



PUBLIC SESSION MINUTES

Friday, May 15, 2015

**Loma Linda University – Drayson Center
25040 Stewart Street (Collins Auditorium)
Loma Linda, CA 92350**

Members Present: Alan Roth, MS MBA RRT-NPS FAARC, President
Judy McKeever, RCP, RRT, Vice President
Mary Ellen Early
Mark Goldstein, MPA, RRT, RCP
Michael Hardeman
Ronald Lewis, M.D.
Laura Romero, Ph.D.
Thomas Wagner, BS, RRT, FAARC

Member Absent: Rebecca Franzoia

Staff Present: Dianne Dobbs, Esq., Legal Counsel
Kelsey Pruden, Esq., Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager

CALL TO ORDER

The Public Session was called to order at 10:00 a.m. by President Roth. A quorum was present.

PUBLIC COMMENT

President Roth 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.

INTRODUCTION OF NEW LEGAL COUNSEL

President Roth introduced and welcomed Kelsey Pruden, Esq., the Respiratory Care Board's new Legal Counsel.

APPROVAL OF NOVEMBER 7, 2014 MINUTES

Mr. Wagner moved to approve the November 7, 2014 Public Session minutes as written.

No public comment was received.

M/Wagner /S/Lewis

In Favor: Early, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Wagner

Unanimous

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Nunez)

a. RRT Examination Implementation:

Ms. Nunez updated the Board concerning AB 1972. AB 1972 established the RRT as the minimum exam required for licensure effective January 1, 2015. This new requirement was fully implemented and Ms. Nunez advised that the transition to the new exam(s) went smooth. She added that it was previously thought there might be fewer licensees each year because of the new RRT requirement. However, initial reviews indicate that the impact may not be as significant. The final figures will be reported early next year once collective data is received from the NBRC.

b. Regulations Concerning Continuing Education, Military and O-O-S Practitioner Exemptions, Sponsored Free Health Care Events, and Fee Schedule

Ms. Nunez recapped the regulations concerning continuing education, military and out-of-state practitioner exemptions, sponsored free health care events, and fee schedule. The regulations were approved on 4/9/2015 and have an effective date of 7/1/2015.

c. Continuing Education Hours Increase Effective July 1, 2015

Ms. Nunez explained the implementation plan for the increase in the required Continuing Education hours from 15 to 30. Licensees renewing on or after July 31, 2017 will be required to have 30 hours of continuing education. Informational notices will be sent with renewed licenses beginning with those who renew their license this July 2015. Information will also be made available through an e-blast newsletter and on the Board's website.

d. SB 850 Baccalaureate Degree Pilot Program

Both Skyline College and Modesto Junior College were officially approved to begin offering baccalaureate degrees in respiratory care as part of the pilot program established by SB 850. Skyline College plans to begin its program this fall and Modesto Junior College has a tentative start date of December 2016 or January 2017.

e. RCP Work Force Study

Some delays were encountered in the contracting process for the RCB Workforce Study. However, the 18 month contract was approved with a start date of March 15, 2015 through September 2016. The timeline was shared with the Board. President Roth is currently working on putting together an advisory group with a limit of 6 individuals in professional area that include rural hospitals, acute care hospitals, education, home care, pulmonary/sleep labs, and children's hospitals.

5. BREEZE FISCAL IMPACT *(Nunez)*

Ms. Nunez gave an update on the fiscal impact of BreEZe. Costs at the end of February 2015 were revealed to be three times higher than initially stated. The Department of Consumer Affairs has statutory authority over monies concerning the BreEZe project for all boards. The RCB has pushed for information on future costs for maintenance; however they are unknown at this time. Ms. Nunez has asked DCA's budget office to provide this information as soon as it is available. If maintenance costs are high, changes to the current fee structure may need to be made to keep the fund stable.

Dr. Lewis questioned releases and expressed concern over the lack of options.

Public Comment:

Jeff Davis, UCLA, questioned BreEZe funding.

Ms. Nunez explained right now expenditures and revenues are about equal. As such, the RCB's fund can remain fiscally stable so long as maintenance does not get too costly for too many years.

6. ENFORCEMENT PERFORMANCE MEASURES

Ms. Nunez reviewed the enforcement performance measures data.

Ms. Dobbs explained AG and OAH delays, continuances and scheduling which impact overall performance measures.

Ms. Early requested full enforcement statistics including graphs. President Roth agreed asking for this format with a full spreadsheet.

7. REQUEST TO SPONSOR PROCLAMATION FOR "CONGENITAL DIAPHRAGMATIC HERNIA (CDH) ACTION DAY" – APRIL 19th

The Board reviewed information concerning Congenital Diaphragmatic Hernia (CDH). Since 2000, it is estimated that over 500,000 babies have been born with CDH; however, only 50 percent of those babies survived. Those with CDH often endure multiple surgeries and possible medical complications beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years. Raising awareness of this congenital defect will help bring about acceptance and support for those suffering with it and will help advocate for urgently needed medical research and advances.

Vice President McKeever stated RCPs play a vital role in the care provided to babies born with CDH, and urged the Board to support the awareness of CDH, as this disease is not often recognized.

Dr. Lewis moved to support the proclamation supporting April 19 as Congenital Diaphragmatic Hernia Action Day.

M/Lewis /S/McKeever

In Favor: Early, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Wagner

Unanimous

MOTION PASSED

8. PULMONARY FUNCTION TESTING: REQUEST FOR ATTORNEY GENERAL LEGAL OPINION – STATUS/ACTION

(Nunez)

Ms. Nunez stated there has been no update on the requested legal opinion concerning pulmonary function testing. However, she will continue routine follow up on the status.

Public Comment:

Lee Endike, SJVC, gave the board examples of problems he has experienced with medical assistants performing pulmonary function testing.

Jeff Davis, UCLA, requested the opportunity to provide input in the future as he had a credentialed employee with no license who retired, and may have been subject to a citation and fine.

9. LEGISLATIVE ACTION

(Molina/Nunez)

a. 2015 Legislation of Interest

Ms. Molina reviewed and provided information regarding the 2015 Legislation of Interest, including staff recommended positions, as follows:

- AB 12: State government: administrative regulations: review
Status: April 29, 2015: Re-referred to Assembly Appropriations
Board's Position: Watch
- AB 85: Open Meetings
Status: April 22, 2015: Referred to Assembly Appropriations Suspense File
Board's Position: Oppose
- AB 333: Healing arts: continuing education
Status: April 29, 2015: Referred to Assembly Appropriations (as amended)
Board's Position: Watch
- AB 507: DCA: BreEZe system: annual report
Status: April 22, 2015: Referred to Assembly Appropriations Suspense File
Board's Position: Watch
- AB 611: Controlled Substances: prescriptions: reporting
Status: April 21, 2015: Hearing before Assembly B&P cancelled at the request of the author. Will likely become a 2-year bill.
Board's Position: Watch
- AB 860: Sex crimes: professional services
Status: April 22, 2015: Referred to Senate Rules Committee
Board's Position: Watch

- AB 1060: Profession and vocations; licensure
 Status: April 30, 2015: To Assembly Floor with recommendation for consent
 Board's Position: Watch
- SB 390: Home health agencies: skilled nursing services
 Status: April 22, 2015: Hearing before Senate Health Committee cancelled at the request of author
 Board's Position: Watch
- SB 467: Professions and Vocations
 Status: April 28, 2015: Referred to Committee on Appropriations
 Board's Position: Watch
- SB 800: Committee on Business, Professions and Economic Development
 Status: April 28, 2015: Referred to Senate Appropriations with recommendations for consent
 Board's Position: Watch

b. 2015 Board Cosponsored Legislation AB 923 and SB 525

Ms. Nunez reviewed the Board's co-sponsored legislation:

- AB 923: Respiratory care practitioners
 Status: This has become a 2-year bill
 Board's Position: Support
- SB 525: Respiratory care practice
 Status: In Assembly – Pending Referral
 Board's Position: Support

Ms. Nunez thanked the CSRC and their legislative advocate for co-sponsoring the legislation and for their invaluable assistance throughout the legislative process.

Public Comment

Hank Lockridge, RCP 2129, gave an example of a nurse performing conscious sedation many years ago. He added it reduces costs while providing patient safety and recommends additional education while supporting the baccalaureate degree requirement.

Patrick Moore supports the threshold to advance the profession with patient safety being the priority.

Dr. Lewis moved to Support AB 923 and SB 525 and Watch AB 12, AB 333, AB 507, AB 611, AB 860, AB 1060, SB 390, SB 467, SB 800 and Oppose AB 85.

M/Lewis /S/Goldstein

In Favor: Early, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Wagner

Unanimous

MOTION PASSED

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CLOSED SESSION

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 11:05 a.m. and reconvened into Public Session at 12:10 a.m.

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PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comment was provided at this time.

FUTURE AGENDA ITEMS

Online versus classroom continuing education (including information and percentages) will be added to future agenda items.

ADJOURNMENT

The Public Session Meeting was adjourned by President Roth at 12:15 p.m.

ALAN ROTH
President

STEPHANIE A. NUNEZ
Executive Officer