needed to be taken on the subject at hand that it prohibited the physical presence of a quorum thus requiring this electronic meeting as these bills were now advancing through the legislative process.

Having established the aforementioned criteria, the meeting was called to order by Billy Alred, Chair.

There were a number of concerns enumerated by both Candace Partee and Colleen Schabacker regarding SB495/HB1885. They were:

- 1. If passed in their current form, the bill would place the practice of polysomnography under the regulatory oversight of the Board of Medical Examiners. Because of the overlap in roles and responsibilities of respiratory care therapist and polysomnographers, it would be more appropriate for polysomnographers to be organized under the auspices of the Board of Respiratory Care.**
- 2. SB495/HB1885 should require unlicensed sleep personnel to provide respiratory therapy sleep related services only under the supervision and responsibility of a licensed physician, and pursuant to such physician's explicit and written delegation.**
- 3. Respiratory care therapists regulated by the Board of Respiratory Care should not have to obtain additional certification to engage in polysomnography. The bills would seem to require a properly credentialed respiratory therapist to obtain an additional professional credential simply to continue providing a sub-set of services which already fall within the scope of practice for respiratory care.**
- 4. The bills contain an apparent loophole which could potentially allow sleep labs and centers to continue hiring on-the-job trainees (OJTs) indefinitely into the future.**

Shirley Brackett expressed concern that a physician must supervise and Darryl Jordan was particularly concerned that a person with only polysomnography credentials would not be able to recognize a respiratory crisis.

It was proposed that Ernie Sykes draft a letter to the bill sponsor with copies to all other legislators concerned detailing the Board's opposition to SB495/HB1885 and that Candace Partee and Colleen Schabacker attend the 4/11/07 meeting of the Legislature. All members voted yes to this proposal by roll call vote.

With all business being concluded the meeting was adjourned by roll call vote at 9:50 with all members voting in the affirmative.

These minutes were ratified at the May 24, 2007 Board Meeting.