



ENFORCEMENT HISTORY WEB RETENTION POLICY

The Respiratory Care Board (Board) issued its first license in 1985 and has since issued over 35,000 licenses. Of these 35,000 licenses, approximately 22,000 remain active. In the last decade, the Board has taken an average of 150 administrative or disciplinary actions each year. Since 2006, disciplinary documentation and administrative actions have been made available via the Board's website. In the past year, the Board office has received requests to remove discipline information from its website, which prompted the Board to include this matter in its 2013-2016 Strategic Plan: Goal 1.3 Establish a maximum time period to post on the internet, citations, fines and disciplinary matters.

After careful consideration by the Board, it was determined that the act(s) that caused the disciplinary action must be the key factor as to whether the information is easily accessible by the public and employers through the Board's website. The Board has set a very high threshold and only that discipline where the Board believes the licensee poses no risk to the public may be removed from its website.

However, while the Board has discretion in determining how long certain information will be posted on its website, the Board must comply with the California Public Records Act and provide public documents upon request, even if they are no longer posted on the website.

Therefore, upon request, the Board will consider the removal of disciplinary information as follows:

Decisions Resulting in a Public Reprimand: Five years from the date the decision was effective, or the date conditions were fulfilled, whichever is the latter.

Issuance of Citation and Fines: Five years from the date the decision was effective including the resolution of any appeal or the date the fine was paid in full, whichever is the latter.

Decisions containing orders for suspension, probation, revocation or surrender are not eligible for removal. In addition, citation and fines involving unlicensed individuals or employers of unlicensed activity are not eligible for removal. Further, the Board reserves the right to retain any administrative or disciplinary information or documentation on its website, when it believes it serves the best interest of the public.