

REQUEST FOR TECHNICAL CHANGE

AGENCY: Respiratory Care Board

RULE CITATION: 21 NCAC 61 .0401

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, box 2, the name should be the name of the rule, with no additional information. Please look at this Rule as it is currently in the Administrative Code, and delete "for License Holders." That is part of the Section title, but not the title of this Rule.

Line 3, center this text

Line 8, when is the information requested by the Board?

Line 9, define or delete "directly"

Line 10, define or delete "currently"

Line 12, uncapitalize "Contribute"

Line 14, uncapitalize "Provide"

Line 14, replace "which" with "that"

Line 14, add a comma after "matter"

Line 15, uncapitalize "Be"

Line 15, replace "and/or" with either "and" or "or"

Line 16, delete "At least"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Line 16, capitalize "six"

Line 28, add a comma after "Internet"

Line 29, replace the semicolon after "package" with a period

Lines 30 thru 34, is this text specific to "Distance Education" or to the overall continuing education? The placement and alignment reads out of sequence.

Line 32, what is meant by "nontraditional or alternative educational program"?

Line 35, is "clinical instruction" supposed to be consider a type of continuing education such as "lecture" or "workshop"? The formatting is not the same and it appears to be a term that is merely being defined. If it is the same concept as a "lecture" or "workshop", consider the following:

Clinical instruction - an evaluation of a respiratory therapy student in a clinical setting. Three hours may be given for clinic instruction.

Page 2, lines 2 and 4, what are the passing scores?

Page 2, line 10, replace the comma after "NBRC" with a semicolon

Page 2, line 16, delete "of a minimum"

Page 2, line 18, should the "and" be an "or"?

Page 2, line 24, replace "will" with "shall"

Page 2, line 29, add a comma after "certifications"

Page 3, lines 4 and 5, consider the following rewrite:

"The Board may grant extensions of the continuing education requirements due to personal circumstances. The Board shall require document of the following circumstances surrounding the licensee's request for extension:"

Page 3, line 4, please note that the suggested rewrite changes the first "shall" to a "may". Would the Board not want to maintain this discretion?

Page 3, line 9, define or delete "immediately"

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

Abigail M. Hammond
Commission Counsel

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1 21 NCAC 61 .0401 is amended as published in the 29:04 NCR 421-423 as follows:

2
3 **SECTION .0400 - CONTINUING EDUCATION REQUIREMENTS FOR LICENSE HOLDERS**

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5 **21 NCAC 61 .0401 CONTINUING EDUCATION REQUIREMENTS**

6 (a) Upon application for license renewal, a licensee shall attest to having completed one or more of the following
7 learning activity options during the preceding renewal cycle and be prepared to submit evidence of completion if
8 requested by the Board:

9 (1) Completion of a minimum of 12 hours of Category I Continuing Education (CE) activities directly
10 related to the licensee's practice of respiratory care and currently approved by the Board, the American
11 Association for Respiratory Care (AARC) or the Accreditation Council for Continuing Medical
12 Education (ACCME). All courses and programs shall: 1) Contribute to the advancement, extension
13 and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory
14 care; 2) Provide experiences which contain scientific integrity, relevant subject matter and course
15 materials; and 3) Be developed and presented by persons with education and/or experience in the
16 subject matter of the program. At least six contact hours shall be obtained each reporting year from
17 workshops, panel, seminars, lectures, or symposiums that provide for direct interaction between the
18 speakers and the participants. "Category I" Continuing Education may include any one of the
19 following:

- 20 (A) Lecture – a discourse given for instruction before an audience or through teleconference;
- 21 (B) Panel – a presentation of a number of views by several professionals on a given subject with
22 none of the views considered a final solution;
- 23 (C) Workshop – a series of meetings for intensive, hands-on study, or discussion in a specific
24 area of interest;
- 25 (D) Seminar – a directed advanced study or discussion in a specific field of interest;
- 26 (E) Symposium – a conference of more than a single session organized for the purpose of
27 discussing a specific subject from various viewpoints and by various presenters; and
- 28 (F) Distance Education – includes such enduring materials as text, Internet or CD, provided the
29 proponent has included an independently scored test as part of the learning package;
30 Educational programs may be provided by any print medium or presented through the
31 internet or other electronic medium. The licensee shall submit proof of successful completion
32 of a test administered as part of the nontraditional or alternative educational program. A
33 maximum of six contact hours each reporting year may be obtained from nontraditional or
34 alternative educational programs.
- 35 (G) Clinical instruction. Clinical instruction shall mean the education and evaluation of a respiratory
36 therapy student in the clinical setting. A maximum of three contact hours may be given for clinical
37 instruction.

- 1 (2) Retake the ~~Certified Respiratory Therapist Examination (CRT)~~ Therapist Multiple-Choice Exam,
2 administered by the National Board for Respiratory Care (NBRC), and achieve a passing score as
3 determined by the NBRC for the CRT credential or take any of the following examinations and
4 achieve a passing score as determined by the sponsor of the examination: the Therapist Multiple-
5 Choice Exam Registry Examination for Advanced Respiratory Therapists (RRT), administered by the
6 NBRC; the Neonatal/Pediatric Respiratory Care Specialty Examination (NPS), administered by the
7 NBRC; the Certification Examination for Entry Level Pulmonary Function Technologists (CPFT),
8 administered by the NBRC; the Registry Examination for Advanced Pulmonary Function Technologist
9 (RPFT), administered by the NBRC; the Sleep Disorders Specialty (SDS) exam, administered by the
10 NBRC; Adult Critical Care Specialty (ACCS) exam, administered by the NBRC. the Registry
11 Examination for Polysomnographic Technologist (RPSGT), administered by the Board of Registered
12 Polysomnographic Technologists (BRPT); or the Asthma Educators Certification Examination (AE-
13 C), administered by the National Asthma Educator Certification Board (NAECB);
- 14 (3) Completion of a Respiratory Care refresher course offered through a Respiratory Care Education
15 program accredited by the Commission for the Accreditation of Allied Health Educational Programs;
- 16 (4) Completion of a minimum of three semester hours of post-licensure respiratory care academic
17 education leading to a baccalaureate or masters degree in Respiratory Care;
- 18 (5) Presentation of a Respiratory Care Research study at a continuing education conference; and
- 19 (6) Authoring a published Respiratory Care book or Respiratory Care article published in a medical peer
20 review journal.

21 (b) The completion of certification or recertification in any of the following: Advanced Cardiac Life Support (ACLS) by
22 the American Heart Association, Pediatric Advanced Life Support (PALS) by the American Heart Association, and
23 Neonatal Resuscitation Program (NRP) by the American Academy of Pediatrics, shall count for a total of five hours of
24 continuing education for each renewal period; but no more than five hours of total credit will be recognized for each
25 renewal period for the completion of any such certification or recertification.

26 (c) A licensee shall retain supporting documentation to provide proof of completion of the option chosen in Paragraph
27 (a) of this Rule for a period of no less than three years.

28 (d) A licensee shall maintain a file at his or her practice facility that contains a copy of the RCP license, a copy of a
29 current Basic Cardiac Life Support (BCLS) certification, a copy of advanced life support certifications and a copy of all
30 credentials issued by the National Board for Respiratory Care.

31 (e) A licensee is subject to random audit for proof of compliance with the Board's requirements for continuing education.

32 (f) The Board shall inform licensees of their selection for audit upon notice of license renewal or request for
33 reinstatement. Evidence of completion of the requirements of Paragraph (a) of this Rule shall be submitted to the Board
34 no later than 30 days of receipt of the audit notice.

35 (g) Failure of a licensee to meet the requirements of this Rule shall result in disciplinary action pursuant to G.S. 90-666.

1 (h) The Board shall charge twenty dollars (\$20.00) per approved hour of CE with a maximum of one hundred and fifty
2 dollars (\$150.00) per application for providers of continuing education who apply for approval of continuing education
3 programs.

4 (i) The Board shall grant requests for extensions of the continuing education requirements due to personal circumstances
5 as follows. The Board shall require documentation of the circumstances surrounding the licensee's request for extension.

6 (1) Having served in the regular armed services of the United States at least six months of the 12 months
7 immediately preceding the license renewal date; or

8 (2) Having suffered a serious or disabling illness or physical disability that prevented completion of the
9 required number of continuing education hours during the 12 months immediately preceding the
10 licensee renewal date.

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12 *History Note: Authority G.S. 90-652(2)(13); 90-658; 90-660(b)(9);*

13 *Temporary Adoption Eff. October 15, 2001;*

14 *Eff. August 1, 2002;*

15 *Amended Eff. January 1, 2015; September 1, 2010; July 1, 2007; April 1, 2004.*