



Item: **Strategic Plan Status**

Item Summary: This item includes the status for each objective from the Board's 2017-21 Strategic Plan. No further action is necessary or may be taken on any of the objectives with the exception of Goal 2, Objective 2 below. This Objective requires Board member intervention.

Goal 2: Education

Ensure the initial and continuous competency of all licensed Respiratory Care Practitioners (RCPs).

Objective 2: Develop an action plan to incorporate a baccalaureate degree provision in the Respiratory Care Practice Act (RCPA) to ensure education requirements meet the demand of the respiratory care field.

Status: Section 3702.5 of the Business and Professions Code (SB 1003) lays the foundation for identifying advance-level tasks and services that will promote the development of baccalaureate programs.

In 2016, the practice of respiratory care was expanded (B&P 3702.7) to include several additional tasks requiring high-level critical thinking and critical reasoning skills (e.g. ECMO, conscious sedation, etc.). In addition, the respiratory workforce ranges from licensees with no education (grandfathered into the practice) to one-third of licensees holding bachelor, masters and doctorate-level degrees. SB 1003 is intended to provide a guide for facilities, educators, and licensees.

Facilities and licensees will have a better understanding of the services RCPs are authorized to provide, while understanding that additional on-the-job training/ experience may be necessary for the most advanced services- depending on the level of education and experience each licensee has. Existing and prospective respiratory care education programs, especially clinical training components, will be able to tailor their programs more effectively. Further, as previously noted, this measure will promote the development of additional baccalaureate-level respiratory programs.

Goal 1: Enforcement

Protect consumers by preventing violations and effectively enforcing laws and regulations when violations occur.

1. Seek regulatory amendment to provide that “Commission of an act or conviction of a crime involving neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult as described in Section 368 of the Penal Code, without regard to whether the person was a patient” shall be considered to be substantially related to the qualifications, functions or duties of a respiratory care practitioner, in order to ensure the Board may take disciplinary action against a licensee for such crimes and to increase consumer protection.
Status: Complete. Amendments to CCR, Section 1399.370 are expected to be complete in May 2021 (part of the AB 2138 regulation package).
2. Research the legalization of marijuana in the State of California and its impact on applicants and licensees to effectively regulate the new law and ensure consumer protection.
Status: Complete. A history on marijuana legalization was presented to the Board at its 2/2/18 meeting. The Board found that its laws and regulations did not require amendments. It was noted that employers still have the right to maintain a drug and alcohol free workplace and can keep policies that prohibit the use of cannabis by employees and prospective workers. Further, there is no state law that protects employees from termination for using marijuana. The California Highway Patrol (CHP) has taken the lead in identifying a method to determine recent cannabis use that would impair a person’s ability to drive (and such testing methods may be beneficial for the Board). The CHP report with findings is expected in 2022.
3. Seek legislation to require an individual petitioning for reinstatement of licensure to pass the current licensing exams to ensure competency at the current minimum required level.
Status: Complete. Section 3751 of the Business and Professions Code was amended effective 1/1/19 (SB 1491).
4. Recruit and train 2-5 additional subject matter experts (SMEs) to maintain investigative cycle times and ensure consistency amongst SMEs and cases. *Status:* Complete. Recruitment process and expert guidelines updated. Contracted with six additional experts (three each in Northern and Southern California).
5. Create detailed disciplinary action summaries to post on Board’s website to provide transparency to consumers.
Status: Completed on 10/10/19.

6. Collect data related to discipline and educational institutions to identify institutions that may be graduating a significant number of students, later subject to disciplinary action.

Status: Complete. Information provided to members at the 5/14/18 Board meeting.

7. Increase the number of Continuing Education [CE] audits to 10% to ensure compliance.

Status: Complete. Board staff began auditing 10% of all renewals effective November 2017.

8. Research and evaluate whether BreEZe can be modified to increase efficiencies in auditing licensees for CE compliance.

Status: Complete. Staff met with members of the BreEZe team in February 2020 to discuss potential BreEZe functionality to streamline the CE audit process. Following this meeting, staff determined that it was more efficient to continue using its own internal process to randomly select licensees for an audit and to distribute notices accordingly. The primary factor in this decision was a result of the BreEZe functionality not being able to identify if the licensee was subject to the required ethics course during the period for which they were being audited. However, the development of the on line attachment feature has proved beneficial to licensees for submitting their audit responses and provides for a faster review by staff.

9. Revise and strengthen contract language to require bodily fluid collection sites be available closer to a probationer's home or work to promote compliance.

Status: Complete. The Board began contracting with a new biological fluid testing vendor, First Source Solutions (FSS) in September 2018. The new contract requires collection sites to be available within 20 miles of a probationer's home or work site, rather than 25 miles in the prior contract. As FSS is a nationwide company, it has demonstrated that it has affiliation with a larger network of collection site locations. FSS has also consistently been responsive when the need to establish a new location has arisen. In recent years, Probation Monitors have noticed an overall increase in collection fees (most averaging \$50) and has expressed concern regarding these fees to the FSS liaison who has agreed to research other potential collection sites with lower fees. With the new drug testing vendor, probationers are not required to pay for their test in advance or at the time of collection. Rather, the probationer is billed monthly for all tests which occurred the prior month. It is believed this is helpful in that probationers are not required to come up with the collection and test fees at the same time, and many have expressed their preference for this process.

10. Update disciplinary guidelines to ensure they are current and reflect current laws.
Status: In progress. The rulemaking package addressing Driving Record, Handling of Military Applications, and Disciplinary Guidelines was noticed on January 22, 2021 with a 45-day comment period through March 8, 2021.
11. Seek legislation to clarify that once an applicant is placed on probation, the applicant is subject to monthly probation monitoring costs in order to recover costs associated with monitoring probationers that are newly licensed.
Status: Unsuccessful attempt to secure language in the 2018 legislative cycle was made.
12. Eliminate the submission of a Department of Motor Vehicles [DMV] history as a standard application requirement to increase efficiency in the application process.
Status: Complete. The DMV history submission was no longer required as part of the standard application process effective 10/15/17.

Goal 2: Education

Ensure the initial and continuous competency of all licensed Respiratory Care Practitioners (RCPs).

1. Develop an action plan to establish laws and regulations or accrediting standards for student clinical requirements to increase consumer protection and improve education outcomes.
Status: 2021: In progress. The Board is moving forward with regulations to establish incentives for qualified and experienced RCPs to precept students.
2. **Develop an action plan to incorporate a baccalaureate degree provision in the Respiratory Care Practice Act (RCPA) to ensure education requirements meet the demand of the respiratory care field.**

Status: Section 3702.5 of the Business and Professions Code (SB 1003) lays the foundation for identifying advance-level tasks and services that will promote the development of baccalaureate programs.

In 2016, the practice of respiratory care was expanded (B&P 3702.7) to include several additional tasks requiring high-level critical thinking and critical reasoning skills (e.g. ECMO, conscious sedation, etc.). In addition, the respiratory workforce ranges from licensees with no education (grandfathered into the practice) to one-third of licensees holding bachelor, masters and doctorate-level degrees. SB 1003 is intended to provide a guide for facilities, educators, and licensees.

Facilities and licensees will have a better understanding of the services RCPs are authorized to provide, while understanding that additional on-the-job training/ experience may be necessary for the most advanced services- depending on the level of education and experience each licensee has. Existing and prospective respiratory care education programs, especially clinical training components, will be able to tailor their programs more effectively. Further, as previously noted, this measure will promote the development of additional baccalaureate-level respiratory programs.

3. Revise CE regulations to provide clarity and improve program effectiveness. *Status:* In progress. Proposed revisions presented to the Board for consideration to circulate among stakeholders, prior to beginning the rulemaking (regulation) process at its 5/14/18 meeting. Board approved final language at its November 2019 meeting. Feb 2021: Regulatory package being assembled with legal counsel.
4. Upon completion of CE revision requirements, develop brochures to be posted to Board's website, and mailed to each licensee to ensure awareness of current CE requirements.
Status: Pending final approval of CE regulations by Office of Administrative Law.
5. Seek legislative authority to approve/disapprove a school based on clinical practice and/or exam pass/fail rates and/or accreditation status to ensure poor performing programs are not continuing to move unprepared students through their programs. *Status:* Complete. After further data review and discussion, the Board modified regular reporting of pass rates by schools on its website allowing applicants to make informed decisions. In August 2018, a letter was also sent to CoARC sharing concerns related to program pass rates and complaints received against education program graduates. In this letter the Board urged CoARC to determine if there are any actions that could be taken by the Board, or CoARC, to pursue a more aggressive enforcement of existing standards to help remedy these issues. CoARC was also asked to consider the possibility of more frequent site visits for lower performing programs, or for programs identified as graduating a higher number of students later subject to disciplinary action.
6. Educate students pursuing RCP licensure about the consequences of having convictions and violations of the RCPA.
Status: Complete. In January 2020, the all respiratory care program directors were provided with a supply of a booklet entitled Licensure and the Application Process. This booklet was developed to guide students through the application process, including information on how a prior conviction may impact licensure. This booklet is also available on the Board's web site.

Goal 3: Practice Standards

Establish regulatory standards for respiratory care practice in California and ensure the professional qualifications of all Respiratory Care Practitioners (RCPs).

1. Enforce the RCPA against facilities allowing unlicensed or unqualified personnel to perform respiratory care, to cease unsafe practice and ensure patient safety. *Status:* In progress. Staff and board member representatives of the RCB and the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) are meeting 5/23/18 to see if we can work together to resolve scope of practice concerns specific to care provided at sub acute facilities. April 2019: Board members, staff, legal counsel and experts from both the BVNPT and the RCB weighed in on the issues by considering current laws, education and training. As a result, the BVNPT and the RCB published a Joint Statement identifying the tasks that may or may not be performed by LVNs. Since then, the BVNPT has wavered from their commitment to the Joint Statement. This will be addressed in the RCB's Sunset Report.
2. Identify mechanisms in institutions to fully utilize the respiratory care scope of practice through an educational campaign to decrease costs. *Status:* Pending Bachelor Degree proposal. Section 3702.5 of the Business and Professions Code (SB 1003) lays a foundation to develop regulations and then notify all facilities of the full respiratory scope of practice and provide a meaningful guide on which services are basic, intermediate and advanced. This in addition to 2016 amendments to section 3701, expanding the definition of overlapping functions to include any task with proper training and facility authorization, will benefit the educational campaign and help facilities determine the level of in-house competency testing as appropriate.
3. Increase communication with the Medical Board of California as it relates to standards of practice for MDs to fully utilize RCPs. *Status:* [See Practice Standard Objective #2 above]
4. Research and collaborate with other state agencies to potentially establish patient care ratios, define a respiratory care unit under Title 22, encourage the use of evidence based protocols, and prohibit concurrent therapy to ensure patient safety and health. *Status:* Pending California Department of Public Health (CDPH) action. Letter issued 4/17/18 to the CDPH in response to their inquiry regarding revisions to sections 70615, 70617, 70619, 70621, 70623, of Division 5, Title 22, California Code of Regulations. The Board recommended adding similar language found in section 70405 (respiratory care unit) to section 70619 to provide minimum staffing in sub acute facilities. 2020: No action has yet been taken by CDPH.

Goal 4: Organizational Effectiveness

Enhance organizational effectiveness and improve processes and the quality of customer service in all programs.

1. Establish a program to provide training to new Board members in reviewing and applying the Business and Professions Code to enforcement cases.
Status: Complete. The Board's Administrative Manual (revised 2016) includes detailed information regarding the Board's enforcement process. Staff reached out to Board members for suggestions on developing additional training materials and/or delivery methods. Feedback indicated the manual and training provided by DCA is sufficient.
2. Establish regulations to distinguish documentation required to prove an honorable discharge to codify the process in accordance with Senate Bill 1226 (statutes of 2014) to expedite applications from military personnel that were honorably discharged. *Status:* In progress. The rulemaking package addressing Driving Record, Handling of Military Applications, and Disciplinary Guidelines was noticed on Jan. 22, 2021 with a 45-day comment period through March 8, 2021. In the meantime, staff has continued to request verification in the form of a DD214, Certificate of Release or Discharge from Active Duty and expedites all military and military spouses applications.
3. Seek a legislative amendment to accurately reflect the name(s) of examinations for licensure to ensure clarity in the law.
Status: Complete. Section 3735 of the Business and Professions Code was amended accordingly, effective 1/1/19 (SB 1491).
4. Develop a module within BreEZe to provide clarity and efficiency to Board members in regard to case discipline.
Status: Complete. Enhancements to the BreEZe voting feature were established January 11, 2018. The new layout of the Voting Summary Screen identifies new columns that provide the type of decision for vote, the date the vote is due, and the final decision outcome after the votes have been calculated. Members may now, also view their case voting history for four months after the decision has been processed.
5. Update office equipment to promote efficient and effective execution of daily tasks and responsibilities.
Status: Complete. Desktops were replaced in early 2018.
6. Research the integration of BreEZe to a paperless application for licensure in order to improve customer satisfaction by improving processing times and reducing paperwork.
Status: In progress. The on line initial application transaction is scheduled to launch as part of the BreEZe April 7, 2021 release.