

## NOTICE OF INTENT

Department of Health and Hospitals  
Board of Medical Examiners

Respiratory Therapy—Continuing Education  
(LAC 46:XLV.2501-2551)

Notice is hereby given, in accordance with R.S. 49:953, that the State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Respiratory Therapy Practice Act, R.S. 37:3351-3361, and the provisions of the Administrative Procedure Act, intends to amend and supplement its rules governing the licensure of respiratory therapists and respiratory therapy technicians, LAC 46:XLV, Subpart 2, Chapter 25, §§2501-2551, to implement the requirements for continuing education as a condition of renewal of licensure as prescribed and authorized by R.S. 37:3357(D) (Acts 1995, Number 802). The proposed rules and rule amendments are set forth below.

Title 46

### PROFESSIONS AND OCCUPATIONS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 25. Respiratory Therapists and Respiratory Therapy Technicians

Subchapter E. Licensure, Issuance Termination, Renewal, Temporary Issuance and Reinstatement

§2541. Expiration of License

A. Every license issued by the board under this Chapter shall expire, and thereby become null, void and to no effect, on the 31st day of December next following the date on which the license was issued.

B. The timely submission of an application for renewal of a license as provided by §2543 hereof shall operate to continue the expiring license in force and effect pending the board's issuance, or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 22:

§2543. Renewal of License

A. Every license issued by the board under this Subchapter shall be renewed annually on or before the date of its expiration by submitting to the board an application or renewal, upon forms supplied by the board, together with the applicable renewal fee prescribed in Chapter 81 of these rules and documentation of satisfaction of the continuing professional education requirements prescribed by Subchapter G of these rules.

B. An application for renewal of license shall be mailed by the board to each person holding a license issued under this Chapter on or before the first day of November of each year. Such form shall be mailed to the most recent address of each licensed respiratory therapist or licensed respiratory therapy technician as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 22:

§2545. Reinstatement of License

A. A license which has expired without renewal may be reinstated by the board if application for reinstatement is made not more than two years from the date of expiration and subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of recommendation from responsible officers of the applicant's last employment as a licensed respiratory therapist or as a licensed respiratory therapy technician, together with the applicable renewal fee, plus a penalty equal to twice the renewal fee.

C. With respect to an application for reinstatement made more than one year after the date on which the certificate expired, as a condition of reinstatement, the board may require that the applicant complete a statistical affidavit upon a form provided by the board, provide the board with a recent photograph, and/or possess a current, unrestricted license issued by another state, and evidence satisfaction of the requirements of Subchapter G with respect to continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 22: Subchapter F. Advisory Committee on Respiratory Care 2551. Delegation of Authority

A. Authority is hereby delegated to the Advisory Committee on Respiratory Care to:

1. survey, by site visit or otherwise, each hospital or other institution located in this state which is affiliated with and at which is conducted a nontraditional respiratory care education and training program for the purpose of reporting to the board as provided by Subsection B hereof;

2. assist the board in the review of applicant's satisfaction of continuing education requirements for renewal of licensure under this Chapter as provided in Subsection D hereof.

B. The committee shall annually report to the board, in writing, on each such nontraditional respiratory care education and training program conducted in this state and, with respect to each such program, advise the board with respect to:

1. such program's compliance with the provisions of these rules relating to the conduct of such programs;

2. the number of students enrolled and participating in such program during the preceding year;

3. the number of graduates of such program having taken the National Board of Respiratory Care entry-level examination and the number of such graduates having successfully passed such examination; and

4. any recommendations the committee may have with respect to the future conduct of such program and regulation of the same by the board.

C. In discharging the responsibilities provided for by this Section, the committee shall have authority to:

1. periodically request and obtain necessary and appropriate information from hospitals or other institutions located in this state which are affiliated with and at which are conducted a nontraditional respiratory care education and training programs, from the coordinators of such program, and from students enrolled in such programs; and

2. periodically conduct visits of the hospitals or other institutions at which such programs are conducted in this state.

D. To carry out its duties of Subsection A.2, the advisory committee is authorized by the board to advise and assist the Board in the review and approval of continuing professional education programs and licensee satisfaction of continuing professional education requirements for renewal of licensure, as prescribed by Subchapter G of these rules, including the authority and responsibility to:

1. evaluate organizations and entities providing or offering to provide continuing professional education programs for respiratory therapists and respiratory therapy technicians and provide recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing professional education programs and activities pursuant to §2559 of these rules; and

2. review documentation of continuing professional education by respiratory therapists and respiratory therapy technicians, verify the accuracy of such documentation, and evaluation of and make recommendations to the board with respect to whether programs and activities evidenced by applicants for renewal of licensure comply with and satisfy the standards for such programs and activities prescribed by these rules; and

3. request and obtain from applicants for renewal of licensure such additional information as the advisory committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the committee is responsible.

E. In discharging the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to §2551.A.2 and D shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3351-3361, R.S. 37:1270(B)(6), R.S.

37:3357.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:747 (June 1993), amended LR 22:

Subchapter G. Continuing Professional Education

§2553. Scope of Subchapter

The rules of this Subchapter provide standards for the continuing professional education requisite to the annual renewal of licensure as a respiratory therapist or respiratory therapy technician, as required by §2543 and §2555 of these rules, and prescribe the procedures applicable to satisfaction and documentation of continuing professional education in connection with application for renewal of licensure.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

§2555. Continuing Professional Educational Requirement

A. Subject to the exceptions specified in §2569 of this Subchapter, to be eligible for renewal of licensure for 1998 and thereafter, a respiratory therapist or respiratory therapy technician shall, within each year during which he holds licensure, evidence and document, upon forms supplied by the board, successful completion of not less than 10 hours, or 1.0 continuing education unit (CEU) of continuing education courses sanctioned by the American Association of Respiratory Care, the Respiratory Care Advisory Committee to the board, or their successors. Not less than six of the required hours shall be related to cardiopulmonary care.

B. One Continuing Education Unit (CEU) constitutes and is equivalent to 10 hours of participation in organized continuing professional education programs approved by the board and meeting the standards prescribed in this Subchapter. One hour of continuing education credit is equivalent to 50 minutes of instruction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

§2557. Qualifying Continuing Professional Education Programs

A. To be acceptable as qualifying continuing professional education under these rules, a program shall:

1. have significant and substantial intellectual or practical content dealing principally with matters germane and relevant to the practice of respiratory therapy;
2. have pre-established written goals and objectives, with its primary objective being to maintain or increase the participant's competence in the practice of respiratory therapy;
3. be presented by persons whose knowledge and/or professional experience is appropriate and sufficient to the subject matter of the presentation;
4. provide a system or method for verification of attendance or course completion; and
5. be a minimum of 50 continuous minutes in length.

B. Other approved continuing education activities include:

1. earning a grade of "C" or better in a course related to health care in an academic setting, or grade of "pass" in a pass/fail course. One credited semester hour will be deemed to equal 15 contact hours.
2. programs on advanced cardiac life support (ACLS), pediatric advanced life support (PALS) or neonatal advanced life support (NALS), each of which will equal 10 contact hours;
3. successfully completing a recertification examination for the highest credential held by the respiratory therapist or respiratory therapy technician including certified respiratory therapy technician (CRTT), registered respiratory therapist (RRT), certified pulmonary function technologist (CPFT), registered pulmonary function technologist (RPFT), registered cardiovascular technologist (RCVT), and certified cardiovascular technologist (CCVT), with each such recertification examination equal to 10 contact hours;
4. initial certification as a CPFT, RPFT Perinatal/Pedi Specialist, RCVT or CCVT and each such certification will equal 10 hours;
5. any accredited home study/correspondence program issued by an approved organization as set out in §2559.A. Credit will be issued in the same manner as earning a grade of C or better in a course related to health care in an academic setting within that one semester hour will equal 15 contact hours;
6. any instructor course taken in preparation for teaching a course.

C. None of the following programs, seminars or activities shall be deemed to qualify as acceptable CPE programs under these rules:

1. any program not meeting the standards prescribed by Subsection A of this Section;
2. independent study not approved or sponsored by one of the organizations identified as a program sponsor in Section 2559.A;
3. in-service education provided by a sales representative;
4. teaching, training or supervisory activities not specifically included in Subsection B of this section;
5. holding office in professional or governmental organizations, agencies or committees;
6. participation in case conferences, informal presentations, or in service activities;
7. giving or authorizing verbal or written presentations, seminars or articles or grant applications; or
8. passing basic cardiac life support (BCLS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

#### §2559. Approval of Program Sponsors

A. Any program, course, seminar, workshop or other activity meeting the standards prescribed by §2557 shall be deemed approved for purposes of satisfying continuing education requirements under this Subchapter, if sponsored or offered by the American Association for Respiratory Care (AARC), any AARC-chartered affiliate, the Louisiana Hospital Association, the Louisiana Nurses Association, the American Lung Association, the American Heart Association, the American College of Chest Physicians, the American Thoracic Society, the American Nursing Association, the American Society of Cardiovascular Professionals, the American Medical Association, the American College of Cardiology, the Louisiana Association for Home Care, the Louisiana Association of Cardiovascular and Pulmonary Rehabilitation, the Louisiana State Medical Society, any hospital or agency belonging to the Louisiana Hospital Association, any hospital or agency accredited by the Joint Commission on Accreditation of Health care Organizations (JCAHO), and Cardiovascular Credentialing International.

B. Upon the recommendation of the Advisory Committee, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing professional education program under §2557.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

#### §2561. Approval of Program

A. A continuing professional education program or activity sponsored by an organization or entity not deemed approved by the board pursuant to §2559.A may be pre-approved by the board as a program qualifying and acceptable for satisfying continuing professional education requirements under the Subchapter upon written request to the board therefore, upon a form supplied by the board, providing a complete description of the nature, location, date, content and purpose of such program and such other information as the board or advisory committee may request to establish the compliance of such program with the standards prescribed by §2557. Any such requests for pre-approval respecting a program which makes and collects a charge for attendance shall be accompanied by a nonrefundable processing fee of \$30.

B. Any such written request shall be referred by the board to the advisory committee for its recommendation. If the advisory committee recommendation is against the approval, the board shall give notice of such recommendation to the person or organization requesting approval and such person or organization may appeal to the advisory committee's recommendation to the board by written request delivered to the board within 10 days of such notice. The advisory committee or board's decision with respect to approval of any such activity shall be final. Persons and organizations requesting pre-approval of continuing professional education programs should allow not less than 60 days for such requests to be processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

#### §2563. Documentation Procedure

A. A form for annual documentation and certification of satisfaction of the continuing professional education requirements prescribed by these rules shall be mailed by the board to each respiratory therapist or

respiratory therapy technician subject to such requirements with the application for renewal of licensure form mailed by the board pursuant to §2543 of these rules. Such form shall be completed and delivered to the board with the licensee's renewal application.

B. A respiratory therapist or respiratory therapy technician shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing education program.

C. The board or advisory committee shall randomly select for audit no fewer than 3 percent of the licensees each year for an audit of continuing education activities. In addition, the board or advisory committee has the right to audit any questionable documentation of activities. Verification shall be submitted within 30 days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. Any certification of continuing professional education not presumptively approved by the board pursuant to these rules, or pre-approved by the board in writing, shall be referred to the advisory committee for its evaluation and recommendations pursuant to §2551.D.1. The board's decision with respect to approval and recognition of any such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

#### §2565. Failure to Satisfy Continuing Professional Education Requirements

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing professional education requirements prescribed by these rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which it shall be deemed expired, unrenewed and subject to revocation without further notice, unless the applicant shall have, within 90 days, furnished the board satisfactory evidence, by affidavit, that:

1. the applicant has satisfied the applicable continuing professional education requirements;
2. the applicant is exempt from such requirements pursuant to these rules; or
3. the applicant's failure to satisfy the continuing professional education requirements was occasioned by disability, illness or other good cause as may be determined by the board.

B. The license of a respiratory therapist or respiratory therapy technician whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board made not more than two years from the date of expiration or revocation, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs of \$50, together with documentation and certification that:

1. the applicant has, for each calendar since the date on which the applicant's license lapsed, expired or was revoked, completed eight hours (0.8 CEU) of qualifying continuing professional education, and if the application for reinstatement is made more than one year following the date on which such license lapsed, expired or was revoked, the applicant shall evidence completion of an additional four hours of qualifying continuing professional education since the date on which the applicant's license lapsed, expired or was revoked; or
2. the applicant has, within one year prior to making application of reinstatement taken and successfully passed the Recertification Examination of the National Board for Respiratory Care.

C. Any licensee who falsely certifies attendance and/or completion of the required continuing education requirement will be subject to disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

#### §2567. Waiver of Requirements

The board may, in its discretion upon the recommendation of the advisory committee, waive all or part of the continuing professional education required by these rules in favor of a respiratory therapist or respiratory therapy technician who makes written requests for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship or other similar extenuating circumstances precluding the individual's satisfaction of continuing professional education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

§2569. Exceptions to the Continuing Professional Education Requirements

The continuing professional education requirements prescribed by this Subchapter as requisite to renewal of licensure shall not be applicable to: (i) a respiratory therapist or respiratory therapy technician employed exclusively by, or at an institution operated by, any department or agency of the United States; or (ii) a respiratory therapist or respiratory therapy technician who has held an initial Louisiana license on the basis of examination for less than one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:

Inquiries concerning the proposed rules and amendments may be directed in writing to: Delmar Rorison, Executive Director, Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rules and rule amendments, in writing, to the Board of Medical Examiners, Box 30250, New Orleans, LA 70190-0250 (630 Camp Street, New Orleans, LA 70130). Written comments must be submitted to and received by the board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Respiratory Therapist—Continuing Education**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the proposed rule amendments will result in increased costs to the Board of Medical Examiners, for processing continuing education documentation and related forms and postage in the total amount of \$4,244 in FY 96-97, \$7,197 in FY 97-98, and \$7,531 in FY 98-99.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the proposed rule amendments will have any effect on the board's revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Licensed respiratory therapists and respiratory therapy assistants who apply for annual renewal of licensure will be required under the proposed rules to obtain and document to the board 1.0 continuing professional education units each year as a condition to renewal of their licensure, beginning with applications for licensure renewal for 1998. It is estimated that for each such applicant the cost of obtaining such continuing education may represent \$20-\$100 annually. In addition, each such applicant will be required to document the required continuing education in connection with application for licensure renewal, resulting in minimal additional paperwork involving one additional form. The rule amendments should not, however, result in or effect any material increase or reduction of costs or paperwork for such applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule amendments will have any impact on competition or employment in either the public or private sector.

Delmar Rorison  
Rombach  
Executive Director

John R.  
Legislative Fiscal

Officer  
9608#059