

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

Article 5. Continuing Education

§ 1399.349. Continuing Education Defined.

“Continuing Education” means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, in-service education, institutes, seminars, home study, internet courses, and workshops, taken by respiratory care practitioners (RCPs) for licensure renewal. These learning experiences are meant to enhance the knowledge of the RCP in the practice of respiratory care in direct and indirect patient care. Continuing education does not include education or training needed to become a licensed RCP.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Sections 3719 and 3740, Business and Professions Code.

§ 1399.350. Continuing Education Required.

(a) Each respiratory care practitioner (RCP) is required to complete 30 hours of approved continuing education (CE) every 2 years. At least 25 of the 30 required CE hours shall be completed in the following content areas:

(1) A minimum of 10 hours shall be directly related to RCP leadership, including effective communication in healthcare, training for educators who provide instruction in respiratory care practice as defined in Sections 3702 and 3702.7 of the B&P, or training in case management, health-care financial reimbursement, health care cost containment or health care management. Hours earned as part of a licensee’s successful completion of the Law and Professional Ethics Course as provided in section 1399.350.5, and credit earned by a licensee for preceptor participation as provided in section 1399.352.6 shall be considered qualifying RCP leadership hours and counted by the Board toward meeting the requirements of this subdivision in accordance with sections 1399.350.5 or 1399.352.6, as applicable.

(2) A minimum of 15 hours shall be directly related to the clinical practice of respiratory care, including training on all activities involving the practice of respiratory care as defined in B&P sections 3702 and 3702.7. Hours earned as part of a licensee’s successful completion of credentialing or certification examinations shall be considered qualifying CE and shall be counted by the Board toward meeting the requirements of this subdivision in accordance with section 1399.351.

(b) An RCP may earn up to 5 hours of CE credit through attendance at open sessions of Respiratory Care Board meetings; attendance at California Society for Respiratory Care (CSRC), or American Association for Respiratory Care (AARC) meetings, at the discretion of the AARC or CSRC in compliance with this subdivision; or attendance at courses related to the role of a health care practitioner or indirectly related to respiratory care as defined in section 1399.352.

(1) For attendance at meetings, CE shall be calculated on an hour-for-hour basis with one hour of CE credit accepted for each hour spent in attendance at the meeting.

(2) An RCP requesting CE credit for attending a Board meeting pursuant to this subdivision shall sign in and out on an attendance sheet at the in-person meeting or by way of a comment through a virtual, internet-based application (Webex or similar on-line meeting or video conferencing computer-based platform) if the Board offers on-line public participation for the meeting, that requires the individual to provide the following:

(A) the RCP's first and last name,

(B) license number,

(C) time of arrival and time of departure from the meeting, and,

(D) disclose whether they are requesting CE credit for attendance at the board meeting.

(3) An RCP requesting CE credit for attending a CSRC or AARC meeting shall obtain from the CSRC or AARC a written confirmation on the letterhead of the organization confirming the RCP's attendance at the meeting.

(c) Subject to the requirements and limitations of this Article, CE credit may be earned in any of the forms of learning experiences set forth in section 1399.349. However, a minimum of 15 hours of CE as outlined in subdivisions (a) and (b) shall be earned from live courses or meetings provided with interaction between the licensee and instructor in real time. The instructor and the licensee need not be in the same place, but they shall be able to communicate either verbally or in writing with each other during the time the learning activity is occurring. For the purposes of this section, live courses or meetings include, in-person lecture educational sessions that are part of conventions, courses, seminars, workshops, lecture series, and online meetings with participatory interaction between the licensee and the instructor via computer networks or the internet such as via web casts, video conferences, and audio conferences in which the licensee can directly interact with the instructor in real time during the instructional period.

(d) A licensee may not claim CE hours, and the Board shall not accept CE hours, for the same course or credentialing or certification examination more than once per renewal period.

(e) To renew the license, each RCP shall report compliance with the CE requirement. Supporting documentation showing evidence of compliance with each requirement under this Article, shall be submitted upon request to the board. For the purposes of this article, "supporting documentation" or "documentation supporting compliance" shall include certificates of completion as provided in subdivision (k) of section 1399.352 or, for courses completed through an approved post-secondary institution, an official transcript showing successful completion of the course accompanied by the catalog's course description as provided in subdivision (l) of section 1399.352. For CSRC or AARC meeting attendance as provided in subdivision (b)(3) of section 1399.350, "supporting documentation" or "documentation supporting compliance" includes written confirmation of physical attendance.

(f) CE supporting documentation shall be retained by the licensee for a period of four years.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3719, Business and Professions Code.

§ 1399.350.5. Law and Professional Ethics Course.

(a) As part of required continuing education, every person licensed under this chapter shall successfully complete a course in law and professional ethics as provided in section 1399.352.7 of this division, during every other license renewal cycle.

(b) Continuing education units earned in accordance with this section shall represent three units toward the RCP leadership requirements set forth in section 1399.350(a)(1). However, the course may be taken for continuing education credit only once during any renewal period.

Note: Authority cited: Sections 3719.5 and 3722, Business and Professions Code. Reference: Sections 3719 and 3719.5, Business and Professions Code.

§ 1399.351. Approved CE Programs.

(a) Any course or program meeting the criteria set forth in this Article will be accepted by the board for CE credit.

(b) The Board shall approve 15 hours of continuing education (CE) credit for the award of any of the following initial credentials after successful completion of an examination given by the National Board for Respiratory Care:

- (1) Adult Critical Care Specialist (ACCS);
- (2) Certified Pulmonary Function Technologist (CPFT);
- (3) Registered Pulmonary Function Technologist (RPFT);
- (4) Neonatal/Pediatric Specialist (NPS);
- (5) Sleep Disorders Specialist (SDS);
- (6) Asthma Educator Specialist (AE-C) and,
- (7) Registered Respiratory Therapist, if not required at the time of initial licensure pursuant to B&P section 3735.

(c) The Board shall approve 15 hours of CE for each initial certification and 5 hours of CE for each renewal or recertification for a licensee's successful completion of the following certification examinations:

- (1) Advanced Cardiovascular Life Support (ACLS).
- (2) Neonatal Resuscitation Program (NRP).
- (3) Pediatrics Advanced Life Support (PALS).
- (4) Advanced Trauma Life Support (ATLS).

(5) Asthma Educator Certified (AE-C) (provided by the National Asthma Educator Certification Board).

(d) The following certifications are approved by the Board for continuing education credit for initial certification only and for the number of hours given by the provider named below:

(1) Pulmonary Rehabilitation-Certified (provided by the American Association for Respiratory Care (AARC) and the American Association of Cardiovascular and Pulmonary Rehabilitation);

(2) Tobacco and Smoking Cessation-Certified (provided by the AARC); and,

(3) COPD Educator-Certified (provided by the AARC).

(e) CE credit will not be granted for:

(1) any review and/or preparation courses for credentialing or certification examinations,

(2) basic life support credentialing,

(3) the renewal or recertification of any certification not expressly identified in subdivision (c), or

(4) employment-related courses on subjects not described in this Article.

(f) Programs and examinations listed in subdivision (c) shall be provided by an approved entity listed in subdivision (h) of Section 1399.352.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Sections 32 and 3719, Business and Professions Code.

§ 1399.352. Criteria for Acceptability of Courses.

Acceptable courses and programs shall meet the following criteria:

(a) The content of the course or program shall be relevant to the scope of practice of respiratory care, including the content areas listed in section 1399.350(a)(1)-(2). Credit may be given for a course that is related to the role of a health care practitioner or indirectly related to respiratory care if the content of the course or program relates to any of the following:

(1) Preventative health services and health promotion, including tobacco and smoking cessation counseling.

(2) Required abuse reporting.

(3) Other subject matter which is directed by legislation to be included in CE for licensed healing arts practitioners.

(4) Courses regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS).

- (5) Courses in electronic systems used for purposes of medical billing or treatment of respiratory care patients.
- (b) The faculty shall be knowledgeable in the subject matter as evidenced by:
- (1) A degree from an accredited college or university and verifiable experience in the subject matter, or
 - (2) Teaching and/or clinical experience in the same or similar subject matter.
- (c) Educational objectives shall be listed.
- (d) The teaching methods shall be described, e.g., lecture, seminar, audio-visual, simulation.
- (e) Evaluation methods shall document that the objectives have been met.
- (f) Each course shall be provided in accordance with this Article.
- (g) Each course or provider shall hold approval from one of the entities listed in subdivision (h) from the time the course is distributed or instruction is given through the completion of the course.
- (h) Approved continuing education courses, in any format, shall be provided or approved by one of the following entities:
- (1) Any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education.
 - (2) A health care facility licensed by the California Department of Public Health.
 - (3) The American Association for Respiratory Care.
 - (4) The California Society for Respiratory Care (and all other state societies directly affiliated with the American Association for Respiratory Care).
 - (5) The American Medical Association.
 - (6) The California Medical Association.
 - (7) The California Thoracic Society.
 - (8) The American College of Surgeons.
 - (9) The American College of Chest Physicians.
 - (10) The American Heart Association
 - (11) American Lung Association
 - (12) Allergy and Asthma Network

(13) Society for Critical Care Medicine

(14) National Asthma Education Certification Board

(i) Additional CE providers are approved by the Board to provide live, “real-time” courses if the entity is approved or accredited by:

(1) any entity identified in subdivision (h),

(2) the California Board of Registered Nursing, or

(3) the Accreditation Council for Continuing Medical Education.

(j) Course organizers shall maintain a record of attendance of participants, documentation of participant’s completion as provided in subdivision (k), and a description of the course, for four years.

(k) Except as otherwise provided in this section, upon successful completion of a course, all course providers shall provide a certificate of completion or other documentation to course participants that includes participant name, RCP license number, course title, course approval identifying information, the course delivery method (e.g. on-line, live-on-line, in-person), the entity approving the course as provided in section 1399.351, and any other number or code uniquely assigned by that entity to represent that approval, if applicable, number of hours of CE awarded, date(s) CE hours awarded, and name and address of course provider.

(l) For quarter or semester-long courses (or their equivalent) completed at any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education, an official transcript showing successful completion of the course accompanied by the catalog’s course description shall fulfill the requirements in subdivisions (j) and (k).

(m) The board may audit providers offering CE for compliance with the criteria set forth in this Article.

Note: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3719, Business and Professions Code.

§ 1399.352.5. CE Hours.

The board will accept hours of approved CE as follows:

(a) The number of hours designated by those entities identified in subdivisions (h) or (i) of Section 1399.352.

(b) Notwithstanding subdivision (a), one (1) academic quarter unit is equal to ten (10) CE hours and one (1) academic semester unit is equal to fifteen (15) CE hours.

(c) Providers may not grant partial credit for any CE course. Partial credit is defined as any time segment less than the total designated course duration or time period.

§ 1399.352.6. Preceptors.

(a) For the purposes of this division, “preceptor” means any person responsible for the direct supervision and clinical instruction of a student, as part of an approved respiratory education program per B&P section 3740, at a facility, licensed by the California Department of Public Health, who meets all of the following criteria:

- (1) Holds a valid, current, and unrestricted license issued under this chapter.
- (2) Holds a current and valid Registered Respiratory Therapist credential issued by the National Board for Respiratory Care.
- (3) Has practiced a minimum of 4,000 hours as a respiratory care practitioner (RCP) within the five (5) years immediately preceding the date preceptor services are provided.
- (4) Has completed a preceptor course within the last four years from the current date of expiration for the license, provided by:
 - (A) the American Association for Respiratory Care (AARC),
 - (B) the California Society for Respiratory Care (CSRC), or
 - (C) A facility, licensed by the California Department of Public Health, using the course materials from the provider listed in (A) or (B) of this subdivision.
- (5) Is employed by a licensed facility to provide patient care as an RCP.

(b) Preceptors who meet the criteria in subdivision (a) may claim continuing education as follows:

- (1) Up to two times the amount of CE hours earned for successful completion of a course identified in subdivision (a)(4). The amount of CE claimed per course under this subdivision may not exceed six (6) hours for each renewal cycle.
- (2) Preceptors responsible for direct supervision and instruction to students in a patient-care setting, in their role as an RCP employed to provide patient care, may claim the following CE earned during any one renewal cycle period:
 - (A) Five (5) CE hours for five hundred (500) to nine hundred ninety nine (999) hours of preceptor supervision and instruction.
 - (B) Ten (10) CE hours for one thousand (1000) to one thousand four hundred ninety nine (1499) hours of preceptor supervision and instruction.
 - (C) Fifteen (15) CE hours for one thousand five hundred (1500) or more hours of preceptor supervision and instruction.

(D) Preceptors claiming CE credit shall retain records that clearly indicate the name(s) of the student(s) supervised, the hours precepted on each date and written time logs signed or initialed by the education program's clinical director of all hours for a period of four (4) years from the date of instruction.

(E) Preceptor hours identified in this subdivision are for hours of instruction, regardless of the number of students instructed at one time.

(c)(1) Instructor, for purposes of this section, means a person who teaches a preceptor course specified in subdivision (a)(4), to potential preceptors and meets the following requirements:

(A) Holds a valid, current, and unrestricted license issued under this chapter.

(B) Holds a current and valid Registered Respiratory Therapist credential issued by the National Board for Respiratory Care.

(C) Has practiced a minimum of 8,000 hours as an RCP within the six (6) years immediately preceding the date instruction is provided.

(D) Is employed by a facility, licensed by the California Department of Public Health or designated by the AARC or CSRC to provide said education.

(2) This subdivision does not include instruction to students in the role of an educator or clinical instructor employed by a respiratory care education program.

(d) Instructors who meet all of the criteria in subdivision (c) may claim up to ten (10) hours of CE for each renewal cycle for actual time spent teaching preceptor courses meeting the criteria in subdivision (a)(4). CE shall be calculated on an hour-for-hour basis with one hour of CE credit accepted for each hour spent teaching.

(e) The CE earned as provided in this section may be counted toward hours required for the RCP leadership requirement as provided in section 1399.350(a)(1) and toward the hours required for live, real-time CE requirement as provided in section 1399.350(c).

Note: Authority cited: Section 3722, Business and Professions Code.
Reference: Sections 3719, 3719.5, and 3742 Business and Professions Code.

§ 1399.352.7. Law and Professional Ethics Course Criteria.

An acceptable course in law and professional ethics shall meet the following criteria and be approved by the board or its designee:

(a) The course shall be provided by the American Association for Respiratory Care or the California Society for Respiratory Care.

(b) The course shall be three hours in length. One hour of instruction shall consist of not less than 50 minutes of actual classroom time or actual time spent by the licensee completing the coursework on the internet.

(c) At least two hours of the content of the course shall be dedicated to professional ethics with a concentration in the following subject areas:

- (1) Obligations of licensed respiratory care practitioners (RCPs) to patients under their care; and,
 - (2) Responsibilities of RCPs to report illegal activities occurring in the work place.
- (d) The course content may also include up to one hour of material with a concentration in:
- (1) Acts that jeopardize licensure and licensure status in California and,
 - (2) Current activities of the RCP profession.
- (e) The course shall meet all of the following requirements:
- (1) The course title shall be "Law and Professional Ethics."
 - (2) Delivery and format of the course shall be user-friendly.
 - (3) The course will be at least thirty (30) pages of written material.
 - (4) The course shall include a course description, course objectives, a post-course examination (a test provided to the student at the end of the instructional period), a certificate of completion as provided in section 1399.352, legal disclosures to students required by State or federal law, and a list of course materials as applicable.
 - (5) The course shall provide several segments. Each segment shall include a narrative or discussion, a scenario, and at least one question. For each question there shall be between three and six possible responses with only one correct answer. Each response shall include an explanation as to why the response is incorrect or correct. The number of questions tied to each segment may vary, as each component will differ in length and content.
 - (6) The post-course examination will include at least thirty (30) questions related to the instructional materials presented.
 - (7) The provider shall submit course test scores, names and other course related information to the board, upon request by the board.
 - (8) The provider shall not charge more than thirty dollars (\$30) for board applicants and sixty dollars (\$60) for board licensees or petitioners for reinstatement.
 - (9) The provider shall ensure that procedures are in place to address Americans with Disabilities Act (ADA) requests.
 - (10) The participant shall be allowed one (1) year to complete the course/exam after enrollment.

- (11) The participant shall not be able to exit the post-course examination once commenced.
- (12) The participant shall not have a time limit to take the post-course examination.
- (13) The minimum post-course examination passing score shall be 70%. The post-course examination shall be scored on all cumulative components, not by each section.
- (14) As applicable, the provider shall offer and allow participants who failed the initial post-course examination to retake the post-course examination free of charge. There shall be no wait time to retake the post-course examination if previously failed.
- (15) The course will include a survey, optional to participants, to gather feedback for the board.

(f) The course is solely the product of the provider and the provider assumes full responsibility for the course.

(g) The course shall be revised once every four years. Each revision shall be approved by the board.

(h) The board or its designee may rescind the approval of a course at any time if it believes it has been altered or finds that the course does not meet the requirements as provided for in this article.

(i) The provider may advertise and or reference that an approved course is “approved” by the board.

Note: Authority cited: Section 3722, Business and Professions Code.
Reference: Sections 3719 and 3719.5, Business and Professions Code.

§ 1399.353. Audit and Sanctions for Noncompliance.

(a) The board shall audit a random sample of RCPs for compliance with the CE requirements.

(b) If documentation of the CE requirement is improper or inadequate, or the licensee fails to provide the requested documentation within 30 days, the license becomes inactive. The practice of respiratory care, or representation that one is an RCP, is prohibited while the license is inactive. Practice on an inactive license shall constitute grounds for appropriate disciplinary action pursuant to the B&P.

(c) Notwithstanding subdivision (b), if the board determines that through no fault of the licensee the CE completed does not meet the criteria set forth in this article, the board may grant an extension, not to exceed six months, for the licensee to complete approved CE.

(d) Misrepresentation of compliance shall constitute grounds for disciplinary action.

(e) Documentation supporting compliance with CE requirements shall be available to the board upon request during the four year period following relicensure.

NOTE: Authority cited: Section 3722, Business and Professions Code. Reference: Sections 3719, 3719.5 and 3750, Business and Professions Code.

§ 1399.354. Waiver of Requirements.

At the time of making application for renewal of a license, an RCP may request a waiver from completion of the CE requirements. The board shall grant a waiver only if the RCP verifies in writing that, during the two year period immediately prior to the expiration date of the license, he or she:

(a) Has been absent from California for at least one year because of military service reasonably preventing completion of the CE requirements; or

(b) Has been prevented from completing the CE requirements for reasons of health or other good cause which includes:

(1) Total medical disability of the RCP for at least one year; or

(2) Total medical disability of an immediate family member for at least one year where the RCP has total responsibility for the care of that family member.

Verification of the disability under subsection (b) shall be verified in writing by a licensed physician and surgeon.

NOTE: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Section 3719, Business and Professions Code.

§ 1399.355. Renewal After Inactive or Delinquent Status.

(a) For the renewal of an expired license more than two years and within three years of the date of expiration, the applicant shall provide documentation of completion of the required 30 hours of CE during the four-year period preceding the application for renewal.

(b) For the renewal of an expired license two years or less from the expiration date, the applicant shall provide documentation of completion of the required 15 hours of CE during the two-year period preceding the application for renewal.

(c) After a license has been expired for three years, it will be cancelled and the applicant must make application just as for an initial license and meet all the current criteria required for licensure.

NOTE: Authority cited: Sections 3719 and 3722, Business and Professions Code. Reference: Sections 3719 and 3774, Business and Professions Code.

§ 1399.356. License Status.

A licensee may request, in writing, to change the status of his/her license as follows:

(a) To change the status of a license from active to inactive, the licensee shall make application to the board for such a change.

(b) To change the status of a license from inactive to active, the licensee shall request such in writing, pay all current, delinquent and accrued renewal fees, and provide documentation of completion of 15 hours of CE during the two-year period preceding the request for active status.

NOTE: Authority cited: Sections 701, 704, 3719 and 3722, Business and Professions Code. Reference: Sections 3719, 3774 and 3775, Business and Professions Code.