



## **PUBLIC SESSION MINUTES**

**Monday, May 6, 2013**

**998 West Mission Bay Drive  
(Del Mar Room)  
San Diego, CA 92109**

Members Present: Charles B. Spearman, MSEd, RCP, RRT, President  
Mark Goldstein, BS, RRT, RCP, Vice President  
Mary Ellen Early  
Rebecca Franzoia  
Murray Olson, RCP, RRT-NPS, RPFT  
Alan Roth, MS MBA RRT-NPS FAARC

Staff Present: Dianne Dobbs, Legal Counsel  
Stephanie Nunez, Executive Officer  
Christine Molina, Staff Services Manager  
V. Craig Martinez, Associate Governmental Program Analyst

### **CALL TO ORDER**

The Public Session was called to order at 9:00 a.m. by President Spearman.

### **NEW MEMBER INTRODUCTION**

President Spearman introduced and welcomed Mary Ellen Early, the Board's newest member.

### **PUBLIC COMMENT**

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 Bagley-Keene 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 JANUARY 31/FEBRUARY 1, 2013 MINUTES

Vice President Goldstein moved to approve the January 31/February 1, 2013 Public Session minutes as written.

M/Goldstein /S/Roth

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

Abstain: Early

MOTION PASSED

### EXECUTIVE OFFICER'S REPORT

*(Nunez)*

Ms. Nunez discussed the following:

#### **a. BreEZe On-Line Application/License System:**

The tentative rollout date for the BreEZe system (which will replace the Board's current applicant, licensing and enforcement tracking systems) is scheduled for July 2013.

#### **b. Ethics Course Revisions by CSRC/AARC**

Letters were mailed to the American Association for Respiratory Care (AARC) and California Society for Respiratory Care (CSRC) on February 7, 2013, regarding revisions to the ethics course. Ms. Nunez indicated that the AARC and CSRC were requested to provide initial submissions of the revised courses by July 1, 2013 at which point, the Board's Professional Qualifications Committee, Charles Spearman and Mark Goldstein, will have 30 days to review and provide feedback. Each ethics course should be in its final format for full Board approval at the next board meeting (November 15) to ensure implementation on January 1, 2014.

#### **c. Strategic Planning**

Board staff will be working on fine tuning the draft Strategic Plan over the summer, and will present a final draft to the Board for further discussion and/or approval at the November meeting.

### FISCAL REVIEW/CONSIDERATION TO REDUCE RENEWAL FEE

*(Nunez)*

Ms. Nunez recommended the Board continue to watch the fund condition with no refund of monies at this time. She stated projected expenses have increased slightly, resulting in decreased funds and explained that should the Board receive approval to hire additional staff, existing funds would be needed to support these positions.

Mr. Olson moved that the Board not pursue a refund at this time, but closely watch revenues, expenditures, and the fund condition at future Board meetings.

All were in favor. No one opposed.

M/Olson /S/Roth

In favor: Early, Franzoia, Goldstein, Olson, Roth, Spearman

MOTION PASSED

## **ENFORCEMENT STATISTICS**

Mr. Olson reviewed the enforcement statistics through March 31, 2013. Mr. Olson also requested staff to present a cost proposal to identify the highest level of exam passage/license qualification method (i.e., grandfather/CRT/RRT) for respondents in all final disciplinary matters.

### **REGISTERED RESPIRATORY THERAPIST EXAMINATION/CREDENTIAL AS MINIMUM STANDARD FOR LICENSURE: TRANSITION PLANNING**

Board members discussed the Registered Respiratory Therapist (RRT) examination as the minimum standard for licensure. Discussion ensued concerning the proposed transition plan including information and data to assist the Board in determining a date to transition from the CRT examination to the RRT examination.

Vice President Goldstein moved to accept the proposed transition plan, to recognize the RRT as the minimum standard for licensure and move forward with a January 1, 2015 date for implementation.

M/Goldstein /S/Roth

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

Opposed: Olson

MOTION PASSED

### **PULMONARY FUNCTION TESTING**

(Nunez)

Ms. Nunez stated that the proposed amendment exempted specified pulmonary function testing personnel employed by the Los Angeles Department of Health Services was included as part of the Legislative Report (SB 305).

Ms. Nunez advised the Board that the issue of unlicensed practice related to pulmonary function testing has continued to be an ongoing issue. Public comment was received regarding concerns related to unlicensed practice in this area of respiratory care. The Board discussed the ramifications, including the potential for patient harm, if pulmonary function testing is performed inadequately.

Mr. Olson moved to begin enforcing violations of unlicensed practice of respiratory care as it relates to pulmonary function testing with a period of education and public notice.

All were in favor. No one opposed.

M/Olson /S/Goldstein

In favor: Early, Franzoia, Goldstein, Olson, Roth, Spearman

MOTION PASSED

Staff will ask Secretary Caballero to assist the Board and will work with the Medical Board of California to assist in providing notification and repealing the regulation regarding plethysmography.

### **2012-2013 SUNSET REVIEW HEARINGS AND FOLLOW UP**

(Goldstein)

Vice President Goldstein provided an overview of the Sunset Review hearings.

Ms. Nunez reviewed the Committee's recommendations and thanked Larry Renner for his assistance during the hearings.

Ms. Nunez highlighted SB 1441 and the Substance Abuse Coordination Committee (SACC) charged with developing uniform standards for healing arts boards to use in addressing substance-abusing licensees placed in diversion or on probation. Staff recommended the Board update the Committee on the implementation of the "Uniform Substance Abuse Standards" and questioned whether more frequent testing is an appropriate mechanism for monitoring probationers who abuse substances. As well as, whether it believes the Uniform Standards are providing the intended consumer protections (for example: is increased testing resulting in desired outcomes).

Discussion ensued.

### **LEGISLATIVE REPORT** (Molina)

Ms. Molina reviewed the 2013 Legislation of Interest:

AB 186:	Watch	Professions and vocations: military spouses; temporary licenses
AB 258:	Watch	State agencies: veterans
AB 291:	Watch	California Sunset Review Commission
AB 512:	Watch	Healing arts: licensure exemption
AB 809:	Watch	Healing arts: telehealth
AB 1013:	Watch	Consumer affairs
AB 1057:	Watch	Professions and vocations: licenses: military service
SB 305:	Support	Healing arts: boards. (RCB Sunset Extension Bill)
AB 690:	Watch	Licenses

Ms. Franzoia moved to accept staff recommendations to support SB 305 and to "watch" all the other bills.

All were in favor. No one opposed.

M/Franzoia /S/Olson

In favor: Early, Franzoia, Goldstein, Olson, Roth, Spearman

**MOTION PASSED**

The Board approved staff to continue to pursue legislative proposals contained in the Sunset Recommendations in the event opportunities arise between Board meetings. Any other proposals will be vetted through the Executive Committee and reported to the full Board at subsequent meetings, pursuant to the Board's policy.

### **BOARD COMMITTEE ASSIGNMENTS**

Changes to Board committee assignments were made as follows:

Enforcement Committee

Chair: Murray Olson. RCP, RRT-NPS, RPFT

Member: Mary Ellen Early

Outreach Committee:

Chair: Mark Goldstein, BS, RRT, RCP

Member: Murray Olson, RCP, RRT-NPS, RPFT

Ms. Franzoia offered to provide assistance to any of the committees as needed.

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

No public comment was provided at this time.

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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 12:30 p.m. and reconvened into Public Session at 1:25 p.m.

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**FUTURE AGENDA ITEMS**  
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No future items were identified.

**ADJOURNMENT**

The Public Session Meeting was adjourned by President Spearman at 1:30 p.m.

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CHARLES B. SPEARMAN  
President

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STEPHANIE A. NUNEZ  
Executive Officer