



## **PUBLIC SESSION MINUTES**

**Wednesday, November 23, 2021  
PUBLIC WEBEX MEETING**

Members Present: Mary Ellen Early  
Mark Goldstein  
Ricardo Guzman  
Sam Kbushyan  
Ronald Lewis  
Michael Terry  
Cheryl Williams

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 9:30 a.m. by President Guzman.

Ms. Molina called roll (present: Goldstein, Guzman, Hernandez, Kbushyan, Lewis, Williams), and a quorum was established.

Ms. Early had intermittent technical difficulties with her audio during the meeting. She was, however, present and could hear and see the meeting and vote on agenda items.

Mr. Terry joined the meeting after roll was called.

### **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 be accessing 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. The moderator 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. To make a public comment, click the Q & A icon at the bottom right corner of the screen. 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 comments were received.

## **2. 2021-2022 SUNSET REPORT REVIEW/APPROVAL**

President Guzman stated both he and Vice President Goldstein reviewed the 2021-22 Sunset Report. They provided feedback and the changes were made. He opened the item for Board comment.

Dr. Lewis inquired about the Member Attendance sheet which shows him having multiple absences. He stated he does not remember missing any meetings. Ms. Nunez responded she believes the information is accurate and can share more information with him if needed.

Dr. Lewis inquired about the low response rate on the satisfaction survey and suggested including, in the report, possible solutions to improve the response rate. Ms. Nunez responded, legislators would have recommendations at the end of the review for Board follow up if they want to see an increase in the response rate. Dr. Lewis added, the amount of money paid to the State fund and DCA was surprising. Ms. Nunez agreed it has increased significantly from 10 years ago, adding it is important for the Board to be aware of these increases.

Mr. Hernandez commented on the increasing number of licensees and inquired if those leaving the State are practicing in other states and keeping their licenses current in California. Ms. Molina responded staff could break down how many out-of-state verification requests were processed each year which will show if those individuals leaving are taking the extra step to have a license verification sent to another board as an indicator of them working in other states. A lot of licensees will maintain their California license if there is any chance of them ever returning to California to practice.

Mr. Hernandez commented on the trend in the examination, part 1. It has declined to 76% from 84% in 2016-17. He stated the Professional Qualifications Committee (he and Mr. Terry) will be looking into that to see how that fits in terms of the competency for practitioners in the State of California. He added, interestingly, the percentages in part 2 of the examination have gone up since 2016-17.

Ms. Molina stated the NBRC released a new version of the entry-level examination in 2020 which may be a contributing factor in the drop in the pass rate.

Mr. Hernandez also commented on the decline in the enforcement statistics from 2018-19 to 2021 during a time of high demand in the profession with the pandemic. He added he views this as a positive thing.

President Guzman guessed perhaps through the pandemic, where people were confined and businesses were closed, there was less opportunity for people to get into trouble.

Ms. Nunez stated she cannot put her finger on why, but perhaps it could be attributed to staff adjusting to the new teleworking environment. She added Program Directors have also been very good at advising their students with criminal background matters.

Dr. Lewis moved to approve the 2021-2022 Sunset Report as presented to the Board and allow any non-substantive changes at the discretion of the Executive Committee.

Request for public comment: No public comments were received.

M/Lewis /S/Goldstein

In favor: Early, Goldstein, Guzman, Hernandez, Kbushyan, Lewis, Terry, Williams

MOTION PASSED

### **3. FUTURE BOARD MEETING LOGISTICS-AB 885**

President Guzman asked Legal Counsel (Mr. Chan-You) if he had any additional information on logistical options for the Board's 2022 scheduled meetings. Mr. Chan-You stated there is a bill, AB 885 that has not yet been voted on or signed into law.

Ms. Nunez added, if AB 885 is passed before the April 8<sup>th</sup> meeting, it would allow the Board to keep Sacramento as the one location open to the public. Members could either attend in-person or video/telephone conference into the meeting without their address being public (as it is now). The June 9<sup>th</sup> meeting, in Southern California, is expected to be held in conjunction with the CSRC convention and the October 27 and 28<sup>th</sup> strategic planning session and Board meeting will be in Sacramento.

Public comment: No public comments were received.

### **4. LETTER OF SUPPORT: ESTABLISHMENT OF BACHELOR OF SCIENCE IN RESPIRATORY CARE PROGRAM AT CRAFTON HILLS COLLEGE**

President Guzman opened the discussion stating with the recent signing of AB 927 permanently establishing bachelors' degree programs at the community college level under specified circumstances, Crafton Hills College has indicated it will be pursuing approval for a Bachelor of Science in respiratory care. As part of their application process, the program must submit letters of support and they have asked the Board to provide such a letter. A draft letter was presented to the Board for approval to issue this letter and any future letters of a similar nature.

Mr. Terry inquired if the statement "letters of a similar nature" is limited to the California Community College programs seeking bachelor's degrees. President Guzman responded, yes.

Mr. Hernandez stated this Board, at one time, had been looking at completion rates, success rates and the NBRC exams. Does the Board want to consider any metrics for supporting programs to move forward to a bachelor's degree level? Looking at the metrics for Crafton Hills, they do meet standards but not all programs may have those same metric thresholds.

Ms. Nunez responded she was going to attach those metrics initially, but after considering it further she was not sure it was appropriate for a State agency to recommend some programs and not others. That is why the letter supports any program that wants to increase to a bachelor's degree level.

President Guzman added the program would need to meet all the core thresholds and be in good standing with CoARC to be accredited for a bachelor's program.

Mr. Chan-You added that is something he will have to research. If there is a law that mandates certain requirements that a certain educational program must meet to obtain certification or recognition from the Board, then the Board can cite that law. As far as internal regulations, the Board would need to be careful of potential underground regulation in a worst-case scenario. Ms. Nunez is correct in her course of action.

Ms. Nunez stated she agrees with President Guzman's statement. A program cannot become a bachelor's degree program unless it meets CoARC's requirements.

Mr. Hernandez stated he wanted to raise the question because other programs might follow suit to this Board's actions. He added the Board has an obligation to understand various programs and how to support them. There is going to be a competitive application process for them so there will be other metrics that will be looked at overall. He agrees with President Guzman; programs must meet CoARC standards, so he supports that.

Ms. Nunez stated the letter is about supporting programs moving forward with bachelor's degrees as another option along with associate degree programs and is not necessarily specific to this school. In the future, if other programs do come forward, is this something the Board would like to handle at the office level through the Executive Committee?

Mr. Hernandez responded moving forward having the executive office and Board members on the Executive Committee giving input would be enough. It does not need to come to the Board for review and approval. However, he added he would like to see an update of the programs coming up to get an idea of what the interest is and how many the Board is supporting.

Ms. Nunez clarified, stating any letter of support would be shared with Board members and if there were anything in question, it would be brought before the Board.

Dr. Lewis moved to approve the letter of support for the establishment of the Bachelor of Science in the Respiratory Care Program at Crafton Hills College.

Public Comments: No comments were received.

M/Lewis /S/Kbushyan

In favor: Early, Goldstein, Guzman, Hernandez, Kbushyan, Lewis, Terry, Williams  
MOTION PASSED

## **5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

President Guzman stated the Board is unable to take action on any items not listed on the agenda. The only action the Board may take is to decide whether to place an item on a future agenda. He asked if anyone would like to make a public comment on anything that is not on the agenda.

Public comment: No public comments were received.

## 6. FUTURE AGENDA ITEMS

President Guzman inquired if the Members had any specific items they wanted on that agenda.

Mr. Hernandez reiterated the presentation from the Professional Qualifications Committee on the incorporation of the baccalaureate degree requirements and the Respiratory Care Practice Act will be at the next meeting.

Request for public comment: No public comments were received.

=====

### 11. CLOSED SESSION

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 10:17 a.m. and reconvened into Public Session at 10:58 a.m.

=====

### ADJOURNMENT

The Public Session Meeting was adjourned by President Guzman at 10:59 a.m.

\_\_\_\_\_  
RICARDO GUZMAN  
President

\_\_\_\_\_  
STEPHANIE A. NUNEZ  
Executive Officer