



# Respiratory Care Board of California

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ARNOLD SCHWARZENEGGER, Governor

## PUBLIC SESSION MINUTES

March 2, 2007

Embassy Suites Hotel - NORTH  
Los Angeles International Airport  
9801 Airport Boulevard  
Los Angeles CA 90045  
(310) 215-1000

Members Present: Larry L. Renner, RCP, President  
Barbara M. Stenson, RCP, Vice-President  
Gopal Chaturvedi  
Sandra Magaña  
Murray Olson, RCP  
Richard L. Sheldon, M.D.  
Charles "Bud" Spearman, RCP  
Scott J. Svonkin (9:15 a.m. to 11:15 a.m.)

Staff Present: LaVonne Powell, Legal Counsel  
Stephanie Nunez, Executive Officer  
Christine Molina, Staff Services Manager  
Liane Zimmerman, Assistant Executive Officer  
Victor Martinez, Office Assistant

### CALL TO ORDER

The Public Session was called to order at 9:03 a.m. by President Renner. Roll call was taken, and a quorum was present.

### ETHYL GLUCURONIDE (EtG), ADVANCED ALCOHOL ANALYSIS (Presentation by John Treuting, Ph.D.)

John Treuting, Ph.D., gave a presentation on the reliability of EtG in advanced alcohol analysis.

## THE DISCIPLINE PROCESS

*(Presentation by Adrian Panton, Deputy Attorney General)*

Adrian Panton, Deputy Attorney General, provided the Board with an overview of the disciplinary process.

### APPROVAL OF NOVEMBER 17, 2006 PUBLIC SESSION MINUTES

Vice-President Stenson moved that the November 17, 2006 Public Session Minutes be approved as written.

M/Stenson/S/Spearman

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

Abstain: Svonkin

MOTION PASSED

### EXECUTIVE OFFICER'S REPORT

*(Stephanie Nunez, Executive Officer)*

#### Home Care Regulations

Ms. Nunez reported that the home care regulations have been filed with the Secretary of State's Office and would be in effect as of March 16, 2007.

Ms. Nunez added that she would be attending the California Association of Medical Product Suppliers (CAMPS) Conference on March 8, 2007 in San Diego, giving her an opportunity to speak with DMEs regarding the new law. In addition, Ms. Nunez advised the Board that a letter would be mailed to all licensed California DMEs outlining the new home care laws and regulations, and the penalties if violated.

#### Scope of Practice Response Process

Ms. Nunez suggested that the Board may want to revisit the current scope of practice response process. She indicated that since the response process was changed, she and Ms. Molina have been providing verbal responses to scope of practice inquiries. However, she expressed that the current process may not be beneficial to the inquirers because they are looking for a specific "yes" or "no" answer. Ms. Nunez indicated that one suggestion might be to assemble a task force of experts witnesses to review common inquiries, or possibly draft regulations. Ms. Powell cautioned against establishing scope of practice regulations as they may create other problems, and place unintended restrictions on the procedures RCPs are authorized to perform. Ms. Powell suggested that she and Ms. Nunez meet to discuss alternatives.

Discussion ensued.

Dr. Sheldon moved to have staff and legal counsel review the scope of practice response process and update as necessary.

M/Sheldon/S/Svonkin

Unanimous: Chaturvedi, Magaña, Olson, Renner, Sheldon, Spearman, Stenson, Svonkin

MOTION PASSED

#### Lease Renewal

Ms. Nunez reported that the process to renew the lease for the Board's office has been initiated. She stated that the renewal would include a five year "hard lease" term, with a two year "soft lease" provision, as well as new carpet, paint, and office furniture.

#### Ethics Course CAS Implementation

Ms. Nunez advised the Board that staff has been working with the Department of Consumer Affairs (DCA), Office of Information Services to update the existing licensing database and renewal form to accommodate for the reporting of the ethics course requirement.

#### Board Member Brief Biographies

Ms. Nunez explained that in 2001, as part of the Board's goal to establish a user-friendly website, Members' biographies were added. However in 2004, due to personal safety concerns, the biography information was removed.

In February 2007, DCA requested that all appointed board members provide a biography for posting on their respective board's website. Due to the history, Ms. Nunez wanted to bring this issue before the Board for discussion.

The Board agreed to provide the requested biography information to DCA, with the exception of employment information.

### **EXECUTIVE COMMITTEE REPORT**

*(Larry L. Renner, RCP, President)*

#### Out-of-State Travel Request

President Renner reviewed the following 2007/2008 out-of-state travel proposals with the Board:

- ★ Federation of Associations of Regulatory Boards (FARB)  
February 2008  
Location to be announced  
\$1,900.00
  
- ★ Council on Licensure Enforcement and Regulation (CLEAR)  
September 2007  
Atlanta, GA  
\$2,100.00

★ American Association for Respiratory Care (AARC)  
December 2007  
Orlando, FL  
\$2,000.00

★ National Board for Respiratory Care (NBRC)  
September 2007  
Lenexa, KS  
\$1,900.00

Ms. Stenson expressed the need for the Board to be more visible and establish valuable contacts.

Dr. Sheldon moved that staff and/or Members be allowed to attend the proposed out-of-state trips.

M/Sheldon/S/Chaturvedi

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

MOTION PASSED

### General Report

President Renner stated that each Member has been provided a copy of the California Society for Respiratory Care (CSRC) News Announcement regarding concurrent therapy. Concurrent therapy is when a therapist begins treatment on one patient then leaves the patient's room and provides treatment to another patient, leaving the first patient unmonitored. President Renner commented that the Board's main objective is patient safety, and that this is an issue that should not be taken lightly. Those employers that allow their practitioners to perform concurrent therapy are not effectively treating patients. President Renner added that he agrees with the CSRC's efforts and is unaware if the Board has any authority with regards to this issue. President Renner requested that this issue be added to a future board meeting for further discussion.

### **EDUCATION COMMITTEE REPORT**

*(Barbara M. Stenson, RCP, Chair)*

#### Law and Professional Ethics Course Evaluations

Ms. Stenson reported that a Law and Professional Ethics Course evaluation was completed covering the period from January 1, 2006 through December 31, 2006. Although the course evaluation survey is available to all individuals, responding is optional, therefore, not all candidates participated.

A total of 1,357 individuals responded to the evaluation. Of those, 369 were licensees and 988 were applicants/students.

The responses received were as follows:

- Were the scenarios and discussions applicable to your profession?  
Yes - 99%      No - 1%      Not Sure - 0%
- Have you been presented with these types of situations in your workplace?  
Yes - 57%      No - 39%      Not Sure - 4%
- Was the material understandable and easy to follow?  
Yes - 93%      No - 5%      Not Sure - 2%
- Were the course objectives met?  
Yes - 97%      No - 3%      Not Sure - 0%
- Do you currently possess a CRT certification?  
Yes - 53%      No - 45%      Not Sure - 2%
- Do you currently possess a RRT certification?  
Yes - 36%      No - 64%      Not Sure - 0%
- Do you have an Associate of Science degree or higher?  
Yes - 78%      No - 21%      Not Sure - 1%
- Did you attend a respiratory school in California?  
Yes - 74%      No - 26%      Not Sure - 0%

Ms. Stenson entertained questions from the Board.

Committee on Accreditation for Respiratory Care's (CoARC's) Program Review

Ms. Stenson provided an update regarding the correspondence between CoARC and the Board, as it relates to program review. The Board's concerns/requests addressed to CoARC were:

- (1) the Board would like to participate in site visits;
- (2) receive 30+ days notice of site visits; and
- (3) receive quarterly status reports

CoARC responded with the following:

- (1) one person per visit;
- (2) clarified that observer would not participate;
- (3) all expenses incurred for observer will be paid by the RCB;
- (4) RCB must honor confidentiality
- (5) must have written permission from program and will need to identify observer and ensure the program has no conflict of interest with that observer;
- (6) written permission to be forwarded to CoARC at least 7 days prior to site visit;
- (7) CoARC to give the RCB at least 30 days notice, but most likely will be several months (6-9 months) notice;

- (8) CoARC to provide notification to the RCB as soon as it knows it will be conducting a site visit; and
- (9) CoARC will provide the RCB with one report indicating the date each California program was last reviewed (with a site visit)

With regards to the report, CoARC indicated that a report would be mailed in a matter of days. However, as of February 14, 2007, this report has not been received.

Discussion ensued.

President Renner moved to invite CoARC to the next Board meeting to discuss this issue further and to work towards a resolution.

M/Renner/S/Spearman

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

**PRESENTATION TO GARY N. STERN, ESQ.**  
*(Recognition of Service as Public Member)*

President Renner introduced Mr. Stern and explained that he was initially appointed to the Board by the California State Senate in 1997, and was reappointed to a second term in 2001. As a member, Mr. Stern served the Board in numerous capacities, most notably in his leadership roles as Vice-President and as Chair of the Enforcement and Legislative Affairs Committees. Throughout his tenure, Mr. Stern made significant contributions on a number of issues that required his commitment, dedication and active participation. On behalf of the Board, President Renner thanked Mr. Stern for his years of dedicated service and presented him with a plaque.

Mr. Stern thanked President Renner and the Board for the recognition. He stated that since his appointment, he has come to appreciate the respiratory care profession and feels privileged to have been a member of a Board that has succeeded in becoming a model health care board for this profession. Mr. Stern added that he is proud that the Board adopted a mission statement which it continues to carry out. He hopes that if he has the opportunity to be involved with public service again, it will be as good of an experience as it was with the Respiratory Care Board.

**WORKFORCE STUDY UPDATE**

*Presentation by Ernest L. Cowles, Ph.D., Director and Sandra Sutherland,  
Research Specialist Institute for Social Research, California State University, Sacramento*

Ernest L. Cowles, PH.D., Director and Sandra Sutherland, Research Specialist provided the Board with an update of the Workforce Study.

**LEGISLATIVE/LEGAL AFFAIRS COMMITTEE**  
*(Larry L. Renner, RCP, Chair)*

Legislation of Interest: ACR 13 and any other bills of interest to the Board

President Renner reviewed the legislation of interest and recommended positions for each.

*ARC 13 - Chronic Obstructive Pulmonary Disease*

Encourages the State Department of Public Health to pursue the feasibility of implementing a pilot program to provide for the chronic disease management of Chronic Obstructive Pulmonary Disease through the use of state or private funding, or both, in an effort to reduce the financial and clinical burden of this disease on the Medi-Cal program.

*(Position: Watch)*

*AB 520 - Hospitals: Staffing*

Requires a general acute care, acute psychiatric, or special hospital to adopt, and annually review, a plan or procedure for determining the staffing of professional and technical classifications. Provides that the plan or procedure shall not apply to the staffing of nursing personnel. Authorizes the State public Health Officer to levy administrative penalties against a health facility for a violation of the staffing provisions.

*(Position: Watch)*

Board Proposed Legislation

*Pulmonary Function Testing -*

President Renner explained that this language was prepared with hopes that the Board would be able to find an author to carry this proposal forward. Unfortunately, the Board has been unsuccessful.

Ms. Nunez stated that the CSRC is taking a position to support the language, and is also trying to find an author to carry the proposal.

*Polysomnography -*

President Renner advised the Board it is still seeking an author to carry the polysomnography licensure language.

*Sex Offender, Emergency Suspension -*

Ms. Nunez informed the Board that the Department is supportive of this legislation, adding that they will actively pursue an author.

**EMERGENCY RESPONSE SUPPORT COMMITTEE**

*(Murray Olson, RCP, Chair)*

California Department of Health Services: Healthcare Surge Project

Mr. Olson explained that there is a huge push in State government to be more prepared for disasters, and added that the Board is involved and is participating as much as possible. An example was his attendance and participation at the Emergency Healthcare Surge Planning sessions

held from February 27-March 1, 2007 in San Jose, California. Mr. Olson stated that approximately 100 people were in attendance, including State and Federal employees, as well as some stakeholders. The goal of the project is to provide a Standards and Guidelines Manual, operational tools, and a training curriculum. During the first session, the focus was on the operation aspects of surge planning (i.e., beds, facilities, labor, supplies, and equipment). Mr. Olson stated that it was interesting to see how various disruptions could effect a patient's care and outcome. He stated that the second session would be held on March 5-6, 2007 in Los Angeles and would focus on standards, guidelines, and liability. The third session, being held in Los Angeles on March 8-9, 2007, would focus on reimbursement.

Mr. Olson reported that on the last day of the first session, attendees were encouraged to participate in an aspect of the project and he chose the issue of personnel, which involves the areas of preparedness, utilization, and support. Additional updates regarding the status of the Healthcare Surge Project will be provide during future meetings.

### PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jeff Espinoza, President, San Diego/Inland Empire Regions, CSRC:

Mr. Espinoza thanked the Board for including the CSRC in many matters discussed during the meeting.

Mr. Espinoza also commented on the initial findings of the Workforce Study, and reiterated the CSRC's position regarding the need to raise the entry level standards to RRT.

### ADJOURNMENT

The Public Session Meeting was adjourned by President Renner at 3:00 p.m.

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LARRY L. RENNER, RCP  
President

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STEPHANIE NUNEZ  
Executive Officer