

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 358
PROPOSED COMMITTEE SUBSTITUTE H358-PCS30361-SVf-14

Short Title: Modernize Respiratory Care Practice Act.

(Public)

Sponsors:

Referred to:

March 16, 2017

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

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

29 **"§ 90-653. Licensure requirements; examination.**

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

- 32 (1) Submit a completed application as required by the ~~Board~~Board, including a
33 form signed by the applicant consenting to a check of the applicant's
34 criminal record and to the use of the applicant's fingerprints and other
35 identifying information required by the State and national repositories.
36 (2) Submit any fees required by the Board.
37 (3) Submit to the Board written evidence, verified by oath, that the applicant has
38 successfully completed the minimal requirements of ~~a~~an associate's degree
39 in respiratory care education program as approved by the ~~Commission for~~
40 ~~Accreditation of Allied Health Educational Programs, or the Canadian~~
41 ~~Council on Accreditation for Respiratory Therapy Education~~Commission on
42 Accreditation for Respiratory Care (CoARC) or its successor by arranging
43 for the applicant's respiratory care education program to submit a verified
44 transcript directly to the Board.
45 (4) Submit to the Board written evidence, verified by oath, that the applicant has
46 successfully completed the minimal requirements for Basic Cardiac Life
47 Support as recognized by the American Heart Association, the American
48 Red Cross, or the American Safety and Health Institute.
49 (5) ~~Pass the entry-level~~Submit to the Board written evidence, verified by oath,
50 that the applicant passed the Therapist Multiple-Choice (TMC) examination
51 given by the National Board for Respiratory Care, ~~Inc.~~ or its successor.

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

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

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

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

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

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