



PUBLIC SESSION MINUTES

Thursday, January 31, 2013

**Department of Consumer Affairs
1625 North Market Blvd.
Sacramento, CA 95834**

Members Present: Charles B. Spearman, MEd, RCP, RRT, Vice President
Lupe V. Aguilera
Rebecca Franzoia
Mark Goldstein, RRT, RCP
Alan Roth, MS MBA RRT-NPS FAARC

Staff Present: Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Freels, Staff Services Manager

THURSDAY, JANUARY 31, 2013

CALL TO ORDER

The Public Session was called to order at 12:00 p.m. by Ms. Aguilera.

Ms. Aguilera stated the Board did not have a quorum, however, another Board Member was expected to arrive shortly. The final member, Vice President Spearman, joined the meeting at 1:15p.m., and a quorum was present before any items were discussed and voted upon.

Ms. Nunez explained that public comment would be allowed on agenda items, as those items are discussed by the Board during the meeting. She added that under the Open Meeting Act, the Board may not take action on items raised by public comment that are not on the Agenda, other than to decide whether to schedule that item for a future meeting.

NEW MEMBER INTRODUCTIONS

Ms. Nunez introduced and welcomed the new Board Members:
Alan Roth, MS, MBA, RRT-NPS, FAARC; Mark Goldstein, BS, RRT, RCP; and Rebecca Franzoia.

PUBLIC COMMENT

Public comment was received by Respiratory Care Practitioner, John Basile. Mr. Basile addressed the Board concerning requested changes to its current practice of posting disciplinary information indefinitely for public access on the Board’s website. Mr. Basile stated he had been denied interviews and turned down for employment based on the disciplinary action documented on the Board’s website.

=====
STRATEGIC PLANNING SESSION
=====

The Board convened into Strategic Planning Session, at 12:42 p.m. and reconvened into Public Session at 1:39 p.m.

=====
**CERTIFIED AND REGISTERED PULMONARY FUNCTION TECHNICIANS/TECHNOLOGIST:
Consideration for Partial Exemption**
=====

Ms. Nunez stated the Los Angeles County Department of Health Services (DHS) has requested the Board to provide an exemption for twenty DHS Pulmonary Physiology Technicians (PPTs) by waiving licensing requirements for these individuals based on their pulmonary function testing experience.

Ms. Nunez explained that the Board had, in the past, pursued legislation to exempt CPFT and RPFT for certain procedures. This proposal was rejected, primarily because it was convoluted by too many caveats for training and education. The feedback, at the time, was that it was more appropriate for those requesting the exemption to be the one’s seeking it.

Comments were heard from Sara Saheeb, an SEIU representative, and Andre Marshall and Melvin Chin, two of the impacted PPTs.

Mr. Marshall, a RPFT for 32 years and a Pulmonary Physiology Technician Supervisor for LA county USC Medical Center, requested that the Board look at the work experience of the group and provide education waivers to allow them to continue to work in the pulmonary function lab.

Vice President Spearman expressed his concern that experience at the level presented before the Board, suddenly be halted. He explained that the discussion needs to remain open to find a solution; however, this change will take time as it will require a legislative change.

Ms. Nunez explained that DHS has the option to seek out a legislator to author legislation, with DHS as the sponsor, and the RCB will then take a position either in support or opposition.

Vice President Spearman further stated the Board would discuss future intentions regarding this issue during Strategic Planning, and may decide at that time if a committee to further explore this issue be established. In the meantime, it is the intent of the Executive Committee to maintain open communication with the Los Angeles DHS through the Executive Officer.

=====
STRATEGIC PLANNING SESSION
=====

The Board reconvened into Strategic Planning Session, at 3:00 p.m. and recessed at 5:00 p.m. until 8:30 a.m. on Friday, February 1, 2013.

PUBLIC SESSION MINUTES

Friday, February 1, 2013

**Department of Consumer Affairs
1625 North Market Blvd.
Sacramento, CA 95834**

Members Present: Charles B. Spearman, MEd, RCP, RRT, Vice President
Lupe V. Aguilera
Rebecca Franzoia
Mark Goldstein, RRT, RCP
Alan Roth, MS MBA RRT-NPS FAARC

Staff Present: Dianne Dobbs, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Freels, Staff Services Manager

CALL TO ORDER

The Public Session was called to order at 8:33 a.m. by Vice President Charles Spearman.

PUBLIC COMMENT

Vice President Spearman explained that public comment would be accepted after each agenda item. He added that under the Open Meeting Act, the Board may not take action on items raised by public comment that are not on the Agenda, other than to decide whether to schedule that item for a future meeting. In order to allow the board to conduct scheduled business the public comment may be limited.

APPROVAL OF MAY 18, 2012 MINUTES

Ms. Aguilera moved to approve the May 18, 2012 Public Session minutes as written.

M/Aguilera /S/Goldstein

In favor: Aguilera, Franzoia, Goldstein, Roth, Spearman

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Nunez)

a. BreZE Online Application/License System

Ms. Nunez explained that the BreZE system would be replacing the Board's CAS and ATS systems which currently store all of the Board applicant, licensing and enforcement records. BreZE is

anticipated to be more efficient and provide online access for application, renewal and allow for the tracking of other transactions. Ms. Nunez indicated the rollout date, initially scheduled for February 19, has been pushed back. The new date is unknown at this time. The Board periodically sends updates to program directors and has included information in the newsletter, and on the website home page. For those renewing their license on-line, Ms. Nunez asked that licensees be aware that the current on-line system for renewal will be unavailable for a period of about two months during the transition to BreEZe.

Ms. Nunez thanked the NBRC for their cooperation in working with DCA to modify data so that information can be shared electronically with BreEZe.

b. New Regulations (Effective 6/24/12): Implementation Status

i. Recognition of Military Experience

Ms. Nunez explained the prior changes in CoARC accreditation and the law requiring a degree for licensure, resulted in stumbling blocks for military trained applicants. Regulations had addressed most of the issues; however some military personnel were still affected. Military personnel have always been held in high regard by the Board and the State. The Board moved forward with new regulations, implemented last July, modifying the waiver language which has resolved all issues.

Ms. Nunez further stated that two bills, AB 1588 and AB 1904 provided additional exemptions for military personnel on active duty and a provision to speed application processing for spouses or unified partners of military personnel. The Board's website has been updated with notices to applicants and licensees.

ii. Ethics Course (Revision scheduled for 1/1/14)

Ms. Nunez stated the Ethics Course is scheduled for revision and should be available by January 1, 2014. Ms. Nunez gave some background information for new Board Members explaining; the Board's Law and Professional Ethics Course was developed and implemented in 2006 and is designed to educate applicants and licensees on ethics in the workplace, their responsibility to report illegal activities, and acts that jeopardize their licensure status. The course may only be offered by the AARC and CSRC. Licensees must complete the course as part of their continuing education required for licensure renewal every other renewal cycle (about every four years).

Ms. Nunez stated Liane Freels, the RCB's Enforcement Manager, will be coordinating the efforts between the AARC and the CSRC and will work with the Board's Professional Qualifications Committee on the revisions to the Ethics Course prior to Board approval. Ms. Nunez concluded the course should be in its final format and approved by the Board no later than the last meeting this year (approximately October 2013).

iii. Cease Practice Notices for Major Violations

Since the Board updated its Disciplinary Guidelines (adding Major Violations allowing the automatic suspension of a probationer's license), there have been approximately seventeen cease practice notices issued. Seven have been lifted and ten have been transmitted to the Attorney General's Office for further disciplinary action. The major violation: "Failure to make daily contact as directed..." has caused some discussion and some cases have been lifted depending on the circumstances, background and history of the probationer. This may be re-examined in future Disciplinary Guideline revisions.

iv. Citation and Fine

Citation and Fine regulations were streamlined to provide clarity for staff and the maximum fine was increased to \$5,000, as authorized by law.

v. Application and Initial Licensing Fee

The Board eliminated the initial licensing fee and increased the application fee, decreasing the amount of time it takes for an applicant to get licensed by approximately 3 weeks.

“TRANSITIONING THE RESPIRATORY THERAPIST WORKFORCE FOR 2015 AND BEYOND” UPDATE (Spearman)

Vice President Spearman gave some background on the three conferences and subsequent articles concerning the changes to the roles and responsibilities of respiratory therapists' in the future health care system, and the competencies and education to support those changes. As a result, several recommendations were made by the 2015 Conference Group to the AARC Board of Directors). Vice President Spearman highlighted a few, including:

- The RRT be the only credential
- The Baccalaureate degree be established as an entry level requirement

Vice President Spearman discussed the NBRC's plans regarding changes to the examinations for the CRT and RRT credentials. One exam will be given, graded on a two tiered level, differentiating the CRTs from those who become eligible to take the clinical simulation examination and potentially achieve the RRT credential.

Vice President Spearman stated, with everything he has read, it only emphasizes, in his opinion, that there is no reason for the CRT credential, taking to account and excluding the CRT's who are currently in the workforce.

Vice President Spearman discussed a letter of non-support from the AARC to the Ohio Board for Respiratory Care concerning the minimum requirement of RRT for licensure and stated that it is an important consideration for this Board to have the support of the national respiratory care association.

Spearman opened the discussion to the public. Comments were received by:

- Barry Westling, CSRC Delegate to the American Association for Respiratory Care
- Donna Murphy, President, California Society for Respiratory Care
- Robby Nijjar, Committee Chair, California Society for Respiratory Care
- Michael Monasky, RCP, RRT-NPS

CSRC Position Paper for RRT as Minimum Requirement for Licensure

Vice President Spearman opened the discussion concerning the proposal to consider moving to the RRT as the minimum requirement for licensure.

Ms. Nunez stated the Board may want to consider RRT as minimum licensure based on the fact that education varies among the different schools especially in the clinical practice area. Since an RRT is required to pass clinical simulation testing, they enter the profession at higher documented level and are prepared to practice. She added this could lower practice related complaints for incompetency, and also believes this could help the Board be more proactive in protecting the public.

Vice President Spearman commented that all programs now teach to the RRT level.

Public comments were received by:

Abbie Rosenberg, Executive Director, CSRC
Ricardo Guzman, San Joaquin Valley College Program Director, Education Committee Chair, CSRC
Russ McCord, CSRC
Robby Nijjar, Committee Chair, CSRC
Donna Murphy, President, CSRC
Michael Monasky, RCP, RRT-NPS

Discussion ensued by Board Members.

Mr. Goldstein moved that the Respiratory Care Board recognize the RRT examination as the minimum requirement for licensure for new candidates and to investigate the timeline for implementation.

All were in favor. No one opposed.

M/Goldstein /S/Roth

In favor: Aguilera, Franzoia, Goldstein, Roth, Spearman

MOTION PASSED

ELECTION OF OFFICERS FOR 2013

Mr. Spearman opened the floor for nominations for the Respiratory Care Board President. Mr. Goldstein moved to nominate Charles Spearman for President. No other nominations were presented. Mr. Spearman accepted the nomination.

All were in favor. No one opposed.

M/Goldstein /S/Roth

In favor: Aguilera, Franzoia, Goldstein, Roth, Spearman

MOTION PASSED

Mr. Spearman opened the floor for Nominations for the Respiratory Care Board Vice President. Mr. Spearman move to nominate Mark Goldstein for Vice President. No other nominations were presented. Mr. Goldstein accepted the nomination.

All were in favor. No one opposed.

M/Spearman /S/Roth

In favor: Aguilera, Franzoia, Goldstein, Roth, Spearman

MOTION PASSED

2013 MEETING DATES: CALENDAR

The next Public Meeting will be on May 6, 2013 to coincide with the CSRC's Annual Meeting in San Diego. Mr. Roth stated it would be advantageous for the individuals attending the CSRC meeting to see the faces of the RCB Members and would encourage public participation in future RCB Public Meetings.

The final meeting for the year was scheduled for November 8th to coincide with the AARC Meeting in Anaheim, CA.

2012-13 SUNSET REVIEW/HEARINGS

(Nunez)

Ms. Nunez stated the Sunset Review Hearings will be held on March 11 and March 18, 2013. The Board is scheduled to present on March 18. Ms. Nunez requested that any available Executive Committee Members plan to attend to answer any questions which fall outside of the scope of her technical knowledge. Both President Spearman and Vice President Goldstein volunteered to attend and assist with the presentation.

FISCAL REVIEW/CONSIDERATION TO REDUCE RENEWAL FEE

(Nunez)

Ms. Nunez provided a brief background concerning renewal fees. Since 2002, the fee has stood at \$230. This fee has remained untouched for 11 years. A provision in Section 3775 subsection (d) indicates that the Board shall decrease fees if estimated expenditures result in the fund exceeding a six month reserve. Agenda materials provided the Board Members with fund expenditure projections and other pertinent fund information. Ms. Nunez recommended that the Board tentatively move forward with a one-time fee reduction of \$30 or \$40 over a 2 year cycle versus a continuous fee reduction, but requested additional time to complete an investigation as to the current impact to the BreEZe system implementation, to complete additional expenditure projections, and for the completion of strategic planning.

Discussion ensued, and it was agreed that the reduction of renewal fees will tentatively be decreased by \$30.

ENFORCEMENT DISCIPLINARY PROCESS OVERVIEW

(Nunez)

Ms. Nunez provided an explanation of the complaint/disciplinary process flow chart.

Ms. Dobbs, Legal Counsel, provided clarification concerning Penal Code 23 stating the Board's interests are that any criminal activities a person is involved with, affects Public Health and Safety.

Ms. Nunez summarized the process flow and the actions that may result as a consequence of formal disciplinary actions.

Discussion for various subject matter clarification ensued with explanations offered by Ms. Nunez.

CLOSED SESSION

No Closed Session was held.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comment was provided at this time.

=====
STRATEGIC PLANNING SESSION
=====

The Board convened into Strategic Planning Session, at 11:17 p.m. and reconvened into Public Session at 12:35 p.m.

FUTURE AGENDA ITEMS

Mr. Roth indicated that he would like to place the white paper from AARC concerning productivity, therapy and standards of consistency on future agenda items for review.

Ms. Nunez would like to add the discussion of her updated issue paper concerning RRT.

ADJOURNMENT

The Public Session Meeting was adjourned by President Spearman at 3:47 p.m.

CHARLES B. SPEARMAN
President

STEPHANIE A. NUNEZ
Executive Officer