

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
Mark Martin
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Medical Board

Department _____

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules ACA §17-88-201 and §17-88-304

Rule Title: An Amendment to Regulation 10 Governing License and Practice of Respiratory Care Practitioners

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 10 days after filing date.)

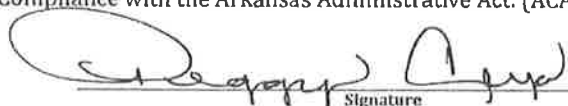
	Date
Legal Notice Published	<u>6/23/15</u>
Final Date for Public Comment	<u>08/06/15</u>
Reviewed by Legislatice Council	<u>11/17/15</u>
Adopted by State Agency	<u>08/06/15</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kevin M.O'Dwyer kodwyer@htolaw.com 12/2/15
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

501-296-1802 support@armedicalboard.org
Phone Number E-mail Address

Executive Secretary, Arkansas State Medical Board
Title

12-2-15
Date

**REGULATION NO. 10
REGULATIONS GOVERNING THE LICENSING
AND PRACTICE OF RESPIRATORY CARE
PRACTITIONERS**

1. APPLICATION FOR LICENSURE. Any person who plans to practice as a licensed respiratory care practitioner (LRCP) in the state of Arkansas shall, in addition to demonstrating eligibility in accordance with the requirement of Arkansas Code Ann. 17-99-302 or 17-99-303, apply for licensure to the Board on forms and in such manner as the Board shall prescribe.
 - 1.1 FORMS. Application forms may be secured from the Arkansas State Medical Board.
2. EXAMINATION. All respiratory care practitioners shall be required to pass an examination for a license to practice the profession in Arkansas, except as otherwise stated in Arkansas Code Ann. 17-99-301. It is not the intent of the Board to examine for licensure as a respiratory care practitioner those individuals engaged solely in the practice of pulmonary function testing.
3. LICENSING. All respiratory care practitioners in the state of Arkansas must be licensed to practice, except as otherwise stated in Arkansas Code Ann. 17-99-301.
 - 3.1 BY EXAMINATION. The Board shall register as a respiratory care practitioner and shall issue a license to any person who satisfactorily passes the examination provided for in the Act and who otherwise meets the requirements for qualification contained herein and pays a fee as determined by the Board.
 - 3.2. BY WAIVER OF EXAMINATION. The Board shall waive the examination and grant a license as a licensed respiratory care practitioner (LRCP) to any person who meets the qualifications outlined in Arkansas Code Ann. 17-99-302.
 - 3.3 TEMPORARY LICENSE. The secretary of the Board may issue a temporary permit without examination to practice respiratory care to persons who are not licensed in other states but otherwise meet the qualifications for licensure set out in the Act. The temporary permit is valid for six (6) months and is not renewable.
 - 3.4 RECIPROCITY. A licensed respiratory care practitioner who has been issued a license in another state or territory whose qualifications for licensure meet or exceed those prescribed in the Act shall be issued a license to practice respiratory care in the state of Arkansas upon payment of the prescribed fees if the state or territory from which the applicant comes accords a similar privilege of licensure to persons licensed in this state by the Board.
 - 3.5 RENEWAL. A license or re-registration fee of \$40.00 shall be paid to the Board by each respiratory care practitioner who holds a license to practice respiratory care in the state of Arkansas. Registration fee shall be paid by the

- last day of the birth month. The license of any person failing to re-register and pay said fee by the last day of the birth month shall expire automatically.
- 3.6 REINSTATEMENT. Any delinquent license of less than five (5) years may be reinstated by paying all delinquent fees and a penalty of \$10.00 for each year or part of a year they have been delinquent. They will also be required to submit twelve (12) continuing educational units (CEU's) for each year delinquent. Any person who shall fail to re-register and pay the annual fee for five (5) consecutive years shall be required to be re-examined by the Board, as per Rule 2, before their license may be reinstated.
 - 3.7 REFUSAL, REVOCATION, AND/OR SUSPENSION OF LICENSE. The Board after due notice and hearing may deny or refuse to renew a license, or may suspend or revoke a license, of any licensee or applicant for licensure:
 - (a) Who is habitually drunk or who is addicted to the use of narcotic drugs;
 - (b) Who has been convicted of a violation of state or federal narcotic laws;
 - (c) Who is, in the judgment of the Board, guilty of immoral or unprofessional conduct;
 - (d) Who has been convicted of any crime involving moral turpitude;
 - (e) Who is guilty, in the judgment of the Board, of gross negligence in their practice as a respiratory care practitioner;
 - (f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;
 - (g) Who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane;
 - (h) Who has treated or undertaken to treat ailments to human beings other than by respiratory care and as authorized by this Act, or who has undertaken to practice independent of the prescription and direction of a licensed physician.
 4. FEES. The fees are as follows:
Initial application for licensure by examination or by reciprocity: \$75.00.
An applicant whose application is rejected shall be refunded all but \$25.00 of the paid application fee.
Application for temporary permit: \$35.00
Annual renewal: \$40.00
Reinstatement: All delinquent fees plus a penalty of \$10.00 per year for all years delinquent.
 5. CONTINUING EDUCATION. All respiratory care practitioners licensed by the Board in the state of Arkansas must complete twelve (12) continuing education hourly units as a condition for renewal of a license. Each licensee will sign their renewal application verifying that they have completed said twelve hours and will maintain, for a period of three years, proof of the courses

taken, should it be requested by the Board for audit purposes.

5.1 TYPES OF ACCEPTABLE CONTINUING EDUCATION.

The following categories of experience will be accepted for meeting the continuing education requirements:

- a. Courses completed in the techniques and application of respiratory therapy care provided through an approved respiratory care educational program.
 - b. Participation in programs which provide for the awarding of continuing respiratory care education, continuing education units or equivalent credits which may be granted through national or state organizations such as the American Association of Respiratory Care, Arkansas Society for Respiratory Care, American Thoracic Society or the American College of Chest Physicians, or their successor organizations.
 - c. Instruction in programs as described in the preceding sections (a, b) provided such instruction is not related to one's employment responsibilities.
 - d. Passage of the National Board for Respiratory Care credentialing or re-credentialing examinations for the entry level practitioner or the written or clinical simulation for advanced practitioners.
 - e. Any activity completed within the 12 months prior to the issuance of the initial license.
- 5.2 DOCUMENTATION. All licensed practitioners shall submit documentation of completion of continuing education experiences on such forms as the Board shall supply, upon request by the Board. Acceptable documentation is as follows:
- a. Official transcripts documenting completion of respiratory care course work.
 - b. A signed certificate by a program leader or instructor of the practitioner's attendance in a program.
 - c. A letter from a sponsoring institution on the agency's letterhead giving the name of the program, location, dates, subjects taught, and hours of instruction.
 - d. A copy of the official transcript indicating successful passage of the National Board of Respiratory Care credentialing or re-credentialing examinations for the entry level practitioner or clinical simulation for advanced practitioners.
- 5.3 CONTINUING EDUCATION CREDIT. Continuing education credits will be awarded based on the following criteria:
- a. For completed applicable respiratory care course work, five (5) continuing education units will be awarded for each semester credit or hour successfully completed.
 - b. For programs attended, continuing education units will be awarded as stated in the

program literature or one (1) continuing education unit will be awarded for each hour of instruction.

- c. For instruction, three (3) continuing education units will be awarded for each clock hour of respiratory care instruction, signed by program director.
 - d. For passage of the National Board for Respiratory Care credentialing or re-credentialing examinations for the entry level practitioner or the written or clinical simulation or advanced practitioner (RRT), Adult Critical Care Specialty Examination (ACCS), Certified Respiratory Therapy Sleep Disorders Specialist Examination (CRT-SDS), Registered Respiratory Therapy Sleep Disorders Specialist Examination (RRT-SDS), Neonatal/Pediatric Specialty Examination (NPS), Certified Pulmonary Function Technologist (CPFT), and Registered Pulmonary Function Technologist (RPFT), six (6) continuing education units will be awarded.
 - e. Advanced Cardiovascular Life Support (ACLS), Neonatal Advanced Life Support (NALS), Pediatric Advanced Life Support (PALS), Neonatal Resuscitation Program (NRP), and Sugar, Temperature, Airway, Blood work, Lab work, and Emotional support for the family (STABLE) are awarded six (6) CEU's on initial and/or re-certifications.
 - f. Any activity approved by the Arkansas Respiratory Care Examining Committee.
- 5.4 FAILURE TO COMPLETE THE CONTINUING EDUCATION REQUIREMENT. A practitioner who has failed to complete the requirements for continuing education as specified in Section 5:
- a. Only active licensees may be granted up to a three (3) month extension at which time all requirements must be met.
 - b. A practitioner may not receive another extension at the end of the new reporting period.
- 5.5 EXCESSIVE CONTINUING EDUCATION CREDITS. Credits reported to the Board which exceed the required number as specified in Section 5 shall not be credited to the new reporting period.
- 5.6 HARDSHIP. The Board has considered hardship situation in formulating these sections.
- 5.7 The provisions of this Section (5 - 5.7) shall become effective January 1, 1989.
6. DEFINITIONS.
- 6.1 ACT DEFINED. The term Act as used in these rules shall mean Act 1094, the Arkansas Respiratory Care Act of 1995.
- 6.2 NATIONAL CREDENTIALS DEFINED. The National Board for Respiratory Care issues the credentials of C.R.T. (Certified Respiratory

Therapist) and R.R.T (Registered Respiratory Therapist). Persons holding these credentials meet the qualifications for licensure in the state of Arkansas until otherwise determined by the Board.

6.3 STATE CREDENTIALS DEFINED. Persons who have met the qualifications and obtained a license in the state of Arkansas shall be designated by the credentials of L.R.C.P. (Licensed Respiratory Care Practitioner).

7. OTHER DEFINITIONS.

7.1 STUDENT. A Person currently enrolled in an accredited, approved training program who is actively engaged in the clinical practice of respiratory care at the level of their clinical education.

7.2 LIMITED. The clinical practice of respiratory care shall be restricted to the level of current and progressive clinical training as provided by an accredited, approved training program in respiratory care. The definition applies to respiratory care students.

7.3 SUPERVISION. Supervision by a licensed respiratory care practitioner who is responsible for the functioning of the practitioner.

7.4 APPROVED TRAINING PROGRAM. Respiratory care programs approved by the Arkansas State Board of Higher Education or like organizations in other states.

8. Members of the Arkansas Respiratory Care Examining Committee will be paid the sum of \$35.00 per day per diem when they are meeting as a Committee.