



Item: **Strategic Plan Status**

Item Summary: The Board approved its 2017-21 Strategic Plan on 10/15/17. The information contained herein provides the status for each objective from four different goal areas for members' review and discussion.

Board Action:

1. President calls the agenda item and it is presented by or as directed by the President.
2. Item is opened up for discussion/Request for public comment
3. President may request a motion as applicable
 - If a motion is made:
 - President may request a second to the motion, if not already made.
 - Further Board member discussion
 - Inquire for public comment / Further Board discussion
 - Repeat motion and vote: 1) aye, in favor, 2) no, not in favor, or 3) abstain

Goal 1: Enforcement

Protect consumers by preventing violations and effectively enforcing laws and regulations when violations occur.

1. Seek regulatory amendment to provide that "Commission of an act or conviction of a crime involving neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult as described in Section 368 of the Penal Code, without regard to whether the person was a patient" shall be considered to be substantially related to the qualifications, functions or duties of a respiratory care practitioner, in order to ensure the Board may take disciplinary action against a licensee for such crimes and to increase consumer protection.

Status: CCR, Section 1399.370 has not been updated as of this date.

2. Research the legalization of marijuana in the State of California and its impact on applicants and licensees to effectively regulate the new law and ensure consumer protection.

Status: A history on marijuana legalization was presented to the Board at its 2/2/18 meeting. The Board found that its laws and regulations did not require amendments. It was noted that employers still have the right to maintain a drug

[Enforcement Continued]

and alcohol free workplace and can keep policies that prohibit the use of cannabis by employees and prospective workers. Further, there is no state law that protects employees from termination for using marijuana. The California Highway Patrol (CHP) has taken the lead in identifying a method to determine recent cannabis use that would impair a person's ability to drive (and such testing methods may be beneficial for the Board). The CHP report with findings is expected in 2022. Meanwhile, board staff is actively monitoring related legislation (e.g. 2018: AB 1793 and AB 710).

3. Seek legislation to require an individual petitioning for reinstatement of licensure to pass the current licensing exams to ensure competency at the current minimum required level.

Status: Proposed language currently included in SB 1491.

4. Recruit and train 2-5 additional subject matter experts (SMEs) to maintain investigative cycle times and ensure consistency amongst SMEs and cases.

Status: No action to date.

5. Create detailed disciplinary action summaries to post on Board's website to provide transparency to consumers.

Status: No action to date.

6. Collect data related to discipline and educational institutions to identify institutions that may be graduating a significant number of students, later subject to disciplinary action.

Status: Information provided to members at the 5/14/18 board meeting.

7. Increase the number of Continuing Education audits to 10% to ensure compliance.

Status: Board staff began auditing 10% of all renewals effective November 2017.

8. Research and evaluate whether BreZE can be modified to increase efficiencies in auditing licensees for continuing education compliance.

Status: As of May, 2018, DCA is moving forward on modifying BreZE to automatically select candidates for audit and send initial notices. Estimated time for implementation is 2-3 years.

[Enforcement Continued]

9. Revise and strengthen contract language to require bodily fluid collection sites be available closer to a probationer's home or work to promote compliance.

Status: The Board currently contracts with Fortes Laboratories to perform random biological fluid testing. The contract currently requires collection sites to be within 25 miles of a probationer's home. Fortes Laboratories is working to secure additional collection sites to provide greater access and in many cases charge a reduced collection fee.

10. Update disciplinary guidelines to ensure they are current and reflect current laws.

Status: No action to date.

11. Seek legislation to clarify that once an applicant is placed on probation, the applicant is subject to monthly probation monitoring costs in order to recover costs associated with monitoring probationers that are newly licensed.

Status: Unsuccessful attempt to secure language in the 2018 legislative cycle was made.

12. Eliminate the submission of a Department of Motor Vehicles history as a standard application requirement to increase efficiency in the application process.

Status: The DMV history submission was no longer required as part of the standard application process effective 10/15/17.

Goal 2: Education

Ensure the initial and continuous competency of all licensed Respiratory Care Practitioners (RCPs).

1. Develop an action plan to establish laws and regulations or accrediting standards for student clinical requirements to increase consumer protection and improve education outcomes.

Status: No action to date.

[Education Continued]

2. Develop an action plan to incorporate a baccalaureate degree provision in the Respiratory Care Practice Act (RCPA) to ensure education requirements meet the demand of the respiratory care field.

Status: SB 1003 lays the foundation for identifying advance-level tasks and services that will promote the development of baccalaureate programs.

In 2016, the practice of respiratory care was expanded (B&P 3702.7) to include several additional tasks requiring high-level critical thinking and critical reasoning skills (e.g. ECMO, conscious sedation, etc.). In addition, the respiratory workforce ranges from licensees with no education (grandfathered into the practice) to one-third of licensees holding bachelor, masters and doctorate-level degrees. SB 1003 is intended to provide a guide for facilities, educators, and licensees.

Facilities and licensees will have a better understanding of the services respiratory care practitioners (RCPs) are authorized to provide, while understanding that additional on-the-job training/experience may be necessary for the most advanced services- depending on the level of education and experience each licensee has. Existing and prospective respiratory care education programs, especially clinical training components, will be able to tailor their programs more effectively. Further, as previously noted, this measure will promote the development of additional baccalaureate-level respiratory programs.

3. Revise continuing education (CE) regulations to provide clarity and improve program effectiveness.

Status: Proposed revisions presented to the Board for consideration to circulate among stakeholders, prior to beginning the rulemaking (regulation) process at its 5/14/18 meeting.

4. Upon completion of CE revision requirements, develop brochures to be posted to Board's website, and mailed to each licensee to ensure awareness of current CE requirements.

Status: No action to date.

5. Seek legislative authority to approve/disapprove a school based on clinical practice and/or exam pass/fail rates and/or accreditation status to ensure poor performing programs are not continuing to move unprepared students through their programs.

Status: Partial information provided to the Board at its 5/14/18 meeting.

[Education Continued]

6. Educate students pursuing RCP licensure about the consequences of having convictions and violations of the RCPA.

Status: No action to update existing information/pamphlets to date.

Goal 3: Practice Standards

Establish regulatory standards for respiratory care practice in California and ensure the professional qualifications of all Respiratory Care Practitioners (RCPs).

1. Enforce the RCPA against facilities allowing unlicensed or unqualified personnel to perform respiratory care, to cease unsafe practice and ensure patient safety.

Status: Staff and board member representatives of the RCB and the BVNPT are meeting 5/23/18 to see if we can work together to resolve scope of practice concerns specific to care provided at sub acute facilities.

2. Identify mechanisms in institutions to fully utilize the respiratory care scope of practice through an educational campaign to decrease costs.

Status: SB 1003 will lay a foundation to notify all facilities of the full respiratory scope of practice and provide a meaningful guide on which services are basic, intermediate and advanced. This in addition to 2016 amendments to section 3701, expanding the definition of overlapping functions to include any task with proper training and facility authorization, will benefit the educational campaign and help facilities determine the level of in-house competency testing as appropriate.

3. Increase communication with the Medical Board of California as it relates to standards of practice for MDs to fully utilize RCPs.

Status: [See Practice Standard Objective #2]

4. Research and collaborate with other state agencies to potentially establish patient care ratios, define a respiratory care unit under Title 22, encourage the use of evidence based protocols, and prohibit concurrent therapy to ensure patient safety and health.

Status: Letter issued 4/17/18 to the California Department of Public Health in response to their inquiry regarding revisions to sections 70615, 70617, 70619, 70621, 70623, of Division 5, Title 22, California Code of Regulations. The Board recommended adding similar language found in section 70405 (respiratory care unit) to section 70619 to provide minimum staffing in sub acute facilities.

Goal 4: Organizational Effectiveness

Enhance organizational effectiveness and improve processes and the quality of customer service in all programs.

1. Establish a program to provide training to new board members in reviewing and applying the Business and Professions Code to enforcement cases.

Status: The Board's Administrative Manual (revised 2016) includes detailed information regarding the Board's enforcement process. Staff will reach out to board members for suggestions on developing additional training materials and/or delivery methods.

2. Establish regulations to distinguish documentation required to prove an honorable discharge to codify the process in accordance with Senate Bill 1226 (statutes of 2014) to expedite applications from military personnel that were honorably discharged.

Status: No action to codify in regulations, to date. However, the Board currently requests verification in the form of a DD214, Certificate of Release or Discharge from Active Duty and expedites all military and military spouses applications.

3. Seek a legislative amendment to accurately reflect the name(s) of examinations for licensure to ensure clarity in the law.

Status: Proposed language currently included in SB 1491.

4. Develop a module within BreZE to provide clarity and efficiency to Board members in regard to case discipline.

Status: Enhancements to the BreZE voting feature were established January 11, 2018. The new layout of the Voting Summary Screen identifies new columns that provide the type of decision for vote, the date the vote is due, and the final decision outcome after the votes have been calculated. Members may now, also view their case voting history for four months after the decision has been processed.

5. Update office equipment to promote efficient and effective execution of daily tasks and responsibilities.

Status: Completed. Desktops were replaced in early 2018.

6. Research the integration of BreZE to a paperless application for licensure in order to improve customer satisfaction by improving processing times and reducing paperwork.

Status: As of May 2018, board staff continue to explore BreZE's functionality to determine if it can be modified to provide users a more efficient and user-friendly process.