

Governor Edmund G. Brown Jr.
State of California

Anna Caballero, Secretary
State and Consumer Services Agency

Denise Brown, Director
Department of Consumer Affairs



Murray Olson, RCP, RRT-NPS, RPFT
President

Charles B. Spearman, MEd, RCP
Vice President

Lupe Aguilera
Member

Sandra Magaña Cuellar
Member

Larry L. Renner, BS, RCP
Member

Barbara M. Stenson, RCP, RRT
Member

Stephanie Nunez
Executive Officer



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Respiratory Care Board of California

444 North 3rd Street, Suite 270, Sacramento, CA 95811

Board Meeting Agenda

Friday, May 18, 2012

1625 North Market Blvd.

South Building, Room S-102

(First Floor Hearing Room)

Sacramento, CA 95834

(800) 952-5210

9:50 AM Call to Order

1. Approval of February 10, 2012 Minutes (Murray Olson)

2. Public Comment (Murray Olson)

Public comment will be accepted after any agenda item or toward the end of the agenda for public comment not related to any particular agenda item. The President may set a time limit for public comment as needed.

3. Executive Officer's Report (Stephanie Nunez)

- BreEZe, On-Line Application/License System
Tentative Rollout: August/September 2012
- Office Relocation: 3750 Rosin Court, Suite 100, Sacramento
Scheduled Move-In Date: May 18, 2012
- Status on Proposed Regulations (Disciplinary Guidelines, Citations/Fine, etc...)
Final Review/Approval Due: May 25, 2012
- Fiscal Review

4. Sunset Review 2012/2013

- Consideration to Establish a Sunset Review Committee to Participate in Sunset Review Report/Hearings (Murray Olson)
- Consideration to Pursue Authority for Immediate Suspension for Violations of a Sexual Nature and an Exemption for Certified and Registered Pulmonary Function Technicians/Technologists (Stephanie Nunez)

5. Enforcement Update (Bud Spearman)

- Enforcement Statistics
- Enforcement Performance Measures

6. 2012 Legislation of Interest - Discussion/Action (Christine Molina)

Senate Bills: 975 and 1575; Assembly Bills: 1588, 1904, 1932, and 1976;
Federal Legislation: HR 941
And any other newly discovered bills relevant to the Board's activities

7. Recognition of Service: Larry L. Renner, BS, RCP, Past President and Barbara M. Stenson, RCP, RRT, Past Vice-President (Murray Olson)

10:30 AM 8. Petition for Reinstatement, Oral Testimony: Debra Ann Ludlow, RCP 10111

9. Hearing Pursuant to Government Code Section 11517(c)(2)(E) for the Taking of Additional Evidence Following the Non-adoption of the Proposed Decision in the Matter of Sheila Nadine Rozmus, RCP 18941

The Respiratory Care Board of California's mission is to protect and serve the consumer by enforcing the Respiratory Care Practice Act and its regulations, expanding the delivery and availability of services, increasing public awareness of respiratory care as a profession and supporting the development and education of all respiratory care practitioners.

• **Closed Session** •

The Board will convene into Closed Session, as authorized by Government Code Section 11126(c), subdivision (3), to deliberate on the following matters and any other matters that may arise after the issuance of this agenda notice.

- I. Decision on Reinstatement Petition: Debra Ann Ludlow, RCP 10111
- II. Decision in the Matter of the Non Adoption of ALJ Proposed Decision and Additional Evidence: Sheila Rozmus, RCP 18941
- III. Non Adoption of ALJ Proposed Decision: Michael A. Branly, RCP 4833
- IV. Non Adoption of ALJ Proposed Decision: Kelli Roberts, RCP 24090
- V. Non Adoption of ALJ Proposed Decision: Matthew Wayne Broman, Applicant

10. Public Comment on Items Not on the Agenda

11. Future Agenda Items

4:00 PM 12. Adjournment

DIRECTIONS FROM AIRPORT

From the Sacramento International Airport:
(approximately 9 miles/15 min. from airport)

Exit Airport

Take I-5 South towards Sacramento

Take the Arena Blvd. Exit

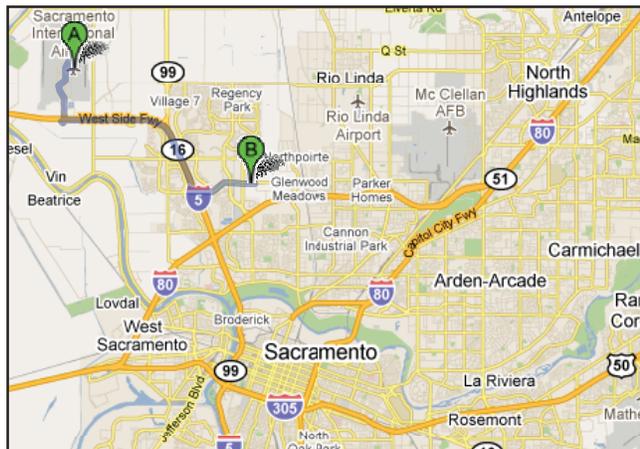
Turn Left onto Arena Blvd.

Continue onto N. Market Blvd.

(Arena turns into N. Market)

Make a U-turn at Sierra Point Drive

Destination is a three-story building on right



NOTICE

This meeting will be Webcast. To view the Webcast, please visit <http://www.dca.ca.gov/publications/multimedia/webcast.shtml>

Action may be taken on any item on the agenda. Time and order of agenda items are subject to change at the discretion of the President. Meetings of the Respiratory Care Board are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. In addition to the agenda item which addresses public comment, the audience will be given appropriate opportunities to comment on any issue before the Board, but the President may, at his discretion, apportion available time among those who wish to speak. Contact person: Paula Velasquez, telephone: (916) 323-9983 or (866) 375-0386.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Paula Velasquez at (916) 323-9983/ (866) 375-0386 or sending a written request to: Paula Velasquez, Respiratory Care Board, 444 North 3rd Street, Suite 270, Sacramento, CA 95811. Providing your request at least nine (9) business days before the meeting will help ensure availability of the requested accommodation.



PUBLIC SESSION MINUTES

Friday, February 10, 2012

**Department of Consumer Affairs
Crafton Hills College
11711 Sand Canyon Road
Performing Arts Center
Yucaipa, CA 92399**

Members Present: Murray Olson, RCP, RRT-NPS, RPFT, President
Charles B. Spearman, MEd, RCP, RRT, Vice President
Lupe V. Aguilera
Sandra Magaña Cuellar
Larry L. Renner, BS, RCP, RRT, RPFT, President
Barbara M. Stenson, RCP, RRT

Staff Present: Dianne Dobbs, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Freels, Staff Services Manager

CALL TO ORDER

The Public Session was called to order at 9:30 a.m. by President Olson. President Olson stated a quorum was present.

President Olson 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 Open Meetings 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.

June Yamamoto, Dean of the Crafton Hills College Respiratory Care Program, welcomed the Board on behalf of the President and Vice President stating they were proud of their program and students, and invited the Board to consider future meetings at the Crafton Hills College campus.

APPROVAL OF OCTOBER 7, 2011 PUBLIC SESSION MINUTES

Mr. Renner moved to approve the October 7, 2011 Public Session minutes as written.

1
2 M/ Renner /S/Spearman
3 In favor: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson
4 MOTION PASSED
5

6
7 **EXECUTIVE OFFICER’S REPORT**
8 *(Stephanie Nunez)*
9

10 **BreEZe, On-Line Application/License System**

11
12 Ms. Nunez explained the Board has three major undertakings in the near future: An office move,
13 Sunset Review, and implementation of a new database system. Ms. Nunez advised the Board that
14 the “BreEZe” database system, is expected to roll-out this year sometime in the August/September.
15 Thus far, the project has completed the workflow and system configuration phases, but still needs to
16 complete the design, development, testing and deployment phases. The biggest challenge of this
17 new system is how the new platform will affect the Board’s processes. The Board is currently working
18 with the NBRC to acquire exam results through an electronic interface. Ms. Nunez stated that serving
19 on both the Change Control Board and Executive Steering Committee has helped her identify and
20 anticipate the needs of the Board.

21
22 **Limited Travel Directive**

23
24 Ms. Nunez stated travel restrictions are still in effect, and that travel continues to require pre-approval.
25

26 **Office Lease**

27
28 Ms. Nunez indicated the Board’s office relocation is tentatively scheduled for May/June 2012. She
29 advised that the new monthly lease rate will be approximately \$500/month more than the current rent,
30 with annual incremental increases.
31

32 **Status on Proposed Regulation**

33
34 Ms. Nunez stated that as part of the regulatory process, the proposed regulations which will, among
35 other things make changes to the discipline and fee structures are currently being reviewed by the
36 Department of Finance. She remains optimistic that the regulations will be effective soon.
37

38 **Sunset Review 2012/13**

39
40 Ms. Nunez explained that Sunset Review is the process the Legislature uses to review all boards,
41 examining their practices to determine performance and to ensure they are adhering to their
42 mandates of consumer protection. The Sunset Review Committee conducts an extensive review of
43 statistical data, procedures, and enforcement statistics and makes recommendations if any changes
44 are needed. The report is due November 1, 2012. This review is necessary to extend the Board’s
45 existence. In statute, the Board expires January 2014, however, so long as the review is successful,
46 the Sunset Committee will extend sponsor legislation to extend the Board’s existence.
47

48
49 **ENFORCEMENT REVIEW/FISCAL IMPACT**
50 *(Stephanie Nunez)*
51
52
53

1 **Enforcement Paths**

2
3 Ms. Nunez reviewed various enforcement process paths to provide members with an understanding
4 of the impact each path has as it relates to time and cost.
5

6 **Probation Monitoring Cost Comparison**

7
8 Ms. Nunez referenced the agenda attachment on Probation Monitoring Costs summarizing that most
9 boards either do not charge probation monitoring costs or charge about the same as the RCB.
10

11 **Practice-Related Case Scenarios**

12
13 Ms. Nunez requested that Board members rate the proposed discipline for the list of practice-related
14 case scenarios (without mitigating and aggravating circumstances) to help Staff understand the
15 gravity of the listed violations.
16

17 Discussion ensued.

18
19 Mr. Renner moved to have the Executive Committee work with staff in developing a strategy to
20 determine appropriate discipline for various practice-related case scenarios.
21

22 M/ Renner /S/ Magaña Cuellar

23 In favor: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson

24 MOTION PASSED
25

26
27 **ENFORCEMENT UPDATE**

28 *(Charles Spearman)*
29

30 **Enforcement Statistics**

31
32 Mr. Spearman reviewed Enforcement Statistics stating Accusations Filed may be a little high for
33 midyear, depending on the figures for the remainder of the year. Mr. Spearman asked if staff felt
34 there were any statistics that should concern the Board.
35

36 Ms. Nunez replied no, but added that the Board is on target for slightly less discipline and that
37 applications received are about the same or slightly higher for this time of year as compared to last
38 year.
39

40 **Enforcement Performance Measures**

41
42 Ms. Nunez stated all targets were met with the exception of Formal Discipline due to the processing
43 time associated with the Attorney General's office. Ms. Nunez added that she expects the Board's
44 numbers to improve with staff investigator positions filled and trained. She noted that practice related
45 cases are now being processed more expeditiously.
46
47

48 **NOVEMBER 18, 2011 CDPH MEETING UPDATE**

49 *(Murray Olson/ Larry Renner)*
50

51 Mr. Renner stated the meeting with the Board's Executive Committee, staff, California Department of
52 Public Health, legal representation, CSRC and AARC was a very effective collaborative effort
53 resulting in the revision of All Facilities Letter 10-22. The revision lifted the requirement that a

1 registered nurse must provide supervision where polysomnography is being provided to allow
2 “appropriate professional and nonprofessional personnel” to provide the scope of service to meet
3 patient needs.
4

5 President Olson thanked the following individuals for their participation: Dianne Dobbs, who wrote an
6 outstanding legal opinion; Stephanie Nunez, for her leadership and drive; Mark Goldstein, CSRC; Dr.
7 Richard Sheldon, Jennifer Tannehill, Aaron Read’s office; David Groza, Manager of Sleep Center &
8 Neurodiagnostics Lab at Sutter Health; and Brian Stiger, DCA’s prior Director, for his support.
9

10
11 **“TRANSITIONING THE RESPIRATORY THERAPIST WORKFORCE FOR 2015 AND BEYOND”**
12 **UPDATE**
13

14 President Olson welcomed the National Board for Respiratory Care (NBRC) and the American
15 Associated for Respiratory Care (AARC).
16

17 Robert Shaw, Assistant to the Executive Director and Psychometrician from the NBRC, introduced the
18 following members of the panel:
19

20 Sam Giordano, Executive Director, AARC
21 Gary Smith, Executive Director, NBRC
22 Kerry George, President, NBRC
23 Gregg Ruppel, Past President NBRC/ Practitioner
24

25 Dr. Shaw and Mr. Giordano responded to the following four questions from the Respiratory Care
26 Board on the topic of increasing the entry level standard in California to a minimum of an RRT
27 credential for licensure:
28

- 29 1. How do our proposed changes follow the strategic planning your organizations intend to
30 achieve over the next 5 years?
31

32 *NBRC: The examination system will be changing, targeted for January 2015, which*
33 *will allow applicants to take one written examination to attempt to qualify for both the*
34 *CRT and RRT credentials. The proposal by the Board will have a neutral impact.*
35

36 *AARC: The AARC is neither opposed nor for the change at this time until further*
37 *examination of the consequences. Mr. Giordano stated the AARC’s ad hoc committee*
38 *is conducting due diligence to provide the Board of Directors with the ability to make an*
39 *informed decision and intends to examine the topics of credentialing and education,*
40 *while providing transparency and full input, and make a plan to proceed as appropriate*
41 *with no unintended consequences.*
42

- 43 2. How do advanced practice practitioners (similar in practice and independence to NP, PA and
44 FNP) fit into the profession’s strategic objectives and timeline?
45

46 *NBRC: Dr. Shaw stated very few therapists are prepared at the Masters level, the*
47 *CSRC does not foresee legal recognition of advance practitioners any time soon But*
48 *does see more contact time with respiratory care content as a viable strategy toward*
49 *increasing candidates’ CRT and RRT success rates.*
50

51 *AARC: Mr. Giordano responded this is an opportunity for the field but they must first*
52 *position therapists in the practice at the advance level, then prove and document their*

1 value. As the value is documented, the use and scope increases and eventually come
2 to the point where graduate education and credentialing are needed.

- 3
4 3. What value does the current CRT (entry level) examination have for the profession or should it
5 be retired?

6
7 *NBRC: The NBRC sees tremendous value in the CRT for the profession: (1)*
8 *Documentation of competence at the point of entry; (2) Recognition of reciprocity*
9 *among 49 states; (3) Continued evolution of examination elements in the future. The*
10 *NBRC will continue to associate the CRT with safe, effective practice at the point of*
11 *entry.*

12
13 *AARC: Mr. Giordano stated the CRT entry level examination has value, as a gate*
14 *keeper for safety, and has kept millions of patients safe from incompetent respiratory*
15 *therapists.*

- 16
17 4. What level of collaboration could we expect from your organization to help us achieve our
18 objectives?

19
20 *NBRC: Dr. Shaw stated the current system through which the information passes*
21 *between California and the NBRC will continue regardless of the licensure*
22 *requirement.*

23
24 *AARC: Mr. Giordano stated the AARC intends and looks forward to collaborating with*
25 *the Respiratory Care Board with regard to the growth of the profession and the*
26 *appropriate utilization of those professionals.*

27
28 Discussion ensued, and President Olson thanked the NBRC and AARC for their presentations and
29 information.

30
31
32 **PETITION FOR REINSTATEMENT, ORAL TESTIMONY: CINDY MARIE CUDNEY-MATSON**

33
34 Ms. Nunez presented a case overview in the matter of the petition for reinstatement of Cindy Marie
35 Cudney-Matson. The petitioner, Ms. Cudney-Matson also provided testimony in support of her
36 petition.

37
38
39 **LEGISLATION OF INTEREST – DISCUSSION/ACTION**

40 *(Christine Molina)*

41
42 Ms. Molina reviewed the 2012 Legislation of Interest stating, as this is the second year of a two-year
43 cycle, three bills that did not move forward in 2011, may continue through the legislative process in
44 2012:

45
46 SB 544 – Board position: Watch

47 AB 569 – Board position: Watch

48 AB 958 – Board position: Oppose unless amended (letter mailed to author 3/25/11)

49
50 Ms. Molina provided staff's recommendation of a watch position on the only new bill at this time,
51 Senate Bill 975, introduced January 20, 2012. This bill would provide that DCA's boards, bureaus,
52 and commissions have the sole and exclusive authority to license and regulated the practice of
53 professions and vocations regulated by those boards pursuant to provisions of that code.

1 Vice President Spearman moved to accept the "Watch" position on SB 975 as recommended.

2
3

4 M/ Spearman /S/ Stenson
5 Unanimous: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson
6 MOTION PASSED

7
8 Mr. Renner suggested adding HR 941 to the Board's watch list as it may affect future legislation
9 concerning the Respiratory Care Practice Act.

10
11 Vice President Spearman moved to add HR 941 to the Board's watch list.

12
13 M/ Spearman /S/ Renner
14 Unanimous: Aguilera, Magaña Cuellar, Olson, Renner, Spearman, Stenson
15 MOTION PASSED

16
17
18 **FUTURE AGENDA ITEMS**

19
20 There were no future agenda items identified.

21
22
23 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

24
25 There was no public comment provided.

26
27
28 =====
29 **CLOSED SESSION**

30
31 The Board convened into Closed Session, as authorized by Government Code Section 11126c,
32 subdivision (3) at 1:15 p.m. and reconvened into Public Session at 1:45 p.m.
33 =====

34
35
36 **ADJOURNMENT**

37
38 The Public Session Meeting was adjourned by President Olson at 1:50 p.m.

39
40
41
42
43
44
45

46 _____
47 MURRAY L. OLSON
48 President

46 _____
47 STEPHANIE A. NUNEZ
48 Executive Officer

REVENUE

Revenue Category	Projected			Projected Workload	Current Fees 2011/12
	2009/10	2010/11	2011/12		
Application (CA)	\$256,600	\$241,800	\$250,000	1,250	\$200
Application (Foreign)	\$200	\$200	\$250	1	\$250
Application (O-O-S)	\$31,800	\$29,400	\$30,000	150	\$200
Initial License	\$119,328	\$127,488	\$139,200	1,450	var
Renewal	\$1,915,180	\$1,987,767	\$2,006,750	8,725	\$230
Delinquent Fees	\$43,480	\$40,250	\$41,400	140 / 20	\$230 / \$460
Endorsement	\$23,100	\$24,975	\$24,375	325	\$75
Duplicate License	\$2,475	\$2,400	\$2,375	95	\$25
Cite and Fine	\$41,863	\$41,378	\$45,000	var	var
Miscellaneous	\$37,751	\$38,449	\$23,140	var	var
Total Revenue	\$2,471,777	\$2,534,107	\$2,562,490		

EXPENDITURES

Expenditure Items	Projected			Actual Exp. thru 03/31/12	Budgeted 2011/12
	2009/10	2010/11	2011/12		
Salary & Benefits	\$1,141,805	\$1,219,374	\$1,386,000	\$943,394	\$1,313,324
Training	\$199	\$403	\$1,250	\$640	\$20,180
Travel	\$18,199	\$18,522	\$25,000	\$16,165	\$41,805
Printing	\$46,739	\$33,432	\$40,000	\$4,170	\$41,515
Postage	\$65,127	\$40,774	\$40,000	\$22,195	\$44,952
Equipment	\$5,946	\$829	\$75,000	\$0	\$13,000
ProRata ¹	\$370,391	\$395,142	\$433,669	\$325,019	\$433,669
Fingerprints	\$6,324	\$5,610	\$6,000	\$3,825	\$65,000
All Other Fixed Expenses ²	\$229,668	\$195,473	\$184,557	\$112,972	\$471,133
Investigations	\$8,396	\$27,385	\$33,057	\$24,794	\$33,057
Attorney General	\$513,784	\$448,138	\$400,000	\$284,448	\$462,214
Office of Admin Hearings	\$84,824	\$76,644	\$100,000	\$79,856	\$137,082
Court Reporter Services	\$11,311	\$6,547	\$10,000	\$3,535	\$0
Evidence and Witness	\$30,849	\$39,227	\$50,000	\$26,084	\$32,050
Total Expenditures	\$2,533,562	\$2,507,500	\$2,784,533	\$1,847,097	\$3,108,981

¹ ProRata includes departmental and central administrative services.

² All Other Fixed Expenses include general expenses, communications, facility operations, data processing maintenance, consultant and professional services, examinations and Teale Data Center.

FUND CONDITION

	2010/11	2011/12*	2012/13*	2013/14*
Beginning Reserve, July 1	\$2,017,000	\$2,225,168	\$2,167,377	\$1,627,540
Prior Year Adjustments	\$0			
Revenues	\$2,534,107	\$2,562,490	\$2,607,490	\$2,607,490
Interest		\$22,252	\$21,674	\$16,275
TOTAL RESOURCES	\$4,551,107	\$4,809,910	\$4,796,540	\$4,251,306
Budget Expenditure	\$2,507,500	\$2,784,533	\$3,109,000	\$3,109,000
FSCU (State Operations)	\$5,000	\$3,000		
FISC	\$2,000	\$13,000		
BreEZe SPR Funding		\$36,000	\$58,000	\$77,000
BreEZe Credit Card BCP			\$21,000	\$42,000
EO B-3-11 CS 3.91 DCA Savings Plan		(\$17,000)	(\$17,000)	(\$17,000)
BL 11-08 Cellular Phone Reduction		(\$2,000)	(\$2,000)	(\$2,000)
Reimbursements	(\$188,561)	(\$175,000)		
TOTAL EXPENDITURES	\$2,325,939	\$2,642,533	\$3,169,000	\$3,209,000
RESERVE, JUNE 30	\$2,225,168	\$2,167,377	\$1,627,540	\$1,042,306

* Projected

ENFORCEMENT STATISTICS

Agenda Item: 5a
Meeting Date: 05/18/12

Data through March 31, 2012

Applicant Licensed Unlicensed	CASELOAD	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12
A	Applications Received	680	713	853	1003	1283	1359	1360	1443	1357	946
L	Total Licensed	23,056	23,674	24,408	25,246	26,338	27,545	28,847	30,120	31,511	32,599
A L U	Enforcement Budget	\$568,422	\$436,421	\$494,771	\$514,365	\$557,312	\$584,409	\$579,161	\$640,576	\$661,077	\$661,077
L	Licenses Active	15,268	15,367	15,503	15,835	16,511	17,202	18,077	18,803	19,658	20,343
A	Applicants Investigated (RCB Staff)	98	113	141	205	238	269	270	311	260	183
A	Applicants Denied/Initial	17	19	11	23	19	31	46	35	21	10
L U	Complaints Received	603	521	515	495	476	472	493	583	575	457
A L U	Cases to Investigation (sworn investigators)	3	0	4	3	9	5	11	3	6	1
L U	Citations Issued	5	68	99	57	71	63	102	75	96	54
A L	Cases to the DAG	105	125	46	56	71	64	99	69	80	59
L	Prob. Cases to AG for Revocation	15	15	13	13	10	9	17	23	9	8
A L U	Cases to the DA	0	1	0	1	0	1	0	0	1	0
L	Accusations Filed	90	102	60	34	51	51	46	42	58	42
A	Statement of Issues Filed	17	17	9	15	21	22	40	29	20	11
L	Petitions to Revoke Probation Filed	18	12	11	18	8	9	11	20	9	9
A L	Stipulated Settlements	97	85	71	34	46	59	61	57	50	31
A L	Disciplinary Hearings Completed/Final Decisions	19	19	11	13	7	14	9	20	17	10
L	Revocations/Surrenders	44	36	31	27	24	29	30	45	32	27
A	Applications Denied (Final Decision)	2	2	0	3	2	3	1	6	5	1
A L	Public Reprimands	52	50	20	5	6	9	6	4	10	2
A L	Probationers (New)	46	38	53	27	32	40	48	39	29	23
L	Probationers (Active)	80	81	100	80	77	84	108	92	84	76
L U	Fines Imposed	\$5,000	\$51,600	\$61,050	\$33,600	\$33,413	\$32,450	\$60,950	\$123,975	\$51,450	\$19,175
L U	Fines Reduced, Withdrawn, Dismissed	\$2,000	\$1,550	\$1,350	\$900	\$900	\$1,225	\$2,715	\$400	\$3,500	\$400
L U	Fines Collected	\$9,379	\$23,386	\$41,942	\$37,941	\$31,919	\$31,061	\$30,121	\$41,863	\$41,378	\$21,609
A L	Cost Recovery Requested	\$230,033	\$213,720	\$233,873	\$198,758	\$183,032	\$208,563	\$198,892	\$263,848	\$267,310	\$216,231
A L	Cost Recovery Awarded	\$226,878	\$195,354	\$223,996	\$173,771	\$174,142	\$168,976	\$184,082	\$214,040	\$245,009	\$170,129
A L	Cost Recovery Collected	\$107,028	\$130,994	\$130,378	\$142,061	\$120,820	\$96,454	\$55,820	\$81,483	\$84,285	\$62,342
L	Probation Monitoring Costs Collected	\$111,907	\$83,447	\$100,746	\$102,596	\$81,613	\$79,748	\$85,176	\$90,316	\$87,604	\$63,245
A L U	Franchise Tax Board Collected	\$20,508	\$16,064	\$13,676	\$20,288	\$13,542	\$17,697	\$10,440	\$8,796	\$8,826	\$11,014
A L U	Collection Agency Collected *	Not Applicable	\$17,402	\$32,285	\$56,826	\$19,414	\$22,568	\$2,292	\$1,100	\$11,216	\$4,894

* Amount recovered by the Board's collection agency. This amount is also reflected in Fines, Cost Recovery, or Probation Monitoring Costs Collected depending on the account in which the money was ordered.

Performance Measures

Q3 Report (January - March 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q3 Total: 241

Complaints: 67 Convictions: 174

Q3 Monthly Average: 80

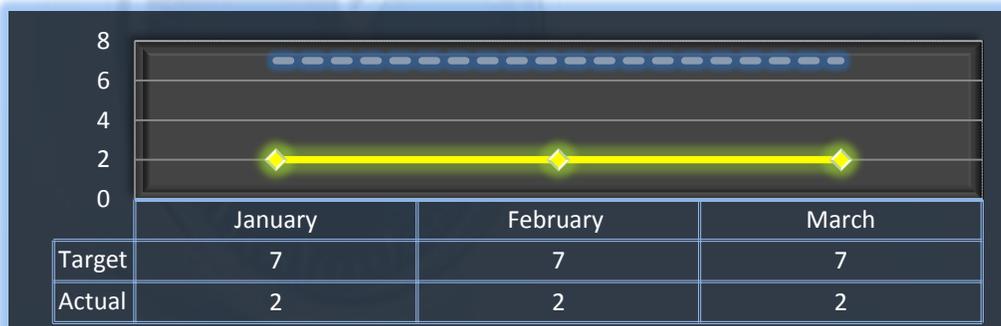


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 7 Days

Q3 Average: 2 Days



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 210 Days

Q3 Average: 79 Days

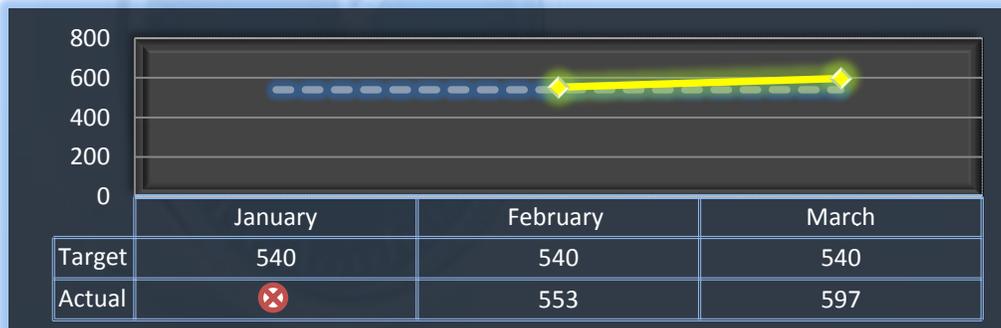


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. Includes intake and investigation by the Board, and dispensation by the AG.

Target: 540 Days

Q3 Average: 581 Days

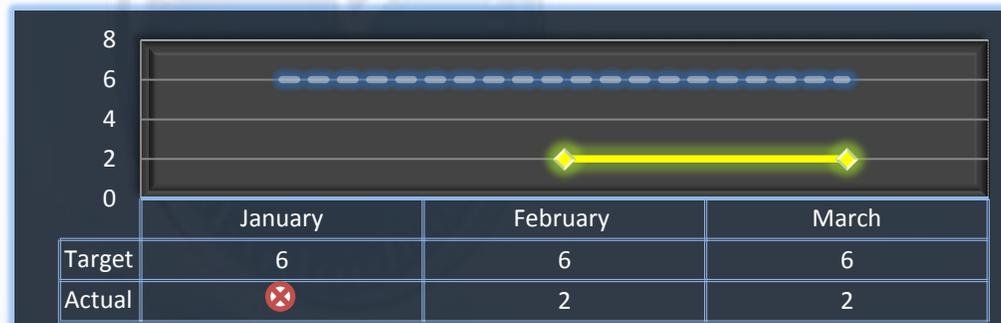


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 6 Days

Q3 Average: 2 Days

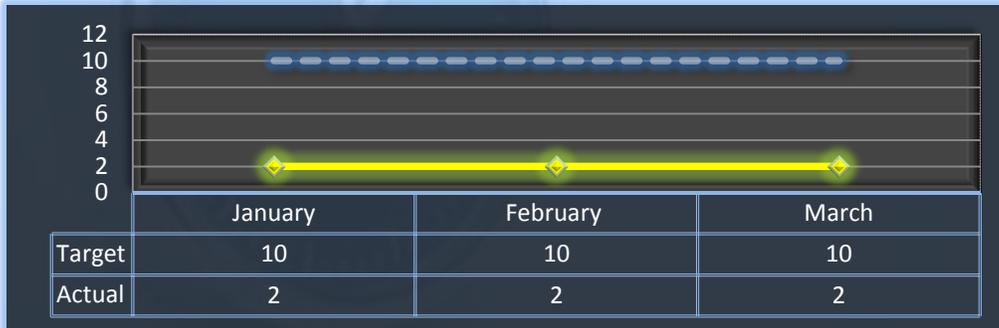


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q3 Average: 2 Days



2012 LEGISLATION OF INTEREST

as of April 30, 2012

SB 975	Author:	Wright [D]
	Title:	Professions and vocations: regulatory authority
	Last Amended:	3/27/12
	Status:	5/7/12: Hearing before the Senate Business, Professions, and Economic Development Committee
	Summary:	Existing law, the Business and Professions Code, provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. This bill would provide that those boards, bureaus, and commissions have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of that code, and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the applicable board through its authority granted under that code.
Board Position	WATCH	

SB 1575	Author:	Committee on Business, Professions and Economic Development
	Title:	Professions and vocations
	Last Amended:	N/A
	Status:	5/7/12: Hearing before the Senate Appropriations Committee
	Summary:	Omnibus bill for DCA healthcare boards/bureaus. The bill includes four provisions that impact the RCB as follows: 1) adds section 144.5 to the B&P authorizing a board to request, and requiring a local or state agency to provide, certified records of, among other things, all arrests and convictions needed by a board to complete an applicant or licensee investigation; 2) amends 3750.5(a) to include illegal possession of drug paraphernalia as ground to take disciplinary action; 3) amends section 3750(p) to include substandard care or negligence in the capacity of an RCP or any capacity responsible for the care of another; and 4) amends section 3742 to include that the person providing supervision to a student/applicant must hold an unrestricted license.
Staff Recommended Position	SUPPORT	

AB 1588	Author:	Atkins [D]
	Title:	Professions and vocations: reservist licensees: fees and continuing education.
	Last Amended:	3/5/12
	Status:	3/28/12: Referred to Assembly Appropriations suspense file.
	Summary:	Existing law provides for the regulation of various professions and vocations by boards, commissions, or bureaus within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met. This bill would require the boards, commissions, or bureaus described above to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee or registrant who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
	Staff Recommended Position	WATCH

AB 1904	Author:	Block [D]
	Title:	Professions and vocations: military spouses: temporary licenses.
	Last Amended:	N/A
	Status:	4/18/12: Referred to Assembly Appropriations suspense file.
	Summary:	Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. This bill would authorize a board within the department to issue a temporary license to an applicant who, among other requirements, holds an equivalent license in another jurisdiction, as specified, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. The bill would require a board to expedite the process for issuing these temporary licenses. The bill would require the applicant to pay any fees required by the board and would require that those fees be deposited in the fund used by the board to administer its licensing program. To the extent that the bill would increase the amount of money deposited into a continuously appropriated fund, the bill would make an appropriation.
	Staff Recommended Position	WATCH

AB 1932	Author:	Cook [R]
	Title:	United States armed services: healing arts boards.
	Last Amended:	N/A
	Status:	5/2/12: Hearing before the Assembly Appropriations Committee
	Summary:	Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans. This bill would require, by January 1, 2014, and annually thereafter, every healing arts board to issue a specified written report to the Department of Veterans Affairs that clearly details the methods of evaluating the education, training, and experience obtained in military service and whether that education, training, and experience is applicable to the board's requirements for licensure. The bill would declare the intent of the Legislature in this regard.
Staff Recommended Position	WATCH	

AB 1976	Author:	Logue [R]
	Title:	Licensure and certification requirements: military experience.
	Last Amended:	4/11/12
	Status:	4/25/12: Referred to Assembly Appropriations Committee
	Summary:	This bill would require a healing arts board within the Department of Consumer Affairs (DCA) and the State Department of Public Health (DPH), upon the presentation of evidence by an applicant for licensure or certification, to, except as specified, accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate. If a board or the DPH accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than 1/1/14, require those schools that seeking accreditation or approval to have procedures in place to accept an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification. The bill would require each board and the DPH to determine whether it is necessary to adopt regulations to implement these provisions and if so, would require those regulations to be adopted not later than 1/1/14. If a board or the DPH determines that such regulations are not necessary, the bill would require a report with an explanation regarding that determination to be submitted to the Governor and the Legislature not later than 1/1/14. The bill would require the Director of DCA and the DPH by 1/1/16, to submit to the Governor and the Legislature a written report on the progress of the boards and the department in complying with these provisions.
Staff Recommended Position	WATCH	

HR 941	Author:	Congressman Mike Ross [D]
	Title:	The Medicare Respiratory Therapy Initiative Act of 2011
	Last Amended:	N/A
	Status:	3/14/11: Referred to the Subcommittee on Health
	Summary:	Amends title XVIII (Medicare) of the Social Security Act to cover the services of a qualified respiratory therapist performed under the general supervision of a physician. Would allow respiratory therapists with a bachelor's degree and demonstrated competencies to provide select home services for Medicare beneficiaries by giving physicians and advanced respiratory therapists the flexibility to provide needed care to qualified respiratory patients by granting physicians the flexibility to delegate certain tasks and functions to qualified respiratory therapists under certain provisions. This legislation will also reduce the amount of the Medicare payment, while granting patients with respiratory illnesses access to qualified respiratory therapy professionals who are educated and competency-tested to treat their specific conditions, assuring better recovery and reduced health care costs overall.
Board Position	WATCH	