

# Proposed Regulations

**Title of Regulations:** 18 VAC 85-40-10 et seq. (VR 465-04-01) Regulations Governing the Practice of Respiratory Care Practitioners

**Statutory Authority:** § 54.1-2400 and Chapter 29 of Title 54.1 of the Code of Virginia

**Effective Date:**

**Summary:** These regulations establish requirements for educational training and examination for an Respiratory Care Practitioner to be eligible for licensure to assure safe delivery of respiratory care to the citizens of the Commonwealth.

## PART I.

### GENERAL PROVISIONS.

#### 18 VAC 85-40-10. Definitions.

The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-2900 of the Code of Virginia.

*Board*

*Qualified medical direction*

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Accredited educational program” means a program accredited by the Committee on Accreditation for Respiratory Care or any other agency approved by the NBRC for its entry level certification examination.

“Active practice” means a minimum of 160 hours of professional practice as a respiratory care practitioner within the 24 month-period immediately preceding renewal or application for licensure, if previously licensed or certified in another jurisdiction. The active

practice of respiratory care may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

“*Advisory board*” means the Advisory Board on Respiratory Care to the Board of Medicine as specified in § 54.1-2956 of the Code of Virginia.

“*NBRC*” means the National Board for Respiratory Care, Inc.

“*Respiratory care practitioner*” means a person as specified in § 54.1-2954 of the Code of Virginia.

**18 VAC 85-40-25. Current name and address.**

Each licensee shall furnish the board his current name and address. All notices required by law or by this chapter to be given by the board to any such licensee shall be validly given when mailed to the latest address provided or served to the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.

**PART II.**

**REQUIREMENTS FOR ~~PRACTICE~~ LICENSURE AS A  
~~LICENSED~~ RESPIRATORY CARE PRACTITIONER.**

**18 VAC 85-40-40. ~~General~~ Application requirements.**

~~A. No person shall practice as a licensed respiratory care practitioner in the Commonwealth except as provided in this chapter.~~

~~B. All services rendered by a licensed respiratory care practitioner shall be performed only upon written or verbal orders from a qualified practitioner and under qualified medical direction.~~

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18 VAC 85-40-80.
2. Verification of professional education in respiratory care as required in 18 VAC 85-40-45.
3. Verification of practice as required on the application form.
4. Documentation of passage of the national examination as required in 18 VAC 85-40-50.
5. If licensed or certified in any other jurisdiction, documentation of active practice as a respiratory care practitioner and verification that there has been no disciplinary action taken or pending in that jurisdiction.

**18 VAC 85-40-45. Educational requirements.**

An applicant for licensure shall:

1. Be a graduate of an accredited educational program for respiratory care practitioners; or
2. Hold current credentialing as a Certified Respiratory Therapy Technician (CRTT), a Certified Respiratory Therapist or a Registered Respiratory Therapist (RRT) from the NBRC.

**18 VAC 85-40-50. License Examination requirements.**

An applicant for a license to practice as a licensed respiratory care practitioner shall:  
1. submit to the board written evidence, verified by affidavit, that the applicant has passed the NBRC entry level examination for respiratory care, or its equivalent as approved by the board; .

~~2. Make application on forms supplied by the board and completed in every detail; —  
—and~~

~~3. Pay at the time of filing the application, the application fee prescribed in 18 VAC —  
—85-40-80 at the time the application is filed.~~

**PART III.**

**RENEWAL AND REINSTATEMENT.**

**18 VAC 85-40-60. Renewal of license.**

A. Every licensed respiratory care practitioner intending to continue his licensure shall biennially in each odd-numbered year in his birth month:

1. Register with the board for renewal of his license; ~~and~~
2. Pay the prescribed renewal fee at the time he files for renewal- ; and
3. Engage in active practice as defined in 18 VAC 85-40-10.

B. A respiratory care practitioner whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18 VAC 85-40-80.

**18 VAC 85-40-65. Reinstatement.**

A. In order to reinstate license which has been lapsed for more than two years, a respiratory care practitioner shall file an application for reinstatement, pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-80, and submit to the board evidence of competency to practice. The Board may specify additional requirements for reinstatement of a license so lapsed to include education, experience or reexamination.

B. A respiratory care practitioner whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board and payment of the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-80 pursuant to § 54.1.2921 of the Code of Virginia.

### **PART III. IV.**

#### **SCOPE OF PRACTICE.**

##### **18 VAC 85-40-70. Individual responsibilities.**

Practice as a licensed respiratory care practitioner means, upon receipt of written or verbal orders from a qualified practitioner and under qualified medical direction, the evaluation, care and treatment of patients with deficiencies and abnormalities associated with the cardiopulmonary system. This practice shall include, but not be limited to, ventilatory assistance and support; the insertion of artificial airways without cutting tissue and the maintenance of such airways; the administration of medical gases exclusive of general anesthesia; topical administration of pharmacological agents to the respiratory tract; humidification; and administration of aerosols. The practice of respiratory care shall include such functions shared with other health professionals such as cardiopulmonary resuscitation; bronchopulmonary hygiene; respiratory rehabilitation; specific testing techniques required to assist in diagnosis, therapy and research; and invasive and noninvasive cardiopulmonary monitoring.

**PART ~~IV~~ V.**

**FEES.**

**18 VAC 85-40-80. Fees.**

The following fees are required:

1. The application fee, payable at the time the application is filed, shall be \$100.
2. The biennial fee for renewal of licensure shall be \$50, payable in each odd-numbered year in the license holder's birth month.
3. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be ~~\$10~~ \$25 for each renewal cycle.
4. Lapsed license. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia, which has expired for a period of two years or more, shall be \$100 and must be submitted with an application for licensure reinstatement.



5. The fee for reinstatement of a revoked license shall be \$500.

6. The fee for a duplicate license shall be \$10, and the fee for a duplicate wall certificate shall be \$25.

*I certify that this regulation is full, true, and correctly dated.*

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Warren W. Koontz, M.D.

Executive Director

Virginia Board of Medicine

Date: \_\_\_\_\_