

Minutes to the Meeting of the North Carolina Board of Pharmacy
Durable Medical Equipment Committee
July 11, 2006

Chairman Marcia Ladd called the meeting to order at 10:10am in the Chapel Hill office. Present for the committee were Karen Link Womack and Joey McLaughlin. Present for the staff were Carson Carmichael, Joshua Kohler, Krystal Brashears and Amy Cook. Marcia Ladd advised she had a conflict with American Respiratory because of being in direct competition in business in regards to matters coming before the committee on this date.

Minutes of the April 25, 2006, meeting were distributed, considered and approved by the committee.

Members of the committee and the Board of Pharmacy welcomed new DME Committee member Karen Link Womack.

OLD BUSINESS

The FDA proposal for regulations for preventing deaths and injuries from medical gas mix-ups and contamination do not directly affect DME business and Ms. Ladd advised these were not germane for DME at this time.

Proposed House Bill from Puerto Rico to amend PR Pharmacy Act was mentioned as a FYI.

The CPAP Position Paper from the Respiratory Care Board was reviewed regarding DME technicians fitting masks. Discussion ensued covering techs if supervised, can fit and set-up masks, which the Committee considered saying they supported. Fitting and set-up process must be face-to-face and if masks are shipped to a patient, the Committee agreed to be aggressive to thwart this practice. Further, no clear answer was advised concerning who would conduct follow-up with a patient (tech or therapist). The Committee suggested that some regulations may need to be adopted by the NCBOP regarding technicians and last, the Respiratory Care Board was holding a meeting at the end of July 2006, to discuss these issues.

No other old business.

NEW BUSINESS

The Committee reviewed the 36 month Medicare oxygen cap. A law is proposed to eliminate the cap and the Committee asked the NCBOP to send a letter to Congress concerning this issue.

Pictures were presented by NCBOP Investigator Krystal Brashears regarding an off-site storage facility operated by American Respiratory. Whereas durable medical equipment cannot be stored on residential property, American Respiratory was requesting to store said equipment at the subject facility. Mr. McLaughlin proposed to deny the request and was passed with no dissenting votes. Investigator Brashears is to return to the off-site location. Ms. Ladd did not participate in this discussion.

Investigator Brashears asked the Committee's opinion concerning businesses storing concentrators on a patient's front porch. DME Committee advised the area must be a secure place.

Investigator Amy Cook spoke of questionable addresses on N. Tryon Street in Charlotte, NC, regarding DME permits requested and/or granted. Wendy Watson was to be notified of this information.

Rule changes from the April 2006, committee are to be considered by the BOP. Rule.1317 was changed to use the term "Glucose Meters" instead of "glucometers". Other proposed rule changes included a requirement for the Person in Charge, or designee thereof, to be at the business "between posted hours".

No further new or old business.

NEXT MEETING

The Committee set the next meeting for October 10, 2006, at 10:00am.

Marcia Ladd, Chairperson

Karen Link Womack

Joey McLaughlin

Parker Chesson

Mel Elliott