

1 including but not limited to the administration of medical gases,
2 pharmacological, diagnostic, and therapeutic agents and services
3 related to respiratory care procedures necessary to implement and
4 administer treatment, ventilatory support, maintenance of the airway
5 via natural or artificial means, specimen collection, disease
6 prevention, pulmonary rehabilitation, or diagnostic regimen
7 prescribed by orders of a physician; observing and monitoring signs
8 and symptoms, physiologic measurements of the cardiopulmonary
9 system, general behavior, general physical response to respiratory
10 care treatment and diagnostic testing, including determination of
11 whether such signs, symptoms, reactions, behavior or general
12 response exhibit abnormal characteristics; and implementation, based
13 on clinical observations, of appropriate reporting, referral,
14 respiratory care protocol, or changes in treatment, pursuant to a
15 prescription by a person authorized to practice medicine under the
16 laws of this state; or the initiation of emergency procedures under
17 the rules of the Board or as otherwise permitted in the Respiratory
18 Care Practice Act. The practice of respiratory care shall also
19 include the terms "inhalation therapy" and "respiratory therapy".
20 The practice of respiratory care shall not include the delivery,
21 set-up, installation, maintenance, monitoring and the providing of
22 instructions on the use of home oxygen and durable medical
23 equipment;

24

1 3. "Qualified medical director" means the licensed physician
2 responsible for respiratory care services or the licensed physician
3 designated as such by the clinic, hospital, or employing health care
4 facility. The physician must be a medical staff member or medical
5 director of a health care facility licensed by the State Department
6 of Health;

7 4. "Respiratory care practitioner" means a person licensed by
8 this state and employed in the practice of respiratory care; and

9 5. "Respiratory therapist" means an individual who has
10 graduated from a respiratory therapist program that is accredited by
11 the Commission on Accreditation of Allied Health Education Programs
12 ~~(CAAHEP) or its successor organization; and~~

13 ~~6. "Respiratory therapy technician" means an individual who has~~
14 ~~graduated from a respiratory therapy technician program accredited~~
15 ~~by the Commission on Accreditation of Allied Health Education~~
16 ~~Programs (CAAHEP) or its successor organization~~ for Respiratory Care
17 (CoARC) or an equivalent national respiratory care educational
18 accreditation agency as identified by the Respiratory Care Advisory
19 Committee and approved by the State Board of Medical Licensure and
20 Supervision.

21 SECTION 2. AMENDATORY 59 O.S. 2011, Section 2028, is
22 amended to read as follows:

23

24

1 Section 2028. A. 1. There is hereby created a Respiratory
2 Care Advisory Committee within the State Board of Medical Licensure
3 and Supervision, hereinafter referred to as the Committee, to assist
4 in administering the provisions of the Respiratory Care Practice
5 Act. The Committee shall consist of nine (9) members, appointed as
6 follows:

- 7 a. one member shall be a physician appointed by the Board
8 from its membership,
- 9 b. one member shall be a physician appointed by the Board
10 from a list of qualified individuals submitted by the
11 Oklahoma State Medical Association and who is not a
12 member of the Board,
- 13 c. one member shall be a physician appointed by the State
14 Board of Osteopathic Examiners from its membership,
- 15 d. one member shall be a physician appointed by the State
16 Board of Osteopathic Examiners from a list of
17 qualified individuals submitted by the Oklahoma
18 Osteopathic Association and who is not a member of the
19 State Board of Osteopathic Examiners, and
- 20 e. five members shall be licensed respiratory care
21 practitioners appointed by the Board from a list of
22 respiratory care practitioners submitted by the
23 Oklahoma Society for Respiratory Care (OSRC).

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 2. Other than the physicians appointed from the membership of
2 the State Board of Medical Licensure and Supervision and of the
3 State Board of Osteopathic Examiners, the physician members shall
4 have special qualifications in the diagnosis and treatment of
5 respiratory problems and, wherever possible, be qualified in the
6 management of acute and chronic respiratory disorders.

7 3. The respiratory care practitioner members shall have been
8 engaged in rendering respiratory care services to the public,
9 teaching or research in respiratory care for at least five (5) years
10 immediately preceding their appointments. These members shall at
11 all times be holders of valid licenses for the practice of
12 respiratory care in this state, except for the members first
13 appointed to the Committee. These initial members shall, at the
14 time of appointment, be credentialed as a ~~Certified Respiratory~~
15 ~~Therapy Technician (CRTT) or a Registered Respiratory Therapist~~
16 ~~(RRT), conferred by the National Board for Respiratory Care (NBRC),~~
17 ~~or its successor organization, and all shall fulfill the~~
18 ~~requirements for licensure pursuant to this act~~ or current
19 equivalent credential as identified by the Respiratory Care Advisory
20 Committee and approved by the State Board of Medical Licensure and
21 Supervision.

22 B. Members of the Committee shall be appointed for terms of
23 four (4) years. Provided, the terms of office of the members first
24

1 appointed shall begin November 1, 1995, and shall continue for the
2 following periods: two physicians and two respiratory care
3 practitioners for a period of three (3) years; and two physicians
4 and three respiratory care practitioners for a period of four (4)
5 years. Upon the expiration of a member's term of office, the
6 appointing authority for that member shall appoint a successor
7 pursuant to the provisions of subsection C of this section.
8 Vacancies on the Committee shall be filled in like manner for the
9 balance of an unexpired term. No member shall serve more than three
10 consecutive terms. Each member shall serve until a successor is
11 appointed and qualified.

12 C. Upon expiration or vacancy of the term of a member, the
13 respective nominating authority may, as appropriate, submit to the
14 appointing Board a list of three persons qualified to serve on the
15 Committee to fill the expired term of their respective member.
16 Appointments may be made from these lists by the appointing Board,
17 and additional lists may be provided by the respective organizations
18 if requested by the State Board of Medical Licensure and
19 Supervision.

20 D. The State Board of Medical Licensure and Supervision may
21 remove any member from the Committee for neglect of any duty
22 required by law, for incompetency, or for unethical or dishonorable
23 conduct.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 2033, is
2 amended to read as follows:

3 Section 2033. A. The applicant, except where otherwise defined
4 in the Respiratory Care Practice Act, shall be required to pass an
5 examination, whereupon the State Board of Medical Licensure and
6 Supervision may issue to the applicant a license to practice
7 respiratory care. The Board is authorized, ~~in cooperation with the~~
8 ~~National Board for Respiratory Care (NBRC) as may be necessary or~~
9 ~~advisable,~~ to provide for the examination of applicants or to
10 facilitate verification of any applicant's claim that the applicant
11 has successfully completed the required examination for ~~Certified~~
12 ~~Respiratory Therapy Technician (CRTT) or Registered Respiratory~~
13 ~~Therapist (RRT)~~ national credentialing as a respiratory care
14 practitioner.

15 B. The Board may issue a license to practice respiratory care
16 by endorsement to:

17 1. An applicant who is currently licensed to practice
18 respiratory care under the laws of another state, territory or
19 country if the qualifications of the applicant are deemed by the
20 Board to be equivalent to those required in this state;

21 2. Applicants holding credentials as a respiratory therapist
22 conferred by the National Board for Respiratory Care (NBRC) ~~as a~~
23 ~~Certified Respiratory Therapy Technician (CRTT) or as a Registered~~

1 ~~Respiratory Therapist (RRT)~~ or its successor organization as
2 identified by the Respiratory Care Advisory Committee and approved
3 by the State Board of Medical Licensure and Supervision, provided
4 such credentials have not been suspended or revoked; and

5 3. Applicants applying under the conditions of this section who
6 certify under oath that their credentials have not been suspended or
7 revoked.

8 SECTION 4. AMENDATORY 59 O.S. 2011, Section 2034, is
9 amended to read as follows:

10 Section 2034. A. The State Board of Medical Licensure and
11 Supervision may issue, upon payment of a fee established by the
12 Board, a provisional license to practice respiratory care for a
13 period of six (6) months under supervision of a consenting licensed
14 respiratory care practitioner or consenting licensed physician. A
15 provisional license may be issued to a person licensed in another
16 state, territory or country who does not qualify for a license by
17 endorsement but has applied to take the license examination and
18 otherwise meets the qualifications of the Board. Provided, the
19 applicant must show written evidence, verified by oath, that the
20 applicant is currently practicing or has within the last six (6)
21 months practiced respiratory care in another state, territory or
22 country. A provisional license may be issued also to a graduate of
23 a respiratory care education program, approved by the Commission on
24

1 Accreditation of ~~Allied Health Education Programs (CAAHEP) or its~~
2 ~~successor organization~~ for Respiratory Care (CoARC) or an equivalent
3 national respiratory care educational accrediting body as identified
4 by the Respiratory Care Advisory Committee and approved by the State
5 Board of Medical Licensure and Supervision, who has applied to take
6 the license examination and otherwise meets the qualifications of
7 the Board.

8 B. A currently enrolled student may receive a provisional
9 license as set out by the rules of the Board.

10 C. Provisional licenses may be renewed at the discretion of the
11 Board for additional six-month periods.

12 SECTION 5. AMENDATORY 59 O.S. 2011, Section 2035, is
13 amended to read as follows:

14 Section 2035. A. The State Board of Medical Licensure and
15 Supervision may issue a license to practice respiratory care, upon
16 payment of a fee of ~~Seventy-five Dollars (\$75.00)~~ One Hundred
17 Dollars (\$100.00), to persons who have qualified pursuant to Section
18 ~~& 2033~~ of this ~~act~~ title.

19 B. 1. Other applicants who have not passed the CRTT or RRT
20 examination and who have been practicing respiratory care in a full-
21 time capacity for a period of more than twenty-four (24) months
22 prior to ~~the effective date of this act~~ November 1, 1995, may, at
23 the discretion of the Board, be issued a license to practice

1 respiratory care upon payment of a fee of ~~Seventy-five Dollars~~
2 ~~(\$75.00)~~ One Hundred Dollars (\$100.00). Provided, such applicant
3 must demonstrate through written evidence verified under oath and
4 certified to by the employing health care facility that applicant
5 has in fact been employed in such capacity for more than twenty-four
6 (24) months preceding ~~the effective date of this act~~ November 1,
7 1995.

8 2. All other applicants who have not passed ~~the CRTT or RRT~~
9 ~~examinations~~ a national credentialing examination and who have been
10 in the full-time practice of respiratory care for a period of less
11 than twenty-four (24) months, who, through written evidence verified
12 by oath, demonstrate as required by rules of the Board that they are
13 currently functioning in the capacity of a respiratory care
14 practitioner, may be given a special provisional license to practice
15 respiratory care under the supervision of a consenting licensed
16 respiratory care practitioner or consenting licensed physician for a
17 period of no longer than thirty-six (36) months from ~~the effective~~
18 ~~date of this act~~ November 1, 1995. Such applicants must pass an
19 entry level examination administered by the Board during the thirty-
20 six-month period in order to be issued a license to practice
21 respiratory care. The fee for a special provisional license shall
22 be ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00).

23
24

1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 2042, is
2 amended to read as follows:

3 Section 2042. A. No person shall practice respiratory care or
4 represent themselves to be a respiratory care practitioner unless
5 licensed under the Respiratory Care Practice Act, except as
6 otherwise provided by the Respiratory Care Practice Act.

7 B. The Respiratory Care Practice Act does not prohibit:

8 1. The practice of respiratory care which is an integral part
9 of the program of study by students enrolled in a respiratory care
10 education program recognized by the State Board of Medical Licensure
11 and Supervision. Students enrolled in respiratory therapy education
12 programs shall be identified as "student - RCP" and shall only
13 provide respiratory care under clinical supervision;

14 2. Self-care by a patient, or gratuitous care by a friend or
15 family member who does not represent or hold out to be a respiratory
16 care practitioner;

17 3. Monitoring, installation or delivery of medical devices,
18 gases and equipment and the maintenance thereof by a nonlicensed
19 person for the express purpose of self-care by a patient or
20 gratuitous care by a friend or family member;

21 4. Respiratory care services rendered in the course of an
22 emergency;

23

24

1 5. Persons in the military services or working in federal
2 facilities from rendering respiratory care services when functioning
3 in the course of their assigned duties;

4 6. The respiratory care practitioner from performing advances
5 in the art and techniques of respiratory care learned through
6 formalized or specialized training; and

7 7. For purposes of continuing education, consulting, or
8 training, any person performing respiratory care in the state, if
9 these services are performed for no more than thirty (30) days in a
10 calendar year in association with a respiratory care practitioner
11 licensed pursuant to the Respiratory Care Practice Act or in
12 association with a licensed physician or surgeon, if:

13 a. the person is licensed as a respiratory care
14 practitioner or the equivalent, as determined by the
15 State Board of Medical Licensure and Supervision, in
16 good standing in another state or the District of
17 Columbia, or

18 b. the person ~~is a Certified Respiratory Therapy~~
19 ~~Technician (CRTT) or Registered Respiratory Therapist~~
20 ~~(RRT)~~ holds a professional respiratory care credential
21 as conferred by the National Board for Respiratory
22 Care or its successor or equivalent accrediting agency
23 as identified by the Respiratory Care Advisory

1 Committee and approved by the State Board of Medical
2 Licensure and Supervision.

3 C. Nothing in the Respiratory Care Practice Act shall limit,
4 preclude, or otherwise interfere with the lawful practices of
5 persons working under the supervision of the responsible physician.
6 In addition, nothing in the Respiratory Care Practice Act shall
7 interfere with the practices of health care personnel who are
8 formally trained and licensed by appropriate agencies of this state.

9 D. An individual who, by passing an examination which includes
10 content in one or more of the functions included in the Respiratory
11 Care Practice Act, and who has passed an examination that meets the
12 standards of the National Commission for Health Certifying Agencies
13 (NCHCA) or an equivalent organization, shall not be prohibited from
14 performing the procedures for which they were tested. An individual
15 who has demonstrated competency in one or more areas covered by the
16 Respiratory Care Practice Act may perform only those functions for
17 which the individual is qualified by examination to perform. The
18 standards of the National Commission for Health Certifying Agencies
19 shall serve to evaluate those examinations and examining
20 organizations.

21 E. Practitioners regulated under the Respiratory Care Practice
22 Act shall be covered under the "Good Samaritan Act", Section 5 et
23 seq. of Title 76 of the Oklahoma Statutes.

1 SECTION 7. This act shall become effective November 1, 2012.

2
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
4 02/23/2012 - DO PASS, As Coauthored.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24