

1 21 NCAC 61 .0202 is readopted with changes as published in 30:12 NCR 1296 as follows:

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3 **21 NCAC 61 .0202 EXEMPTIONS**

4 The Board shall exempt the following persons ~~meeting from the requirements of obtaining a license:~~ of G.S. 90-664 from
5 the requirement of obtaining a license. For the purposes of this Rule:

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7 (1) ~~A respiratory care practitioner who is on active duty in the Armed Forces of the United States or~~
8 ~~servicing in the United States Public Health Service, or employed by the Veterans Administration; but~~
9 ~~this exemption shall only apply to activities and services provided in the course of such service or~~
10 ~~employment.~~
11 (2)-(1) ~~A student or trainee who is working under the direct supervision of a respiratory care practitioner to~~
12 ~~fulfill an experience requirement or to pursue a course of study to meet licensure requirements. For~~
13 ~~purposes of this subpart, For purposes of interpreting G.S. 90-664 (2), direct supervision shall mean~~
14 ~~that a respiratory care practitioner licensed by the Board is present in the same facility to supervise a~~
15 ~~respiratory care student at any time while the student is engaged in the practice of respiratory care.~~
16 ~~The supervising respiratory care practitioner must shall be specifically assigned to the particular~~
17 ~~student, but more than one practitioner may be assigned to a particular student. A respiratory care~~
18 ~~student shall not engage in the performance of respiratory care activities without direct supervision by~~
19 ~~a respiratory care practitioner licensed by the Board.~~
20 (3)-(2) ~~A person who provides only support activities as defined in G. S. 90-648(13). Unlicensed individuals~~
21 ~~who deliver, set up, and calibrate prescribed respiratory care equipment may give. For purposes of~~
22 ~~interpreting G.S. 90-664 (4), support activities shall include instructions on the use, fitting fitting, and~~
23 ~~application of the apparatus, including demonstrating its mechanical operation for the patient, patient~~
24 ~~or caregiver; caregiver, by unlicensed individuals who deliver, set up, and calibrate prescribed~~
25 ~~respiratory care equipment; but may shall not engage in the include teaching, administration, or~~
26 ~~performance of respiratory care. Instructions to the patient or caregiver regarding the clinical use of the~~
27 ~~equipment, equipment and any patient monitoring, patient assessment, or other activities or procedures~~
28 ~~that are undertaken to assess the clinical effectiveness of an apparatus, apparatus or to evaluate the~~
29 ~~effectiveness of the treatment, treatment must shall be performed by a respiratory care practitioner~~
30 ~~licensed by the Board or other licensed practitioner operating within their scope of practice.~~
31 (4) ~~A person who is licensed by another North Carolina licensing board to carry on an occupation, who is~~
32 ~~acting within the recognized scope of practice for the license issued by that other board, or who~~
33 ~~otherwise is carrying out functions recognized as appropriate for the licensed person by that board; and~~
34 ~~any other person who is working under the supervision of such a licensed person, provided that the~~
35 ~~supervision of the other person also is recognized as being within the appropriate scope of practice or~~
36 ~~functions of the licensed person. With regard to other persons who are not licensed by a North~~
37 ~~Carolina licensing board, the Board shall consider whether there is evidence establishing that such~~
38 ~~persons meet the requirements of G. S. 90-664 (1).~~

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40 *History Note:* Authority G.S. 90-652(2); 90-664; 90-648(13);
41 Temporary Adoption Eff. October 15, 2001;
42 Eff. August 1, 2002.