

RESPIRATORY CARE BOARD
Department of Consumer Affairs
California Code of Regulations, Title 16. Division 13.6 Respiratory Care Board
DISCIPLINARY GUIDELINES, CITATION & FINE, FEES, AND VARIOUS REGULATORY REVISIONS

FINAL STATEMENT OF REASONS

HEARING DATE

July 8, 2011

SUBJECT MATTER OF PROPOSED REGULATIONS

Disciplinary Guidelines, Citation and Fine, Fees and Various Regulatory Revisions

SECTIONS AFFECTED

1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.340, 1399.352.7, 1399.353, 1399.360, 1399.364, 1399.370, 1399.374, 1399.375, 1399.376, 1399.377, 1399.378, 1399.379, 1399.380, 1399.381, 1399.382, 1399.383, 1399.384, 1399.385, 1399.387, 1399.389, 1399.390, 1399.391, and 1399.395 of Division 13.6, Title 16 of the California Code of Regulations (CCR).

UPDATED INFORMATION

A 15-day Notice of Availability of Document Added to the Rulemaking File and the Addendum to the Initial Statement of Reasons which explains in detail the changes to the proposed 2011 Disciplinary Guidelines are included in the file. The original Notice and Initial Statement of Reasons are also included in the file. The information contained therein is updated as follows:

In regard to the "Notice" the following updates are made upon further review of the fiscal/cost impact statements:

1. Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

Existing Statement: "Minor. The board estimates a potential net expense of \$32,224 that may be incurred should additional personnel be required to perform enforcement-related duties outlined in this proposal."

Updated Statement: Minor. The Board estimates a potential net savings of \$29,922 a year. The Board has determined that it is staffed to absorb additional workload associated with the changes in this proposal.

2. Effect on Small Business

Existing Statement: "The Board has determined that the proposed regulations will not significantly affect small businesses. These regulations only impact respiratory care practitioners (RCPs) and employers who have violated the Act or have RCPs in their employ, who are under investigation or on probation."

Updated Statement: The Board has determined that the proposed regulations will not significantly affect small businesses. These regulations only impact respiratory care practitioners (RCPs) and employers who have violated the Act or have RCPs in their employ, who are under investigation or on probation. *Home care businesses may also incur additional expenses to provide training and competency testing for unlicensed personnel on an annual basis, if they are not already doing so.*

In regard to the “**Initial Statement of Reasons**” the following update is made upon further review of the fiscal/cost impact statements:

3. **Business Impact**

Existing Statement: “These regulations will not have a significant adverse economic impact on businesses. These regulations only impact respiratory care practitioners (RCPs) and employers who have violated the Act or have RCPs in their employ, who are under investigation or on probation.”

Updated Statement: These regulations will not have a significant adverse economic impact on businesses. These regulations only impact respiratory care practitioners (RCPs) and employers who have violated the Act or have RCPs in their employ, who are under investigation or on probation. *Home care businesses may also incur additional expenses to provide training and competency testing for unlicensed personnel on an annual basis, if they are not already doing so.*

LOCAL MANDATE

A mandate is not imposed on local agencies or school districts.

SMALL BUSINESS IMPACT

This action will not have a significant adverse economic impact on small businesses.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Respiratory Care Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

OBJECTIONS, RECOMMENDATIONS OR COMMENTS / RESPONSES

There were no comments concerning the proposed regulatory action.