



PUBLIC SESSION MINUTES

Friday, February 10, 2012

**Department of Consumer Affairs
Crafton Hills College
11711 Sand Canyon Road
Performing Arts Center
Yucaipa, CA 92399**

Members Present: Murray Olson, RCP, RRT-NPS, RPFT, President
Charles B. Spearman, MEd, RCP, RRT, Vice President
Lupe V. Aguilera
Sandra Magaña Cuellar
Larry L. Renner, BS, RCP, RRT, RPFT, President
Barbara M. Stenson, RCP, RRT

Staff Present: Dianne Dobbs, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Freels, Staff Services Manager

CALL TO ORDER

The Public Session was called to order at 9:30 a.m. by President Olson. President Olson stated a quorum was present.

President Olson 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 Open Meetings 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.

June Yamamoto, Dean of the Crafton Hills College Respiratory Care Program, welcomed the Board on behalf of the President and Vice President stating they were proud of their program and students, and invited the Board to consider future meetings at the Crafton Hills College campus.

APPROVAL OF OCTOBER 7, 2011 PUBLIC SESSION MINUTES

Mr. Renner moved to approve the October 7, 2011 Public Session minutes as written.

M/ Renner /S/Spearman

In favor: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson
MOTION PASSED

EXECUTIVE OFFICER'S REPORT

(Stephanie Nunez)

BreEZe, On-Line Application/License System

Ms. Nunez explained the Board has three major undertakings in the near future: An office move, Sunset Review, and implementation of a new database system. Ms. Nunez advised the Board that the "BreEZe" database system, is expected to roll-out this year sometime in the August/September. Thus far, the project has completed the workflow and system configuration phases, but still needs to complete the design, development, testing and deployment phases. The biggest challenge of this new system is how the new platform will affect the Board's processes. The Board is currently working with the NBRC to acquire exam results through an electronic interface. Ms. Nunez stated that serving on both the Change Control Board and Executive Steering Committee has helped her identify and anticipate the needs of the Board.

Limited Travel Directive

Ms. Nunez stated travel restrictions are still in effect, and that travel continues to require pre-approval.

Office Lease

Ms. Nunez indicated the Board's office relocation is tentatively scheduled for May/June 2012. She advised that the new monthly lease rate will be approximately \$500/month more than the current rent, with annual incremental increases.

Status on Proposed Regulation

Ms. Nunez stated that as part of the regulatory process, the proposed regulations which will, among other things make changes to the discipline and fee structures are currently being reviewed by the Department of Finance. She remains optimistic that the regulations will be effective soon.

Sunset Review 2012/13

Ms. Nunez explained that Sunset Review is the process the Legislature uses to review all boards, examining their practices to determine performance and to ensure they are adhering to their mandates of consumer protection. The Sunset Review Committee conducts an extensive review of statistical data, procedures, and enforcement statistics and makes recommendations if any changes are needed. The report is due November 1, 2012. This review is necessary to extend the Board's existence. In statute, the Board expires January 2014, however, so long as the review is successful, the Sunset Committee will extend sponsor legislation to extend the Board's existence.

ENFORCEMENT REVIEW/FISCAL IMPACT

(Stephanie Nunez)

Enforcement Paths

Ms. Nunez reviewed various enforcement process paths to provide members with an understanding of the impact each path has as it relates to time and cost.

Probation Monitoring Cost Comparison

Ms. Nunez referenced the agenda attachment on Probation Monitoring Costs summarizing that most boards either do not charge probation monitoring costs or charge about the same as the RCB.

Practice-Related Case Scenarios

Ms. Nunez requested that Board members rate the proposed discipline for the list of practice-related case scenarios (without mitigating and aggravating circumstances) to help Staff understand the gravity of the listed violations.

Discussion ensued.

Mr. Renner moved to have the Executive Committee work with staff in developing a strategy to determine appropriate discipline for various practice-related case scenarios.

M/ Renner /S/ Magaña Cuellar

In favor: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson

MOTION PASSED

ENFORCEMENT UPDATE

(Charles Spearman)

Enforcement Statistics

Mr. Spearman reviewed Enforcement Statistics stating Accusations Filed may be a little high for midyear, depending on the figures for the remainder of the year. Mr. Spearman asked if staff felt there were any statistics that should concern the Board.

Ms. Nunez replied no, but added that the Board is on target for slightly less discipline and that applications received are about the same or slightly higher for this time of year as compared to last year.

Enforcement Performance Measures

Ms. Nunez stated all targets were met with the exception of Formal Discipline due to the processing time associated with the Attorney General's office. Ms. Nunez added that she expects the Board's numbers to improve with staff investigator positions filled and trained. She noted that practice related cases are now being processed more expeditiously.

NOVEMBER 18, 2011 CDPH MEETING UPDATE

(Murray Olson/ Larry Renner)

Mr. Renner stated the meeting with the Board's Executive Committee, staff, California Department of Public Health, legal representation, CSRC and AARC was a very effective collaborative effort resulting in the revision of All Facilities Letter 10-22. The revision lifted the requirement that a

registered nurse must provide supervision where polysomnography is being provided to allow “appropriate professional and nonprofessional personnel” to provide the scope of service to meet patient needs.

President Olson thanked the following individuals for their participation: Dianne Dobbs, who wrote an outstanding legal opinion; Stephanie Nunez, for her leadership and drive; Mark Goldstein, CSRC; Dr. Richard Sheldon, Jennifer Tannehill, Aaron Read’s office; David Groza, Manager of Sleep Center & Neurodiagnostics Lab at Sutter Health; and Brian Stiger, DCA’s prior Director, for his support.

“TRANSITIONING THE RESPIRATORY THERAPIST WORKFORCE FOR 2015 AND BEYOND” UPDATE

President Olson welcomed the National Board for Respiratory Care (NBRC) and the American Association for Respiratory Care (AARC).

Robert Shaw, Assistant to the Executive Director and Psychometrician from the NBRC, introduced the following members of the panel:

Sam Giordano, Executive Director, AARC
Gary Smith, Executive Director, NBRC
Kerry George, President, NBRC
Gregg Ruppel, Past President NBRC/ Practitioner

Dr. Shaw and Mr. Giordano responded to the following four questions from the Respiratory Care Board on the topic of increasing the entry level standard in California to a minimum of an RRT credential for licensure:

1. How do our proposed changes follow the strategic planning your organizations intend to achieve over the next 5 years?

NBRC: The examination system will be changing, targeted for January 2015, which will allow applicants to take one written examination to attempt to qualify for both the CRT and RRT credentials. The proposal by the Board will have a neutral impact.

AARC: The AARC is neither opposed nor for the change at this time until further examination of the consequences. Mr. Giordano stated the AARC’s ad hoc committee is conducting due diligence to provide the Board of Directors with the ability to make an informed decision and intends to examine the topics of credentialing and education, while providing transparency and full input, and make a plan to proceed as appropriate with no unintended consequences.

2. How do advanced practice practitioners (similar in practice and independence to NP, PA and FNP) fit into the profession’s strategic objectives and timeline?

NBRC: Dr. Shaw stated very few therapists are prepared at the Masters level, the CSRC does not foresee legal recognition of advance practitioners any time soon But does see more contact time with respiratory care content as a viable strategy toward increasing candidates’ CRT and RRT success rates.

AARC: Mr. Giordano responded this is an opportunity for the field but they must first position therapists in the practice at the advance level, then prove and document their

value. As the value is documented, the use and scope increases and eventually come to the point where graduate education and credentialing are needed.

3. What value does the current CRT (entry level) examination have for the profession or should it be retired?

NBRC: The NBRC sees tremendous value in the CRT for the profession: (1) Documentation of competence at the point of entry; (2) Recognition of reciprocity among 49 states; (3) Continued evolution of examination elements in the future. The NBRC will continue to associate the CRT with safe, effective practice at the point of entry.

AARC: Mr. Giordano stated the CRT entry level examination has value, as a gate keeper for safety, and has kept millions of patients safe from incompetent respiratory therapists.

4. What level of collaboration could we expect from your organization to help us achieve our objectives?

NBRC: Dr. Shaw stated the current system through which the information passes between California and the NBRC will continue regardless of the licensure requirement.

AARC: Mr. Giordano stated the AARC intends and looks forward to collaborating with the Respiratory Care Board with regard to the growth of the profession and the appropriate utilization of those professionals.

Discussion ensued, and President Olson thanked the NBRC and AARC for their presentations and information.

PETITION FOR REINSTATEMENT, ORAL TESTIMONY: CINDY MARIE CUDNEY-MATSON

Ms. Nunez presented a case overview in the matter of the petition for reinstatement of Cindy Marie Cudney-Matson. The petitioner, Ms. Cudney-Matson also provided testimony in support of her petition.

LEGISLATION OF INTEREST – DISCUSSION/ACTION

(Christine Molina)

Ms. Molina reviewed the 2012 Legislation of Interest stating, as this is the second year of a two-year cycle, three bills that did not move forward in 2011, may continue through the legislative process in 2012:

SB 544 – Board position: Watch

AB 569 – Board position: Watch

AB 958 – Board position: Oppose unless amended (letter mailed to author 3/25/11)

Ms. Molina provided staff's recommendation of a watch position on the only new bill at this time, Senate Bill 975, introduced January 20, 2012. This bill would provide that DCA's boards, bureaus, and commissions have the sole and exclusive authority to license and regulated the practice of professions and vocations regulated by those boards pursuant to provisions of that code.

Vice President Spearman moved to accept the "Watch" position on SB 975 as recommended.

M/ Spearman /S/ Stenson

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

MOTION PASSED

Mr. Renner suggested adding HR 941 to the Board's watch list as it may affect future legislation concerning the Respiratory Care Practice Act.

Vice President Spearman moved to add HR 941 to the Board's watch list.

M/ Spearman /S/ Renner

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

MOTION PASSED

FUTURE AGENDA ITEMS

There were no future agenda items identified.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment provided.

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CLOSED SESSION
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The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 1:15 p.m. and reconvened into Public Session at 1:45 p.m.

ADJOURNMENT

The Public Session Meeting was adjourned by President Olson at 1:50 p.m.

MURRAY L. OLSON
President

STEPHANIE A. NUNEZ
Executive Officer