



PUBLIC SESSION MINUTES

Friday, April 4, 2014

**Ronald Reagan UCLA Medical Center
De Neve Commons
351 Charles E. Young Dr. Salon B
Los Angeles, CA 90095**

Members Present: Charles B. Spearman, MSEd, RCP, RRT, President
Alan Roth, MS MBA RRT-NPS FAARC, Vice President
Mary Ellen Early
Rebecca Franzoia
Mark Goldstein, BS, RRT, RCP
Michael Hardeman
Ronald Lewis, M.D.
Judy McKeever, RCP, RRT
Laura Romero, Ph.D.

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

CALL TO ORDER

The Public Session was called to order at 9:04 a.m. by President Spearman. A quorum was present.

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 NOVEMBER 15, 2013 MINUTES

Mr. Hardeman moved to approve the November 15, 2013 Public Session minutes as written.

M/Hardeman /S/Lewis

In favor: Early, Francoia, Goldstein, Hardeman, Lewis, Roth, Romero, Spearman

Abstain: McKeever

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Nunez)

a. BreEZe On-Line Application/License System:

Ms. Nunez updated the Board on the progress and system fixes being made with the BreEZe online system. She explained the Respiratory Care Board has experienced no back log issues and is operating well under this new system. The BreEZe system is expected to go online with initial applications sometime early next year allowing new applicants to apply for licensure via the internet.

Ms. Francoia inquired if there is a way for members to go back and review disciplinary cases previously voted upon.

Dr. Lewis agreed it would be a good idea to be able to go back and review comments.

Ms. Molina explained the system is set up so cases are no longer visible once they are closed, and added that documents could be reloaded if a case was sent for reconsideration.

Vice President Roth questioned whether that would include the case comments.

Dr. Romero stated she would like to be able to see the vote history and case due dates.

Dr. Lewis inquired if the due date could be included in subject line of the email sent to Board members.

Ms. Nunez responded, the case due date is something that will be added to the BreEZe system soon and can be included in the email subject line as well, and staff will look into the possibility of making vote history information accessible to members.

Vice President Roth informed the Board that he contacted his local Assembly woman in reference to media reports of backlogs with the Board of Registered Nursing associated with the BreEZe system. Mr. Roth communicated to her that the system was working well for the RCB. Ms. Nunez stated the Department has spoken to her as well, explaining the RCB's contrasting and positive experience with the new system.

b. Pulmonary Function Testing: Request for Attorney General Legal Opinion

Ms. Nunez stated she has followed up, and is anticipating a response near the end of summer on the legal opinion requested (along with the Medical Board) from the Office of the Attorney General concerning the question of medical assistants performing pulmonary function testing (specifically spirometry).

PROFESSIONAL QUALIFICATIONS COMMITTEE REPORT
(Goldstein)

a. Report from California Community Colleges, Baccalaureate Degree Study

President Spearman explained there has been nationwide interest toward making the baccalaureate degree the entry level for respiratory care practitioners. To make that possible, there will need to be schools available to provide that degree. However, currently in California, there is only one baccalaureate degree respiratory program.

b. SB 850 – Baccalaureate Degree Pilot Programs at Community Colleges

Mr. Goldstein opened a discussion on SB 850, a bill that would create a pilot baccalaureate degree program at community colleges in certain areas. He explained the respiratory therapy field is just beginning to look into this. The study group was given the task by the Chancellor of the Community College system to look at the possibility. Currently it is the community colleges that have the respiratory care programs. Mr. Goldstein added he believes American River College may be interested in this program.

President Spearman commented entry level qualifications cannot be changed without entry level programs to provide the education.

Mr. Goldstein suggested a needs assessment be conducted before moving forward to look at the impact.

Ms. Nunez agreed, stating it has been many years since the Board has done a workforce study which could be used in numerous ways to include a workforce study and an impact study on the baccalaureate degree.

Dr. Romero stated a work study would be a good first step to begin looking at the issue. She added, the study should also look at the availability of necessary courses and additional resources, as well as looking at the master plan, community colleges, California State Universities and the University of California systems.

President Spearman stated due diligence needs to be done to find out potential impact and feasibility in this State. He added, many employers he has talked to prefer baccalaureate graduates but he is unsure if that means they agree with changing the entry level into the profession.

Ms. Early stated geography plays a huge role. Some rural areas have only community colleges and no access to a university or state school.

Dr. Lewis stated, in this age of technology, a lot of education can be taken online with the exception of hands on clinical training. He requested the study examine the outcomes of having a baccalaureate degree versus an associate degree and whether it actually makes a difference in patient care outcomes.

Public Comment:

Patrick Moore, President of the CSRC's south coast region, Interim Director at El Camino College, and Patient Safety Coordinator at Torrance Memorial Medical Center which is a Magnet facility (also where the nursing entry level is baccalaureate), suggested looking at Magnet and the American Nurses Credentialing Center (ANCC) and the research already done in this area. He agrees this is the direction the respiratory profession should be moving.

Ms. McKeever introduced herself stating she is honored to be appointed into this position and looking forward to learning more about the RCB and serving and protecting the public.

Ms. McKeever stated there is interest with the RCPs in the baccalaureate program. The issue is availability. She believes if more programs were available, people would choose to attend. She added this is the direction the profession should be taking, but does not believe this should be a requirement until programs are available.

c. Consideration to Contract Services for a Baccalaureate Degree Impact Study

The Board directed staff to seek the services of a contractor to present a proposal at the next meeting on the scope of the study.

6. FISCAL REVIEW

Ms. Nunez stated revenues are projected to exceed expenditures by nearly \$100,000 after factoring in reimbursements. She alerted the board that some procedures are changing in the AG's office that may make it more expensive to process cases, possibly increasing AG expenditures.

7. CONSIDERATION TO INCREASE CONTINUING EDUCATION HOURS REQUIRED FOR RENEWAL *(Strategic Plan Goal No. 2.6)*

President Spearman reviewed the information provided which shows the RCB's current required continuing education units (of 15 CEUs) as below most other professions.

Vice President Roth stated with all the changes to protocols, ventilators, acute care and care outside of the hospital, it is incumbent upon the practitioner to seek out education. The Board should ensure the continuing competency of therapists through approved, qualified continuing education programs.

Dr. Lewis inquired if there are core areas in respiratory care that therapists should focus on for continuing education and suggested that specific topics might be identified.

Discussion ensued in the following areas:

- Should units be increased? If yes, when and by how much?
- RCPs are not always permitted time to participate in continued education.
- Will more education allow for stronger patient safety and outcomes?
- What would be the effective date?
- Should the Board require core courses?
- Should internet based units be limited?
- Impact study should include information on benefits of categories.

Dr. Lewis moved to increase continuing education units to 30 hours biennially by January 1, 2016. An impact study will be performed to determine if core courses should be identified.

Public Comment:

Jeffery Davis, Director of Respiratory Therapy, UCLA Medical Center. Mr. Davis spoke in support of increased CEUs stating he has worked with two other states that have increased CE requirements. He suggested the Board take into consideration the professional organizations that will be providing the CEUs. He added the Board should also consider the cost of increasing CEU's to the practitioner. Mr. Davis believes it is important to have categories in order to get practitioners out there among other RCPs.

M/Lewis /S/Goldstein

Unanimous: Early, Franzoia, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Spearman
MOTION PASSED

8. CONSIDERATION OF ENFORCEMENT HISTORY WEB RETENTION POLICY

(Strategic Plan Goal No. 1.3)

Ms. Nunez opened the discussion on the proposed policy concerning the retention of discipline information posted on the Board's website:

Upon request, the Board will consider the removal of disciplinary information as follows:

- Decisions resulting in a Public Reprimand: Five years from the date the decision was effective or the date conditions were fulfilled, whichever is the latter.
- Issuance of Citation and Fines: Five years from the date the decision was effective including the resolution of any appeal or the date the fine was paid in full, whichever is the latter.
- Decisions containing orders for suspension, probation, revocation or surrender are not eligible for removal. In addition, citation and fines involving unlicensed individuals or employers of unlicensed activity are not eligible for removal. Further, the Board reserves the right to retain any administrative or disciplinary information or documentation on its website, when it believes it serves the best interest of the public.

Ms. Nunez added, only discipline where the Board believes the licensee poses no risk to the public may be removed from its website.

Discussion ensued.

Mr. Goldstein moved to adopt the policy and remove the lesser offenses (Public Reprimand & Cite and Fines) off of the RCB's website after five years.

M/Goldstein /S/Romero

Unanimous: Early, Franzoia, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Spearman
MOTION PASSED

9. LIMITS OF RCP'S RESPONSIBILITY ON HOME DELIVERY OF EQUIPMENT AND PATIENT CARE DISCUSSION

(Strategic Plan Goal No. 2.4)

Mr. Goldstein expressed his concern that most RCPs responsible for the home delivery of equipment must perform their job by the limits of their employer yet are held to a clinical care standard even when their job function is primarily educational and training.

Discussion ensued.

10. PROPOSED REGULATORY AMENDMENTS CONCERNING: CONTINUING EDUCATION, MILITARY AND O-O-S PRATITIONER EXEMPTIONS, AND FEE SCHEDULE

(Nunez)

Mr. Hardeman moved to proceed with the regulatory process for the proposed language concerning education, military and out of state practitioner exemptions, and fee schedule.

M/Hardeman/S/Lewis

Unanimous: Early, Franzoia, Goldstein, Hardeman, Lewis, McKeever, Roth, Romero, Spearman
MOTION PASSED

11. LEGISLATIVE REPORT

(Molina/Nunez)

Ms. Molina reviewed and provided updates regarding the 2014 Legislation of Interest. The Board's positions are as follows:

- AB 186: Professions and Vocations: Military Spouses: Temporary Licenses
Status: Hearing to be set before the Senate Committee on Business, Professions and Economic Development
Board's Position: Watch
- AB 259: Health and Care Facilities: CPR
Status: Referred to Senate Committee on Health and Senate Committee on Rules.
Board's Position: Watch
- AB 809: Healing Arts: Telehealth
Status: Hearing before the Assembly Health Committee cancelled at the request of the author. This is a 2 year bill.
Board's Position: Watch
- AB 1827: State Bodies: Administrative and Civil Penalties
Status: In Assembly –pending referral to appropriate committee(s)
Board's Position: Watch
- AB 1972: Respiratory Care Practitioners
Status: Referred to Assembly Business, Professions, and Consumer Protection Committee.
Board's Position: Support
- AB 2102: Licensees: Data Collection
Status: Referred to Assembly Business, Professions & Consumer Protection Committee.
Board's Position: Watch
- AB 2484: Healing arts: Telehealth
Status: Referred to Assembly Committee on Business, Professions and Consumer Protection, and Assembly Health Committee
Board's Position: Watch
- AB 2720: State Agencies: Meetings: Record of Action Taken
Status: Referred to Assembly Committee on Governmental Organization
Board's Position: Watch
- AB 2396: Convictions: expungement: licenses
Board's Position: Oppose
- SB 850: Public postsecondary education: community college districts: baccalaureate degree pilot program
Status: Referred to Senate Committee on Education (was set for hearing 3/19/14, however, the hearing was cancelled at the request of the author).
Board's Position: Support

Mr. Goldstein moved to Support AB 1972 (RRT Bill) and SB 850 (Baccalaureate Degree Pilot Program Bill), Oppose AB 2396 (Expungement), and Watch the remaining bills.

M/Goldstein /S/Roth

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

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 11:15 a.m. and reconvened into Public Session at 11:30 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

No future items were identified.

ADJOURNMENT

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

ALAN ROTH
President

STEPHANIE A. NUNEZ
Executive Officer