



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

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

Request for public comment: No public comment was received.

2. BOARD MEMBER APPOINTMENTS

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

3. APPROVAL OF OCTOBER 23, 2020 MEETING MINUTES

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

Request for public comment: No public comment was received.

M/Lewis /S/Early

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

MOTION PASSED

4. EXECUTIVE OFFICER'S REPORT

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

3a. COVID Impact Update

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

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

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

3b. Sunset Report/Review

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

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

3c. Budget Reduction

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

3d. Office of the Attorney General Budget Expenditures

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

3e. Ethics Course Revisions for 2022

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

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

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

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

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

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

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

Public comments:

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

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

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

Ms. Nunez responded yes.

5. NEW BREEZE FEATURES

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

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

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

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

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

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

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

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

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

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

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

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

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

Public comments: No comments received.

6. COMMITTEE ASSIGNMENTS

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

Executive Committee:

President: Ricardo Guzman, MA, RRT, RCP

Vice President: mark Goldstein, MBA, BS, RRT

Enforcement Committee:

Chair: Mary Ellen Early

Member: Ronald Lewis, M.D.

Outreach Committee:

Chair: Mark Goldstein, MBA, BS, RRT

Member, Sam Kbushyan, MBA

Professional Qualifications Committee:

Chair: Raymond Hernandez, MPH, RRT, NPS

Member: Michael Terry, RCP, RRT, RPFT, CCRC

Public comments: No public comments received.

7. STRATEGIC PLAN REVIEW

7a. Baccalaureate Degree

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

asked Mr. Hernandez if he would share his interest in this goal and how he plans to address this objective.

Mr. Hernandez stated, for the last 10 years, various organizations and the national organization the American Association for Respiratory Care, have been looking into this and taking a deep dive with the 2015 series that they published. Concurrently, the State of California has been doing work force studies as well. The Legislature, from an educational standpoint, has taken a very close look at providing opportunities for baccalaureate completion and various needs for work around the State in healthcare. There is a lot of synergy right now and a lot of work has been done. Some of the things going on in this arena include: The American Association for Respiratory Care have put out a statement at the end of last year moving the minimum baccalaureate challenge to the year 2030. The California Society for Respiratory Care is also looking at this right now. The external respiratory program accrediting body, CoARC, has already stipulated that they are not approving any new associate degree entry level programs. All of that is coming into synergy along with the California legislature to move forward with allowing pilot baccalaureates at the community college level. Currently, California is one of 27 states across the nation to do this. Mr. Hernandez stated with all those pieces moving on, it is timely for the Board to engage in goal number 2 adding the committee is excited to look into all the information and provide some space for conversation and movement of the strategic goal.

Public comment:

Mary Adorno, Legislative Specialist for the California Association for Health, requested clarification of the strategic goal inquiring if the ability to just do a certification for respiratory therapist will be removed and individuals will then be required to have a baccalaureate degree moving forward.

Ms. Nunez responded respiratory care therapists are not certified, they are licensed. The Board is looking at incorporating the baccalaureate degree in some manner but it is the committee that will be looking into how that will be incorporated.

Ms. Adorno inquired when that proposal might be available for review.

Ms. Nunez responded, since the committee has just started it will probably be sometime next year.

Mr. Hernandez responded, as Ms. Nunez mentioned this is a licensed profession that does require a credential for RRT and an associate degree right now. There are various ways in which a baccalaureate's degree can be incorporated. The first step for the committee is to gather information. For this year the committee will be gathering at all the efforts taking place and the looking at the considerations needed for the strategic goal and how the baccalaureate degree can be incorporated in the pathway for licensure. He added, Ms. Nunez is absolutely correct; no decisions will be made this year.

President Guzman further clarified RRT credentials are nationally recognized. California recognizes the advanced RRT credential. This is a degree requirement and they are not necessarily tied together.

Ms. Adorno stated it appears that this is closing the path for someone to get an associate degree and be able to be in the respiratory care field. With the shortage of respiratory care therapists right now, making it harder for someone to become an RRT will make a huge workforce issue. She added people need to be trained with enough competency and credentials without taking 4 years. With the public health crisis, there is no time to wait. She urged the Board to really think about closing off the associate path and questioned whether she is misunderstanding the strategic goal. She added, with the shortage that the profession currently has, this is very concerning.

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

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

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

8. LEGISLATION OF INTEREST

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

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

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

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

Request for public comment: No public comment was received.

M/Lewis /S/Franzoia

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

MOTION PASSED

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

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

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

Request for public comment: No public comment was received.

M/Lewis /S/Hernandez

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

MOTION PASSED

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

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

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

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

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

Request for public comment: No public comment was received.

M/Goldstein /S/Lewis

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

AB 619 (Calderon) Lung Health / SRP: Support

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

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

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

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

Request for public comment: No public comment was received.

M/Lewis /S/Early

In favor: Early, Francoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

MOTION PASSED

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

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

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

Request for public comment: No public comment was received.

M/Lewis /S/Goldstein

In favor: Early, Francoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

MOTION PASSED

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

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

Ms. Francoia moved to approve the staff recommended position of Watch for SB 102

Request for public comment: No public comment was received.

M/Francoia /S/Lewis

In favor: Early, Francoia, Goldstein, Guzman, Hardeman, Hernandez, Lewis, Terry

MOTION PASSED

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

This bill would require an employer to supply personal protective equipment to an employee, regardless of whether or not the employee has received a vaccination for COVID-19. This bill would also require a public or private employer of workers in a general acute care hospital to develop and implement a program to offer weekly COVID-19 screening testing for health care

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

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

Request for public comment: No public comment was received.

M/Lewis /S/Early

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

MOTION PASSED

9. WORKFORCE AND SUCCESSION PLAN

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

Public comments: No comments were received.

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

Request for public comment: No public comment was received.

M/Hardeman /S/Lewis

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

MOTION PASSED

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

10. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received.

11. FUTURE AGENDA ITEMS

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

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

8. LEGISLATION OF INTEREST (continued)

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

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

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

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

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

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

Public comment:

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

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

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

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

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

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

11. FUTURE AGENDA ITEMS (continued)

Public comment: No public comment was received.

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

=====
CLOSED SESSION

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

=====

The Board reconvened into Public Session at 12:03 p.m.

ADJOURNMENT

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

RICARDO GUZMAN
President

STEPHANIE A. NUNEZ
Executive Officer