



Item: **Draft Continuing Education Regulation Amendments for Circulation**
Sections 1399.349-1399.356 of Article 5, of Division 13.6 of Title 16 of the California Code of Regulations

Item Summary: Draft regulatory amendments are presented to the Board for consideration to circulate the language to obtain stakeholder feedback prior to initiating the rulemaking (regulation) process.
[Items highlighted in yellow represent significant changes]

Board Action:

1. President calls the agenda item and it is presented by or as directed by the President.
2. President requests a motion:
 - to modify draft language (with all or some of the proposals below) and approve staff to circulate, as appropriate for feedback prior to beginning the regulatory process or
 - to make any other appropriate motion
3. President may request if there is a second to the motion, if not already made.
4. Board member discussion/edits (if applicable).
5. Inquire for public comment / Further Board discussion
6. Repeat motion and vote: 1) aye, in favor, 2) no, not in favor, or 3) abstain

Reference: Respiratory Care Board 2017-21 Strategic Plan
Education Objective No. 3: Revise continuing education (CE) regulations to provide clarity and improve program effectiveness.

Additional Proposals:

- A) Add the following providers to subdivision (a) of Section 1399.351:
 - (11) American Lung Association
 - (12) Allergy and Asthma Network
 - (13) Society for Critical Care Medicine(SCCM)
 - (14) National Asthma Educator Certification Board
- B) Add the following credential to subdivision (a) of Section 1399.353:
 - (6) Registered Respiratory Therapist

Additional
Proposals
Continued:

- C) Add the following certification to subdivision (b) of Section 1399.353:
(5) Asthma Educator Certified (AE-C) [*provided by the National Asthma Educator Certification Board*]
- D) Modify Section 1399.353 to acknowledge the following specific certifications for CE credit for initial certification only and for the number of hours given by the provider:
- Pulmonary Rehabilitation Certified [*provided jointly by the AARC and the AACVPR (American Association of Cardiovascular and Pulmonary Rehabilitation); currently for 12 hours*]
 - Tobacco and Smoking Cessation-Certified (*provided by the AARC; currently 5 hours*)
 - COPD Educator-Certified (*provided by the AARC; currently 10 hours*)
- E) Add the following language to subdivision (1) of section 1399.354:
(1) Preventative health services and health promotion, including tobacco and smoking cessation counseling.

California Code of Regulations
Title 16. Division 13.6. Article 5
Respiratory Care Board
Continuing Education

PROPOSED LANGUAGE

§ 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 for licensure renewal. These learning experiences are meant to enhance the knowledge of the respiratory care practitioner in the practice of respiratory care in direct and indirect patient care. Continuing education does not include basic 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 by an approved provider as identified in section 1399.351, as follows:
~~At least two-thirds of the required CE hours shall be directly related to clinical practice:~~

(1) A minimum of 10 hours must be directly related to practitioner leadership, case management, or health-care financial reimbursement, cost containment or management. Successful completion of the Law and Professional Ethics Course as provided in section 1399.352, may be counted toward this requirement

(2) A minimum of 15 hours must be directly related to the clinical practice of respiratory care. Successful completion of credentialing or certification examinations may be counted toward this requirement as provided in section 1399.353.

(3) Up to 5 hours may be earned through physical attendance at Respiratory Care Board, California Society for Respiratory Care, or American Association for Respiratory Care meetings open to the public or courses related to the role of a health care practitioner or indirectly related to respiratory care as may be included in section 1399.354.

(b) A minimum of 15 hours of CE as outlined in subdivision (a) must be earned from courses or meetings provided in a live, in-person format requiring physical attendance.

(c) Completion of courses or successful completion of credentialing or certification examinations may not be repeated for credit during any one renewal cycle period.

~~(b) (d)~~ 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 if requested by the board.~~ Upon the board's request, the licensee shall provide the board with documentation as provided in subdivision (b) of section 1399.356 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.

(e) 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.

§ 1399.351. Approved Providers.

(a) CE providers approved to provide courses or directly issue continuing education credit for on-line or live, in-person courses include:

(1) Any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education.

(2) A general acute care hospital 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.

(b) Additional CE providers approved to provide live, in-person courses include any provider approved or accredited by:

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

(2) the Accreditation Council for Continuing Medical Education, or

(3) the California Board of Registered Nursing.

§ 1399.350.5. 1399.352. 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~~ 1399.357 of this division, during every other license renewal cycle.

(b) Continuing education ~~units~~ earned in accordance with this section shall represent three hours of continuing education towards the requirement in subdivision (a)(1) of section 1399.350. ~~units toward the non-clinical practice requirements set forth in section 1399.350(a).~~ 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. — 1399.353. Credentialling and Certification Exams

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

(b) Passing an official credentialling or proctored self-evaluation examinations Successful completion of an examination leading to one of the following credentials awarded by the National Board for Respiratory Care, shall be approved for 15 hours of continuing education (CE); as follows:

(1) Adult Critical Care Specialist Specialty Examination (ACCS)—15 hours;

(2) Certified Pulmonary Function Technologist (CPFT)—15 CE hours;

(3) Registered Pulmonary Function Technologist (RPFT) —15 CE hours;

(4) Neonatal/Pediatric Respiratory Care Specialist (NPS) —15 CE hours;

(5) Sleep Disorders Testing and Therapeutic Intervention Respiratory Care Specialist (SDS) —15 hours;

(b) Successful completion of the following certification examinations, approved by an entity listed in section 1399.351, shall be approved for 15 hours of CE for initial certification and 5 hours of CE for recertification:

(6) ~~(1)~~ Advanced Cardiac Cardiovascular Life Support (ACLS)—number of CE hours to be designated by the provider;

(7) ~~(2)~~ Neonatal Resuscitation Program (NRP);—number of CE hours to be designated by the provider; and

(8) ~~(3)~~ Pediatrics Advanced Life Support (PALS)—number of CE hours to be designated by the provider.

(9) ~~(4)~~ Advanced Trauma Life Support (ATLS)—number of CE hours to be designated by the provider.

(c) CE credit will not be granted for:

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

(2) basic life support credentialling, or

(3) the recredentialling of any certification not expressly identified in subdivision (b).

(c) Any course including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) meeting the criteria set for in this Article, will be accepted by the board for CE credit.

(d) Examinations listed in subdivisions (b)(1) through (b)(5) of this section shall be those offered by the National Board for Respiratory Care and each successfully completed examination may be counted only once for credit.

(e) Successful completion of each examination listed in subdivisions (b)(6) through (b)(9) of this section may be counted only once for credit and must be for the initial certification. See section 1399.352 for re-certification CE. These programs and examinations shall be provided by an approved entity listed in subdivision (h) of Section 1399.352.

(f) The board shall have the authority to audit programs offering CE for compliance with the criteria set forth in this Article.

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. §1399.354 General Continuing Education
Courses related to the role of a health care practitioner or indirectly related to respiratory care include, but are not limited to the following:

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. Credit may be given for a course that is not directly related to clinical practice if the content of the course or program relates to any of the following:

(1) Those activities relevant to specialized aspects of respiratory care, which activities include education, supervision, and management.

(2) Health care cost containment or cost management.

(3) (1) Preventative health services and health promotion.

(4) (2) Required abuse reporting.

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

(4) Any course including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS).

(6) Re-certification for ACLS, NRP, PALS, and ATLS.

(7) Review and/or preparation courses for credentialing examinations provided by the National Board for Respiratory Care, excluding those courses for entry-level or advance level respiratory therapy certification.

(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 must 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) Each course must be provided or approved by one of the following entities. Courses that are provided by one of the following entities must be approved by the entity's president, director, or other appropriate personnel:

(1) Any post-secondary institution accredited by a regional accreditation agency or association recognized by the United States Department of Education.

(2) A hospital or health care facility licensed by the California Department of Health Services.

(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) Any entity approved or accredited by the California Board of Registered Nursing or the Accreditation Council for Continuing Medical Education.~~

~~(i) Course organizers shall maintain a record of attendance of participants, documentation of participant's completion, and evidence of course approval for four years.~~

~~(j) All program information by providers of CE shall state: "This course meets the requirements for CE for RCPs in California."~~

~~(k) All course providers shall provide documentation to course participants that includes participant name, RCP number, course title, course approval identifying information, number of hours of CE, date(s), 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 (i), (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~~: 1399.355 CE Hours.

The board will accept hours of approved CE as follows:

(a) The number of hours designated by those entities identified in ~~subdivision (h) of Section 1399.352~~ 1399.351 as it pertains to their own course or a course approved by them.

(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.

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

§ 1399.356 Provider Obligations.

(a) Approved providers shall ensure faculty is knowledgeable in the subject matter as evidenced by a degree from an accredited college or university and verifiable experience in the subject matter, or teaching and/or clinical experience in the same or similar subject matter.

(b) Upon successful completion of a course, CE providers shall provide documentation to the course participant that includes:

(1) the participant's name,

(2) the participant's RCP license number,

(3) the course title,

(4) the course delivery method (e.g. on-line, live-in person),

(5) the course approval identifying information (for those providers identified in subdivision (b) of section 1399.351),

(6) the number of CE hours awarded,

(7) the date CE hours were awarded, and

(8) the name and address of the course provider.

(c) Course providers shall maintain records identified in subdivision (b) for a period of four years as well as a description and details of the course.

(d) Courses completed at an approved post-secondary institution are exempt from this section provided the courses are reported on an official transcript.

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

§ 1399.352.7. § 1399.357. 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's **executive or education committee**:

(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) The course shall include:

_____ (1) a course description,

_____ (2) course objectives,

_____ (3) references (as applicable),

_____ (4) legal disclosures (as applicable),

_____ (5) course content,

_____ (6) a post-examination,

_____ (7) an optional survey,

_____ (8) and a certificate of completion with information as identified in subdivision (b) of section 1399.356.

(e) The delivery and format of the course shall be user-friendly.

(f) The provider shall not charge more than thirty dollars (\$30) for board applicants and sixty dollars (\$60) for board licensees or petitioners for reinstatement.

(g) The provider shall ensure that procedures are in place to address Americans with Disabilities Act (ADA) requests.

(h) The course title shall be "Law and Professional Ethics."

(i) The course content shall consist of a minimum of thirty (30) pages of written material and a minimum of two (2) hours dedicated to professional ethics with a concentration in:

_____ (1) Obligations of licensed respiratory care practitioners to patients under their care and

_____ (2) Responsibilities of respiratory care practitioners to report illegal activities occurring in the work place.

(j) The course content **may** also include, as directed by the board, up to one hour of material with a concentration in:

_____ (1) **Current activities of the profession and**

_____ (2) Acts that jeopardize licensure and licensure status.

~~(c) The content of the course shall consist of the following subject areas:~~

~~_____ (1) Obligations of licensed respiratory care practitioners to patients under their care;~~

~~_____ (2) Responsibilities of respiratory care practitioners to report illegal activities occurring in the work place, and~~

~~_____ (3) Acts that jeopardize licensure and licensure status.~~

~~(d) The course shall meet all of the following requirements:~~

~~(1) (d) The course **shall** consist of two (2) hours dedicated to professional ethics and **one (1) hour toward California law.** The board may opt to prepare or edit in full or part, any portion of the course.~~

~~(2) The course title shall be "Law and Professional Ethics."~~

~~(3) Delivery and format of the course shall be user friendly.~~

~~(4) The course will be at least thirty (30) pages of written material with at least twenty **(20) test questions related to professional ethics and ten (10) related to California law.**~~

~~(5) Course content must include course description, course objectives, references, scenarios, questions, certificate of completion and legal disclosures, as applicable.~~

~~(6) (k) The course content shall provide several segments. Each segment must include a narrative or discussion, ~~a scenario, and at least one question~~ and at least one scenario-based question requiring critical thinking skills. For each question there must be between three and six possible responses with only one correct answer. Each response must 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.~~

~~(7) The course will include at least thirty (30) scenario-based questions that require critical thinking skills.~~

~~(8) The provider shall submit course test scores, names and other course related information to the board, as requested by the board.~~

~~(9) The provider shall not charge more than thirty dollars (\$30) for board applicants and sixty dollars (\$60) for board licensees or petitioners.~~

~~(10) The provider shall ensure that procedures are in place to address Americans with Disabilities Act (ADA) requests.~~

~~(11) (l) The participant shall be allowed one (1) year to complete the course/exam after enrollment.~~

(m) The post examination shall consist of at least thirty (30) questions related to the materials presented.

~~(12) (n) The participant shall not be able to exit the post examination once commenced.~~

~~(13) (o) The participant shall not have a time limit to take the post examination.~~

~~(14) (p) The minimum post examination passing score shall be 70%. The post examination shall be scored on all cumulative components, not by each section.~~

~~(15) (q) As applicable, the provider shall offer and allow participants who failed the initial post examination to retake the post examination free of charge. There shall be no wait time to retake the post examination if previously failed.~~

- (16) (r) The course will include a survey, optional to participants, to gather feedback for the board.
- (s) The provider shall submit course test scores, names and other course related information to the board, as requested by the board.
- (t) The board may opt to prepare or edit in full or part, any portion of the course.
- (e) (u) The course is solely the product of the provider and the provider assumes full responsibility for the course.
- (f) (v) The course must be revised once every four years. Each revision must be approved by the board.
- (g) (w) The board's **Education Executive** Committee 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.
- (h) (x) 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 continuing education (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 continuing education (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) Upon receipt of military orders or other verifiable documentation, the board shall grant a waiver of CE if ~~(a) the licensee has~~ Has been absent from California for at least one year during the two-year period immediately prior to the expiration date of the license, because of military service reasonably preventing completion of the CE requirements; or

(b) Upon receipt of verification by a licensed physician and surgeon, the board shall grant a waiver of CE if the licensee has Has been prevented from completing the CE requirements for reasons of health or other good cause for at least one year during the two-year period immediately prior to the expiration date of the license, 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 had 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 up to 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 ~~45~~ 30 hours of ~~CE~~ continuing education 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.