



Item: October 13, 2017 Meeting Minutes

Item Summary: The minutes from the Board's October 13, 2017 meeting are submitted for the Board's review and approval.

- Board Action:**
1. President calls the agenda item and it is presented by or as directed by the President.
 2. President requests motion:
 - to adopt minutes as presented;
 - to adopt a modified version of minutes as presented;
 - to reject minutes as presented, or
 - any other appropriate motion.
 3. President may request a second to the motion (if not already made).
 4. Board member discussion/edits (if applicable).
 5. Inquire for public comment / Further Board discussion as applicable
 6. Repeat motion if necessary and vote: 1) aye, in favor, 2) no, not in favor, or 3) abstain [Members that were not present at the meeting should vote to abstain]



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5 **PUBLIC SESSION MINUTES**

6
7 **Friday, October 13, 2017**

8
9 **Department of Consumer Affairs**
10 **Headquarters - First Floor Hearing Room, S102**
11 **1625 North Market Blvd.**
12 **First Floor Hearing Room**
13 **Sacramento, Ca 95834**

14
15 <https://www.youtube.com/watch?v=qQp-8oLNIRs>

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19 **Members Present:** Alan Roth, MS, MBA, RRT-NPS, FAARC, President
20 Thomas Wagner, BS, RRT, FAARC, Vice President
21 Mary Ellen Early
22 Rebecca Franzoia
23 Mark Goldstein, MPA, RCP, RRT
24 Michael Hardeman
25 Sam Kbushyan, MBA
26 Judy McKeever, RCP, RRT

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28 **Member Absent:** Ronald Lewis, M.D.

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31 **Staff Present:** Fred Chan-You, Legal Counsel
32 Stephanie Nunez, Executive Officer
33 Christine Molina, Staff Services Manager
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36 **CALL TO ORDER**

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38 The Public Session was called to order at 9:00 a.m. by President Roth.

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40 Roll call was taken (present: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth) and a
41 quorum was established. Sam Kbushyan joined the meeting at 9:25.

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.

APPROVAL OF JUNE 30, 2017 MEETING MINUTES

Ms. Early noted a correction needed to the spelling of Mr. Kbushyan's name.

Mr. Goldstein moved to approve the June 30, 2017 Public Session minutes with the correction.

Request for Public Comment:

No public comment was received.

M/Goldstein /S/Wagner

In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth

MOTION PASSED

3. FISCAL REPORT

Ms. Nunez reviewed the Board's revenues and expenditures with actual figures from fiscal years 2015/16 through fiscal year 2016/17, and projected figures for fiscal year 2017/18. Ms. Nunez also reviewed the Board's fund condition from the pending regulation package proposing step increases to the renewal fee over the next three years.

President Roth inquired about the difference between the FY 2017/18 projected expenses as compared to the amount reflected on the fund condition. Ms. Nunez explained that the difference comes from expenses being offset by reimbursements such as cost recovery and probation monitoring costs.

President Roth also inquired about the zero-dollar amount budgeted for equipment during FY 17/18. Ms. Nunez replied that any equipment needed will be purchased using the existing budget through savings in other areas.

President Roth stated it was a hard decision to move forward with increasing fees. However, as reflected on the fiscal report, these increases are necessary to keep the Board fiscally viable to maintain its functions. He added, even with the increase, the months in reserve months remain on the thin side.

Ms. McKeever moved to accept the fiscal report as is.

Request for Public Comment:

No public comment was received.

1 M/McKeever /S/Wagner
2 In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth
3 MOTION PASSED
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6 4. ENFORCEMENT PERFORMANCE MEASURES AND STATISTICS 7

8 Ms. Nunez reviewed the Board's Enforcement Measures for FY 16/17, quarters 3 and 4 (January
9 through June 2017). The Board met all its targets with the exception of the Formal Discipline Cycle
10 Time for the 3rd quarter. She added, this time includes both Board staff time as well as the Office of
11 the Attorney General's time to prosecute cases which is beyond the Board's control making it difficult
12 to meet this target.
13

14 President Roth commended Ms. Nunez and the Board's staff for diligently working to meet these
15 performance goals.
16

17 Ms. Nunez commented, the RCB staff is valuable and responsible for meeting these goals.
18

19 Request for Public Comment: 20

21 No public comment was received.
22

23 Ms. McKeever praised the Board's staff for the great job and great improvements.
24

25 Vice President Wagner moved to accept the Enforcement Performance Statistics and Measures.
26

27 M/Wagner /S/McKeever
28 In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth
29 MOTION PASSED
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32 5. LEGISLATION OF INTEREST UPDATE 33

34 Ms. Molina stated a significant number of the bills the Board has been watching have become inactive
35 and may become 2-year bills. She highlighted three bills that made it to the Governor: AB 208, which
36 the Board has taken an oppose position on and sent a letter to the Governor requesting veto, is still
37 pending as of yesterday; AB 391, which the Board's position is to support if amended, is also still
38 pending; and SB 796, the Board's Sunset extension, which was approved by the Governor on
39 October 8, 2017.
40

41	AB 208:	Deferred entry of judgement: pretrial diversion
42		Status: Enrolled and to the Governor 9/15/17
43		Board's Position: Oppose
44	AB 387:	Minimum wage: health professionals: interns
45		Status: Ordered to Assembly Inactive File at the request of the author. May become
46		a 2-year bill.
47		Board's Position: Oppose
48	AB 391:	Medi-Cal: asthma preventive services
49		Status: Enrolled and to the Governor 9/15/17
50		Board's Position: Support if Amended
51	AB 654:	Pediatric home health care
52		Status: This bill was held under submission in Assembly Appropriations and failed the
53		house of origin deadline

- 1 Board's Position: Support if Amended
2 AB 703: Professions and vocations: fee waivers
3 Status: This bill failed passage in Assembly Business and Professions Committee
4 and failed the house of origin deadline
5 Board's Position: Watch
6 AB 827: Department of Consumer Affairs: task force: foreign trained professionals
7 Status: This bill was held under submission in Senate Appropriations and failed
8 passage by the legislative deadline. May become a 2-year bill
9 Board's Position: Watch
10 SB 27: Professions and vocations: licensees; military service
11 Status: This bill was held under submission in Senate Appropriations and failed the
12 house of origin deadline. Has become a 2-year bill,
13 Board's Position: Watch
14 AB 227: Vocational nurse: feeding tube services: neurodegenerative conditions.
15 Status: This bill was held under submission in Senate Business, Professions and
16 Economic Development and failed the house of origin deadline.
17 Board's Position: Watch
18 SB 572: Healing arts licensees: violations: grace period
19 Status: This bill failed passage in Senate Business Professions and Economic
20 Development Committee and failed the house of origin deadline. Has become a 2-
21 year bill.
22 Board's Position: Oppose
23 SB 715: Department of Consumer Affairs: regulatory boards: removal of board members.
24 Status: Ordered to the Assembly Inactive File 9/14/17. May become a 2-year bill.
25 Board's Position: Watch
26 SB 796: Uniform Standards: naturopathic Doctors Act: Respiratory Care Practice Act.
27 Status: Enrolled and to Governor 9/19/17
28 Board's Position: Support
29

30 President Roth acknowledged the hard work of the Board staff and Executive committee collecting
31 data and presenting it to the legislature and legislative liaisons. He implored the Board to focus on the
32 strategic plan over the next four years to be able to once again present the Board's accomplishments
33 to the Legislature to continue to maintain the authority to protect the public.
34

35 President Roth stated, the language the Board proposed for amendment within AB 391 did not make
36 it into the bill. However, the idea of asthma prevention will be a major step forward and he hopes
37 respiratory care practitioners will be a part of it.
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40 6. 2018 BOARD SPONSORED PROPOSED LEGISLATION

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42 President Roth presented the 2018 Board sponsored proposed legislation which would seek to
43 require an individual petitioning for reinstatement of licensure to pass the current licensing exams to
44 ensure competency at the current minimum required level; would provide clarification regarding
45 probation monitoring costs for applicants placed on probation; and would update the names of the
46 current licensure examinations.
47

48 Ms. McKeever asked if the exam requirement would pertain to those practitioners who retired their
49 license and want to get back into respiratory.
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51 Ms. Molina replied no and added, there are currently no provisions to return after you retire your
52 license other than to reapply and meet the current requirements. She added, staff makes that very
53 clear to anyone requesting the retired status.

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2 **Request for Public Comment:**
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4 No public comment was received
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6 President Roth requested a motion to move forward with proposals to secure placement in a
7 legislative bill and grant the Executive Committee authority to make non- substantive changes if
8 necessary.
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10 M/Wagner /S/Early
11 In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Roth, Wagner
12 Unanimous
13 MOTION PASSED
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7. 2017-2021 STRATEGIC PLAN

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18 President Roth presented the 2017-2021 strategic plan for review and approval. He stated the Board,
19 staff and SOLID worked diligently to identify a plan to protect the public, expand the role of respiratory
20 care and to ensure the safety of everyone involved relative to respiratory care. He added, with this
21 new plan, the Executive Committee and Executive Officer will be asking for assistance from Board
22 committees with some of the more in-depth work to achieve the identified goals. President Roth
23 asked Board members to think about their committee assignments and whether they would like to
24 stay on current committees or possibly move to another.
25

26 Ms. McKeever inquired about Goal 1; Enforcement, item #7, increasing the number of CE audits to
27 10% to ensure compliance. She asked what the average cost of an audit is to the Board and what the
28 Board's audit percentage is currently.
29

30 Ms. Nunez replied that has not been calculated yet but can be if requested and the Board is currently
31 auditing at 5% but has already started moving towards the 10%.
32

33 Ms. Franzoia stated she was pleased to see the cohesiveness of the final product and praised the
34 staff for the good work.
35

36 President Roth requested a motion to approve the Board's 2017-2021 Strategic Plan as submitted.
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Request for Public Comment:

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39 No public comment was received.
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42 M/McKeever /S/Wagner
43 In favor: Early, Franzoia, Goldstein, Hardeman, Kbushyan, McKeever, Roth, Wagner
44 Unanimous
45 MOTION PASSED
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8. EDUCATIONAL OBJECTIVES: CLINICAL EDUCATION BACCALAUREATE DEGREE, CONTINUING EDUCATION

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51
52 President Roth opened discussion on the Education Objectives in the 2017-2021 Strategic plan.
53 Three areas reviewed were as follows:

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- 2 Continuing Education – Revise continuing education regulations to provide clarity and improve
- 3 program effectiveness.
- 4 Clinical Practice – Develop an action plan to establish law and regulations or accrediting standards for
- 5 student clinical requirements to increase consumer protection and improve education outcomes.
- 6 Baccalaureate Degree – Develop an action plan to incorporate a baccalaureate degree provision in
- 7 the Respiratory Care Practice Act to ensure education requirements meet the demand of the
- 8 respiratory care field.
- 9

10 **a. 2018 Committee on Accreditation for Respiratory Care Requirements**

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12 President Roth reviewed the 2018 Committee on Accreditation for Respiratory Care’s (CoARC’s)
13 requirements. He stated CoARC is encouraging baccalaureate programs within the United States
14 and establishing the framework surrounding those programs. He added, one of the things CoARC is
15 trying to identify is what it means to earn a baccalaureate degree in respiratory care and put in place
16 baccalaureate program requirements. The three elements are education, management, and research.
17 He stated CoARC will now use the RRT examination as a standard and basis for their continued
18 accreditation or probationary status and will eliminate the work requirement that was essentially being
19 used to identify the status of the student six months after graduation.

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21 Discussion ensued.

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23 **Request for Public Comment:**

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25 No public comment was received.

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28 **9. ELECTION OF OFFICERS FOR 2018**

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30 **a. Vice President**

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32 President Roth opened the floor for nominations for Respiratory Care Board Vice President.

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34 President Roth nominated Mr. Wagner for Vice President. No other nominations were made.
35 A motion to nominate Mr. Wagner for Vice President was made by President Roth, and seconded by
36 Ms. McKeever.

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38 No public comment.

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40 M/Roth /S/McKeever

41 In favor: Early, Franzoia, Goldstein, Hardeman, Kbushyan, McKeever, Wagner, Roth

42 Unanimous

43 MOTION PASSED

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45 **b. President**

46
47 President Roth opened the floor for Nominations for Respiratory Care Board President.

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49 Ms. McKeever nominated Mr. Roth for President. No other nominations were made.

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51 A motion to nominate Mr. Roth for President was made by Ms. McKeever, and seconded by Mr.
52 Goldstein

53

1 No public comment.
2
3 M/McKeever/S/Goldstein
4 In favor: Early, Franzoia, Goldstein, Hardeman, Kbushyan, McKeever, Wagner, Roth
5 Unanimous
6 MOTION PASSED

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8 **10. CALENDAR 2018 MEETING DATES**
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10 The following Public Meetings were scheduled for 2018:

- 11 February 2, 2018 in Anaheim California
- 12 May 14, 2018 in Monterey, California
- 13 June 22, 2018, Teleconference (tentative)
- 14 October 19, 2018 in Fresno, California

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18 **11. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
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20 No public comment was provided at this time.

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22 Ms. McKeever expressed the importance of reaching out to respiratory colleges in the areas of the
23 Board meetings and suggest they bring their students to the meetings. She explained it is a great
24 educational tool for students to experience a Board meeting and to have Board interaction to prevent
25 students from getting a negative view that the Board is all about money, and rather show the Board is
26 about education and protecting the public and the respiratory reputation.

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28 =====
29 **CLOSED SESSION**
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31 The Board convened into Closed Session, as authorized by Government Code Section 11126c,
32 subdivision (3) at 10:10 a.m. and reconvened into Public Session at 11:30 a.m.
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36 **ADJOURNMENT**
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38 The Public Session Meeting was adjourned by President Roth at 11:30 p.m.
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45 _____
46 ALAN ROTH
President

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45 _____
46 STEPHANIE A. NUNEZ
Executive Officer