



State of California
Respiratory Care Board
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Inquiry: We are being told that we can be more efficient if we start stacking therapy. Is there any legal defense we have against this practice, or can a Department write a policy and force us to do it, or lose our jobs?

1. Is concurrent therapy a legal practice in this state?
2. Can you lose your license if a patient has an adverse effect to a medication when you are out of the room, doing concurrent therapy?
3. What is the RCB doing to stop this practice in this state?
4. Can you lose your license for doing concurrent therapy?
5. Is it Medicare or Medical fraud?

I need to be able to show administration legal documents, laws or regulations to defend my case over stacking therapy. Can you please help us out?

Response: After careful review of your inquiry received in our office on March 25, 2003, we are offering the following guidance regarding the practice issues you have brought to our attention.

The mandate of the Respiratory Care Board is to protect and serve the consumer by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care. We can only do that as unsafe practices are reported to the Board.

The Board has adopted the AARC Clinical Practice Guidelines as its reference to determining what is safe and what would be considered unsafe. We would recommend that organizations use this document to develop appropriate policies and procedures for administration of respiratory care services within their facility.

As a Board, we would strongly discourage any organization from adopting a policy which leaves patients unattended for administration of medication. This practice would make it impossible to monitor patient reaction (particularly adverse) and or benefits the patient may receive from the medication and treatment.

In addition, unattended therapy may be considered self administered therapy and not qualify as billable. We would recommend therefore, that you contact Medicare directly. Their contact information is listed below for your reference.

Toll Free Telephone: 1-800-MEDICARE (633-4227)
Website: www.medicare.com

Since your facility is only considering these actions, the Board's position, at this time, is that implementing this practice would be contradictory to safe practice. Should they decide to move this practice forward, please do not hesitate to contact us immediately.

Reference # 2003-C-15

This determination does not constitute a declaratory decision under the comprehensive provisions of the Government Code sections 11465.10 – 11465.70.