



Respiratory Care Board of California

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ARNOLD SCHWARZENEGGER, Governor

PUBLIC SESSION MINUTES

Friday, November 13, 2009

**Loma Linda University
Collins Auditorium
(in the Drayson Center)
25040 Stewart Street
Loma Linda, CA 92354
(909) 558-4975**

Members Present: Larry L. Renner, BS, RCP, RRT, RPFT, President (arrived at 8:45 a.m.)
Barbara M. Stenson, RCP, RRT
Lupe V. Aguilera
Murray Olson, RCP
Sandra Magaña
Richard L. Sheldon, M.D.
Charles B. Spearman, MSED, RCP, RRT

Staff Present: Dianne Dobbs, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Freels, Staff Services Manager
Stephanie Aguirre, Associate Governmental Program Analyst

CALL TO ORDER

The Public Session was called to order at 8:35 a.m. by Vice-President Stenson. A quorum was present.

APPROVAL OF MARCH 13, 2009 PUBLIC SESSION MINUTES

Mr. Olson moved to approve the March 13, 2009 Public Session minutes as written.

M/Olson/S/Sheldon

Unanimous: Aguilera, Magaña, Olson, Sheldon, Spearman, Stenson

MOTION PASSED

REINSTATEMENT HEARING

Administrative Hearing Judge Nafarrete introduced himself and summarized the reinstatement hearing process.

Reden M. Camonayan

Catherine Santillan, Senior Legal Analyst, Office of the Attorney General, summarized and offered evidence in the Petition for Reinstatement regarding Reden M. Camonavan.

Mr. Camonavan presented his testimony.

Roy C. Stark

Mr. Spearman recused himself from this case.

Ms. Santillan summarized and offered evidence in the Petition for Reinstatement regarding Roy C. Stark.

Mr. Stark presented his testimony.

CLOSED SESSION I

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 10:05 a.m. and reconvened into Public Session at 12:30 p.m.

MANDATORY BOARD MEMBER ETHICS TRAINING

(Dianne Dobbs, Legal Counsel)

Ms. Dobbs explained to the Board that Government Code Section 11146 requires all state employees and board appointees who are required to file an annual Form 700 Statement of Economic Interest, to complete an orientation course on the relevant ethics statutes and regulations that govern the conduct of state officials. The government code requires completion of this ethics orientation within the first six months of appointment, and as a refresher every two years thereafter.

Ms. Dobbs proceeded to provide the required ethics training to the Board. She added that this training is being provided to all DCA boards and bureaus, not as a replacement of the two year refresher, but to highlight certain important issues.

SERVICE RECOGNITION: GOPAL CHATURVEDI

President Renner welcomed past Board Member Gopal Chaturvedi to the meeting and presented him with a plaque in recognition of his years of service as a member of the Board. Mr. Renner, along with the entire Board, thanked Mr. Chaturvedi for his hard work and dedication to the profession and California's respiratory consumers. Mr. Chaturvedi thanked the Board and staff for honoring him.

COMMITTEE ON ACCREDITATION FOR RESPIRATORY CARE (CoARC)

(Barbara M. Stenson)

Standards

Vice-President Stenson summarized CoARC's new accreditation standards and advised the Board of CoARC's transition to an independent accreditor effective November 12, 2009.

CA COLLEGE SAN DIEGO TRANSCRIPT AUDIT
(Christine Molina)

Findings

Ms. Molina explained that in March 2009 the Board office received notification from the Program Director at California College San Diego (CCSD) advising the Board of an individual that had been erroneously issued an Associate Degree, discovered after the fact. A short time thereafter, the Board received additional information about potential discrepancies which may have occurred with other CCSD students. The Board carefully examined the CCSD transcripts of pending applicants, as well as those who were licensed within the past year, and found additional occurrences of discrepancies. Ms. Molina presented the audit findings as reported by CCSD as well as the audit results and discrepancies discovered by Board staff (which includes current licensees).

Ms. Molina also advised the Board that CoARC was meeting the same day to discuss CCSDs accreditation status, and that she would follow up on the outcome next week.

Discussion ensued.

President Renner moved to no longer longer accept the education of students who enroll in California College of San Diego's (CCSD's) respiratory therapy program effective November 16, 2009.

M/Renner/S/Sheldon

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson
MOTION PASSED

Discussion and Possible Action

The Board reviewed eight licensed RCPs with deficient transcripts. Licensees 1, 2 and 3 were reported to the Board by CCSD. Licensees 4 through 8 were identified by RCB staff during an internal transcript audit.

Ms. Molina explained that out of the three licensees identified by CCSD, only one completed additional course work to rectify their discrepancy. The other two were deemed to have satisfied the requirements by other means of verification.

Dr. Sheldon moved that this Board take no action against the licenses of Licensees 1, 2 & 3.

Discussion ensued.

Public comments were received.

President Renner moved that staff contact the employers of Licensees 1, 2 & 3 informing them their employee was issued a license from a school (CCSD) where discrepancies had been discovered, and request that the employer verify the employee is functioning as trained respiratory therapist.

Ms. Magaña suggests that Licensee 2 be removed from the scenario since the individual corrected and met the licensing requirements.

Dr. Sheldon moved to amend his motion to include that staff contact employers requesting confirmation that they are functioning as a fully trained respiratory therapist.

Public comments were received.

Dr. Sheldon moved that no sanctions be placed against the license of Licensees 1, 2 & 3 if their employer confirms that the employee is fully trained and functioning at a level expected of a graduate of respiratory therapy.

M/Sheldon/S/Spearman

Ayes: Aguilera, Olson, Renner, Sheldon, Spearman, Stenson

Nays: Magaña

MOTION PASSED

President Renner moved that staff contact Licensees 4 - 8 to ascertain whether or not the student met the catalog requirements, and to determine if the student is willing to expeditiously rectify the matter.

Discussion ensued.

M/Renner/S/Aguilera

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson

MOTION PASSED

ETHICS COURSE

(Barbara Stenson)

Review Law & Professional Ethics Course Statistics/Evaluations

Ms. Stenson entertained questions and/or comments regarding the Law & Professional Ethics Course Statistics/Evaluations received from the AARC and the CSRC for the period of January 1, 2006 - September 30, 2009.

Review, Amend or Eliminate Requirements and/or Providers

Vice-President Stenson reviewed the ethics course requirement alternatives established by the Education Committee for the Board's consideration:

1. Continue to require the successful completion of the Law and Professional Ethics Course offered by the AARC and CSRC every other renewal cycle for licensed RCP's and prior to licensure for applicants and petitioners for reinstatement.
2. Amend the Respiratory Care Practice Act and its regulations, as appropriate, to allow other education providers, in addition to the AARC and CSRC, to administer the Law an Professional Ethics Course.
3. Amend the Practice Act and its regulations, as appropriate, to require only applicants for licensure and petitioners for reinstatement to provide proof of successful completion of and Ethics Course prior to licensure.
4. Amend the Respiratory Care Practice Act and its regulations, as appropriate, to eliminate the requirement of the Law and Professional Ethics Course altogether.
5. Extend the requirement from every four years to every eight years.

Discussion ensued

Vice President Stenson moved that the ethics course requirement be extended from every four (4) years to every eight (8) years for those licensees who are in good standing.

M/Stenson/S/Olson

Discussion ensued.

Public comments were received.

Vice-President Stenson withdrew her previous motion and moved to keep the Ethics Course as is, but to review options again in two years to possibly extend six (6) or eight (8) years.

M/Stenson/S/Olson

Ayes: Aguilera, Magana, Olson, Renner, Spearman, Stenson

Abstain: Sheldon

MOTION PASSED

Consideration to Reinstate Approval of CSRC On-Line Course

Mr. Spearman moved to approve the reinstatement of CSRC's on-line ethics course once staff has certified that the required changes have been made.

M/Spearman/S/Sheldon

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson

MOTION PASSED

CLOSED SESSION II

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 3:20 p.m. and reconvened into Public Session at 3:50 p.m.

2010 MEETING CALENDAR -SCHEDULE MEETING DATES

- February 5, 2010 (Sacramento)
- May 11, 2010 (San Jose area)
- October 29, 2010 (Southern California)

The Board will also attend the PACT Conference being held on Tuesday, July 27, 2010 in Sacramento.

ELECTION OF OFFICERS

Mr. Spearman moved to nominate Larry Renner as president.

M/Spearman/S/Sheldon

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson

MOTION PASSED

Mr. Olson moved to nominate Barbara Stenson for vice-president.

M/Olson/S/Spearman

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson

MOTION PASSED

FISCAL REVIEW

(Larry L. Renner, RCP)

President Renner summarized the Revenue and Expenditure report and entertained questions from the Board.

LEGISLATIVE COMMITTEE REPORT

(Larry L. Renner, RCP, Chair)

Legislation of Interest

President Renner advised the Board that AB 1071, ABX4 20, and SB 132 were approved by the Governor and filed with the Secretary of State.

President Renner entertained questions from the Board.

Board-Proposed Legislation: SB 819 and 821 (11b.)

President Renner advised the Board that both SB 819 and SB 821 which included the Board-sponsored proposed legislation were signed by the Governor and filed with the Secretary of State.

REPORT ON AARC's CONFERENCE "EDUCATING THE FUTURE RESPIRATORY THERAPIST WORKFORCE - IDENTIFYING THE OPTIONS." APRIL 6-8, 2009

(Charles B. Spearman)

Mr. Spearman stated that he attended the first two of AARC's conferences on the future of the respiratory care profession. He outlined the objectives of the three meetings, discussed the outcome and entertained questions and comments from the Board.

ENFORCEMENT STATISTICS

(Charles B. Spearman)

Mr. Spearman summarized the Enforcement Statistics and entertained questions from the Board.

NEW ENFORCEMENT MODEL REVIEW

(Stephanie Nunez)

Ms. Nunez reported that from mid-July through September she was asked by the Assistant Secretary of the State and Consumer Services Agency to participate in creating an enforcement model that produces a swift and fair resolution of complaints to be used by all DCA healing arts boards and bureaus. Ms. Nunez outlined the model and added that DCA has hired an Enforcement Chief who will now be overseeing the project.

2009-10 OUTREACH PLAN

(Stephanie Nunez)

25-Year Anniversary Lapel Pins

Ms. Nunez informed the Board that four lapel pins were designed to be sent to all active licensees in celebration of the Board's 25th anniversary. Each design varies in color and shape. The Board reviewed each and chose the blue/green oval shaped lapel pin.

Career Brochure Review (16b.)

Ms. Nunez presented the Board with it's new "Inspire to be a Respiratory Therapist" career brochure and explained that, through DCA, we have the flexibility to print in small quantities. The Board's response was positive.

General Update (16c.)

Ms. Nunez informed the Board that each respiratory care program in California was sent a supply of the booklet entitled Licensure and the Application Process. This booklet was developed by the Board to guide students through the application process. A copy was provided to each member for their reference.

Ms. Nunez explained that the Board is in the process of developing a new “Inspire to be a Respiratory Therapist” career website: www.2BeaRespiratoryTherapist.ca.gov which will be a stand alone website but will also link from the current RCB website’s home page.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received at this time.

FUTURE AGENDA ITEMS

The Board asked that Ms. Nunez provide future updates regarding the Enforcement Model project.

ADJOURNMENT

The Public Session Meeting was adjourned by President Renner at 4:05 p.m.

LARRY L. RENNER
President

STEPHANIE A. NUNEZ
Executive Officer