



Item: **Licensing and Enforcement Activity Annual Report**

Item Summary: The Board's 2019-20 Annual Report is submitted for the Board's review.

- Board Action:
1. President calls the agenda item and it is presented by or as directed by the President.
 2. For information purposes only. Discussion may ensue.

Attached is the Board's 2019-20 Annual Report highlighting its licensing and enforcement activities. You will note that the Board shows it took on average, 401 days to complete enforcement cases from date of complaint through date discipline was imposed through the Office of the Attorney General, well under the goal of 540 days.

Staff have also been tracking monthly license counts for several years, as a means to identify trends. At this time, there is nothing unusual to report. Canceled and retired licensees is elevated as expected and in line with the Board's last Work Force Study indicating many licensees are at or soon will be at retirement age. We offer the following for your review as well:

Report Date	9/1/2017	9/1/2018	11/5/2019	9/1/2020
Current	20,437	20,599	20,790	20,947
Delinquent	3,162	2,866	2,798	2,697
Canceled	13,974	15,032	16,172	16,845
Retired	794	874	973	1,032



Licenses and regulates respiratory care practitioners.

www.rcb.ca.gov

STAFF:

16.4 civil servant positions
1 exempt

LICENSES, REGISTRATIONS, PERMITS, AND CERTIFICATES:

23,588

BOARD MEMBERSHIP:

4 public representatives
4 licensees
1 licensed physician and surgeon

BOARD STAFF:

Executive Officer: Stephanie Nunez
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Assistant Executive Officer: Christine Molina
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LAWS AND REGULATIONS:

Business and Professions Code §§ 3700-3779;

California Code of Regulations, Division 13.6,
title 16, §§1399.300-1399.395.

SUNSET REVIEW:

Last review: 2017 Next review: 2022

Board Highlights

RECIPROCITY

Pursuant to Business and Professions Code section 3735, the Board recognizes and accepts the National Board for Respiratory Care's registered respiratory therapist credential in lieu of passage of the state licensing examinations. However, education requirements must also be met and background checks performed prior to license issuance. Further, verification of licensure, including discipline history, is required from each state where the applicant has been licensed.

ACCOMPLISHMENTS

Published and distributed a booklet entitled Licensure and the Application Process to educate students pursuing respiratory care practitioner licensure about requirements, expectations, timelines, and consequences of violating the Respiratory Care Practice Act.

Reestablished the online publishing of quarterly disciplinary action summaries with links to public documents (summaries available from 2016 to present).

Responded to the COVID-19 pandemic and its impact on internal operations, as well as the respiratory care profession. Essential activities included the development and updating of frequently asked questions, responding to numerous stakeholder inquiries, participating in roundtable discussions, providing input regarding recommended waivers, establishing revised application and licensing processes, and transitioning staff to telework.

Implemented Assembly Bill 2138 (Chiu, Chapter 995 Statutes of 2018) by initiating the regulatory process to put into effect changes in law related to substantial relationship and rehabilitation criteria for applicants and licensees. Revised application forms and reengineered business processes consistent with the statutory changes and modified the BreEZe system to capture required applicant demographic data.

Updated the Respiratory Care Board of California and Board of Vocational Nursing and Psychiatric Technicians Joint Statement to removing "home care locations" in support of access to care in the home and stakeholder input.

NEW LEGISLATION

There was no enacted legislation solely related to this program in 2020.

License Requirements*

License Requirements	Y/N
DEGREE/PROFESSIONAL SCHOOLING	Y
QUALIFYING EXPERIENCE (MAY INCLUDE EDUCATION)	Y
EXAMINATION	Y
CONTINUING EDUCATION/COMPETENCY	Y
FINGERPRINT REQUIREMENT	Y

*Applicable to specific license types—refer to laws and regulations for details.

Fees*

License Type/Fee Type	Actual Fee	Statutory Limit
APPLICATION FEE	\$300	\$300
EXAMINATION FEE	\$190 - \$390	ACTUAL COST
BIENNIAL RENEWAL FEE	\$330	\$330

*Additional fees may be required. Refer to the laws and regulations for details.

Summary of Licensing Activity

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
RESPIRATORY CARE PRACTITIONER	1,059	879	8,473
TOTAL	1,059	879	8,473

Licensing Population by Type			
TYPE	CERTIFICATES/ PERMITS	LICENSES/ REGISTRATIONS	APPROVALS
RESPIRATORY CARE PRACTITIONER		23,588	
TOTAL		23,588	

Renewal and Continuing Education (CE)		
TYPE	FREQUENCY OF RENEWAL	NUMBER OF CE HOURS REQUIRED EACH CYCLE
RESPIRATORY CARE PRACTITIONER	BIENNIAL	30

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
THERAPIST MULTIPLE CHOICE	819	193	1,012
CLINICAL SIMULATION EXAMINATION	648	304	952

Summary of Enforcement Activity

Consumer Complaints—Intake	
294	RECEIVED
46	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
250	REFERRED FOR INVESTIGATION
0	PENDING

Conviction/Arrest Notification Complaints	
448	RECEIVED
14	CLOSED/REFERRED FOR INVESTIGATION
438	REFERRED FOR INVESTIGATION
0	PENDING

Inspections	
N/A	CONDUCTED
N/A	CITATIONS ISSUED

Investigations	
688	OPENED
718	CLOSED
145	PENDING

Number of Days to Complete Intake and Investigations	
552	UP TO 90 DAYS
94	91 TO 180 DAYS
58	181 DAYS TO 1 YEAR
13	1 TO 2 YEARS
1	2 TO 3 YEARS
0	OVER 3 YEARS
70	AVERAGE NUMBER OF DAYS TO COMPLETE INTAKE AND INVESTIGATIONS

Citations and Fines	
77	ISSUED
77	ISSUED WITH A FINE
2	WITHDRAWN
0	DISMISSED
74	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

Total Amount of Fines	
\$47,563	ASSESSED
\$7,475	REDUCED
\$44,795	COLLECTED

RESPIRATORY CARE BOARD OF CALIFORNIA

Criminal/Civil Actions	
N/A	REFERRALS FOR CRIMINAL/CIVIL ACTION
N/A	CRIMINAL ACTIONS FILED
N/A	CIVIL ACTIONS FILED

Office of the Attorney General/Disciplinary Actions	
43	CASES OPENED/INITIATED
33	CASES CLOSED
31	CASES PENDING

Number of Days to Complete AG Cases	
17	UP TO 1 YEAR
14	1 TO 2 YEARS
1	2 TO 3 YEARS
1	OVER 3 YEARS
401	AVERAGE NUMBER OF DAYS TO IMPOSE DISCIPLINE

Formal Actions Filed/Withdrawn/Dismissed	
1	STATEMENTS OF ISSUES FILED
30	ACCUSATIONS FILED
2	RESTRAINING/RESTRICTION/SUSPENSION ORDERS GRANTED
0	STATEMENTS OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATIONS WITHDRAWN/DISMISSED

Administrative Outcomes/Final Orders	
0	LICENSE APPLICATIONS DENIED
5	REVOCAION
4	SURRENDER OF LICENSE
6	PROBATION WITH SUSPENSION
0	SUSPENSION ONLY
11	PROBATION ONLY
0	PUBLIC REPRIMAND
0	OTHER DECISIONS
26	TOTAL

Petition for Modification or Termination of Probation	
5	GRANTED
0	DENIED

Petition for Reinstatement of Revoked License/Registration/Certification	
0	GRANTED
0	DENIED

Cost Recovery to DCA	
\$187,908.25	ORDERED
\$119,866.91	COLLECTED

Restitution to Consumers/Refunds/Savings	
N/A	RESTITUTION ORDERED
N/A	AMOUNT REFUNDED
N/A	REWORK AT NO CHARGE
N/A	ADJUSTMENTS/RETURNS/EXCHANGES
N/A	TOTAL SAVINGS ACHIEVED FOR CONSUMERS

Receipt of Complaint for Assignment to Investigation	
1	AVERAGE NUMBER OF DAYS

Start of Investigation to Investigation Closure	
69	AVERAGE NUMBER OF DAYS

Closure of Investigation to Imposing Formal Discipline	
241	AVERAGE NUMBER OF DAYS