

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 13.6. Respiratory Care Board**

Legend:

Changes addressed in Notice of Proposed Regulatory Action (45-day comment period):

- Deleted text is indicated by ~~strikethrough~~
- Added text is indicated with an underline

Modified Text (15-day comment period):

- Deleted text is indicated by ~~double-strikethrough~~
- Added text is indicated by double underline

Amend section 1399.326 to read:

§ 1399.326. Driving Record.

The ~~b~~Board ~~shall~~ shall ~~may~~ review the driving history for each applicant as part of its investigation prior to licensure.

Note: Authority cited: Section 3722, Business and Professions Code. Reference: Sections 3730 and 3732, Business and Professions Code.

Amend section 1399.329 to read:

§ 1399.329. ~~Military Renewal Application Exemptions.~~ Handling of Military Personnel and Military Spouse Applications.

(a) Pursuant to subdivision (c) of section 114.3 of the B&P, the ~~b~~Board shall prorate the renewal fee and the number of CE hours required in order for a licensee to engage in any activities requiring licensure, upon discharge from active duty service as a member of the United States Armed Forces or the California National Guard.

(b) The Board shall provide expedited handling of applications for licensure and renewal for military personnel and military spouses as provided in sections 114, 114.3, 115.4, and 115.5 of the B&P.

(c) Evidence of discharge from active duty or from the military ~~may include~~ shall be an order issued by the U.S. Armed Forces on a DD Form 214 or the National Guard on form NGB-22.

Note: Authority cited: Sections 114.3, 115.4, 115.5 and 3722, Business and Professions Code. Reference: Sections 114, 114.3, 114.5, 115, 115.4, and 115.5, Business and Professions Code.

§ 1399.374. Disciplinary Guidelines.

In reaching a decision on the disciplinary action under the Administrative Procedure Act (Government Code section 11400 et seq.), determining terms and conditions of probation, or consequences for non-compliance of ordered probation, the ~~Board~~ Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [2014 2020 Edition] which are hereby incorporated by reference. Deviation from these standards, guidelines and orders, including the standard terms of probation, is appropriate where the ~~Board~~ Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 3722, Business and Professions Code; and Sections 11400.20 and 11400.21, Government Code. Reference: Sections 315, 3718 and 3750, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.