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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** (*Division 2 enacted by Stats. 1937, Ch. 399.*)

**CHAPTER 8.3. Respiratory Therapy [3700 - 3779]** (*Chapter 8.3 added by Stats. 1982, Ch. 1344, Sec. 1.*)

**ARTICLE 2. Administration [3710 - 3722]** (*Article 2 added by Stats. 1982, Ch. 1344, Sec. 1.*)

**3710.** (a) The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

*(Amended by Stats. 2022, Ch. 624, Sec. 3. (SB 1436) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions.)*

**3710.1.** Protection of the public shall be the highest priority for the Respiratory Care Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

*(Added by Stats. 2002, Ch. 107, Sec. 16. Effective January 1, 2003.)*

**3711.** The members of the board shall be the following: one physician and surgeon, four respiratory care practitioners, each of whom shall have practiced respiratory care and four public members who shall not be licensed by the board.

*(Amended by Stats. 1998, Ch. 991, Sec. 11. Effective January 1, 1999.)*

**3712.** The members of the board shall be appointed as follows:

(a) Two respiratory care practitioners and one public member shall be appointed by the Speaker of the Assembly.

(b) One physician and surgeon, one respiratory care practitioner, and one public member shall be appointed by the Senate Rules Committee.

(c) One respiratory care practitioner, and two public members shall be appointed by the Governor.

Appointments shall be made for four-year terms, expiring on the first day of June of each year, and vacancies shall be filled for the unexpired term.

No member shall serve for more than two consecutive terms. Not more than two members of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

Annually, the board shall elect one of its members as president.

The appointing power shall have the authority to remove any member of the board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

*(Amended by Stats. 1998, Ch. 991, Sec. 12. Effective January 1, 1999.)*

**3713.** (a) The public members shall be appointed from persons having the following qualifications:

(1) Be a citizen of the United States of America.

(2) Be a resident of the State of California.

(3) Shall not be an officer or faculty member of any college, school, or institution engaged in respiratory therapy education.

(4) Shall not be licensed by the board or by any board under this division.

(5) Shall have no pecuniary interests in the provision of health care.

(b) The respiratory care practitioner members shall be appointed from persons licensed as respiratory care practitioners having the following qualifications:

(1) Be a citizen of the United States of America.

(2) Be a resident of the State of California.

(3) One respiratory care practitioner shall be an officer or faculty member of any college, school, or institution engaged in respiratory therapy education.

(4) Three respiratory care practitioners shall be involved in direct patient care.

(5) Have at least five years' experience in respiratory care or respiratory therapy education, and have been actively engaged therein for at least three years immediately preceding appointment.

(c) The physician and surgeon member shall be appointed from persons having the following qualifications:

(1) Be a citizen of the United States of America.

(2) Be a resident of the State of California.

(3) Be a licensed practicing physician and surgeon in the State of California.

(4) Be knowledgeable in respiratory care.

*(Amended by Stats. 1998, Ch. 991, Sec. 13.5. Effective January 1, 1999.)*

**3715.** Each member of the board shall receive a per diem and expenses as provided in Section 103.

*(Amended by Stats. 1994, Ch. 1274, Sec. 3.5. Effective January 1, 1995.)*

**3716.** (a) The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

*(Amended by Stats. 2022, Ch. 624, Sec. 4. (SB 1436) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions.)*

**3717.** (a) The board, or any licensed respiratory care practitioner, enforcement staff, or investigative unit appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility or corporation providing respiratory care, treatment, or services and the respiratory care staff thereof, with respect to the respiratory care, treatment, services, or facilities provided therein, or the employment of staff providing the respiratory care, treatment, or services, and may inspect and copy respiratory care patient records with respect to that care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section is subject to the restrictions against disclosure contained in Section 2225. Those persons may also inspect and copy employment records relevant to an official investigation provided that the written request to inspect the records specifies the portion of the records to be inspected.

(b) The failure of an employer to provide documents as required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation. This penalty shall be in addition to, and not in lieu of, any other civil or criminal remedies.

*(Amended by Stats. 2002, Ch. 1150, Sec. 24. Effective January 1, 2003.)*

**3718.** The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.

*(Amended by Stats. 2002, Ch. 1150, Sec. 25. Effective January 1, 2003.)*

**3719.** Each person renewing his or her license shall submit proof satisfactory to the board that, during the preceding two-year period, he or she completed the required number of continuing education hours established by regulation of the board. Required continuing education shall not exceed 30 hours every two years.

Successful completion of an examination approved by the board may be submitted by a licensee for a designated portion of continuing education credit. The board shall determine the hours of credit to be granted for the passage of particular examinations.

*(Amended by Stats. 1998, Ch. 553, Sec. 2. Effective January 1, 1999.)*

**3719.5.** The board may require successful completion of one or more professional courses offered by the board, the American Association for Respiratory Care, or the California Society for Respiratory Care in any or all of the following circumstances:

- (a) As part of continuing education.
- (b) Prior to initial licensure.
- (c) Prior to consideration of a reinstatement petition.

*(Added by Stats. 2004, Ch. 695, Sec. 23. Effective January 1, 2005.)*

**3720.** The board shall hold at least one regular meeting annually. The board may convene from time to time until its business is concluded. Special meetings may be held at the time and place the board may designate. Additional meetings may be held upon call of the president or at the written request of any two members of the board.

*(Amended by Stats. 1994, Ch. 1274, Sec. 5. Effective January 1, 1995.)*

**3722.** The board shall adopt any regulations as may be necessary to effectuate this chapter. In adopting rules and regulations, the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

*(Amended by Stats. 1994, Ch. 1274, Sec. 5.5. Effective January 1, 1995.)*