



PUBLIC SESSION MINUTES

Friday, May 18, 2012

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

Members Present: Murray Olson, RCP, RRT-NPS, RPFT, President
Charles B. Spearman, MSEd, RCP, RRT, Vice President
Lupe V. Aguilera
Larry L. Renner, BS, RCP, RRT, RPFT, President
Barbara M. Stenson, RCP, RRT

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 9:50 a.m. by Vice President Spearman. Vice President Spearman stated the Board did not have a quorum, however, another board member was expected to arrive shortly. The final member, Lupe Aguilera, arrived at 9:56 a.m. and a quorum was present before any items were discussed and voted upon.

Vice President Spearman explained that public comment would be allowed on agenda items, as those items are discussed by the Board during the meeting. 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.

APPROVAL OF FEBRUARY 10, 2012 PUBLIC SESSION MINUTES

Mr. Renner moved to approve the February 10, 2012 Public Session minutes as written.

M/ Renner /S/Stenson

In favor: Aguilera, Olson, Renner, Spearman, Stenson

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Stephanie Nunez)

BreEZe, On-Line Application/License System

Ms. Nunez stated the tentative rollout date for BreEZe, the on-line application license system, is August/September 2012. She also indicated that staff continue to devote significant resources toward the BreEZe project as implementation draws near.

Office Relocation

Ms. Nunez stated today was staff's first day in the new office location: 3750 Rosin Court, Suite 100, Sacramento. Other than a few issues related to its server, the move was successful and staff appreciate the new space.

Status on Proposed Regulation

Ms. Nunez advised the Board of the status of the existing rulemaking package, and explained that final approval is required by May 25, 2012. She stated that following approval, the package will be filed with the Secretary of State and will become effective 30 days after filing.

Fiscal Review

Ms. Nunez discussed the Fiscal Review covering the Board's revenue and expenditures. She indicated there are no significant items of concern, but pointed out the increase in staff salaries resulting from restored pay following the furloughs and personal leave program, as well as additional filled positions.

SUNSET REVIEW 2012/2013

(Stephanie Nunez)

Mr. Olson moved to establish a Sunset Review Committee to participate in the development of the Sunset Review Report and Hearings, consisting of Mr. Renner and himself.

Though his term on the Board was coming to a close, it was noted that Mr. Renner possesses a wealth of information as the Board's long standing past president and would offer a unique perspective in providing testimony during the Sunset Hearings.

M/ Renner /S/Spearman

In favor: Aguilera, Olson, Renner, Spearman, Stenson

MOTION PASSED

President Olson moved to pursue authority, as part of the Board's Sunset Review Report, for immediate suspension for violations/arrests involving sexual misconduct.

Discussion ensued.

M/ Olson /S/Renner

In favor: Aguilera, Olson, Renner, Spearman, Stenson

MOTION PASSED

Ms. Nunez summarized a letter from the Los Angeles County Department of Health Services requesting a permanent waiver of education for twenty individuals currently employed as Pulmonary Physiology Technicians with LA County.

Discussion ensued, and it was agreed that this topic will be moved to a future agenda item for further discussion.

ENFORCEMENT UPDATE

(Charles Spearman)

Enforcement Statistics

Vice President Spearman reviewed Enforcement Statistics stating all targets were met with the exception of Formal Discipline, which was very close.

LEGISLATION OF INTEREST – DISCUSSION/ACTION

(Christine Molina)

Ms. Molina reviewed the following Legislation of Interest:

- SB 975 – Professions and vocations: regulatory authority
- SB 1575 – Professions and vocations
- AB 1588 – Professions and vocations: reservist licensees: fees and continuing education
- AB 1904 - Professions and vocations: military spouses: temporary licenses.
- AB 1932 - United States armed services: healing arts boards
- AB 1976 - Licensure and certification requirements: military experience.
- HR 941 - The Medicare Respiratory Therapy Initiative Act of 2011

Mr. Renner moved to accept the following positions:

- SB 975 – Watch
- SB 1575 – Support
- AB 1588 – Support
- AB 1904 - Watch
- AB 1932 - Watch
- AB 1976 - Watch
- HR 941 - Watch

M/ Renner /S/ Murray

Unanimous: Aguilera, Olson, Renner, Spearman, Stenson

MOTION PASSED

RECOGNITION OF SERVICE: LARRY L. RENNER, BS, RCP, PAST PRESIDENT AND BARBARA M. STENSON, RCP, RRT, PAST VICE-PRESIDENT

(Murray Olson)

Past President/Member Larry Renner and Past Vice President/Member Barbara Stenson were presented with plaques in recognition and appreciation for their eleven years of selfless service to the Board and were thanked for their loyalty to consumer protection and dedication to the advancement of the respiratory care profession.

PETITION FOR REINSTATEMENT, ORAL TESTIMONY: DEBRA ANN LUDROW, RCP 10111

The petitioner, Ms. Ludrow, gave her testimony in the matter of petition for reinstatement of her respiratory care practice license.

HEARING PURSUANT TO GOVERNMENT CODE SECTION 11517(c)(2)(E) FOR THE TAKING OF ADDITIONAL EVIDENCE FOLLOWING THE NON-ADOPTION OF THE PROPOSED DECISION IN THE MATTER OF SHEILA NADINE ROZMUS, RCP 18941

The Board heard additional evidence following the non-adoption of the proposed decision in the matter of Sheila Nadine Rozmus.

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CLOSED SESSION
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The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 4:00 p.m. and reconvened into Public Session at 6:50 p.m.
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PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comment was provided.

FUTURE AGENDA ITEMS

Request for pulmonary function technician by Los Angeles County Department of Public Health.

ADJOURNMENT

The Public Session Meeting was adjourned by Vice President Spearman at 6:50 p.m.

MURRAY L. OLSON
President

STEPHANIE A. NUNEZ
Executive Officer