

## CHAPTER 120

**AN ACT** concerning respiratory care practitioners, amending P.L.1991, c.31 and P.L.2004, c.167, and repealing sections 14 and 15 of P.L.1991, c.31.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1991, c.31 (C.45:14E-3) is amended to read as follows:

C.45:14E-3 Definitions.

3. As used in this act:

- a. "Board" means the State Board of Respiratory Care established pursuant to section 4 of P.L.1991, c.31 (C.45:14E-4).

- b. "Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

- c. "Respiratory care" means the health specialty involving disease prevention, treatment, management, control, and care for patients with deficiencies and abnormalities of the cardiac and pulmonary system. The care shall include the use of medical gases, air and oxygen-administering apparatus, environmental control systems, humidification and aerosols, drugs and medications, apparatus for cardiopulmonary support and control, postural drainage, chest percussion and vibration and breathing exercise, pulmonary rehabilitation, performance of cardiopulmonary resuscitation, maintenance of natural and mechanical airways, insertion and maintenance of artificial airways, and insertion and maintenance of peripheral arterial and peripheral venous catheters. The care shall also include testing techniques to assist in diagnosis, monitoring, treatment, and research, including but not necessarily limited to, the measurement of cardiopulmonary volumes, pressure and flow, and the drawing and analyzing of samples of arterial, capillary, and venous blood. Respiratory care shall also include: educating patients and caregivers about respiratory care procedures as part of a patient's disease management program; and providing professional consultation services to health care, educational, and community organizations, and State and local agencies.

- d. "Respiratory care practitioner" means a person licensed by the board to practice respiratory care under the direction or supervision of a licensed physician, physician assistant, or advanced practice nurse, and who may transcribe and implement written, verbal, and protocol orders for respiratory care.

- e. "Respiratory care protocols" means policies and protocols developed by a licensed health care facility through collaboration, when appropriate, with administrators, physicians, registered nurses, physical therapists, respiratory care practitioners, and other licensed health care practitioners.

- f. "Respiratory care education program" means a program of respiratory care education accredited by the Commission on Accreditation for Respiratory Care (CoARC), or its predecessor or successor organization.

2. Section 9 of P.L.1991, c.31 (C.45:14E-9) is amended to read as follows:

C.45:14E-9 Licensing for respiratory care practitioners required.

9. a. No person shall practice, nor present himself as able to practice, respiratory care unless he possesses a valid license as a respiratory care practitioner in accordance with the provisions of P.L.1991, c.31 (C.45:14E-1 et seq.). A person who possesses a valid license as a respiratory care practitioner may use the title, "licensed respiratory care practitioner" and the abbreviation, "LRCP," "RCP," or "RCP-L." A person who does not possess a valid

license as a respiratory care practitioner shall not use the terms “inhalation therapy,” “respiratory therapy,” “respiratory therapy technician,” “pulmonary therapy,” “pulmonary technician,” or any other terms, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner or directly or by implication represent in any way that the person is a respiratory care practitioner, in connection with the person's practice.

b. This section shall not be construed to prohibit a person enrolled in a respiratory care education program from performing those duties essential for completion of a trainee's clinical service, provided the duties are performed under the supervision and direction of a physician or licensed respiratory care practitioner.

c. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) is intended to limit the provision of respiratory care services rendered in the course of an emergency by a certified emergency medical technician or paramedic or other person licensed to practice medicine, dentistry, or podiatry, or other health care professional trained to render emergency services.

d. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) shall confer the authority of a person licensed under that act to perform or operate any apparatus used in the performance of extracorporeal circulation or oxygenation.

e. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of New Jersey, so long as those duties are consistent with the accepted standards of the member's profession and the member does not present himself as a respiratory care practitioner.

f. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) shall confer the authority to a person licensed to practice respiratory care to practice another health profession as currently defined in Title 45 of the Revised Statutes.

3 Section 15 of P.L.1991, c.31 (C.45:14E-15) is amended to read as follows:

C.45:14E-15 Issuance of license.

15. The board shall issue a license to perform respiratory care to an applicant, who, at the time of the effective date of this act, has passed the Registered Respiratory Therapist examination offered by the National Board for Respiratory Care, or by a successor organization.

4. Section 6 of P.L.2004, c.167 (C.45:14E-16) is amended to read as follows:

C.45:14E-16 Continuing education requirements, duties of board.

6. a. The board shall require each respiratory care practitioner, as a condition of biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

(1) Promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued under its jurisdiction;

(2) Establish standards for continuing education, including the subject matter and content of courses of study, competency assessments, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the New Jersey Society for Respiratory Care, the American Association for Respiratory Care, and other entities or persons approved by the board as providers of continuing education, and accredit educational programs, including, but not limited to,

lectures, seminars, examinations, papers, publications, presentations, and teaching and research appointments, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit; however, credit shall not be denied for education programs provided as part of a symposium or multi-day program event if the aggregate duration of the accredited continuing education completed at the symposium or multi-day program event is at least one hour in duration. Credit for continuing education shall not be issued for any program of activities designed to fulfill assigned general employment responsibilities specific to the expectations of an employer; and

(4) Approve only those continuing education programs as are available to all respiratory care practitioners in this State on a reasonable, nondiscriminatory basis.

5. Section 14 of P.L.1991, c.31 (C.45:14E-14 ) is amended to read as follows:

C.45:14E-14 Issuance of temporary license.

14. Upon payment to the board of a fee and the submission of a written application on forms provided by it, the board may issue without examination a temporary license to practice respiratory care in this State to a person who provides evidence that the person is qualified to engage in the practice of respiratory care, and is in the State on a temporary basis to assist in a medical emergency or to engage in a special project or teaching assignment relating to respiratory care practice. A temporary license shall expire one year from its date of issuance, however, it may be renewed by the board for an additional one-year period. A temporary license shall be surrendered to the board upon its expiration.

6. Within 18 months of the effective date of this act, the Department of Law and Public Safety shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of this act.

7. This act shall take effect immediately.

Approved July 21, 2017.