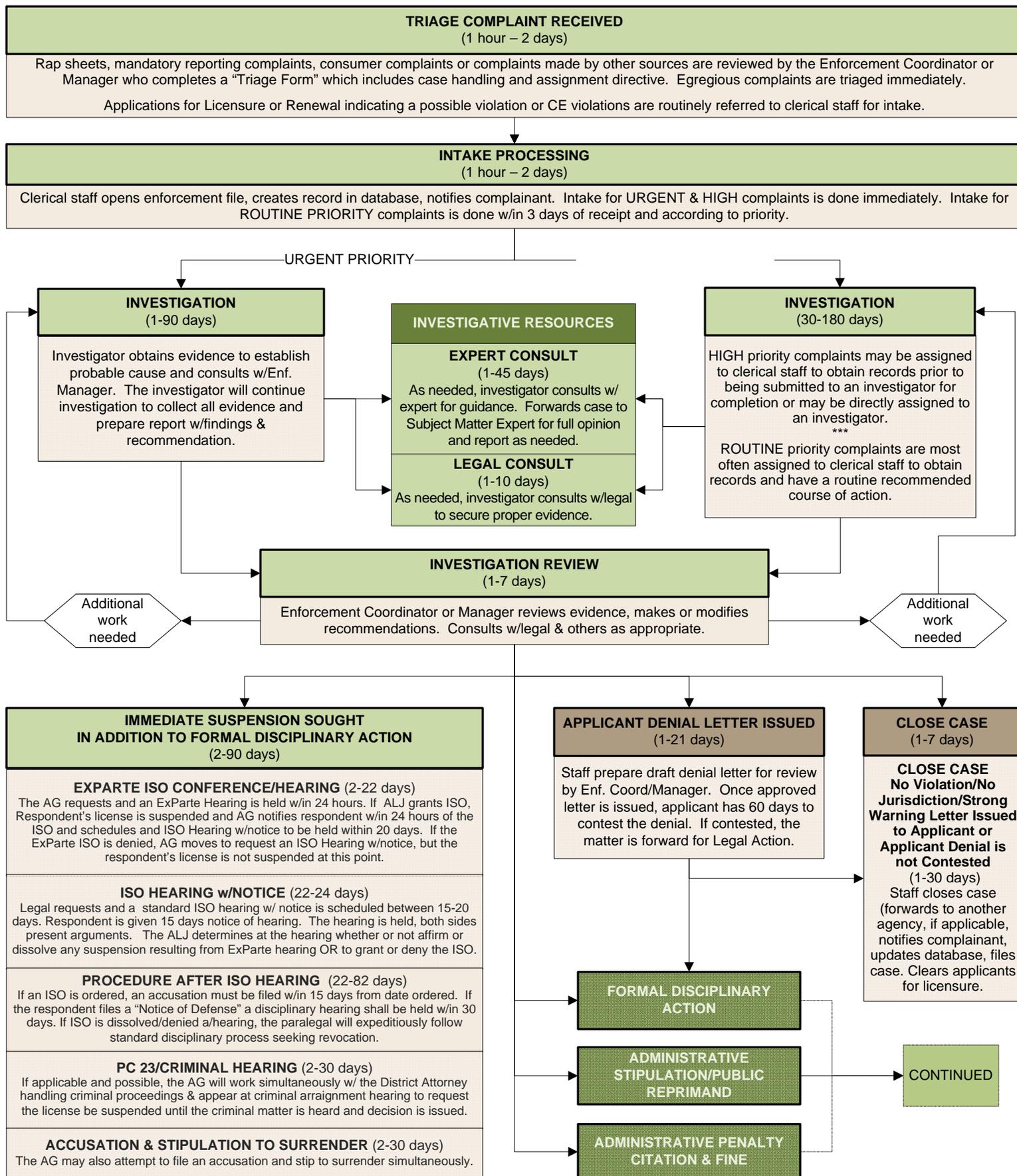


Respiratory Care Board of California ENFORCEMENT PROCESS OVERVIEW

(Revised 12/15/16)



FORMAL DISCIPLINARY ACTION

**ADMINISTRATIVE STIPULATION
IN-HOUSE PUBLIC REPRIMAND**

**ADMINISTRATIVE PENALTY
CITATION AND FINE**

STAFF REQUEST AG TO PREPARE PLEADING
(Accusation or Statement of Issues) (1-14 days)
Request is prepared by staff and reviewed by Enf. Coor/Manager for edits and final approval before sent.

STAFF PREPARE PROPOSED STIPULATION
(1-30 days)
Board staff prepare stipulation and mail to respondent for consideration.

CITATION & FINE PREPARED & ISSUED
(1-14 days)
C&F is prepared by staff and reviewed by Enf. Coor/Manager for edits and final approval before issued via certified mail.

AG DRAFTS PLEADING (2-120 Days)
Draft pleading is forwarded to Board staff for review, edits made by AG and returned to Board staff to serve (via certified mail).

RESPONDENT REJECTS PROPOSED STIPULATION
(1-30 days)
Respondent declines to enter into In-House Stipulation.

CITATION AND FINE HEARING REQUESTED
Staff receives request w/ in 30 days and schedules informal hearing or proceeds to request a formal hearing.

TIME TO APPEAL CITATION LAPSED
(30 days)
Staff closes case and pursues collection of fine, places license renewal on hold until paid as applicable.

DEFAULT DECISION NO HEARING REQUESTED
(15-90 days)
AG drafts default decision, forwards to Board staff for review, edits made by AG and returned to Board staff for processing.

RESPONDENT REQUESTS HEARING
(2-30 days)
Unless otherwise directed, AG will contact respondent or his/her attorney to determine if a settlement can be reached.

RESPONDENT AGREES TO PROPOSED STIPULATION
(1-30 days)
Respondent signs and returns stipulation.

STIPULATED SETTLEMENT REACHED
(30-210 days)
AG works w/Board staff & respondent/attorney to reach agreeable discipline. AG forwards complete stipulation to Board for review, AG makes edits and returns to Board staff for final approval & processing.

HEARING SCHEDULED
Stipulated settlement unlikely or not an option. AG requests hearing date.

PROPOSED IN-HOUSE STIPULATED DECISION NON ADOPTED
Board staff forward case to AG.

INFORMAL CITATION AND FINE HEARING
(30-60 days)
Staff schedule and hearing is held with Executive Officer.

INFORMAL HEARING DECISION ISSUED
(7-30 days to issue)
Executive Officer hears testimony & issues order to affirm, dismiss or modify original citation/fine. Final decision is drafted & served. Licensee may appeal w/in 30 days.

FORMAL HEARING PHASE

ALJ HEARING
(90-300 days)
ALJ hears case.

BOARD HEARING
(90-240 days)
The Board and ALJ hear case. The ALJ or Legal Counsel drafts final decision. Decision is filed by Board staff and if applicable, forwarded to Probation Unit.

PROPOSED STIPULATED DECISION NON ADOPTED
(1-7 days)
Board staff returns case to AG to adjust stipulated terms and conditions or set for hearing.

FORMAL C&F HEARING REQUESTED
(Forward to AG/10-14 days)
Staff prepare request and forward to AG for formal hearing.

DEFAULT DECISION FAILURE TO APPEAR (10-60 days)
Respondent fails to appear at hearing. AG drafts default decision.

ALJ PROPOSED DECISION RECEIVED (30-100 days)
ALJ submits proposed decision to the Board staff for processing.

BOARD MEMBERS VOTE
(5-14 days)
Staff forwards appropriate documentation to members. Board Members vote to 1) Adopt, 2) Non-Adopt, or 3) Discuss & vote at meeting (Additional 14-180 days for option 3)

PROPOSED ALJ DECISION NON ADOPTED
(120-180 days)
Staff notifies respondent and legal of decision and requests hearing transcripts. Transcripts are forwarded to members for discussion at board meeting. Board adopts ALJ proposed decision or issues their own.

DECISION ADOPTED
(1-5 days)
Decision is filed by Board staff and if applicable, forwarded to the Probation Unit for monitoring. Effective dates of decisions differ depending upon order.

STAFF PROCESS PROPOSED DECISION (2-7 days)
Board staff prepare decision for Board Member Vote.

