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PUBLIC SESSION MINUTES

**Wednesday, March 3, 2021
PUBLIC WEBEX MEETING**

Members Present: Mary Ellen Early
Rebecca Franzoia
Mark Goldstein
Ricardo Guzman
Michael Hardeman
Raymond Hernandez
Ronald Lewis
Michael Terry

Member Absent: Sam Kbushyan

Staff Present: Fred Chan-You, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager

CALL TO ORDER

The Public Session was called to order at 10:00 a.m. by President Guzman.

Ms. Molina called roll (present: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry; absent: Kbushyan), and a quorum was established.

1. PRESIDENT'S OPENING REMARKS

President Guzman asked the Board and staff to please turn their cell phones to silent. He added Board members may access their laptops, phones, or other devices during the meeting solely to access the Board meeting materials that are in electronic format. Individuals may be joining either online through WebEx or by telephone. Public comment would be allowed on each agenda items, as those items are discussed by the Board during the meeting. Under the Bagley-Keene Open Meeting

1 Act, the Board may not take action on items raised by public comment that are not on the agenda,
2 other than to decide whether to schedule that item for a future meeting. If providing comment, it
3 would be appreciated, but not required, to provide your name and organization represented, if
4 applicable, prior to speaking. In order to allow the Board sufficient time to conduct its scheduled
5 business, public comment may be limited. The Board welcomes public comment on any item on the
6 agenda and it is the Board's intent to ask for public comment prior to the Board taking action on any
7 agenda item. President Guzman turned it over to the meeting moderator who explained the WebEx
8 question and answer feature will be used to facilitate public comment when the Board President
9 reaches a point in the agenda, which public comment is appropriate. The public was instructed that to
10 make a public comment they should click the Q & A icon at the bottom right corner of the screen and
11 type, "I would like to make a comment," in the Ask field on the lower right of the screen.

12
13 Request for public comment: No public comment was received.

14
15
16 **2. BOARD MEMBER APPOINTMENTS**

17
18 President Guzman explained the Board has had several changes in member appointments over the
19 last year and expect a couple more this year. Sherleen Bose departed from the Board in 2020 and
20 Rebecca Franzonia will be departing later this year. On behalf of the board members, staff and
21 consumers, President Guzman offered sincere appreciation to Ms. Franzonia for her service. Ms.
22 Franzonia was appointed by the Governor for two terms as a public member and has represented the
23 consumers of California well. President Guzman stated Ms. Franzonia has been an incredibly valuable
24 member of the Board and wished her the best in all her future endeavors.

25
26
27 **3. APPROVAL OF OCTOBER 23, 2020 MEETING MINUTES**

28
29 Dr. Lewis moved to approve the October 23, 2020 Public Session Minutes as written. The motion was
30 seconded by Ms. Early.

31
32 Request for public comment: No public comment was received.

33
34 M/Lewis /S/Early
35 In favor: Early, Franzonia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry
36 MOTION PASSED

37
38
39 **4. EXECUTIVE OFFICER'S REPORT**

40
41 Ms. Nunez gave the Executive Officer's report as follows:

42
43 **3a. COVID Impact Update**

44
45 Ms. Nunez explained, per the Governor's order, the Respiratory Care Board's office was closed from
46 December 14 through January 31. It reopened on February 1, but the administration is requesting
47 that persons in the office remain below 25% staffing levels.

48
49 There was concern regarding whether RCPs were authorized to provide the COVID vaccine last
50 month. The RCB website was updated confirming that the RCP scope of practice allows RCPs to
51 administer the COVID vaccine. In addition, Ms. Molina was instrumental in getting RCPs and
52 respiratory students added to the CA Department of Public Health's list of approved vaccination
53 providers. Ms. Nunez thanked Ms. Molina and stated her efforts are appreciated by the Board.

1 Ms. Nunez listed some waivers that have been extended. Continuing education has been waived for
2 licenses expiring through March 31. Anyone who did not complete their CE who has a license
3 expiration date of Jan 31, 2021 through March 31, 2021 will have approximately six additional months
4 to complete that CE. Anyone who waived their continuing education with a renewal date between
5 March 31 and December 31 of last year has until April 22, 2021 to make up that continuing education.
6 She added, those persons that had a retired/cancelled license who applied and received temporary
7 licensure to assist during the pandemic will have the authority to practice until July 1st of this year.
8 Additional waivers are not expected, but she encouraged everyone to check the RCB's website
9 regularly for the latest information which is generally updated within 24 hours of receiving notification.

10
11 **3b. Sunset Report/Review**

12
13 Ms. Nunez stated the Sunset Review report will be due on December 1 and hearings will be held the
14 following spring. She will be working with the Executive Committee while drafting the report which will
15 be presented to the full Board at its final meeting this year for approval prior to submission. Both
16 President Guzman and she will be testifying next spring. Ms. Nunez added she is very grateful to
17 have President Guzman there as he has a significant history of our Board, where we are at and where
18 we are headed.

19
20 Ms. Nunez explained the Board expects to continue to pursue the LVN issue, seeking a legislative
21 remedy as it did last spring before COVID. Lawyers, board members and staff of both boards
22 gathered several times over a period of a year and as a result entered into a Joint Statement that is
23 currently posted on both the BVNPT and the RCB websites. Shortly after the publication of the Joint
24 Statement, it came to the RCB's attention that the BVNPT decided to pursue legislation that would
25 ultimately allow LVNs to practice respiratory care. It has been this Board's position that while LVNs
26 are incredibly valuable members of the patient care team, the education, training, and competency
27 testing of LVNs is inadequate to authorize any blanket practice of respiratory care. The RCB's report
28 will highlight the history and offer a legislative resolution.

29
30 **3c. Budget Reduction**

31
32 Ms. Nunez stated the Board's budget was reduced \$26,000 pursuant to a Budget Letter issued by the
33 current Administration. The Administration stated "the COVID recession has had a severe impact on
34 nearly every aspect of the California economy resulting in record unemployment while further
35 highlighting long standing economic inequalities. The state anticipates continued revenue impacts
36 relative to pre-pandemic projections, while at the same time, facing substantially increased costs
37 associated with both COVID response efforts and unprecedented wildfire activity. These economic
38 impacts are expected to last for several years and require immediate action."

39
40 **3d. Office of the Attorney General Budget Expenditures**

41
42 Board staff became aware in January that AG expenditures may exceed our budgeted amount this
43 year. Attorney and paralegal fees increased significantly last year and the Board opted to not
44 increase its AG budget. The Board made significant headway last month on several issues. An
45 agreement was reached that the preparation of default decisions cannot exceed \$5,500, any
46 accusation that takes more than 8 hours will be scrutinized, hearings will not be set if a respondent is
47 willing to enter negotiations to stipulate a settlement, costs were reduced in two cases, two additional
48 cases will be reviewed to reduce costs and three deputies with excessive billings will be reminded of
49 methods to keep costs low. She explained, there is now a good chance that instead of exceeding the
50 budgeted amount, the Board will be under the budgeted amount for attorney general services. Ms.
51 Nunez thanked Liane Freels, Enforcement Manager, for all her work on this.

52
53

1 **3e. Ethics Course Revisions for 2022**
2

3 Ms. Nunez stated the Board has notified CSRC and the AARC that it is time to revise and update their
4 Law and Professional Ethics courses. This is done every 4 years by the Board.
5

6 The Board has targeted August 2nd as the date for both organizations to have revised courses
7 available for staff review. Final course submission is due October 6th in order to prepare materials for
8 Board review and approval at the October 20 board meeting.
9

10 President Guzman stated the Board recognizes the tremendous work that Ms. Nunez and staff have
11 done in the past year, especially with the challenges.
12

13 Dr. Lewis inquired about Ms. Nunez's comment that AG costs might be under budget when the Office
14 of Attorney General fees appear to be going up considerably.
15

16 Ms. Nunez responded that while the hourly rates increased significantly, Ms. Freels has been working
17 with the Assistant Attorney General to facilitate agreed upon processed to keep costs down in the
18 areas listed previously.
19

20 Dr. Lewis inquired if there were other remedies the Board can use to prevent the need to involve the
21 AG's office.
22

23 Ms. Nunez responded that the Board considered eliminating the use of the AG's office about ten
24 years ago by using different attorneys but was met with resistance. There are many processes
25 required by the AG that make the costs go up, including their refuse to operate electronically as much
26 as possible. She added she believes the Board has gotten case costs as low as possible. Anything
27 more would require major restructure and legislative involvement.
28

29 **Public comments:**

30 Mary Adorno, Legislative Specialist for the California Association for Health Services asked for
31 clarification on the legislative resolution for the LVN scope of practice that will be included in the
32 Board's sunset report.
33

34 Ms. Nunez responded the report isn't due until December 1 and will be presented to the Board at the
35 October 20, 2021 Board meeting.
36

37 Ms. Adorno inquired if she will be able to hear the report, as a public member, on October 20 which
38 will include the proposal.
39

40 Ms. Nunez responded yes.
41
42

43 **5. NEW BREEZE FEATURES**
44

45 Ms. Molina explained, the RCB anticipates the deployment of new functionality in the BreEZe system
46 in April that will send automated email notifications for applicants and licensees when:
47

- 48 - An initial application has been approved.
- 49 - A renewal transaction is opened (this occurs approximately 75 days before the license expiration).
- 50 - 30 days before a licensee's expiration date as a renewal reminder.
- 51 - A renewal application is approved.
52

1 These notifications will be sent out to anyone with an email address on file, even if they have not yet
2 established a BreEZe account. The RCB is hopeful applicants and licensees find these reminders
3 helpful.
4

5 Ms. Molina announced the Board anticipates the launch of the initial application online beginning April
6 7, 2021. Online application submissions will allow for even faster application processing times
7 eliminating mailing time, time currently required to manually update the system with personal data and
8 application responses, as well as cashiering time if payments are made electronically. The Board's
9 licensing staff will also be able to see real time updates and applicants will be able to follow the
10 process to confirm if their application is "pending" or "approved" on their online profile (in addition to
11 an email notification once approved). Also, fewer application form deficiencies are expected, as the
12 system requires certain fields to be completed before proceeding with application filing.
13

14 The Board is aware that many programs currently pay for the initial application fee on the applicant's
15 behalf. Programs can continue to pay for their students' applications by check if that is their preferred
16 method. However, each program can also establish a single BreEZe User ID which can be provided
17 to the student so that he or she can use that information to add the school as an "authorized
18 representative" of their online account, allowing access to make an electronic payment via credit card.
19 The Board was also required to reengineer some processes such as program director certification of
20 graduation for those that apply early. For this, the Board suggests a few different options: 1) the
21 program can provide a letter to the applicant in advance that can be attached to the application; 2)
22 once designated as an "authorized provider" the program can upload the graduation certification; or 3)
23 programs may choose to send the Board one list with all pending graduates and staff can add these
24 to the application that have been submitted.
25

26 As the application process progresses, applicants will be able to electronically attach items to the
27 application that are not needed directly from another entity. Examples are an ethics course certificate
28 or a passport photo or other items that are commonly deficient or for additional information requested
29 following the initial application review by Board staff.
30

31 Board staff will soon be notifying all California respiratory programs about the online initial application
32 functionality and will be providing detailed instructions on how to establish a BreEZe User ID for the
33 program, certify graduation, and make an online payment on behalf of the applicant (if applicable).
34 Ms. Molina added she is hopeful this is going to be a step in the right direction for further reducing
35 processing times.
36

37 President Guzman inquired how this new process will address the need for a college seal that is
38 typically required on applications students send in 90 days prior to graduation.
39

40 Ms. Molina responded, ideally, the program would upload the document on behalf of the applicant but
41 as long as the program is authorized and the attachment comes from the program and has the
42 program signature and seal (even if it is a copy) that would be acceptable.
43

44 Mr. Hernandez inquired how program directors and staff been notified of this.
45

46 Ms. Molina responded they have not yet because launch dates in BreEZe sometimes fluctuate and
47 the staff wanted to ensure the launch date before notifying programs. April 7 is currently the
48 anticipated launch date and notices will go out to the programs at least two weeks prior.
49

50 Mr. Hernandez inquired if there will be a tandem process where applicants can still choose to use
51 paper and online applications as some programs have already started their application process.
52

1 Ms. Molina responded, absolutely, the Board is not taking away the ability to submit a paper
2 application and even those that have filed the paper application can still add attachments to their
3 application if they create an online BreEZe account.
4

5 Public comments: No comments received.
6
7

8 **6. COMMITTEE ASSIGNMENTS** 9

10 President Guzman stated he has modified committee assignments and thanked Ms. Nunez for being
11 a great resource on the history of the committees. He added the Board has had a lot of changes that
12 have also impacted committee assignments. It is especially important that the committees are up to
13 date, given that the Board is currently up for Sunset Review. After review of the strategic plan and
14 expressed interest from Mr. Hernandez, he found it imperative to make some changes. Changes
15 were made to the Professional Qualifications and Outreach Committees to include some of the
16 Board's newest members, Mr. Kbushyan, Mr. Hernandez, and Mr. Terry. Committees will be called
17 upon to perform some routine work but also tasks that align with the Board's current and future
18 strategic plans. President Guzman reviewed the Committee assignments as follows:
19

20 Executive Committee:

21 President: Ricardo Guzman, MA, RRT, RCP
22 Vice President: mark Goldstein, MBA, BS, RRT
23

24 Enforcement Committee:

25 Chair: Mary Ellen Early
26 Member: Ronald Lewis, M.D.
27

28 Outreach Committee:

29 Chair: Mark Goldstein, MBA, BS, RRT
30 Member, Sam Kbushyan, MBA
31

32 Professional Qualifications Committee:

33 Chair: Raymond Hernandez, MPH, RRT, NPS
34 Member: Michael Terry, RCP, RRT, RPFT, CCRC
35

36
37 Public comments: No public comments received.
38
39

40 **7. STRATEGIC PLAN REVIEW** 41

42 **7a. Baccalaureate Degree** 43

44 President Guzman referred the Board to attachment 7 which includes the status for each objective
45 from the Board's 2017-21 Strategic Plan. The one item that remains outstanding is Objective #2 of
46 the Education Goal: "Develop an action plan to incorporate a baccalaureate degree provision in the
47 Respiratory Care Practice Act (RCPA) to ensure education requirements meet the demand of the
48 respiratory care field." President Guzman stated Mr. Hernandez expressed an interest in tackling this
49 objective, which worked perfectly with the realigning of the committee structure. Mr. Hernandez has
50 extensive experience in the education field and his school, Skyline College, was one of the community
51 colleges that participated in the pilot bachelor's degree program for respiratory care. Both he and Mr.
52 Terry have current knowledge and experience in this arena. President Guzman added he is pleased
53 to have them serving on the committee and appreciates their enthusiasm as well. President Guzman

1 asked Mr. Hernandez if he would share his interest in this goal and how he plans to address this
2 objective.
3
4 Mr. Hernandez stated, for the last 10 years, various organizations and the national organization the
5 American Association for Respiratory Care, have been looking into this and taking a deep dive with
6 the 2015 series that they published. Concurrently, the State of California has been doing work force
7 studies as well. The Legislature, from an educational standpoint, has taken a very close look at
8 providing opportunities for baccalaureate completion and various needs for work around the State in
9 healthcare. There is a lot of synergy right now and a lot of work has been done. Some of the things
10 going on in this arena include: The American Association for Respiratory Care have put out a
11 statement at the end of last year moving the minimum baccalaureate challenge to the year 2030. The
12 California Society for Respiratory Care is also looking at this right now. The external respiratory
13 program accrediting body, CoARC, has already stipulated that they are not approving any new
14 associate degree entry level programs All of that is coming into synergy along with the California
15 legislature to move forward with allowing pilot baccalaureates at the community college level.
16 Currently, California is one of 27 states across the nation to do this. Mr. Hernandez stated with all
17 those pieces moving on, it is timely for the Board to engage in goal number 2 adding the committee is
18 excited to look into all the information and provide some space for conversation and movement of the
19 strategic goal.
20
21 Public comment:
22 Mary Adorno, Legislative Specialist for the California Association for Health, requested clarification of
23 the strategic goal inquiring if the ability to just do a certification for respiratory therapist will be
24 removed and individuals will then be required to have a baccalaureate degree moving forward.
25
26 Ms. Nunez responded respiratory care therapists are not certified, they are licensed. The Board is
27 looking at incorporating the baccalaureate degree in some manner but it is the committee that will be
28 looking into how that will be incorporated.
29
30 Ms. Adorno inquired when that proposal might be available for review.
31
32 Ms. Nunez responded, since the committee has just started it will probably be sometime next year.
33
34 Mr. Hernandez responded, as Ms. Nunez mentioned this is a licensed profession that does require a
35 credential for RRT and an associate degree right now. There are various ways in which a
36 baccalaureate's degree can be incorporated. The first step for the committee is to gather information.
37 For this year the committee will be gathering at all the efforts taking place and the looking at the
38 considerations needed for the strategic goal and how the baccalaureate degree can be incorporated
39 in the pathway for licensure. He added, Ms. Nunez is absolutely correct; no decisions will be made
40 this year.
41
42 President Guzman further clarified RRT credentials are nationally recognized. California recognizes
43 the advanced RRT credential. This is a degree requirement and they are not necessarily tied
44 together.
45
46 Ms. Adorno stated it appears that this is closing the path for someone to get an associate degree and
47 be able to be in the respiratory care field. With the shortage of respiratory care therapists right now,
48 making it harder for someone to become an RRT will make a huge workforce issue. She added
49 people need to be trained with enough competency and credentials without taking 4 years. With the
50 public health crisis, there is no time to wait. She urged the Board to really think about closing off the
51 associate path and questioned whether she is misunderstanding the strategic goal. She added, with
52 the shortage that the profession currently has, this is very concerning.
53

1 Alan Roth wanted the Board to think about the future relative to CoARC and what they are
2 considering relative to advance practice considerations in the state of Ohio.

3
4 President Guzman recognized Alan Roth as the previous president for the Respiratory Care Board
5 and thanked him for participating in the WebEx meeting.

6
7 Mr. Hernandez responded to the public comments stating this is why it is very important to take the
8 time to gather information and consider all of the challenges that may occur so that every decision
9 recommended really meets the needs of Californians and this profession.

10 11 12 **8. LEGISLATION OF INTEREST** 13

14 Ms. Molina explained, the bill introduction deadline wasn't until 2 days after the agenda packets were
15 mailed out, so an additional bill (AB 1105) was identified after the deadline and was subsequently
16 provided to Board members via email. Ms. Molina provided a summary of each bill, including a staff
17 recommended position before a vote is taken on each bill:

18 19 AB 29 (Cooper) State bodies: meetings / SRP: Watch

20 This bill would require that any meeting notice issued include all writings or materials provided for the
21 noticed meeting to a member of the state body by the staff of a state agency, board, or commission,
22 or another member of the state body that are in connection with a matter subject to discussion or
23 consideration at the meeting. The bill would require those writings or materials to be made available
24 on the state body's internet website, and to any person who requests the writings or materials in
25 writing, on the same day as the dissemination of the writings and materials to members of the state
26 body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a
27 state body from discussing those writings or materials, or from taking action on an item to which those
28 writings or materials pertain, at a meeting of the state body unless the state body has complied with
29 these provisions.

30
31 Dr. Lewis moved to approve the staff recommended position of Watch for AB 29. The motion was
32 seconded by Ms. Franzoia.

33
34 Request for public comment: No public comment was received.

35
36 M/Lewis /S/Franzoia

37 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

38 MOTION PASSED

39 40 AB 54 (Kiley) COVID-19 emergency order violation: license revocation / SRP: Watch

41 This bill would prohibit the Department of Consumer Affairs, a board within the Department of
42 Consumer Affairs, and the Department of Alcoholic Beverage Control from revoking a license for
43 failure to comply with any COVID-19 emergency orders unless the board or department can prove
44 that lack of compliance resulted in transmission of COVID-19.

45
46 Dr. Lewis moved to approve the staff recommended position of Watch for AB 54. The motion was
47 seconded by Mr. Hernandez

48
49 Request for public comment: No public comment was received.

50
51 M/Lewis /S/Hernandez

52 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

53 MOTION PASSED

1 AB 107 (Salas) DCA: boards: temporary licenses: military spouses / SRP: Oppose unless Amended
2 Licensure: veterans and military spouses / SRP: Oppose Unless Amended or Support if Amended
3 This bill would express the intent of the Legislature to enact future legislation relating to temporary
4 licenses within the Department of Consumer Affairs for military spouses.
5

6 UPDATE: the introduced version of AB 107 included placeholder language regarding temporary
7 licenses for military spouses. On 2/25/21, AB 107 was amended and the bill would now require
8 boards not subject to temporary licensing provisions to issue a license to an applicant if the applicant
9 meets specified requirements, including evidence satisfactory to the board that the applicant is an
10 honorably discharged veteran, or is married to, or in a domestic partnership or other legal union with,
11 an active duty member of the military. The bill would require an application for a license to include a
12 signed affidavit attesting to the fact that the applicant meets all requirements for a license in the same
13 area and scope of practice.
14

15 Ms. Molina expressed some concerns. The language in this bill that is most concerning is the "signed
16 affidavit attesting to the fact that the applicant meets all requirements for a license in the same area
17 and scope of practice." While the bill still appears to allow boards to conduct background checks,
18 obtain fingerprints and OOS verification(s), as currently written, it appears the board will be required to
19 accept an applicant's attestation that he or she satisfies the education and exam requirements and
20 this is extremely concerning. Staff recommendation is the Board direct staff to contact the author's
21 office for clarification on its intent and, if in fact, boards will be required to take the word of an
22 applicant (in the form of an affidavit) in lieu of official transcripts and credential verifications, that the
23 bill be opposed.
24

25 This bill limits the Board's ability to assess the competence of an out-of-state practitioner, ultimately
26 impacting its ability to uphold its mission to protect the public. She pointed out that generally, this
27 Board has been extremely supportive of all bills aimed at easing the process for service members and
28 their spouses. However, when the spirit of streamlining processes and removing barriers is
29 outweighed by the potential harm to consumers in the form of possible unqualified practitioners, the
30 Board must consider an oppose position.
31

32 Mr. Goldstein moved to approve the staff recommended position of Oppose Unless Amended for AB
33 107. The motion was seconded by Dr. Lewis.
34

35 Request for public comment: No public comment was received.
36

37 M/Goldstein /S/Lewis

38 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

39 MOTION PASSED
40

41 AB 619 (Calderon) Lung Health / SRP: Support

42 This bill is sponsored by the California Society for Respiratory Care and would require the California
43 Department of Public Health (department) to conduct a Chronic Obstructive Pulmonary Disease
44 (COPD) Provider Awareness Campaign to increase awareness of COPD, as specified, and to target
45 the COPD Provider Awareness Campaign to, among others, primary care providers and family care
46 providers. The bill would make related findings and declarations.
47

48 This bill would require CDPH to develop a plan, addressing specified issues, with recommendations
49 and guidelines for counties to use in the case of a significant air quality event caused by wildfires or
50 other sources. The bill would require CDPH to consult with specified stakeholders in developing the
51 plan and would also require the department to undertake a statewide public educational campaign
52 regarding wildfires and other environmental hazards triggering asthma, COPD, and other respiratory
53 illnesses. This bill would require a county, in advance of its next emergency plan update, to create a

1 task force to use the air quality plan developed by the department and to develop a county-specific
2 plan that addresses all of the recommendations and guidelines of the department's air quality plan, as
3 specified. By requiring a county to create an air quality emergency planning task force, this bill would
4 impose a state-mandated local program.
5

6 Dr. Lewis moved to approve the staff recommended position of Support for AB 619.
7

8 Request for public comment: No public comment was received.
9

10 M/Lewis /S/Early

11 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

12 MOTION PASSED
13

14 AB 646 (Low) DCA: boards: expunged convictions / SRP: Watch

15 This bill would require a board within the department that has posted on its internet website that a
16 person's license was revoked because the person was convicted of a crime, within 90 days of
17 receiving an expungement order for the underlying offense from the person, if the person reapplies for
18 licensure or is relicensed, to post notification of the expungement order and the date thereof on the
19 board's internet website. The bill would require the board, on receiving an expungement order, if the
20 person is not currently licensed and does not reapply for licensure, to remove within the same period
21 the initial posting on its internet website that the person's license was revoked and information
22 previously posted regarding arrests, charges, and convictions. The bill would require a person in
23 either case to pay a \$50 fee to the board unless another amount is determined by the board to be
24 necessary to cover the cost of administering the bill's provisions.
25

26 Dr. Lewis moved to approve the staff recommended position of Watch for AB 646
27

28 Request for public comment: No public comment was received.
29

30 M/Lewis /S/Goldstein

31 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

32 MOTION PASSED
33

34 SB 102 (Melendez) COVID-19 emergency order violation: license revocation / SRP: Watch

35 This bill would prohibit the Department of Consumer Affairs, a board within the Department of
36 Consumer Affairs that does not regulate healing arts licensees, and the Department of Alcoholic
37 Beverage Control from revoking a license or imposing a fine or penalty for failure to comply with any
38 COVID-19 emergency orders unless the board or department can prove that lack of compliance
39 resulted in transmission of COVID-19.
40

41 Ms. Franzoia moved to approve the staff recommended position of Watch for SB 102
42

43 Request for public comment: No public comment was received.
44

45 M/Franzoia /S/Lewis

46 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

47 MOTION PASSED
48

49 AB 1105 (Rodriguez) Hospital workers: COVID-19 TESTING / SRP: Watch

50 This bill would require an employer to supply personal protective equipment to an employee,
51 regardless of whether or not the employee has received a vaccination for COVID-19.

52 This bill would also require a public or private employer of workers in a general acute care hospital to
53 develop and implement a program to offer weekly COVID-19 screening testing for health care

1 personnel, as defined. The bill would require the program to meet certain requirements, including
2 requiring the employer to conduct the COVID-19 screening testing by administering to participating
3 health care personnel, a specified COVID-19 test with results obtained within 48 hours, offering all
4 health care personnel the opportunity to participate in the screening testing program, and offering
5 health care personnel who have signs or symptoms consistent with COVID-19 the opportunity to be
6 tested for COVID-19 immediately. The bill would require an employer to develop and implement
7 health care personnel screening testing guidelines that include policies and procedures that address
8 the use of COVID-19 test results, as specified. The bill would require an employer to develop a
9 COVID-19 mitigation and testing plan containing the requirements described above and to make the
10 plan available to the department and health care personnel and their representatives upon request.
11 The bill would also require an employer to test all patients for COVID-19 prior to admission to the
12 hospital and to monitor all patients during their hospital stay for the development of COVID-19
13 symptoms.

14
15 Dr. Lewis moved to approve the staff recommended position of Watch for AB 1105

16
17 Request for public comment: No public comment was received.

18
19 M/Lewis /S/Early

20 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

21 MOTION PASSED

22
23
24 **9. WORKFORCE AND SUCCESSION PLAN**

25
26 Ms. Nunez explained the State Leadership Accountability Act (SLAA) was enacted to reduce the
27 waste of resources and strengthen internal control. The Board indentified its workforce as a risk to its
28 internal control. Ms. Nunez submitted the Workforce Succession Plan to the Board for review, edit
29 and approval. Ms. Nunez explained that 53% of the RCB's workforce are at, or near, retirement age.
30 9 out of the 17 staff members are expected to retire in the next 2 to 5 years. That is a great deal of
31 institutional knowledge that will be leaving. The RCB has a 0% turnover rate. The last time someone
32 was hired was 5 year ago. Most people have been with the RCB anywhere from 18 to 29 years so
33 everyone has moved around the office and knows every aspect of the office procedures and policies.
34 She added, it will be interesting to try and replace these people. In the plan, 3 staff members will still
35 have the institutional knowledge. Fortunately, the Board has great talented staff that will hopefully
36 stay and move up as people depart. Ms. Nunez stated she would like to get the Board's approval
37 prior to submitting the plan to the Department of Finance.

38
39 Public comments: No comments were received.

40
41 Mr. Hardeman moved to approve the workforce and succession plan as submitted.

42
43 Request for public comment: No public comment was received.

44
45 M/Hardeman /S/Lewis

46 In favor: Early, Franzoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

47 MOTION PASSED

48
49 President Guzman thanked Ms. Nunez for the report and shedding light on this important topic and
50 making the issues very clear.

51
52
53

1 **10. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

2
3 No comments were received.

4
5 **11. FUTURE AGENDA ITEMS**

6
7 Mr. Hernandez stated AB 927 was introduced on February 17 by Assembly Member Medina. It is a
8 piece of legislation that fits into the Board's strategic goal #2 for the baccalaureate consideration. It is
9 the statewide baccalaureate degree pilot program looking to institutionalize the current 15 pilots
10 across the State in different sectors for baccalaureates and expand as well.

11
12 As directed by legal staff, to discuss AB 927, the Board reverted back to agenda item 8. Legislation of
13 Interest.

14
15 **8. LEGISLATION OF INTEREST (continued)**

16
17 Mr. Hernandez stated AB 927 was postponed last year, due to COVID, and is now just starting its
18 trajectory with a new author, Assembly Member Medina. He explained it would be doing two things:
19 1) Establishing the current pilots as permanent and 2) create a process that allows for new programs
20 to be proposed with consultation with the CSUs.

21
22 Ms. Nunez stated this legislation sounds similar to what the Board has pursued in the past. Ms.
23 Nunez inquired if Board members were still interested in getting these programs extended.

24
25 Mr. Chan-Yu clarified, the question is asking Board members to either take the position of support,
26 watch, or oppose to this bill.

27
28 President Guzman asked Mr. Hernandez if there is any opposition and if there is anything in the bill
29 that would concern the Board.

30
31 Mr. Hernandez replied the bill just came up but previous opposition has been from the California State
32 University system because they feel it is impinging on their purview. He added, the current language
33 is looking at sectors that are underserved by CSUs and UCs. He does not foresee any concerns the
34 Board would have with this legislation and it does fit into the Board's Strategic Plan.

35
36 Mr. Hernandez moved to watch AB 927 and have the Executive Committee review it and change
37 position to support the legislation if it decides.

38
39 Public comment:

40 Mary Adorno, Legislative Specialist for the California Association for Health, stated her understanding
41 of the bill is that community colleges want to be able to offer baccalaureate degrees in programs that
42 already exist at the university level. She believes there is a policy problem with the Board making a
43 recommendation at this time. It is an open meeting issue and the public is not aware the Board is
44 promoting this. She added she does not have a problem supporting baccalaureate programs, she's
45 against cutting off the ability to have some type of respiratory care at an associate level. She believes
46 two different levels should be considered. A lot of people are not able to afford baccalaureates
47 programs. She questioned what would happen to all the current respiratory therapist that don't have
48 baccalaureate degrees. Would they be grandfathered in? Ms. Adorno asked the Board to consider
49 this decision and not cut off avenues for care that are extremely needed in the home at this time.

50
51 President Guzman responded that there is precedence in health care for the movement of the
52 profession to advance. Every other profession has moved ahead in the minimum entry requirement.
53 To remain relevant and competitive, the respiratory care profession needs to move forward as well.

1
2 Alan Roth stated the two schools where community colleges were allowed to start up programs were
3 for underserved communities to be able to get a bachelor's degree. There weren't any new programs
4 under the UC system for respiratory care. The idea was to increase the numbers, but also increase
5 the access in the underserved communities. He added it was a successful venture and the idea that it
6 could expand to other community colleges is an exciting possibility for people who cannot do full time
7 study at a UC program.

8
9 Vice President Goldstein stated there is no intent to eliminate access. It is more on the basis of an
10 advanced practitioner level.

11
12 President Guzman stated this is not a new topic. The Board has been discussing elevating the
13 profession to the BSRT level for many years. He added, neither the members nor the public are
14 unaware that the Board has the position to support this.

15
16 After discussion, Mr. Hernandez rescinded his motion stating no action needs to be taken at this time.
17 The Executive Committee instead will review the bill and make a determination on what position to
18 take. The item will be put on the agenda for the next Board meeting.

19
20
21 **11. FUTURE AGENDA ITEMS (continued)**

22
23 Public comment: No public comment was received.

24
25 Dr. Lewis inquired, because the Board as new members, if it would be helpful to have the DOJ
26 attorneys make a presentation to Board members about the disciplinary process and how the
27 members are involved in that process.

28
29
30 =====
31 **CLOSED SESSION**

32
33 The Board convened into Closed Session, as authorized by Government Code Section 11126c,
34 subdivision (3) at 11:47 a.m. and reconvened into Public Session at 12:03 p.m.

35 =====
36
37
38 The Board reconvened into Public Session at 12:03 p.m.

39
40
41 **ADJOURNMENT**

42
43 The Public Session Meeting was adjourned by President Guzman at 12:04 p.m.

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50
51 _____
52 RICARDO GUZMAN
53 President

51 _____
52 STEPHANIE A. NUNEZ
53 Executive Officer