

21 NCAC 61 .0206 is adopted **with changes** 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and procedures for reinstatement of a license that was held by a respiratory care practitioner ~~and~~ which was revoked or summarily suspended as a result of disciplinary action taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner ~~prior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~~ **while being investigated by the Board for a violation of the Respiratory Care Practice Act** 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Board will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was revoked, summarily suspended, or surrendered.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-United States** passport;
 - (3) submit documentation of any legal name change, if applicable;
 - (4) submit a credential verification letter from the ~~NBRC~~ **National Board for Respiratory Care** 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 - (5) submit documentation of continuing education activities completed since the license was revoked, summarily suspended, or surrendered, in accordance with ~~21 NCAC 61 .0401~~; **21 NCAC 61 .0401**
 - (f):**
 - (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;~~ **the disclosure of all local, state, and national criminal records for the petitioner;**
 - (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;
- (C) be dated no more than three months prior to the date of submission of the petition for reinstatement; and
- (D) be submitted directly to the Board from the source and bear an original notarized signature of the author;
- (9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b) (1) and (3), and 21 NCAC 61 .0204 (a) (1) and (2), and pay the cost of a criminal background check pursuant to G.S. 90-652(1); and
- (10) upon request, provide any additional information the Board deems necessary to evaluate the petitioner's qualifications.
- (d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's competence and character in person.
- (e) Upon the petitioner's completion of all the requirements stated in subsections (d) and (e) of this Rule, the Board will ~~reinstates a license only after finding that reinstatement of the license is appropriate under the Respiratory Care Practice Act, the Board's Rules, and the Board's Code of Ethics. In deciding on whether to reinstate a license, and in deciding whether any conditions or limitations should be imposed on a reinstated license, the Board will consider the following factors: decide whether to reinstate a license, and whether any conditions or limitations should be imposed on a reinstated license, by considering the following factors:~~
- 1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded the surrender of the license, including any related criminal history, consistent with the ~~principles~~ factors set forth in ~~G.S. 93B-8.1; G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);~~
 - 2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued by the Board, and the petitioner's compliance with professional standards adopted by other regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the summary suspension, revocation, or surrender of the license;
 - 3) the petitioner's current ability to practice respiratory care with ~~reasonable~~ the necessary skill, competence, and safety to the public, based upon the petitioner's conduct, work experience, and recent continuing education;
 - 4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or surrender of the license, including any criminal history, consistent with ~~principles~~ the factors set forth in ~~G.S. 93B-8.1; G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);~~
- (f) If the Board ~~determines~~ decides to reinstate a license under this Rule, ~~it also may determine:~~ the Board may:

- 1 (1) ~~to~~ require the petitioner to complete additional continuing education before the reinstatement is
2 effective, and to complete additional continuing education within a defined time period after
3 reinstatement as a condition of maintaining the reinstated license;
4 (2) ~~to~~ attach scope of practice limitations, or supervisory requirements to the reinstated license; and
5 (3) ~~to~~ attach other probationary conditions to the reinstated license, including substance abuse testing.
6 (g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in
7 accordance with 21 NCAC 61 .0201.
8 (h) If the petitioner fails to ~~submit a completed~~ complete a submitted application pursuant to G.S. 90-653 and 21
9 NCAC 61 .0201 within one year of submission, the petitioner also shall be charged for the cost of an additional
10 criminal background check.
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12 *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).*

13 ~~Adopted Eff. January 1, 2026.~~ Eff. January 1, 2026.