

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date _____ Code Number 060.00.99-028

Name of Agency Arkansas State Medical Board

Department _____

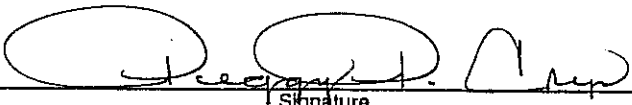
Contact Person Peggy Pryor Cryer Phone (501) 296-1802

Statutory Authority for Promulgating Rules Arkansas Code Annotated §17-93-303(1)

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Intended Effective Date	Legal Notice Published	<u>8-11-95</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment	<u>9-8-95</u>
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council	<u>9-27-95</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council	<u>11-4-99</u>
<u>9-8-95</u>	Adopted by State Agency	<u>9-8-95</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.


Signature

501 296-1802
Phone Number

Executive Secretary
Title

11-9-99
Date

BY SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

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November 18, 1999

Sharon Priest
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State Capitol Room 01
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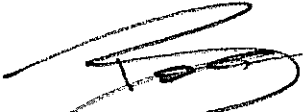
Re: Regulation 10 - Respiratory Care Practitioners

Dear Ms. Priest:

Enclosed is a copy of a Regulation of the Arkansas State Medical Board involving Respiratory Care Practitioners. Enclosed also is a completed Arkansas Register Transmittal Sheet.

Respectfully,

HOWELL, TRICE & HOPE, P.A.



William H. Trice, III
WHT:nb
Enclosure

cc: Ms. Peggy Pryor Cryer

FILED
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SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

REGULATIONS GOVERNING THE
LICENSING AND PRACTICE OF
RESPIRATORY CARE PRACTITIONERSFILED
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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 competency in accordance with the requirement of Section 5 or 6 of Act 952 of 1987, 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.
- 1.2 TIME AND PLACE OF FILING. Applicants pursuing licensure in the state of Arkansas by examination shall mail completed applications together with necessary documents and fees to the Board by the following dates:

Examination	Deadline
March	December 15
July	April 15
November	August 15

Applications filed after the aforementioned deadlines will be considered by the Board for the next scheduled examination.

2. EXAMINATION. All respiratory care practitioners shall be required to pass an examination, approved by the Board, for a license to practice the profession in Arkansas, except as otherwise stated in Sections 8 and 12 of Act 952 of 1987. 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.
- 2.1 TIME AND SUPERVISION. Applicants for licensure shall be examined for licensure at a time and under supervision as the Board may determine as stated in Section 5 of Act 952 of 1987.
- 2.2 FREQUENCY AND PLACE. All examinations will be given in the city of Little Rock at a time and place published by the Board. The Board shall give reasonable public notice of such examination and deadlines in accordance with its rules at least sixty (60) days prior to its administration.
- 2.3 PASSING SCORE. The Board shall establish with recommendations from the Arkansas Respiratory Care Examining Committee, the standards for acceptable performance for each examination.
- 2.4 RE-EXAMINATION. Any applicant who fails an examination and is refused a license may repeat the examination upon payment of the prescribed fee.
3. LICENSING. All respiratory care practitioners in the state of Arkansas must be licensed to practice, except as otherwise stated in Section 15 of Act 952 of 1987.
- 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 Section 8.2 of Act 952 of 1987.
- 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 may be renewable at six (6) month intervals not to exceed a maximum of two (2) permits per applicant.
- 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 \$25.00 shall be paid to the Board by each respiratory care practitioner who holds a license to practice respiratory care in the state of Arkansas. This re-registration fee shall be paid in the month of January. The license of any person failing to re-register and pay said fee by March 1 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 \$3.00 for each year or part of a year he has been 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 his 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 judgement 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 judgement of the Board, of gross negligence in his 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:	\$25.00
Re-examination:	\$90.00
Reinstatement: All delinquent fees plus a penalty of \$3.00 per year for all years delinquent.	

5. CONTINUING EDUCATION. All respiratory care practitioners licensed by the Board in the state of Arkansas must show documentation of completion of six (6) continuing education units as a condition for renewal of licensure.

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 for 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.

5.2 TYPES OF ACTIVITIES NOT ACCEPTABLE FOR CONTINUING EDUCATION CREDIT.

The following activities are not acceptable for meeting continuing education requirements:

- a. Unsupervised courses of study.
- b. Organization activity such as service on committees or councils or as officers in a professional organization.
- c. Any activity completed prior to the issuance of the initial license.

5.3 DOCUMENTATION. All licensed practitioners shall submit documentation of completion of continuing education experiences on such forms as the Board shall supply, upon renewal of the license. Acceptable documentation is as follows:

- a. Official transcripts documenting completion of respiratory care course work.
- b. A signed certification by a program leader or instructor of the practitioner's attendance in a program by letter on letterhead of the sponsoring agency, certificate, or official continuing education transcript accompanied by a brochure, agenda, program, or other applicable information indicating the program content.
- 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 notarized 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 the written or clinical simulation for advanced practitioners.

* 5.4 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.
- 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, six (6) continuing education units will be awarded.

- 5.5 FAILURE TO COMPLETE THE CONTINUING EDUCATION REQUIREMENT. A practitioner who has failed to complete the requirements for continuing education as specified in Section 4.1:
- a. 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.
- 5.6 EXCESSIVE CONTINUING EDUCATION CREDITS. Credits reported on the Board which exceed the required number as specified in Section 4.1 shall not be credited to the new reporting period.
- 5.7 HARDSHIP. The Board has considered hardship situation in formulating these sections.
- 5.8 The provisions of this Section (5-5.8) 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 of Respiratory Care issues the credentials of C.R.T.T. (Certified Respiratory Therapy Technician) 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. On-site 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 per day per diem when they are meeting as a Committee.