



PUBLIC SESSION MINUTES

Friday, October 7, 2011

**Department of Consumer Affairs
1625 North Market Blvd. (Room S-102)
Sacramento, CA 95834**

Members Present: Larry L. Renner, BS, RCP, RRT, RPFT, President
Murray Olson, RCP, RRT-NPS, RPFT, Vice President
Lupe V. Aguilera
Sandra Magaña Cuellar
Charles B. Spearman, MEd, RCP, RRT
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
Paula Velasquez, Staff Service Analyst

CALL TO ORDER

The Public Session was called to order at 10:45 a.m. by President Renner. A quorum was present.

President Renner explained that public comment would be allowed on agenda items, as items are discussed by the Board during the meeting. He added that under the 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.

President Renner stated this Board meeting was being webcasted.

BREEZE DATABASE PRESENTATION

(Debbie Balaam, Sean O'Connor)

Ms. Balaam (DCA's Chief Information Officer) along with Sean O'Connor (BreEZe Lead Business Project Manager) gave a presentation highlighting the BreEZe Project: system overview, functionality

and benefits. Ms. Balaam stated that the Respiratory Care Board will be in the first release targeted for late summer 2012.

APPROVAL OF MAY 10, 2011 PUBLIC SESSION MINUTES

Vice President Olson moved to approve the February 25, 2011 Public Session minutes as written.

M/ Olson /S/Stenson

Ayes: Aguilera, Olson, Renner, Spearman

Abstain: Magaña Cuellar

MOTION PASSED

EXECUTIVE OFFICER'S REPORT

On-Line License Renewal

(Christine Molina)

Ms. Molina stated, on September 15, the Board deployed a system to allow licensees to renew online using a credit card. She added this is an interim solution until the BreEZe system is in place. The system has received only positive feedback to this point and the vendor's customer service representatives have been extremely helpful.

Staffing/BCPs

(Stephanie Nunez)

Ms. Nunez updated the Board on staffing and Budget Change Proposals (BCPs), explaining the BCP process takes approximately a year to complete. Ms. Nunez stated the Board submitted two BCPs and were approved for position authority (not funding) for three positions for the Licensing Unit and three positions for Enforcement Unit. However, due to budget constraints, the Board will only fill three of these positions.

DCA Change Control Board

(Stephanie Nunez)

Ms. Nunez stated she is serving on the DCA Change Control Board which meets two times a month to review various proposals concerning change requests from boards and bureaus to the BreEZe and Legacy systems.

Travel Directive

(Stephanie Nunez)

Ms. Nunez stated travel restrictions remain in place and are not expected to be lifted anytime in the near future. Travel is limited and requires pre-approval.

Office Move

(Stephanie Nunez)

The Board's office lease, which has been extended twice, will expire June 2012. According to the Department of General Services, further extensions are not allowed. Through a site search and bidding, the Board has found an office location close in price to the current rent paid and anticipates moving before June 2012.

Sunset Review
(Stephanie Nunez)

Ms. Nunez stated the Board's Act does include a provision which sunsets the Board January 1, 2014. Accordingly, the Board will begin the Sunset Review Process in 2012 which consists of completing an in-depth, extensive report and questions/testimony before the Sunset Review Committee. Ms. Nunez stated she does not foresee any issues with the Board receiving a Sunset extension.

CSRC RCP STAFFING RATIOS INITIATIVE-UPDATE
(Barbara Stenson)

Ms. Stenson explained that the Board invited the California Society for Respiratory Care (CSRC) to look into developing a staffing matrix to help identify appropriate staffing levels and invited Jack McGee, CSRC Government Affairs Committee Chair to comment.

Mr. McGee stated the CSRC has been meeting with managers from various departments looking to identify individuals to spearhead the formulation of a survey. He further explained the CSRC Board is working on a White Paper which would specifically address staffing ratios and benchmarks, and are optimistic they can move forward with this in the first quarter of 2012.

President Renner inquired if they would be using any of the data the American Association for Respiratory Care (AARC) collected during their "Time in Motion" studies.

Mr. McGee stated the AARC is pursuing the same subject and currently upgrading and updating their own database and working in collaboration with the CSRC.

FISCAL REVIEW
(Larry Renner)

President Renner commented on fiscal expenditures. Specifically, under Salary and Benefits, an increase is projected due to the return of a 5% salary reduction and the hiring of an additional staff person. In addition, he pointed out one-time costs associated with the upcoming move. President Renner commented the workload associated with the increases in caseload necessitates the need for the additional staff allocated which would create a bigger margin in the gap between expenses and revenue.

Ms. Nunez stated savings might be achieved by looking into some existing processes and priorities. Additional staff would definitely help in the processing of cases, but that has to be balanced with the associated costs.

President Renner and Ms. Nunez agreed staff would do some analysis and bring ideas to the Board for discussion at the next meeting.

**CALIFORNIA CODE OF REGULATIONS CONCERNING NEW AND AMENDED LANGUAGE
RELATED TO DISCIPLINARY GUIDELINES, CITATIONS AND FINES, FEES AND VARIOUS
REGULATORY SECTIONS: VOTE TO FINALIZE REGULATORY PACKAGE**

(Larry Renner)

President Renner reviewed proposed language

Vice President Olson moved to adopt the proposed regulations at Sections 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.340, 1399.352.7, 1399.353, 1399.360, 1399.364, 1399.370, 1399.374, 1399.375, 1399.376, 1399.377, 1399.378, 1399.379, 1399.380, 1399.381, 1399.382, 1399.383, 1399.384, 1399.385, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391 and 1399.395 of division 13.6, of Title 16 as filed and allow staff to take all the steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law and authorize the Executive Office to make any non-substantive changes to the proposed regulations that may be needed to complete the rulemaking process.

M/Olson /S/Stenson

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

MOTION PASSED

ENFORCEMENT UPDATE

Enforcement Statistics

(Charles Spearman)

Mr. Spearman reviewed Enforcement Statistics questioning the reduction in costs recovered by the collection agency from FY 07/08.

Ms. Nunez explained the drop might be, in part, due to the economy but believes it is mostly reflective of the amount of claims initially sent to collections and the ability of the agency to collect on the easier claims first, leaving the more difficult claims and lowering the amount collected in later years.

President Renner asked the Board to consider if there is anything that should be done differently from the standpoint of what is collected (or not collected) with regards to cost recovery or probation monitoring costs.

Ms. Nunez responded probation monitoring costs could be increased as the Board spends more than is collected for monitoring costs, however, she also added that most Probationers are already be subjected to the costs of increased testing frequency. Ms. Nunez also stated that decisions that do not include costs should be rejected as they do negatively impact the Board from a fiscal perspective.

President Renner requested staff find out what other Boards charge for probation monitoring costs.

Mr. Spearman inquired as to whether the Board's Performance Measures are available online, and Ms. Nunez replied that they are available to the public on both the Department and the Board's websites. Mr. Spearman added the Board is meeting enforcement goals and under target on all measures.

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

(Charles Spearman)

Mr. Spearman reviewed the Gap Analysis prepared by the AARC addressing some of the problems and attributes to consider concerning the recommendations from the outcome of the three year project “Transitioning the Respiratory Therapist Workforce for 2015 and Beyond”.

Discussion ensued.

Ms. Nunez and Mr. Spearman suggested the Board invite the AARC and the NBRC to the next meeting to share updates, timelines, and future visions for the respiratory care entry-level workforce.

POLYSOMNOGRAPHY/CDPH MEETING UPDATE

(Larry Renner/ Murray Olson)

President Renner stated the meeting with the California Department of Public Health was enlightening and productive and both parties came away more knowledgeable.

Vice President Olson stated he felt the Respiratory Care Act was not recognized in the meeting and anticipates future action from the Board and the CSRC.

Public comments regarding this issue were received from Mark Goldstein, Alan Roth, and Jack McGee.

LEGISLATION OF INTEREST – DISCUSSION/ACTION

(Larry Renner)

2011 Legislation

President Renner reviewed the Board's positions on legislation of interest:

- SB 103 - Watch
- SB 231 – Watch
- SB 538 – Watch (changes do not impact RCB)
- SB 544 – Watch
- AB 569 - Watch
- AB 958 – Oppose unless amended (letter mailed to author 3/25/11)
- AB 991 – Watch
- AB 1273 – Watch

President Renner stated the Governor signed SB 539, SB 541, SB 943 and SB 944.

Board Sponsored Proposed 2012 Legislation

President Renner reviewed the Non-Substantive enforcement amendments.

Mr. Spearman moved to have staff proceed to secure an author for the proposed language.

M/ Spearman /S/ Magaña Cuellar

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

MOTION PASSED

Ms. Nunez added that the Board requested the Department get a general Business and Profession Code amendment seeking legislative authority to entitle all boards to receive arrest reports.

ELECTION OF OFFICERS FOR 2012

Ms. Stenson nominated Vice President Olson for President. No other nominations were presented.

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

President Renner nominated Mr. Spearman for Vice President. No other nominations were presented.

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

2012 MEETING DATES: CALENDAR

Mr. Olson suggested a future Board meeting be held at one of the respiratory colleges based on past experiences and the positive student participation.

Future meeting dates were agreed upon as follows:

February 10, 2012 in Southern California

May 18, 2012 in Northern California

October 12, 2012 in Northern California

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mr. Goldstein commented on the staffing assessment tool, noting the acuity levels of patients can vary greatly.

ADJOURNMENT

The Public Session meeting was adjourned by President Renner at 12:58 p.m.

MURRAY L. OLSON
President

STEPHANIE A. NUNEZ
Executive Officer