

**Minutes to the Meeting of the North Carolina Board of Pharmacy
Durable Medical Equipment Committee
October 10, 2006**

Chairman Marcia Ladd called the meeting to order at 10:15 a.m. at the Chapel Hill office. Present for the committee were Karen Womack, Joey McLaughlin and Mel Elliott. Present for the staff were Karen Matthew, Joshua Kohler, Krystal Brashears, Amy Cook, Rachel Paris and Wendy Watson. Present for part of the meeting by tele-conference call was Anna Choi.

Marcia Ladd advised she had a conflict with American Respiratory because of it being in direct competition in business with regard to matters becoming before the committee on this date.

Minutes of the July 11, 2006, meeting was distributed and a motion was made by Joey McLaughlin to approve the minutes. The minutes were approved unanimously.

OLD BUSINESS

A draft of a paper from the Respiratory Care Board (RCB) covering rules for approved home respiratory care equipment tasks was discussed. There was discussion that a licensed respiratory care therapist (RCT) be involved with follow-up with patients with CPAP but not with regularity. Fitting and set-up process of CPAP for patients must be face-to-face. There was discussion that technicians instead of RCT might be able to do this and possibly be registered with the Board of Pharmacy (BOP) if the BOP looked at such proposed rules for registering such technicians.

Anna Choi advised that the BOP's jurisdiction ended with the delivery of equipment to the patient. The RCB would have to take up the issues of fitting, and training of patients about CPAP.

There was discussion that perhaps the BOP should look at revising 90.85.22 to change the definition of "delivery". Marcia Ladd stated she would speak to Jay Campbell and have he and counsel research the issues.

Mel Elliott suggested also that adding the phrase "face-to-face" to the statute might clarify the issues surrounding the delivery, set-up and training of CPAP equipment.

No other old business.

NEW BUSINESS

Krystal Brashears provided an update on American Respiratory having stored equipment on residential property. The company was reviewing three locations for offices, with two of the three having off site locations for storage. Robert Miller, President; Paul Miller,

Director; and Jack Miller, Vice-President, were present at the meeting representing American Respiratory.

Presently, the company has three permitted locations in Timberlake, Troy and Oxford. A request was before the committee for approval of a storage facility near Oxford. The company presented pictures of the storage facility they hope to lease. The representatives from American Respiratory indicated there would only be clean and dirty equipment stored at the facility with each being segregated from the other. There would be no cleaning of equipment at the location.

The subcommittee then went into closed session to discuss the issue with Counsel Anna Choi.

After returning to open session, the committee approved the storage request with no dissenting votes.

They did request that Krystal Brashears conduct regular routine inspections of the business.

The committee also requested an update on American Respiratory from Krystal Brashears and Karen Matthew at the next meeting.

The committee also requested that Karen Matthew discuss with Jay Campbell, Executive Director, with NC Board of Pharmacy, if a DME permit holder at a residential site can be “grandfathered” in under present law.

There was no discussion of the issues on number of hours a person-in-charge of DME company be present at a company site since it will be addressed under new rules to be adopted by the Board of Pharmacy addressing this issue.

Wendy Watson, Licensing/Permitting Specialist, asked if there was a list that existed of all devices that were exempt from a company required to obtain a DME permit other than the items listed in the rules and laws. The committee held a brief discussion about what items were exempt or non-exempt medical devices under the current rules. There was discussion that a proposed rule be developed to address such items.

There was some discussion about the re-imburement from insurance and Medicaid and Medicare on oxygen systems. Anna Choi advised that the Board of Pharmacy had no jurisdiction over the matter.

No further new or old business.

NEXT MEETING

The committee set the next date for a meeting on Tuesday, January 23, 2007.

Marcia Ladd, Chairperson

Karen Womack

Joey McLaughlin

(Not Present)
Parker Chesson

Mel Elliott