



Respiratory Care Board of California

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ARNOLD SCHWARZENEGGER, Governor

PUBLIC SESSION MINUTES

Friday, March 13, 2009

**San Joaquin Valley College
11050 Olson Drive, Suite 100
Rancho Cordova, CA 95670
(916) 638-7582**

Members Present: Larry L. Renner, BS, RCP, RRT, RPFT, President
Lupe V. Aguilera
Gopal Chaturvedi
Sandra Magaña
Richard L. Sheldon, M.D.
Charles B. Spearman, MEd, RCP, RRT

Members Absent: Murray Olson, RCP
Barbara M. Stenson, RCP, RRT

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

CALL TO ORDER

The Public Session was called to order at 10:20 a.m. by President Renner. A quorum was present.

APPROVAL OF NOVEMBER 20, 2008 PUBLIC SESSION MINUTES

Mr. Spearman moved to approve the November 20, 2008 Public Session minutes as written.

M/Spearman/S/Chaturvedi
Ayes: Aguilera, Chaturvedi, Renner, Spearman
Abstain: Magaña, Sheldon
MOTION PASSED

CLOSED SESSION

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 10:25 a.m. and reconvened into Public Session at 11:10 a.m.

EXECUTIVE OFFICER'S REPORT *(Stephanie Nunez)*

AARC's "Educating the Future Respiratory Therapist Workforce - Identifying the Options," April 6-8, 2009

Ms. Nunez reported that although the Board's previously submitted out-of-state trip request for this workshop was approved, in light of the current budget crisis, Governor Schwarzenegger has indicated that all previously approved trips be resubmitted for reevaluation.

Expert Witness Hiring Process (Obj. 2.1)

Ms. Nunez informed the Board that approximately 20 expert witness applications were received, and that Ms. Zimmerman is currently awaiting receipt of mock reports. Once received, the reports will be forwarded to Vice-President Stenson for review and consideration.

Website - Disaster Response Page (Obj. 3.1)

Ms. Nunez reported that the Board's website now includes a Disaster Response page. The page includes reference guides as well as a Quick Reference Guide and Emergency Set-Up Card for the Cardinal Health LTV 1200 ventilator which the State of California has purchased and stockpiled for use in a declared emergency or disaster. Ms. Nunez also indicated that volunteer RCPs are also being sought for DMAT and California emergency response.

Dr. Sheldon requested that the Board add a link to the Model State Emergency Health Powers Act (MSEHPA) which grants public health powers to state and local public health authorities to ensure a strong, effective, and timely planning, prevention, and response mechanisms to public health emergencies (including bioterrorism) while also respecting individual rights. The MSEHPA has been used by state and local legislators and health officials nationwide as a guide for considering public health law reform in their states.

Draft Board Member Orientation Manual (Obj. 5.2)

Ms. Nunez reported that a draft of the Board Member Orientation Manual was sent to all members for review. She explained that the manual will be finalized, distributed to all current members, and to new members upon appointment to the Board.

SB 541 and AB 211 (Statutes of 2008) Health Records

Ms. Dobbs provided the Board with a summary of SB 541 and AB 211 (Statutes of 2008). She stated that in September 2008, the Governor signed into law two new health information privacy bills, AB 211 and SB 541, which became effective on January 1, 2009. Together, these bills provide for new oversight, impose stricter privacy protections, and substantially increase penalties for breaches of patient confidentiality. She advised that these new laws are different in that they make providers, health plans, and individuals accountable for unauthorized access to medical information, not just for unlawful use or disclosure.

She also explained that among other things, AB 211 established the California Office of Health Information Integrity that will refer violators to their appropriate licensing boards for further investigation and possible disciplinary action.

President Renner requested that an article regarding these two bills be included in the Spring 2009 edition of the Board's newsletter.

EXECUTIVE COMMITTEE REPORT

(Larry L. Renner, Chair)

PACT Roundtable - Healing Arts, April 15, 2009

President Renner explained that the Professionals Achieving Consumer Trust Healing Arts Roundtable is being held on April 15, 2009. He indicated that he and Ms. Nunez would be attending.

EDUCATION COMMITTEE REPORT

(Barbara Stenson, Chair)

Publication of Pass/Fail Rates (Obj. 1.2)

As requested at the last meeting, Ms. Nunez presented a sample publication format for program pass/fail information to be considered by the Board. She added that the attachment was modified to protect the identity of the program(s), but explained that the program names would be included in the published version.

Discussion ensued.

Ray Hernandez, Program Director at Skyline College commented that their program currently posts their COARC reports which include pass/fail rates on their web site.

Dr. Sheldon expressed concern that some schools may be negatively impacted by the release of this information and suggested that this item be discussed with school directors at the annual CSRC meeting.

Jeff Rutherford, Program Director at San Joaquin Valley College in Rancho Cordova expressed concerns with differentiating between CRT and RRT exam candidates. However, Ms. Molina clarified that this would only reflect CRT pass/fail information.

Dr. Sheldon moved that the sample publication format be used and made available on the Board's website, with the deletion of the last column titled "% of National."

M/Sheldon/S/Magaña

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

Ethics Course Update (Obj. 1.3)

Ms. Nunez reminded the Board that the revised version of the ethics course should be implemented by both the AARC and CSRC prior to January 1, 2010. Ms. Zimmerman has notified the AARC and CSRC of the revision deadline, and anticipates reviewing the revised versions in July 2009.

CoARC Site Visit Analysis and Considerations (Obj. 1.4)

This agenda item was tabled until the next meeting.

ENFORCEMENT COMMITTEE REPORT

(Charles B. Spearman, Chair)

Enforcement Statistics

Mr. Spearman thanked staff for preparing the Enforcement Statistics. He proceeded to review the information and entertained questions from the Board.

Discussion ensued regarding application and denial statistics.

Ms. Molina explained that the Board has developed a booklet entitled "Licensure and the Application Process" which should be distributed to all California respiratory care programs sometime during the Summer. She explained that this booklet will assist program directors and potential and current respiratory students with understanding the entire application process, including how prior criminal and/or substance abuse history may impact the process and outcome.

President Renner requested that the information contained in the booklet also be made available on the website.

INTERIM SUSPENSION ORDER POLICY

(Obj. 2.1)

Ms. Nunez stated that the Department issued an Interim Suspension Order (ISO) policy to all boards. She added that the Board already has its own ISO policy in place, although it may need to be modified if requested by the Department, which may be looking to standardize this policy for all boards and bureaus.

Pursuant to the Board's existing policy, an ISO is pursued when the conduct of a license poses an immediate and/or significant threat to the health and safety of the public. There are two avenues in obtaining an ISO. The first is to pursue an ISO through an administrative proceeding pursuant to Business and Professions Code Section 494. The second option is to request a suspension order as part of a criminal proceeding pursuant to Penal Code Section 23.

Some examples that would likely warrant the pursuit of an immediate ISO include:

- Licensed RCP is accused of being under the influence of drugs or alcohol while at work.
- Licensed RCP is charged with a DUI of drugs or alcohol on his/her way directly to a work shift.
- License RCP has allegedly engaged in a lewd act, sexual misconduct, or sexual assault involving a child, patient, or unconsenting adult.
- Licensed RCP has allegedly engaged in a murder, rape, or other violent assault.

President Renner moved to approve the Board's draft Interim Suspension Order Policy as written.

M/Renner/S/Chaturvedi

Discussion ensued.

Ms. Dobbs reminded the Board that as part of the ISO process, the Attorney General is requesting an Administrative Law Judge to issue an ISO, and therefore must have enough evidence to prove that the individual poses an imminent threat to themself or others.

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

2009-10 MARKETING PLAN (Obj. 4.2)

Ms. Nunez explained that in 2007, the Board conducted a Workforce Study to forecast the state's RCP workforce needs. It revealed several factors that could create serious RCP shortages to meet the needs of the California population in the coming decades, and as a result, a marketing plan was developed.

Ms. Nunez reported that the identified target audience are those 25 years and younger. It was discovered that young adults no longer listen to the radio, as they now commonly utilize various social networking web sites such as Facebook, My Space, and Twitter to communicate. Some ideas aimed at reaching the target audience to promote the profession include distributing information and promotional items to California high schools, as well as allowing individuals to order promotional items from the Board's website free of charge.

The audience (which included a substantial number of current respiratory care students) was asked where and/or how they regularly obtain information. Their responses included:

- * Various search engines (i.e., YouTube, My Space, Facebook)
- * Visual items (i.e., posters, etc.)
- * Word of mouth

The audience was also asked how they suggested that information relayed to the target audience based upon what attracted them to the profession. Responses included:

- * Visual Examples (especially with trauma elements)
- * Something similar to the "Every 15 Minutes" program conducted at high schools
- * Distribute information to AP science/math students at high schools
- * Have current respiratory students speak at high schools

Ms. Nunez explained that due to the budget we're allotted for this project, we will not be utilizing radio or billboards, but will focus on providing information via various social networks, by updating the current DVD, visiting community colleges and high schools, and promoting scholarships.

Audience members suggested the Board look into the AARC's RCRF Foundation, and the CSRC's 70 Square Meters Foundation.

Mr. Spearman moved that staff consider the audience's suggestions and move forward with the implementing the marketing plan.

M/Spearman/S/Magaña

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

LEGISLATIVE COMMITTEE REPORT

(Larry L. Renner, RCP, Chair)

Legislation of Interest

AB 57 - University of California: Hospital Staffing

Position: Watch

AB 583 - Health Care Practitioners: Disclosure of Education

Position: Watch

President Renner moved to change the Board's position from Watch to Oppose Unless Amended.

M/Renner/S/Sheldon

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman

MOTION PASSED

AB 877 - Healing Arts: Committee Oversight of Scope of Practice

Position: Watch

AB 1310 - Healing Arts: Collection of Data for Healthcare Workforce

Position: Watch

SB 43 - Health Professions: Cultural and Linguistic Competency

Position: Watch

SB 132 - Polysomnographic Technologists: Sleep and Wake Disorders

Position: Support if Amended

Ms. Magaña moved that the Board issue the attached Support if Amended letter to Senator Denham.

M/Magaña/S/Chaturvedi

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman

MOTION PASSED

SB 389 - Professions and Vocations: Fingerprinting

Position: Watch

SB 599 - Licensing Boards: Post Disciplinary Actions on Website

Position: Watch

SB 638 - Regulatory Boards: Sunset/Sunrise Revisions

Position: Watch

SB 762 - Healing Arts: No Prohibition for Licensee to Engage in Business

Position: Watch

SCR 18 - Resolution: Respiratory Syncytial Virus (RSV) Awareness Month

Position: Watch

President Renner moved that the legislation of interest remain the same with the exception AB 583 and SB 132 as noted above.

M/Renner/S/Spearman

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

Federal Legislation of Interest

Dr. Sheldon moved that President Renner send letters to the Honorable Mike Ross in support of HR 1077 - the Medical Respiratory Therapy Act Initiative Act of 2009, and to the Honorable Blanche Lincoln in support of S 343 - the Medicare Respiratory Therapy Initiative Act of 2009.

M/Sheldon/S/Chaturvedi

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

Board-Proposed Legislation

Ms. Nunez advised that the following Board-Proposed Legislation had been accepted for inclusion in the following bills:

- CoARC Accreditation: [SB 821]
- Drugs & Alcohol at Work: [SB 821]
- Conviction Documentation- Renewal: [SB 821]
- Cost Recovery (Probation Violations): [SB 819]
- State of Emergency - RCP Liability: [SB 819]

Ms. Nunez explained that SB 819 and SB 821 are both Omnibus Bills being carried by the Senate Business and Professions Committee.

Mr. Spearman moved that the Board support SB 819 and SB 821.

M/Spearman/S/Chaturvedi

Unanimous: Aguilera, Chaturvedi, Magaña, Renner, Sheldon, Spearman
MOTION PASSED

Ms. Nunez indicated that the following Board-Proposed Legislation had not been accepted:

- Respiratory Care Board Sunset Extension (the Board was referred to SB 638)
- Immediate 60-Day Suspension (Sex Crime)
- Employer Definition (Mandatory Reporting for Registries)

CoARC Legislation

Ms. Nunez stated that CoARC has moved forward to separate itself from the Commission on Accreditation of Allied Health Education Programs (CAAHEP). To ensure that the Board can continue to accept applications from students who are attending CoARC approved programs, Ms. Nunez explained that a legislative amendment to Business and Professions section 3740 was required, and has been accepted as previously indicated.

**CONSIDERATION TO RESCHEDULE NEXT MEETING
FROM JUNE 12 TO JUNE 8, 9, or 10**

In an attempt to schedule the next Board meeting in conjunction with the Annual CSRC Convention, the Board agreed to try and change its previously scheduled meeting from Friday, June 12, 2009 to Monday, June 8, 2009 in Riverside. The second option for the meeting was established as Sunday, June 7, 2009. Other members not present will need to be contacted.

Ms. Abbie Rosenberg, Executive Director of the CSRC offered to provide the Board a room to conduct its meeting at the conference site.

FUTURE AGENDA ITEMS

- Update regarding AARC's "Educating the Future Respiratory Therapist Workforce - Identifying the Options," April 6-8, 2009

ADJOURNMENT

The Public Session Meeting was adjourned by President Renner at 1:10 p.m.

LARRY L. RENNER
President

STEPHANIE A. NUNEZ
Executive Officer