

REQUEST FOR TECHNICAL CHANGE

AGENCY: Respiratory Care Board

RULE CITATION: 21 NCAC 61 .0206

DEADLINE FOR RECEIPT: Wednesday, December 10, 2025

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is paragraph (a) “reasonably necessary to implement or interpret an enactment of the General Assembly”? If so, why?

Line 6, add “a” before “respiratory”.

Line 7, delete “and”.

Lines 8-9, “prior to charges being filed by the Board under circumstances which indicated” is unclear and ambiguous. Consider using this language after “practitioner”: “while being investigated by the Board for a violation of the Respiratory Care Practice Act, ...”.

Line 14, is “untimely” necessary? If so, why?

Line 16, how would a petitioner complete all the requirements in (e)? I don’t read that paragraph to require any necessary action from the petitioner.

Line 22, spell out “US”.

Line 24, spell out “NBRC”.

Line 27, add “(f)” to the end of the cited Rule.

Line 28, what are “Livescan fingerprints”? Is this defined or referenced in another rule/G.S.?

Lines 29-30, after “allowing”, consider saying: “the disclosure of all local, state, and national criminal records for the petitioner.”

Page 2, (9), line 5, which subparagraphs within “G.S. 90-660(b)” will apply? Add “(a)” before “(1)”.

Line 6, add “G.S.” prior the statute citation.

Line 11, how would a petitioner complete all the requirements in (e)? I don’t read that paragraph to require any necessary action from the petitioner.

Line 12, “after finding that reinstatement of the license is appropriate” is unclear and ambiguous. At the end of line 11, consider saying: “the Board will decide whether to reinstate a license, and whether any conditions or limitations should be imposed on a reinstated license, by considering the following factors.”

Lines 17-18, “consistent with the principles set forth in G.S. 93B-8.1” is unclear and ambiguous. What “principles” are being referred to? Please be specific.

Line 25, “reasonable” is unclear. Consider replacing it with “the necessary”.

Lines 29-30, “consistent with the principles set forth in G.S. 93B-8.1” is unclear and ambiguous. What “principles” are being referred to? Please be specific.

Line 31, replace “determines” with “decides” or “votes”. Replace “it also” with “the Board”. Line 31 should read: “If the Board decides to reinstate a license under this Rule, the Board may:”

Lines 32-36, delete “to” after each subparagraph number.

Page 3, line 2 should be tabbed to align with “If” on line 1.

Line 3, consider saying, “If the petitioner fails to complete a submitted application...”

Your History Note should look like this:

*History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(13); 90-653(a); 90-659.
Eff. January 1, 2026.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 61 .0206 is adopted as published in 40:05 NCR 468-470 as follows:

SECTION .0200 – APPLICATION FOR LICENSE

21 NCAC 61 .0206 REINSTATEMENT OF A RESPIRATORY CARE LICENSE

- (a) This Rule establishes the requirements and procedures for reinstatement of a license that was held by respiratory care practitioner and which was revoked or summarily suspended as a result of disciplinary action taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner prior to charges being filed by the Board under circumstances which indicated that there had been a violation of the Respiratory Care Practice Act, of the Board's Rules or its Code of Ethics, or other alleged misconduct by the respiratory care practitioner.
- (b) For purposes of this Rule, a "petitioner" is a person seeking reinstatement of a license that was previously revoked, suspended, or surrendered under circumstances involving alleged or proven misconduct. The Board will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was revoked, summarily suspended, or surrendered. The Board will take no action on any untimely petition for reinstatement and will not begin processing an application until the petitioner seeking reinstatement of a license has met all of the requirements stated in subsections (d) and (e) of this Rule.
- (c) Each petitioner for reinstatement shall:
- (1) submit a complete notarized petition on a form provided by the Board, attesting under oath or affirmation that information on the petition is true and complete, and authorizing the release to the Board of all information pertaining to the petition;
 - (2) submit a digital copy of an unexpired state issued driver's license, state identification card, military identification card, or US passport;
 - (3) submit documentation of any legal name change, if applicable;
 - (4) submit a credential verification letter from the NBRC meeting the requirement of 21 NCAC 61 .0201(5);
 - (5) submit documentation of continuing education activities completed since the license was revoked, summarily suspended, or surrendered, in accordance with 21 NCAC 61 .0401;
 - (6) submit a fingerprint card or proof of Livescan fingerprints on a form approved by the Board;
 - (7) submit a signed consent allowing a search of local, state, and national files to disclose any criminal record;
 - (8) arrange for submission of three original references from persons with no family or marital relationship to the petitioner. Each of these references shall:
 - (A) be submitted from a respiratory care practitioner who has observed the petitioner's work in a clinical environment;
 - (B) be submitted on forms supplied by the Board, with all required and pertinent fields completed;

- 1 (C) be dated no more than three months prior to the date of submission of the petition for
2 reinstatement; and
- 3 (D) be submitted directly to the Board from the source and bear an original notarized signature
4 of the author;
- 5 (9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b) and 21 NCAC 61 .0204 (1) and
6 (2), and pay the cost of a criminal background check pursuant to 90-652(1); and
- 7 (10) upon request, provide any additional information the Board deems necessary to evaluate the
8 petitioner's qualifications.
- 9 (d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's
10 competence and character in person.
- 11 (e) Upon the petitioner's completion of all the requirements stated in subsections (d) and (e) of this Rule, the Board
12 will reinstate a license only after finding that reinstatement of the license is appropriate under the Respiratory
13 Care Practice Act, the Board's Rules, and the Board's Code of Ethics. In deciding on whether to reinstate a
14 license, and in deciding whether any conditions or limitations should be imposed on a reinstated license, the
15 Board will consider the following factors:
- 16 1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded
17 the surrender of the license, including any related criminal history, consistent with the principles set
18 forth in G.S. 93B-8.1;
- 19 2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including
20 the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code
21 of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued
22 by the Board, and the petitioner's compliance with professional standards adopted by other
23 regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the
24 summary suspension, revocation, or surrender of the license;
- 25 3) the petitioner's current ability to practice respiratory care with reasonable skill, competence, and
26 safety to the public, based upon the petitioner's conduct, work experience, and recent continuing
27 education;
- 28 4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or
29 surrender of the license, including any criminal history, consistent with principles set forth in G.S.
30 93B-8.1.
- 31 (f) If the Board determines to reinstate a license under this Rule, it also may determine:
- 32 (1) to require the petitioner to complete additional continuing education before the reinstatement is effective,
33 and to complete additional continuing education within a defined time period after reinstatement as a
34 condition of maintaining the reinstated license;
- 35 (2) to attach scope of practice limitations, or supervisory requirements to the reinstated license; and
- 36 (3) to attach other probationary conditions to the reinstated license, including substance abuse testing.

1 (g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in
2 accordance with 21 NCAC 61 .0201.

3 (h) If the petitioner fails to submit a completed application pursuant to G.S. 90-653 and 21 NCAC 61 .0201 within
4 one year of submission, the petitioner also shall be charged for the cost of an additional criminal background check.

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6 *History Note:* Authority G.S. 90-652 (1), G.S. 90-652 (2) and G.S. 90-652 (13); 90-653(a); 90-659(a) 90-659 (b).

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8 Adopted Eff. January 1, 2026.