

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 557

BY: HENDRICK

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;

STATING PURPOSE OF ACT; CREATING THE RESPIRATORY
CARE PRACTICE ACT; DEFINING TERMS; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2025 of Title 59, unless there is created a duplication in numbering, reads as follows:

The purpose of this act is to regulate the practice of respiratory care; to create an Advisory Committee reporting to the State Board of Medical Licensure and Supervision and prescribe its function; to require the legal credentialing of respiratory care practitioners; and to provide a penalty for the violation of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2026 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Respiratory Care Practice Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2027 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Respiratory care" means the allied health profession responsible for the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary systems under a qualified medical director;

3. "Practice of respiratory care" shall include, but not be limited to the: direct and indirect respiratory care services, including but not limited to the administration of pharmacological, diagnostic and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by orders of a physician pertaining to the practice of respiratory care; observing and monitoring signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; and implementation based on observed abnormalities, of appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to a prescription by a person authorized to practice medicine under the laws of the State of Oklahoma; or the initiation of emergency procedures under the regulations of the Board or as otherwise permitted in this act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, and private dwelling; or other place deemed appropriate or necessary by the Board; in accordance

with the prescription or verbal order of a physician and shall be performed under a qualified medical director;

4. "Performance of respiratory care" means respiratory care in accordance with the prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of the following: administration of medical gases (except for the purpose of anesthesia), aerosols and humidification; environmental control mechanisms and hyperbaric therapy; physiological ventilatory support; bronchopulmonary hygiene; cardiopulmonary resuscitation; maintenance of the natural airway; insertion and maintenance of artificial airways; specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures and flows, collection of specimens of blood and blood gases, expired and inspired gas samples, respiratory secretions, and pulmonary function testing; and, hemodynamic and other related physiologic measurements of the cardiopulmonary system;

5. "Respiratory care practitioner" means:

- a. a person licensed by the state and employed in the practice of respiratory care who has the knowledge and skill necessary to administer respiratory care as defined in Section 2.c and 2.d of this act,
- b. a person who is capable of serving as a resource to the physician in relation to the technical aspects of respiratory care as to safe and effective methods for administering respiratory care modalities,
- c. a person who is able to function in situations of unsupervised patient contact requiring great individual judgement, and

d. a person capable of supervising, directing or teaching less skilled personnel in the provision of respiratory care services;

6. "Respiratory therapy technician" means an individual who has graduated from a respiratory therapist program accredited by the Committee on Allied Health Education and Accreditation (CAHEA);

7. "Respiratory therapy technician" means an individual who has graduated from a respiratory therapy technician program accredited by the Committee on Allied Health Education and Accreditation (CAHEA);

8. "Qualified medical director" means a licensed physician who has a special interest in the diagnosis and treatment of respiratory problems. The physician must be an active medical staff member of a licensed health care facility, and wherever possible should be qualified by special training and/or experience in the management of acute and chronic respiratory disorders. This physician should be competent to monitor and assess the quality, safety, and appropriateness of the respiratory care services being provided. The medical director should be accessible to and assure the competency of respiratory care practitioners as well as require that respiratory care be ordered by a physician who has medical responsibility for the patient; and

9. Respiratory care includes "inhalation therapy" and "respiratory therapy".

SECTION 4. This act shall become effective September 1, 1991.

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