



INTERIM SUSPENSION ORDER POLICY

The Respiratory Care Board of California (Board) is mandated to protect the public from the unauthorized and unqualified practice of respiratory care and from unprofessional conduct by persons licensed to practice respiratory care. It has been a longstanding practice of the Board to pursue Interim Suspension Orders (ISOs issued through an administrative proceeding pursuant to Business and Professions Code Section 494) and PC 23s (suspensions ordered as part of a criminal proceeding pursuant to Penal Code, Section 23) when the conduct of a licensee poses an immediate and/or significant threat to the health and safety of the public.

This policy reaffirms the Board's position with respect to the use of these proceedings. When licensees engage in conduct that poses an imminent risk of serious harm to the public health, safety, and welfare, it is the policy of the Board to act swiftly and efficiently to protect the public by applying the provisions of Business and Professions Code section 494, relating to interim suspension, and Penal Code section 23, relating to criminal probation against licensees.

Following are some examples that would likely warrant the pursuit of an immediate order of suspension:

- Licensed RCP is accused of being under the influence of drugs or alcohol while at work.
- Licensed RCP is charged with DUI on his/her way directly to a work shift.
- Licensed RCP has allegedly engaged in a lewd act, sexual misconduct, or sexual assault involving a child, patient or un-consenting adult.
- Licensed RCP has allegedly engaged in a murder, rape, or other violent assault.

This list is intended to provide some examples of situations where an ISO and/or PC 23 is appropriate. The list is not intended to be exhaustive. The specific facts of each case must be reviewed to determine whether an ISO and/or PC 23 should be requested.

It is the Board's policy to pursue an immediate order of suspension whenever the actions of a licensed RCP indicate the licensee may pose an immediate threat to the public.