

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40120-MGfqq-53 (02/15)

Short Title: Modernize Respiratory Care Practice Act. (Public)

Sponsors: Representatives Burr, Goodman, and Boles (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT UPDATING THE RESPIRATORY CARE PRACTICE ACT.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 90-648 reads as rewritten:

5 "**§ 90-648. Definitions.**

6 The following definitions apply in this Article:

7 (1) Advanced practice. – Procedures that require formal training by rules  
8 adopted pursuant to this Article.

9 ~~(1)~~(1a) Board. – The North Carolina Respiratory Care Board.

10 ...  
11 (3a) Endorsement. – A certificate issued by the Board recognizing the person  
12 named on the certificate as having met the requirements to perform  
13 respiratory care procedures as defined in this Article.

14 ...  
15 (10) Practice of respiratory care. – As defined by the written order of a physician  
16 licensed under Article 1 of this Chapter, the observing and monitoring of  
17 signs and symptoms, general behavior, and general physical response to  
18 respiratory care treatment and diagnostic testing, including the determination  
19 of whether such signs, symptoms, reactions, behavior, or general response  
20 exhibit abnormal characteristics, and the performance of diagnostic testing  
21 and therapeutic application of:

- 22 a. Medical gases, humidity, and aerosols including the ~~maintenance-use~~  
23 ~~of associated apparatus,~~ respiratory care equipment, except for the  
24 purpose of anesthesia.  
25 b. Pharmacologic agents related to respiratory care procedures,  
26 including those agents necessary to perform hemodynamic  
27 monitoring.  
28 c. Mechanical or physiological ventilatory support.  
29 d. Cardiopulmonary resuscitation and maintenance of natural airways,  
30 the insertion and maintenance of artificial airways under the direct  
31 supervision of a recognized medical director in a health care  
32 environment which identifies these services within the scope of  
33 practice by the facility's governing board.  
34 e. Hyperbaric oxygen therapy.  
35 f. New and innovative respiratory care and related support activities in  
36 appropriately identified environments and under the training and



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1 practice guidelines established by the American Association of  
2 Respiratory Care.

3 The term also means the interpretation and implementation of a  
4 physician's written or verbal order pertaining to the acts described in  
5 this subdivision.

6 ...  
7 (13) Support activities. – ~~Procedures~~ Tasks that do not require formal academic  
8 training, including the delivery, setup, and routine maintenance and repair of  
9 ~~apparatus.~~ respiratory care equipment. The term also includes giving  
10 instructions on the use, fitting, and application of ~~apparatus,~~ respiratory care  
11 equipment, but does not include therapeutic evaluation and  
12 ~~assessment.~~ assessment for an individual patient as defined in rules adopted  
13 by the Board."

14 **SECTION 2.** G.S. 90-649(a)(4) reads as rewritten:

15 "(4) One North Carolina member shall represent the ~~North Carolina Association~~  
16 ~~of Medical Equipment Services.~~ Atlantic Coast Medical Equipment Services  
17 Association."

18 **SECTION 3.** G.S. 90-650(a)(7) reads as rewritten:

19 "(7) The ~~North Carolina Association of Medical Equipment Services.~~ Atlantic  
20 Coast Medical Equipment Services Association shall appoint the member  
21 described in G.S. 90-649(a)(4)."

22 **SECTION 4.** G.S. 90-652 reads as rewritten:

23 **"§ 90-652. Powers and duties of the Board.**

24 The Board shall have the power and duty to:

25 (1) Determine the qualifications and fitness of applicants for licensure, renewal  
26 of licensure, and reciprocal licensure. The Board shall, in its discretion,  
27 investigate the background of an applicant to determine the applicant's  
28 qualifications with due regard given to the applicant's competency, honesty,  
29 truthfulness, and integrity. The Department of ~~Public Safety~~ Justice may  
30 provide a criminal record check to the Board for a person who has applied  
31 for a license through the Board. The Board shall provide to the Department  
32 of ~~Public Safety,~~ Justice, along with the request, the fingerprints of the  
33 ~~applicant,~~ applicant and any additional information required by the  
34 ~~Department of Public Safety,~~ and a form signed by the applicant consenting  
35 ~~to the check of the criminal record and to the use of the fingerprints and~~  
36 ~~other identifying information required by the State or national repositories.~~  
37 Department of Justice. The applicant's fingerprints shall be forwarded to the  
38 State Bureau of Investigation for a search of the State's criminal history  
39 record file, and the State Bureau of Investigation shall forward a set of the  
40 fingerprints to the Federal Bureau of Investigation for a national criminal  
41 history check. The Board shall keep all information pursuant to this  
42 subdivision privileged, in accordance with applicable State law and federal  
43 guidelines, and the information shall be confidential and shall not be a public  
44 record under Chapter 132 of the General Statutes. The Board shall collect  
45 any fees required by the Department of ~~Public Safety~~ Justice and shall remit  
46 the fees to the Department of ~~Public Safety~~ Justice for expenses associated  
47 with conducting the criminal history record check.

48 ...  
49 (14) Establish and adopt rules defining the education and credential requirements  
50 for persons seeking endorsement under this Article."

51 **SECTION 5.** G.S. 90-653 reads as rewritten:

1 **"§ 90-653. Licensure requirements; examination.**

2 (a) Each applicant for licensure under this Article shall ~~meet the following~~  
3 ~~requirements; do all of the following:~~

4 (1) Submit a completed application as required by the ~~Board.~~Board, including a  
5 form signed by the applicant consenting to a check of the applicant's  
6 criminal record and to the use of the applicant's fingerprints and other  
7 identifying information required by the State and national repositories.

8 (2) Submit any fees required by the Board.

9 (3) Submit to the Board written evidence, verified by oath, that the applicant has  
10 successfully completed the minimal requirements of ~~a~~an associate's degree  
11 in respiratory care education program ~~as approved by the Commission for~~  
12 ~~Accreditation of Allied Health Educational Programs, or the Canadian~~  
13 ~~Council on Accreditation for Respiratory Therapy Education.~~Commission on  
14 Accreditation for Respiratory Care (CoARC) or its successor by arranging  
15 for the applicant's respiratory care education program to submit a verified  
16 transcript directly to the Board.

17 (4) Submit to the Board written evidence, verified by oath, that the applicant has  
18 successfully completed the minimal requirements for Basic Cardiac Life  
19 Support as recognized by the American Heart Association, the American  
20 Red Cross, or the American Safety and Health Institute.

21 (5) ~~Pass the entry level~~ Submit to the Board written evidence, verified by oath,  
22 that the applicant passed the Therapist Multiple-Choice (TMC) examination  
23 given by the National Board for Respiratory Care, ~~Inc.~~ or its successor.

24 (b) ~~At least three times each year, the Board shall cause the examination required in~~  
25 ~~subdivision (5) of subsection (a) of this section to be given to applicants at a time and place to~~  
26 ~~be announced by the Board. Any applicant who fails to pass the first examination may take~~  
27 ~~additional examinations in accordance with rules adopted pursuant to this Article.~~

28 (b1) When issuing a license, the Board shall state the terms and conditions of the use of  
29 the license to the licensee."

30 **SECTION 6.** G.S. 90-660(b)(6) reads as rewritten:

31 "(6) For a license with a ~~provisional or temporary~~an endorsement, a fee not to  
32 exceed fifty dollars (\$50.00)."

33 **SECTION 7.** G.S. 90-654 and G.S. 90-656 are repealed.

34 **SECTION 8.** This act becomes effective October 1, 2017.