Respiratory Care Board of California
ENFORCEMENT PROCESS OVERVIEW
(Revised 12/15/16)

TRIAGE COMPLAINT RECEIVED
(1 hour – 2 days)
Rap sheets, mandatory reporting complaints, consumer complaints or complaints made by other sources are reviewed by the Enforcement Coordinator or Manager who completes a “Triage Form” which includes case handling and assignment directive. Egregious complaints are triaged immediately.
Applications for Licensure or Renewal indicating a possible violation or CE violations are routinely referred to clerical staff for intake.

INTAKE PROCESSING
(1 hour – 2 days)
Clerical staff opens enforcement file, creates record in database, notifies complainant. Intake for URGENT & HIGH complaints is done immediately. Intake for ROUTINE PRIORITY complaints is done w/in 3 days of receipt and according to priority.

INVESTIGATION
(1-90 days)
Investigator obtains evidence to establish probable cause and consults w/Enf. Manager. The investigator will continue investigation to collect all evidence and prepare report w/ findings & recommendation.

INVESTIGATIVE RESOURCES
EXPERT CONSULT
(1-45 days)
As needed, investigator consults w/expert for guidance. Forwards case to Subject Matter Expert for full opinion and report as needed.
LEGAL CONSULT
(1-10 days)
As needed, investigator consults w/legal to secure proper evidence.

INVESTIGATION REVIEW
(1-7 days)
Enforcement Coordinator or Manager reviews evidence, makes or modifies recommendations. Consults w/legal & others as appropriate.

URGENT PRIORITY

HIGH OR ROUTINE PRIORITY

INVESTIGATION
(30-180 days)
HIGH priority complaints may be assigned to clerical staff to obtain records prior to being submitted to an investigator for completion or may be directly assigned to an investigator.
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ROUTINE priority complaints are most often assigned to clerical staff to obtain records and have a routine recommended course of action.

INPARTE ISO CONFERENCE/HEARING
(2-22 days)
The AG requests and an ExParte Hearing is held w/in 24 hours. If ALJ grants ISO, Respondent’s license is suspended and AG notifies respondent w/in 24 hours of the ISO and schedules and ISO Hearing w/notice to be held within 20 days. If the ExParte ISO is denied, AG moves to request an ISO Hearing w/notice, but the respondent’s license is not suspended at this point.

ISO HEARING w/NOTICE
(22-24 days)
Legal requests and a standard ISO hearing w/notice is scheduled between 15-20 days. Respondent is given 15 days notice of hearing. The hearing is held, both sides present arguments. The ALJ determines at the hearing whether or not affirm or dissolve any suspension resulting from ExParte hearing OR to grant or deny the ISO.

PROCEDURE AFTER ISO HEARING
(22-82 days)
If an ISO is ordered, an accusation must be filed w/in 15 days from date ordered. If the respondent files a “Notice of Defense” a disciplinary hearing shall be held w/in 30 days. If ISO is dissolved/denied a hearing, the paralegal will expeditiously follow standard disciplinary process seeking revocation.

PC 23/CRIMINAL HEARING
(2-30 days)
If applicable and possible, the AG will work simultaneously w/ the District Attorney handling criminal proceedings & appear at criminal arraignment hearing to request the license be suspended until the criminal matter is heard and decision is issued.

IMMEDIATE SUSPENSION SOUGHT IN ADDITION TO FORMAL DISCIPLINARY ACTION
(2-90 days)

APPLICANT DENIAL LETTER ISSUED
(1-21 days)
Staff prepare draft denial letter for review by Enf. Coord/Manager. Once approved letter is issued, applicant has 60 days to contest the denial. If contested, the matter is forward for Legal Action.

CLOSE CASE
(1-7 days)
CLOSE CASE
No Violation/No Jurisdiction/Strong Warning Letter Issued to Applicant or Applicant Denial is not Contested
(1-30 days)
Staff closes case forwards to another agency, if applicable, notifies complainant, updates database, files case. Clears applicants for licensure.

FORMAL DISCIPLINARY ACTION

ADMINISTRATIVE STIPULATION/PUBLIC REPRIMAND

ADMINISTRATIVE PENALTY CITATION & FINE

CONTINUED