



PUBLIC SESSION MINUTES

Thursday, March 13, 2025
PUBLIC MEETING

Members Present: Ricardo Guzman, RCP
Raymond Hernandez, RCP
Manuel Magpapián, Esq.
Preeti Mehta, MD
Abbie Rosenberg, RCP
Michael Terry, RCP
Cheryl Williams

Member Absent: Sam Kbushyan

Staff Present: Reza Pejuhesh, Legal Counsel
Christine Molina, Executive Officer
Kathryn Pitt, Associate Governmental Program Analyst
Stephanie Aguirre, Associate Governmental Program Analyst

CALL TO ORDER

The Public Session was called to order at 1:12 p.m. by President Guzman.

Ms. Pitt called roll (Present: Mehta, Rosenberg, Terry, Williams, Hernandez, and Guzman) and a quorum was established.

PRESIDENT'S OPENING REMARKS

President Guzman requested everyone to place their cell phones on silent, adding this is an official business meeting of the Respiratory Care Board (Board). Board members may be accessing their laptops, phones, or other devices during the meeting. He explained they are using the devices solely to access the Board meeting materials that are in electronic format.

Public comment will be allowed on each agenda item, as each item is taken up by the Board, during the meeting. Under the Open Meeting Act, the Board may not take any 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.

1 If providing comment, it would be appreciated, though not required, if you would provide your name
2 and the organization you represent if applicable, prior to speaking. To allow the Board sufficient time
3 to conduct its scheduled business, public comment may be limited.

4 The Board welcomes public comment on any item on the agenda and it is the Board's intent to ask for
5 public comment prior to the Board taking action on any agenda item. If for some reason public
6 comment is not requested on an agenda item and you wish to speak on that item, please let the
7 moderator know and you will be recognized.

8 Also, if you are an RCP and would like to earn CE credit for your attendance at our meeting today,
9 please be sure that you have signed in and sign out before leaving. If you have any questions, one of
10 our staff members can offer assistance.

11 President Guzman then introduced the newest member, Manuel Magpapián, Esq. who was appointed
12 by the Speaker of the Assembly as a public member on February 20, 2025. Mr. Magpapián
13 introduced himself, stating he is happy to join the Board and is honored and excited to be here and
14 thanked everyone for being so welcoming. President Guzman thanked Mr. Magpapián, adding the
15 Board is glad to have him.

16 President Guzman entertained any comments or questions from the members. None were received.

17
18 President Guzman then asked if there was anyone in the audience that would like to make a public
19 comment. No public comment was received.

20 21 22 **OCTOBER 14, 2024, MEETING MINUTES APPROVAL** 23

24 President Guzman asked if there were any additions or corrections to the November 14, 2024,
25 minutes. None were received and a motion to approve as written was requested.

26
27 Vice-President Hernandez moved to approve the October 14, 2024, minutes as written.

28
29 The motion was seconded by Mr. Terry.

30
31 Request for public comment. No public comments were received.

32
33 M/Hernandez/S/Terry

34 In Favor: Mehta, Magpapián, Rosenberg, Terry, Williams, Hernandez, Guzman

35 MOTION PASSED
36
37

38 **FEBRUARY 26, 2025, MEETING MINUTES APPROVAL** 39

40 President Guzman asked if there were any additions or corrections to the February 26, 2025, minutes.
41 None were received and a motion to approve as written was requested.

42
43 Vice-President Hernandez moved to approve the February 26, 2025, minutes as written.

44
45 The motion was seconded by Ms. Rosenberg.

46
47 Request for public comment. No public comments were received.

48
49 M/Hernandez/S/Rosenberg

50 In Favor: Mehta, Magpapián, Rosenberg, Terry, Williams, Hernandez, Guzman

51 MOTION PASSED

EXECUTIVE OFFICER'S REPORT

Southern California Wildfires (Executive Order N-15-25)

Ms. Molina stated in response to the Southern California wildfires, she participated in meetings hosted by both Agency Secretary Moss and Department Director Kirchmeyer to discuss the wildfire's impact on licensees and strategies for recovery efforts. It was very informative to hear how state boards and departments are rallying to help those impacted by the fires.

On January 29, 2025, Governor Newsom issued Executive Order [N-15-25](#) which includes, but is not limited to, three waivers for DCA licensees impacted by the Southern California Wildfires. It is important to note that these waivers apply **ONLY** to licensees with an address of record in one of 12 impacted zip codes:

90049, 90265, 90272, 90290, 90402, 91001, 91024, 91103, 91104, 91107, 91367, or 93536.

The Executive Order provides:

- Licenses that expire between January 1, 2025, and July 1, 2025, are having their renewal fee postponed for one year (again, this applies only to licensees with an address of record in one of the zip codes identified within the Executive Order).

On January 30, 2025, the BreEZe system was modified to identify those who meet the postponement criteria (currently estimated at 35 for us). These licensees will still need to complete all other renewal steps (provide CE, employer and conviction information) and submit their renewal application. The only difference is their fee will have been removed as a requirement. Once the licensee renews (without the fee) the license will update to 2027 just like normal. Next year, the system will generate an invoice for the \$330 fee that was postponed. Of course, the licensee can also opt to forgo the postponement and pay their fee as scheduled this year.

Ms. Molina further explained that staff has personally reached out to impacted licensees to notify them of the availability of the renewal postponement.

- The Executive Order also authorizes replacement pocket licenses and/or wall certificates free of charge to licensees impacted by the wildfires through January 7, 2026.
- Finally, delinquent fees for those living in the designated zip codes are suspended until July 1, 2025. As far as the delinquent fee waiver goes, it really shouldn't apply for the January through June licensees because once their fee is postponed a delinquent fee shouldn't be accrued. However, we were advised that if someone lives in one of the designated zip codes and their license expired last August, they can currently renew for \$330 with NO delinquent fee charged.

The Board also added an alert to our website home page with a link to the wildfire resources page that was launched for Californians impacted by the fires [www.ca.gov/lafires]. We also received word in January that the American Association for Respiratory Care had activated a disaster relief fund for its California members. In turn, we forwarded the message to all licensees residing in the affected counties (just over 5,000 licensees) to ensure they were aware of the available assistance.

1 Ms. Molina added that Board staff are committed to being extremely compassionate to any licensee
2 who reaches out and shares they were impacted by the devastating wildfires and have been asked to
3 refer special requests from licensees to her for consideration, regardless of their address of record.
4

5 Law and Professional Ethics Course Revisions

6
7 Ms. Molina advised that in early January we reached out to notify the CSRC and the AARC that it is time
8 to revise and update their Law and Professional Ethics courses. We have targeted May 1, 2025, as the
9 date for both organizations to have revised courses available for staff review. Final course submission
10 is due September 26, 2025, to prepare materials for Board review and approval at our October 10,
11 2025, meeting.
12

13 Vice-President Hernandez, as part of the Professional Qualifications Committee, requested that Ms.
14 Molina provide him and Mr. Terry the materials that were sent CSRC and the AARC.
15

16 Sunset Review 2025/2026

17
18 The Board's Sunset Review report will be due on December 1, 2025, with hearings to be held in
19 Spring 2026. Throughout this year, Ms. Molina will be working with the Executive Committee while
20 drafting the report, which will be presented to the full Board at its final meeting this year for approval
21 prior to submission. As a reminder, Sunset Review also provides an opportunity for the Board to
22 present ideas or issues to the legislature for consideration.
23

24 Renewal Postcard Update

25
26 In response to the high number of licensees renewing online, during our October 14, 2024, meeting, the
27 Board supported the idea of transitioning from a multi-page renewal application to a renewal reminder
28 postcard. Ms. Molina was pleased to report the postcard will be deployed as part of the next BreEZe
29 system update scheduled for March 19, 2025, adding the CE brochure booklets that were previously
30 distributed with the renewal applications will now be mailed with each renewed license.
31

32 Social Media Efforts

33
34 Ms. Molina advised the Board has maintained a LinkedIn account for a few years. Several years back
35 the Board also set up a Facebook account, but it never got much traction. It was decided to give
36 social media another shot to propel interaction with stakeholders. In addition to LinkedIn and
37 Facebook, we recently established X and Instagram accounts. Ms. Pitt and Ms. Molina brainstormed
38 and have come up with what they feel is a pretty solid social media outreach plan for 2025. DCA has
39 a fantastic graphic design unit, so their assistance was enlisted to begin developing the graphics for
40 posting. Also launched was a Board Member Spotlight where a board member is featured each
41 month, and a questionnaire was developed to help us prepare each feature. We also plan to feature
42 licensees and want to do something extra special for respiratory care week – additional information on
43 that is forthcoming. Ms. Molina added that they are open to ideas and welcomed any suggestions.
44

45 President Guzman entertained questions or comments from the members.
46

47 Dr. Mehta requested clarification as to whether the Board's social media platforms were available to
48 the public or just members.
49

50 Ms. Molina explained they are available to everyone.
51

52 President Guzman entertained comments or questions from the public.
53

1 **Lisa Rocha, RCP:**

2 Ms. Rocha inquired if the Board promotes the PHIL Award or announce the winner of the PHIL Award
3 on the Board's social media platforms.
4

5 Ms. Molina responded that we haven't as this is something staff is not aware of but is information we
6 are interested in. The Board currently follows the NBRC, AARC and CSRC and periodically reposts
7 some of their posts, but the more aware and familiar we can become of such topics is welcomed.
8

9 President Guzman asked if there were any other comments. None were received.
10

11 **Attorney General Billings**

12
13 Ms. Molina reiterated to the Board that the attorney and paralegal fees increased this year by \$8.00 per
14 hour, but the Board opted NOT to increase our AG budget since our overall caseload has decreased.
15 Instead, we have continued to proactively monitor the AG budget and implemented several business
16 process changes aimed at achieving cost savings. Despite these efforts, AG costs have remained
17 quite high. It was explained that the Board continues to work closely with the AG's office and will be
18 meeting with Gloria Castro, Senior Assistant Attorney General next month to discuss our concerns
19 and strategies to continue exploring potential long-term cost-saving measures.
20

21 **New Form 700 Process for Members**

22
23 Board Members were reminded that effective January 1, 2025, they MUST file their annual, assuming,
24 and leaving office Form 700 through the Fair Political Practice Commission's (FPPC) electronic filing
25 system. Filings are no longer allowed via the previously utilized NetFile portal and *must* be filed
26 electronically with the FPPC. Ms. Molina advised if members have not received information on the
27 new filing requirement, or need assistance with meeting the April 1 deadline, to let her know and she'll
28 be happy to help.
29

30 President Guzman requested comments from the members. None were received.
31
32

33 **2025 BOARD COMMITTEE ASSIGNMENTS**

34
35 President Guzman explained the Board has established several committees to improve its
36 effectiveness, streamline operations, and ensure the timely fulfillment of its responsibilities. With the
37 departure of our longstanding members Mark Goldstein and Mary Ellen Early last year, we have 3
38 committee vacancies which need to be filled. President Guzman had requested Ms. Molina include
39 this item on the agenda to seek volunteers to serve as Chair or Member of the Enforcement
40 Committee, or as a Member of the Outreach Committees which Mr. Kbushyan currently chairs.
41

42 President Guzman asked if there were any volunteers.
43

44 Ms. Rosenberg volunteered to chair the Enforcement Committee.
45

46 Mr. Magpapien volunteered to serve on the Outreach Committee.
47

48 The Member position for the Enforcement Committee remains open.
49

50 President Guzman asked if there were any public comments regarding this item. No public comments
51 were received.
52

1 Vice-President Hernandez moved to approve the members who volunteered for the Enforcement and
2 Outreach Committees.

3
4 The motion was seconded by Ms. Williams.

5
6 M/Hernandez/S/Williams

7 In Favor: Mehta, Magpajian, Rosenberg, Terry, Williams, Hernandez, Guzman

8 MOTION PASSED
9

10 11 **CONSIDERATION TO UPDATE ENFORCEMENT HISTORY WEB RETENTION POLICY**

12 *Strategic Plan Enforcement Goal 3.1: Review and update the web retention policy,*
13 *as appropriate, to ensure it is meeting current expectations of stakeholders*
14

15 President Guzman explained Strategic Goal 3.1 calls for the review and update of the web retention
16 policy, as appropriate, to ensure it is meeting current expectations of stakeholders. In response, the
17 Board was presented a draft revised Web Retention Policy for consideration.

18
19 Significant changes include:

- 20
21 • Automatic removal of citation and fine orders five (5) years from the date the decision was
22 effective including the resolution of any appeal or the date the fine was paid in full,
23 whichever is the latter.
- 24
25 • Decisions resulting in probation now able to be considered for removal (which the last
26 policy prohibited) seven (7) years after the successful completion of probation, provided
27 the person has paid all outstanding costs and no further violations have occurred.

28
29 Decisions containing orders for revocation or surrender will remain ineligible for removal. Further,
30 the RCB reserves the right to retain any administrative or disciplinary information or documentation
31 on its website, when it believes it serves the best interest of the public.

32
33 In addition, it was pointed out that the Board must continue to comply with the California Public
34 Records Act and provide public documents upon request, even if they are no longer posted on the
35 website.

36
37 President Guzman asked if there is a motion to update the Enforcement History Web Retention
38 Policy as presented.

39
40 Mr. Terry moved to update the Enforcement History Web Retention Policy as presented.

41
42 The motion was seconded by Dr. Mehta.

43
44 President Guzman requested comments or questions from the members. None were received.

45
46 Request for public comment. No public comments were received.

47
48 M/Terry/S/Mehta

49 In Favor: Mehta, Magpajian, Rosenberg, Terry, Williams, Hernandez, Guzman

50 MOTION PASSED
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52
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PROFESSIONAL QUALIFICATIONS COMMITTEE UPDATE & DISCUSSION

(Raymond Hernandez, Chair, Michael Terry, Member)

2024 Respiratory Care Educational Requirements Survey Summary

Mr. Terry explained the Respiratory Care Educational Requirements Survey Summary was developed in early 2024 and sent to all California Respiratory Care Licensees and to all Respiratory Care Schools in the State of California and provided the following information.

It was estimated that greater than 21,000 received the survey request.

- 1893 – responded (~0.09% response rate)
- 894 were completed (47% completion rate)

Demographics concerning age, place of practice and work roles agreed with previous descriptions of the Respiratory Care workforce.

Education

- 6.4% of respondents began their career as an On-The Job trainee
- 68.8% of respondents began their career with an Associate's degree
- 8.8 % of respondents began their career with a Bachelor's degree
- 71% of respondents continue their career at their starting level of education
- 22.9% of respondents have added a Bachelor's Degree
- 10.9% of respondents have added a Graduate Degree

Professional Association Membership

- 52.4 % of respondents are AARC members
- 38.0 % of respondents are CSRC members

The RCB California Workforce Study 2015 – 2016 identified a general perception of unpreparedness for RCP's entering the workforce.

- 40.7% of respondents agreed wholly with these findings
- 31.7% of respondents agreed partially with these findings
- 27.3 of respondents disagreed with these findings

Both the AARC and the CSRC have stated that RCP's entering the workforce after 2030 should be required to obtain a minimum of a Bachelor's Degree to qualify for practice. It was asked if the respondents agreed this was a necessary step.

- 55% of respondents disagreed
- 45% of respondents agreed

Five scenarios were proposed that could incorporate the requirement of a Bachelor's Degree for the practice of Respiratory Care in California.

- Requiring a Bachelor's Degree as a minimum for practice, by the year 2030 - most favorably rated.
- Requiring a Bachelor's Degree within two license renewal cycles - second most favored approach.
- Changes requiring a multi-tiered licensure approach were disfavored.

The survey asked for how to best approach the perceived lack of new RCP preparation for clinical practice at the beginning of their careers, respondents could include multiple approaches in their response.

- 39.4% of respondents included requiring better/more clinical experience
- 24.9% of respondents included a required Residency
- 18.9% of respondents included a Bachelor's Degree minimum
- 9.9% of respondents included a need for better schools
- 4.9% of respondents included the elimination of for-profit schools
- 2.6% of respondents included a need for better orientation

Respiratory Care Associate Degree Education Program Statistics

Mr. Hernandez summarized the findings of the respiratory care associate degree survey related to the curriculum requirements which was emailed to all respiratory care programs. He indicated that the survey was distributed to all 36 California accredited programs, and a response was received from 19 programs.

Mr. Hernandez highlighted the varying requirements between an AS and an AAS or AOS degree. He then provided a summary of the data captured which included: prerequisite requirements; respiratory care major courses; general education; total units; lab practice hours; onsite clinical experience; months to complete programs; and whether the institution had discussed a reduction in major coursework units.

Several audience members commented regarding the varying program responses, especially as it relates to required clinical hours. Many found this disparity quite concerning. It was also noted that the earning of an AA degree requires an average of 93 units for those programs that responded, only 27 shy of that required for a baccalaureate degree.

Professional Statement in Support of a Baccalaureate Degree as Entry-Level RCP Requirement

The Board was presented with letters in support of a baccalaureate degree as entry level RCP requirement from the following:

- The University of California RT Collaborative
- The CSRC Professional Advancement Committee
- The CSRC Managers Association of Respiratory Services

The letter from the UC Collaborative emphasized the importance of collaboration within the UC system, highlighting shared goals and mutual benefits in advancing innovation and addressing critical challenges. It underscores the growing need for educational advancements, specifically advocating for an increase in minimum education to a bachelor's degree, which aligns with industry trends and prepares graduates for leadership and specialized roles.

The letter from CSRC's Professional Advancement Committee advocates for professional growth and advancement within the field of respiratory care. It emphasizes the importance of higher education to align with industry standards, improve patient care, and foster career development.

The letter from CSRC's Managers Association of Respiratory Care advocates for the advancement of education and professional standards within the respiratory care field and highlights the critical importance of increasing education to a bachelor's degree to address workforce needs, support leadership development, and enhance clinical expertise.

1 Numerous members of the audience (which included practitioners, managers and educators) spoke in
2 support of increasing the minimum education requirement to a bachelor's degree. There was a
3 consensus shared that a bachelor's degree in respiratory care offers several advantages over an
4 associate degree, including advanced knowledge in critical care, disease management, and
5 healthcare policy, which better prepares graduates for specialized and leadership roles. It opens
6 doors to higher-paying positions, aligns with industry trends favoring advanced education, and meets
7 the growing preference of employers for bachelor's-prepared professionals. Additionally, the degree
8 enhances critical thinking and evidence-based practice, leading to improved patient care, and serves
9 as a solid foundation for further education and career advancement in an evolving healthcare
10 landscape.

11
12 Mr. Hernandez acknowledged that previous concerns identified included the limited number of
13 baccalaureate degree programs. However, he confirmed that there are currently 10 community
14 college programs offering bachelor's degrees in respiratory care as two plus two programs with
15 additional programs expected, and an entry-level bachelor's program at Loma Linda University.
16 Moreover, several employers mentioned that graduates at the associate degree level consistently
17 require additional mentorship which would be addressed as part of a higher-level degree, making
18 communication and critical thinking an entry-level skill.

19
20 Mike Madison, former CSRC President and current co-chair of the AARC Advocacy and Government
21 Affairs Committee shared national information related to the BSRT efforts. He stated New York has
22 introduced legislation to make the bachelor's degree a requirement, and other states such as
23 Wisconsin, Missouri, and Idaho are already considering similar requirements. Mr. Madison added that
24 with California already having a number of bachelor's degree programs available, it is uniquely ahead
25 of many other states. Finally, Mr. Madison added that the BSRT is going to become very important to
26 the national legislative initiatives which include reimbursement components.

27
28 President Guzman thanked Vice-President Hernandez and Mr. Terry for their continued work on this
29 matter.

30
31 **PRESENTATION ON LEGISLATIVE EFFORTS BY THE CALIFORNIA SOCIETY FOR**
32 **RESPIRATORY CARE (CSRC) TO ESTABLISH AN ADVANCED PRACTICE**
33 **RESPIRATORY THERAPIST DESIGNATION IN CALIFORNIA**

34 *(Krystal Craddock, President, CSRC)*
35

36 Krystal Craddock addressed the Board, informing them that, despite efforts to secure a legislative
37 vessel this year, the Advanced Practice Respiratory Therapist (APRT) initiative was not incorporated
38 into any legislative bills. The CSRC remains committed to advancing and sponsoring legislation to
39 establish the APRT role in California and seeks the Board's continued support for this important
40 initiative, which aims to enhance patient outcomes by expanding access to high-quality respiratory
41 care.

42
43 **LEGISLATION OF INTEREST**
44

45 Ms. Molina explained with this legislative session, the California State Assembly reduced the number
46 of bills able to be introduced from 50 to 35 and similarly, the Senate reduced its bill introduction limit
47 from 40 to 35. These reductions are aimed at allowing legislators to invest additional energy on
48 issues that matter most to Californians and encourages legislators to spend more time on oversight
49 and accountability, ensuring existing programs remain efficient and effective. Based on these
50 reductions, you may have noticed fewer bills identified as legislation of interest.

51
52 AB 667 - (Solache) Professions and vocations: license examinations: interpreters

AB 667 would require boards and bureaus within the Department to permit an applicant who cannot read, speak, or write in English to use an interpreter, at no cost to the applicant, when taking a state-administered or contracted license exam. The boards administering the exam would be required to pay for the interpreter. It would also require all boards and bureaus to include a section in their license application asking about applicants' preferred languages and conduct an annual review, along with a corresponding legislative report, regarding language preferences.

Staff has recommended a watch position on this bill as there has never been a request for an interpreter for an exam that anyone can recall. As such, we expect minimal impact, if any.

AB 742 - (Elhawary) DCA: licensing: applicants who are descendants of slaves

AB 742 proposes expedited licensure for applicants who are descendants of slaves. You may recall there was a bill last year for which the board took an oppose unless amended position due to potential costs associated with verifying the descendant status.

At this point, staff has recommended a watch position as this appears to be a spot bill and does not address provisions related to implementation of the bill. If amended, staff may ask the Board to reconsider its position if implementation is deemed to trigger a significant fiscal impact.

AB 1434 - (Rodriguez) Health care boards: workforce data collection

AB 1434 addresses workforce data captured by the RCB and BRN.

Staff has recommended a watch position as it appears to be a spot bill where additional language will be added in the future.

SB 389 - (Ochoa Bogh) Pupil health: individuals with exceptional needs: specialized physical health care services

SB 389 is the bill seeking to authorize licensed LVNs (working under a licensed and credentialed RN) to perform tracheal suctioning in the school setting.

Staff has recommended a watch position on this bill. Earlier this week Ms. Molina spoke with Lee Angela Reed, the legislative advocate for the California School Nurses Association. Ms. Reed wanted to ensure the Board was aware of the catalyst for the legislation (no carve out for school nurses in SB 1436 or SB 1451) and to relay they do not anticipate any amendments to the bill. She reiterated they understand the role of the LVN in the school setting and that their LVNs would simply like to be able to legally provide continued care to their students but have no intention of pursuing any additional authority beyond suctioning.

SB 470 - (Laird) Bagley-Keene Open Meeting Act: teleconferencing

SB 470 is related to teleconferencing provisions within the Bagley-Keene Open Meeting Act, and staff has recommended a watch position. In 2023, Senator Laird authored SB 544 which became effective January 1, 2024, and modified the requirements within the Bagley-Keene Open Meeting Act to include the following meeting options until January 1, 2026.

Bagley-Keene Open Meeting Act

(1) Traditional single-location option

- Majority of members gathered at one publicly noticed and accessible location.
- No members participating remotely.
- No requirement to allow remote public participation.

(2) Traditional teleconference option

- Members at different publicly noticed and accessible locations connected via phone or Webex.
- No requirement to allow remote public participation.

(3) New teleconference option

- Majority of members gathered at one publicly noticed and accessible location.
- Extra members above a majority can participate remotely from private, non-public sites.
- Must allow remote public participation.

This bill would delete the January 1, 2026, repeal date, authorizing the alternative set of teleconferencing provisions for multimember state boards indefinitely.

SB 669 - (McGuire) Rural hospitals: standby perinatal medical services

SB 669 would require CDPH, in consultation with specified stakeholders, to establish a 5-year pilot project to allow critical access and individual and small system rural hospitals to establish standby perinatal medical services and to report outcomes to the legislature two years after completion of the pilot project.

Staff has currently recommended a watch position on this bill. However, Ms. Molina asked the Board for its thoughts on sending a letter requesting that a licensed RCP be included in the specified staff identified within the bill, and/or to have an RCP be part of the committee that develops the portion of the required monitoring plan and reporting template to collect and evaluate data on safety, outcomes, and utilization.

Vice-President Hernandez moved to adopt Board staff's recommended positions on each legislation of interest.

President Guzman entertained questions and comments from the members.

Request for public comment. No public comments were received.

RULEMAKING ACTIVITIES

Consideration of, and Possible Action on, Comments Received During 15-Day Comment Period Regarding Proposed Regulations to Adopt Title 1399.365 (Basic Respiratory Tasks and Services)

Strategic Plan Licensing Goal 2.2: Develop and promulgate regulations identifying basic respiratory tasks and services and disseminate information to pertinent state agencies and licensed facilities in response to the implementation of SB 1436

Ms. Molina stated staff is presenting the proposed modified regulatory language, as well as comments made during the public comment period with recommended responses for the Board's consideration and approval. If the proposed responses to public comment are approved, Board staff also seek authority from the Board to take all steps necessary to complete the rulemaking process. Just as a refresher, Ms. Molina explained at our meeting in October, the Board passed a motion to accept staff recommended responses to comments received regarding the originally published text [from June 21, 2024, through August 6, 2024, and the hearing held on August 7, 2024]. The Board also passed a motion to notice the board-approved proposed modified text, for a 15-day comment period. If no comments were received, Board staff was directed to complete the regulation process. However, 44 emails and letters were received during the comment period from October 15,

2024, through October 31, 2024, so staff are returning for further consideration and approval. The 44 emails and letters were culminated in a total of 20 issues that are presented along with staff recommended responses for your consideration. If the Board approves the recommended responses and would like to complete the regulatory process, the motion outlined on the first page of attachment 9a would be appropriate. She added that Ms. Nunez worked very closely with our regulation's attorney on the proposed responses, the acceptance or rejecting of comments, and based on that input it is being presented to the Board.

Ms. Molina asked if there were any members willing to start the discussion by making the motion as outlined on the first page of the attachment.

Vice-President Hernandez moved to reject the comments received during the 15-day public comment period and approve the proposed recommended responses to comments as indicated in Attachment 3 of the meeting materials for Item 9a, direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Section 1399.365 as noticed.

The motion was seconded by Mr. Terry.

M/Hernandez/S/Terry

President Guzman requested comments from members. None were received.

President Guzman opened the floor for public comments.

John Dierking, Vice-President, Board of Vocational Nursing and Psychiatric Technicians (BVNPT):

Mr. Dierking explained the BVNPT's interest is to ensure a competent and qualified licensee population. He added the issue is especially important in homecare settings, and by reason of didactic and clinical experience he is convinced licensed vocational nurses and psychiatric technicians are qualified to do basic respiratory functions, especially in some of the remote settings. And, while the BVNPT may be disappointed with the Board moving forward with the regulatory package, they wish to work with the Board, though he clarified he was speaking as a private citizen here, to ensure a safe and competent licensing population, as the paramount concern is consumer protection. Mr. Dierking added that in his nine years on the BVNPT, it has been a wonderful experience, stating they have had very few issues with regard to the substance of the package.

President Guzman entertained additional comments from the public. None were received.

M/Hernandez/S/Terry

In Favor: Mehta, Magpajian, Rosenberg, Terry, Williams, Hernandez, Guzman

MOTION PASSED

Update and Discussion Regarding Proposed Regulations Related to Home and Community-Based Respiratory Tasks and Services and Training Requirements

Ms. Molina advised staff is presenting conceptual regulatory language for stakeholder input that will impact home and community-based settings by exempting LVNs to perform respiratory tasks, under certain conditions. We do not expect to have a final draft of the proposed language until later this year or possibly next year. This is really an opportunity for all of our stakeholders to voice their opinion on the language presented here, make recommendations, and get involved in the process. Ms. Molina explained if stakeholders are not prepared to make any public comment today, they can send an

1 email to the Board at rcbinfo@dca.ca.gov. If stakeholders would like to be included in future round
2 tables that we may schedule, it was requested an email be sent providing their contact information or
3 provide staff your contact information before we leave today's meeting. Ms. Molina added we currently
4 have a list of 33 people representing home and community-based companies, licensees, and patient
5 advocates and we welcome everyone.

6
7 Ms. Molina requested the Board members' feedback on the conceptual language, but especially as it
8 pertains to:

- 9
10 1) the overall framework of the regulations,
11 2) the list of respiratory tasks, and
12 3) the education format. Specifically allowing education to be delivered in any format but
13 requiring the return demonstration to be done in person.
14

15 Ms. Molina added that once we get to a point where we have a final draft of the proposed language -
16 again that will be later this year or even next year - staff will present it to members for approval to
17 begin the official rulemaking process.
18

19 There were a few questions raised related to the references to tracheal and endotracheal care, and
20 these concerns were documented by staff to be addressed in a future version of the proposed
21 language.
22

23 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

24
25 President Guzman asked if there was anyone who wanted to make a public comment on anything that
26 was not on the agenda.
27

28 No public comments were received.
29

30 **FUTURE AGENDA ITEMS**

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32
33 President Guzman asked the Board members if they had any specific items they would like to see on
34 the next agenda.
35

36 Vice-President Hernandez requested an update from the Professional Qualifications Committee be
37 included on the next agenda.
38

39 No public comment received.
40

41 **ADJOURNMENT**

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44 The Public Session Meeting was adjourned by President Guzman at 3:41 p.m.
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51 _____
52 RICARDO GUZMAN
President

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51 _____
52 CHRISTINE MOLINA
Executive Officer