



PUBLIC SESSION MINUTES

Friday, November 15, 2013

**Anaheim Marriott
Platinum Ballroom No. 5
700 West Convention Way
Anaheim, CA 92802-3483**

Members Present: Charles B. Spearman, MSEd, RCP, RRT, President
Mark Goldstein, BS, RRT, RCP, Vice President
Mary Ellen Early
Rebecca Franzoia
Michael Hardeman
Ronald Lewis, M.D.
Murray Olson, RCP, RRT-NPS, RPFT
Laura Romero, Ph.D.
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 11:00 a.m. by President Spearman.

NEW MEMBER INTRODUCTION

President Spearman welcomed and introduced the Board's newest members: Laura C. Romero, PhD; Ronald Lewis, MD; and Michael Hardeman.

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.

Public comment was received by Mr. James Ellis regarding the Board's proposal to increase the entry level exam to Registered Respiratory Therapist. Mr. Ellis was advised that many of the concerns he had were addressed within the Proposed Legislation and would be reviewed in detail during the discussion of that agenda item.

APPROVAL OF MAY 6, 2013 MINUTES

Vice President Goldstein moved to approve the May 6, 2013 Public Session minutes with changes.

M/Goldstein /S/Roth

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

Abstain: Hardeman, Lewis, Romero

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Nunez)

a. BreEZe On-Line Application/License System:

Ms. Nunez advised the Board of the following BreEZe highlights:

- The BreEZe On-Line Application/License system rolled out fairly smoothly on October 9, 2013.
- Staff is adapting very well.
- The Department is still working on prioritizing and fixing issues and expects to be completed within a year.
- As of November 5, 2013, 452 respiratory therapists have already registered on the BreEZe system.
- Statistical data reports are not yet available in this system, which may make it difficult to obtain information routinely provided.
- The NBRC interface, which will upload exam results directly into the system, is expected to be active this week, and the Board thanks the NBRC for their cooperation in getting this interface developed.
- The on-line application process is expected to be available in the system mid 2014
- The system will interface with the AG's office, DOJ and the Board's drug testing vendor.

BreEZe on-line activities include the following:

- Verify a license
- Change an address
- Order a duplicate license or wall certificate
- Order an out-of-state verification
- Renew a license
- Pay probation monitoring and cost recovery

b. Agenda Distribution Method

Feedback was requested concerning interest in changing the method of distributing the Board's agenda packets. Board members favored exploring electronic delivery methods versus hard copies currently received. Ms. Nunez will research the feasibility and report back.

STRATEGIC PLAN

a. Mission Statement

Several options for an updated Mission Statement were reviewed and discussed. Dr. Lewis moved to select Option C (w/ amendments) as the Board's final mission statement.

All were in favor. No one opposed.

M/Lewis /S/Goldstein

In favor: Early, Franzoia, Goldstein, Hardeman, Lewis, Olson, Romero, Roth, Spearman

MOTION PASSED

b. Plan Approval

Ms. Nunez asked if anyone had any comments or suggested edits to the 2013-2016 Strategic Plan. Having none, Ms. Early moved to approve the plan as written.

All were in favor. No one opposed.

M/Early /S/Lewis

In favor: Early, Franzoia, Goldstein, Hardeman, Lewis, Olson, Romero, Roth, Spearman

MOTION PASSED

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION MEMORANDUM OF UNDERSTANDING

(Nunez)

The Board reviewed the Memorandum of Understanding proposed to be entered into between the Bureau for Private Postsecondary Education (BPPE) and the Respiratory Care Board, aimed at providing mutual cooperation in the review and approval of respiratory care education program providers.

PROFESSIONAL QUALIFICATION COMMITTEE REPORT

(Goldstein)

Mr. Goldstein advised the Board of the upcoming round table discussion hosted by the Coalition for Baccalaureate and Graduate Respiratory Therapy Education (CoBGRTE), and indicated that he, President Spearman, and Mr. Roth planned to attend on their own behalf.

FISCAL REVIEW

Ms. Nunez pointed out that increases for FY 2013/14 expenditures are projected in the areas of Salary and Benefits, Departmental and Statewide Pro Rata, and Attorney General costs. She noted that the increase in salary and benefits is due to the end of the mandatory employee Personal Leave Program (PLP), as well as a cost of living adjustment negotiated via collective bargaining.

ENFORCEMENT STATISTICS

(Olson)

Mr. Olson reviewed the enforcement statistics through June 30, 2013. He noted that the Board had its highest number of applications received during Fiscal Year 2012/13, at 1,655. An increase was also seen in the number of applicants investigated and applicants denied in comparison to the prior fiscal year.

DISCIPLINARY PROCESS OVERVIEW/DISCUSSION

(Dobbs, Legal Counsel)

Dianne Dobbs, Legal Counsel, gave a presentation that outlined and reviewed the disciplinary process. Members noted Ms. Dobbs provided an excellent overview and applauded at the conclusion of her presentation.

PULMONARY FUNCTION TESTING: REQUEST FOR ATTORNEY GENERAL LEGAL OPINION

(Nunez)

Ms. Nunez advised the Board that the Medical Board of California has agreed to seek a joint legal opinion from the Office of the Attorney General concerning the requirement that pulmonary function testing be performed by qualified and licensed personnel.

CLOSED SESSION

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 1:50 p.m. and reconvened into Public Session at 2:30 p.m.

LEGISLATIVE REPORT

(Molina/Nunez)

Ms. Molina reviewed and provided updates regarding the 2013 Legislation of Interest:

- SB 305: Healing arts: boards. (RCB Sunset Extension Bill)
Status: Signed by the Governor (extended 4 years)
- AB 690: Licenses
Status: Referred to Senate Committee on Rules. Has become a 2 year bill.
- AB 186: Professions and vocations: military spouses; temporary licenses.
Status: Signed by the Governor
- AB 258: State agencies: veterans
Status: Signed by the Governor

- AB 291: California Sunset Review Commission
Status: Referred to Assembly Accountability & Administrative Review, and Business, Professions & Consumer Protection Committees. However, hearings were cancelled at the request of the author
- AB 512: Healing arts: licensure exemption.
Status: Signed by the Governor
- AB 809: Healing arts: telehealth
Status: Hearing before the Assembly Health Committee cancelled at the request of the author. Has become a 2 year bill.
- AB 1013: Consumer affairs
Status: Referred to Assembly Committee on Business, Professions and Consumer Protection. Has become a 2 year bill.
- AB 1057: Professions and vocations: licenses: military service
Status: Signed by the Governor

Ms. Nunez reviewed the Board's 2014 legislative proposals, relating to:

- RRT Minimum Examination Threshold
- Interim Suspension Order
- Enforcement/Substantially Related Acts

ELECTION OF OFFICER FOR 2014

a. President

President Spearman opened the floor for Nominations for Respiratory Care Board President.

Vice President Goldstein moved to nominate Charles Spearman for President.
M/Goldstein S/Lewis

Mr. Olson moved to nominate Mary Ellen Early for President.
Ms. Early respectfully declined the nomination.

Mr. Olson moved to nominate Alan Roth for President.
M/Olson S/Goldstein

President Spearman and Mr. Roth provided the members with biographical information to consider when casting their votes.

All those in favor of Spearman for President: Spearman, Goldstein, Lewis, Hardeman, Early, Franzoia, Romero

All those in favor of Roth for President: Olson, Roth

Mr. Spearman will continue to serve as the Board's President for 2014.

b. Vice President

President Spearman opened the floor for Nominations for Respiratory Care Board Vice President.

Mr. Olson nominated Alan Roth for Vice-President.
M/Olson S/Lewis

President Spearman nominated Mark Goldstein for Vice-President
M/Spearman S/Roth

All those in favor of Mr. Roth: Olson, Roth, Hardeman, Early, Franzoia

All those in favor of Mr. Goldstein: Spearman, Goldstein, Lewis, Romero

Mr. Roth will serve as Vice-President for 2014.

2014 MEETING DATES: CALENDAR

The following Public Meetings were scheduled for 2014:

February 28, 2014 (tentative)
May 16, 2014
November 7, 2014

[Subsequent to this meeting the February 28, 2014 and May 16, 2014 meetings were cancelled and a new meeting was scheduled for April 4, 2014.]

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comment was provided at this time.

FUTURE AGENDA ITEMS

No future items were identified.

ADJOURNMENT

The Public Session Meeting was adjourned by President Spearman at 3:35 p.m.

CHARLES B. SPEARMAN
President

STEPHANIE A. NUNEZ
Executive Officer