



## **PUBLIC SESSION MINUTES**

**Friday, October 13, 2017**

**Department of Consumer Affairs  
Headquarters - First Floor Hearing Room, S102  
1625 North Market Blvd.  
First Floor Hearing Room  
Sacramento, Ca 95834**

Members Present: Alan Roth, MS, MBA, RRT-NPS, FAARC, President  
Thomas Wagner, BS, RRT, FAARC, Vice President  
Mary Ellen Early  
Rebecca Franzoia  
Mark Goldstein, MPA, RCP, RRT  
Michael Hardeman  
Sam Kbushyan, MBA  
Judy McKeever, RCP, RRT

Member Absent: Ronald Lewis, M.D.

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 9:00 a.m. by President Roth.

Roll call was taken (present: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth) and a quorum was established. Sam Kbushyan joined the meeting at 9:25.

## **PUBLIC COMMENT**

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

## **APPROVAL OF JUNE 30, 2017 MEETING MINUTES**

Ms. Early noted a correction needed to the spelling of Mr. Kbushyan's name.

Mr. Goldstein moved to approve the June 30, 2017 Public Session minutes with the correction.

### **Request for Public Comment:**

No public comment was received.

M/Goldstein /S/Wagner

In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth

MOTION PASSED

## **FISCAL REPORT**

Ms. Nunez reviewed the Board's revenues and expenditures with actual figures from fiscal years 2015/16 through fiscal year 2016/17, and projected figures for fiscal year 2017/18. Ms. Nunez also reviewed the Board's fund condition from the pending regulation package proposing step increases to the renewal fee over the next three years.

President Roth inquired about the difference between the FY 2017/18 projected expenses as compared to the amount reflected on the fund condition. Ms. Nunez explained that the difference comes from expenses being offset by reimbursements such as cost recovery and probation monitoring costs.

President Roth also inquired about the zero-dollar amount budgeted for equipment during FY 17/18. Ms. Nunez replied that any equipment needed will be purchased using the existing budget through savings in other areas.

President Roth stated it was a hard decision to move forward with increasing fees. However, as reflected on the fiscal report, these increases are necessary to keep the Board fiscally viable to maintain its functions. He added, even with the increase, the months in reserve months remain on the thin side.

Ms. McKeever moved to accept the fiscal report as is.

### **Request for Public Comment:**

No public comment was received.

M/McKeever /S/Wagner

In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth

MOTION PASSED

## ENFORCEMENT PERFORMANCE MEASURES AND STATISTICS

Ms. Nunez reviewed the Board's Enforcement Measures for FY 16/17, quarters 3 and 4 (January through June 2017). The Board met all its targets with the exception of the Formal Discipline Cycle Time for the 3<sup>rd</sup> quarter. She added, this time includes both Board staff time as well as the Office of the Attorney General's time to prosecute cases which is beyond the Board's control making it difficult to meet this target.

President Roth commended Ms. Nunez and the Board's staff for diligently working to meet these performance goals.

Ms. Nunez commented, the RCB staff is valuable and responsible for meeting these goals.

### **Request for Public Comment:**

No public comment was received.

Ms. McKeever praised the Board's staff for the great job and great improvements.

Vice President Wagner moved to accept the Enforcement Performance Statistics and Measures.

M/Wagner /S/McKeever

In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Wagner, Roth

MOTION PASSED

## LEGISLATION OF INTEREST UPDATE

Ms. Molina stated a significant number of the bills the Board has been watching have become inactive and may become 2-year bills. She highlighted three bills that made it to the Governor: AB 208, which the Board has taken an oppose position on and sent a letter to the Governor requesting veto, is still pending as of yesterday; AB 391, which the Board's position is to support if amended, is also still pending; and SB 796, the Board's Sunset extension, which was approved by the Governor on October 8, 2017.

- AB 208: Deferred entry of judgement: pretrial diversion  
Status: Enrolled and to the Governor 9/15/17  
Board's Position: Oppose
- AB 387: Minimum wage: health professionals: interns  
Status: Ordered to Assembly Inactive File at the request of the author. May become a 2-year bill.  
Board's Position: Oppose
- AB 391: Medi-Cal: asthma preventive services  
Status: Enrolled and to the Governor 9/15/17  
Board's Position: Support if Amended
- AB 654: Pediatric home health care  
Status: This bill was held under submission in Assembly Appropriations and failed the house of origin deadline  
Board's Position: Support if Amended
- AB 703: Professions and vocations: fee waivers  
Status: This bill failed passage in Assembly Business and Professions Committee and failed the house of origin deadline  
Board's Position: Watch

- AB 827: Department of Consumer Affairs: task force: foreign trained professionals  
 Status: This bill was held under submission in Senate Appropriations and failed passage by the legislative deadline. May become a 2-year bill  
 Board's Position: Watch
- SB 27: Professions and vocations: licensees; military service  
 Status: This bill was held under submission in Senate Appropriations and failed the house of origin deadline. Has become a 2-year bill,  
 Board's Position: Watch
- AB 227: Vocational nurse: feeding tube services: neurodegenerative conditions.  
 Status: This bill was held under submission in Senate Business, Professions and Economic Development and failed the house of origin deadline.  
 Board's Position: Watch
- SB 572: Healing arts licensees: violations: grace period  
 Status: This bill failed passage in Senate Business Professions and Economic Development Committee and failed the house of origin deadline. Has become a 2-year bill.  
 Board's Position: Oppose
- SB 715: Department of Consumer Affairs: regulatory boards: removal of board members.  
 Status: Ordered to the Assembly Inactive File 9/14/17. May become a 2-year bill.  
 Board's Position: Watch
- SB 796: Uniform Standards: naturopathic Doctors Act: Respiratory Care Practice Act.  
 Status: Enrolled and to Governor 9/19/17  
 Board's Position: Support

President Roth acknowledged the hard work of the Board staff and Executive committee collecting data and presenting it to the legislature and legislative liaisons. He implored the Board to focus on the strategic plan over the next four years to be able to once again present the Board's accomplishments to the Legislature to continue to maintain the authority to protect the public.

President Roth stated, the language the Board proposed for amendment within AB 391 did not make it into the bill. However, the idea of asthma prevention will be a major step forward and he hopes respiratory care practitioners will be a part of it.

## **2018 BOARD SPONSORED PROPOSED LEGISLATION**

President Roth presented the 2018 Board sponsored proposed legislation which would seek to require an individual petitioning for reinstatement of licensure to pass the current licensing exams to ensure competency at the current minimum required level; would provide clarification regarding probation monitoring costs for applicants placed on probation; and would update the names of the current licensure examinations.

Ms. McKeever asked if the exam requirement would pertain to those practitioners who retired their license and want to get back into respiratory.

Ms. Molina replied no and added, there are currently no provisions to return after you retire your license other than to reapply and meet the current requirements. She added, staff makes that very clear to anyone requesting the retired status.

### **Request for Public Comment:**

No public comment was received

President Roth requested a motion to move forward with proposals to secure placement in a legislative bill and grant the Executive Committee authority to make non- substantive changes if necessary.

M/Wagner /S/Early

In favor: Early, Franzoia, Goldstein, Hardeman, McKeever, Roth, Wagner

Unanimous

MOTION PASSED

## **2017-2021 STRATEGIC PLAN**

President Roth presented the 2017-2021 strategic plan for review and approval. He stated the Board, staff and SOLID worked diligently to identify a plan to protect the public, expand the role of respiratory care and to ensure the safety of everyone involved relative to respiratory care. He added, with this new plan, the Executive Committee and Executive Officer will be asking for assistance from Board committees with some of the more in-depth work to achieve the identified goals. President Roth asked Board members to think about their committee assignments and whether they would like to stay on current committees or possibly move to another.

Ms. McKeever inquired about Goal 1; Enforcement, item #7, increasing the number of CE audits to 10% to ensure compliance. She asked what the average cost of an audit is to the Board and what the Board's audit percentage is currently.

Ms. Nunez replied that has not been calculated yet but can be if requested and the Board is currently auditing at 5% but has already started moving towards the 10%.

Ms. Franzoia stated she was pleased to see the cohesiveness of the final product and praised the staff for the good work.

President Roth requested a motion to approve the Board's 2017-2021 Strategic Plan as submitted.

### **Request for Public Comment:**

No public comment was received.

M/McKeever /S/Wagner

In favor: Early, Franzoia, Goldstein, Hardeman, Kbushtyan, McKeever, Roth, Wagner

Unanimous

MOTION PASSED

## **EDUCATIONAL OBJECTIVES: CLINICAL EDUCATION BACCALAUREATE DEGREE, CONTINUING EDUCATION**

President Roth opened discussion on the Education Objectives in the 2017-2021 Strategic plan. Three areas reviewed were as follows:

Continuing Education – Revise continuing education regulations to provide clarity and improve program effectiveness.

Clinical Practice – Develop an action plan to establish law and regulations or accrediting standards for student clinical requirements to increase consumer protection and improve education outcomes.

Baccalaureate Degree – Develop an action plan to incorporate a baccalaureate degree provision in the Respiratory Care Practice Act to ensure education requirements meet the demand of the respiratory care field.

**a. 2018 Committee on Accreditation for Respiratory Care Requirements**

President Roth reviewed the 2018 Committee on Accreditation for Respiratory Care's (CoARC's) requirements. He stated CoARC is encouraging baccalaureate programs within the United States and establishing the framework surrounding those programs. He added, one of the things CoARC is trying to identify is what it means to earn a baccalaureate degree in respiratory care and put in place baccalaureate program requirements. The three elements are education, management, and research. He stated CoARC will now use the RRT examination as a standard and basis for their continued accreditation or probationary status and will eliminate the work requirement that was essentially being used to identify the status of the student six months after graduation.

Discussion ensued.

**Request for Public Comment:**

No public comment was received.

**ELECTION OF OFFICERS FOR 2018**

**a. Vice President**

President Roth opened the floor for nominations for Respiratory Care Board Vice President.

President Roth nominated Mr. Wagner for Vice President. No other nominations were made. A motion to nominate Mr. Wagner for Vice President was made by President Roth, and seconded by Ms. McKeever.

No public comment.

M/Roth /S/McKeever

In favor: Early, Franzoia, Goldstein, Hardeman, Kbushtyan, McKeever, Wagner, Roth

Unanimous

MOTION PASSED

**b. President**

President Roth opened the floor for Nominations for Respiratory Care Board President.

Ms. McKeever nominated Mr. Roth for President. No other nominations were made.

A motion to nominate Mr. Roth for President was made by Ms. McKeever, and seconded by Mr. Goldstein

No public comment.

M/McKeever/S/Goldstein

In favor: Early, Franzoia, Goldstein, Hardeman, Kbushtyan, McKeever, Wagner, Roth

Unanimous

MOTION PASSED

**CALENDAR 2018 MEETING DATES**

The following Public Meetings were scheduled for 2018:

- February 2, 2018 in Anaheim California
- May 14, 2018 in Monterey, California
- June 22, 2018, Teleconference (tentative)
- October 19, 2018 in Fresno, California

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

No public comment was provided at this time.

Ms. McKeever expressed the importance of reaching out to respiratory colleges in the areas of the Board meetings and suggest they bring their students to the meetings. She explained it is a great educational tool for students to experience a Board meeting and to have Board interaction to prevent students from getting a negative view that the Board is all about money, and rather show the Board is about education and protecting the public and the respiratory reputation.

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**CLOSED SESSION**

The Board convened into Closed Session, as authorized by Government Code Section 11126c, subdivision (3) at 10:10 a.m. and reconvened into Public Session at 11:30 a.m.

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**ADJOURNMENT**

The Public Session Meeting was adjourned by President Roth at 11:30 p.m.

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ALAN ROTH  
President

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STEPHANIE A. NUNEZ  
Executive Officer