Chapter 57
Respiratory Care Practices Act

58-57-1 Short title.
This chapter is known as the "Respiratory Care Practices Act."

Enacted by Chapter 208, 1990 General Session

58-57-2 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Respiratory Care Licensing Board created in Section 58-57-3.
(2) "Health care facility" means any facility or institution in which health care services are performed or furnished and includes a hospital, clinic, or emergency care center.
(3) "Practice of respiratory care":
(a) means the treatment, operation of equipment, management, diagnostic testing, and care of any human disease, deficiency, pain, injury, or other physical condition associated with the cardiopulmonary system under the qualified medical direction or supervision of a practitioner who has training and knowledge in the diagnosis, treatment, and assessment of respiratory problems;
(b) includes:
   (i) accepting and carrying out a practitioner's written, verbal, or telephonic prescription or order specifically relating to respiratory care in a hospital or other health care setting and includes consultation with licensed nurses, as appropriate;
   (ii) administering respiratory care during transportation of a patient and under other circumstances where an emergency requires immediate respiratory care;
   (iii) serving as a resource to other health care professionals and hospital administrators in relation to the technical aspects of, and the safe and effective methods for, administering respiratory care;
   (iv) functioning in situations of patient contact requiring individual judgment in administering respiratory care under the general supervision of a qualified practitioner; and
   (v) supervising, directing, or teaching personnel in the performance of respiratory care modalities as part of a respiratory care education program; and
(c) does not include a person who delivers, installs, or maintains respiratory related durable medical equipment and who gives instructions regarding the use of that equipment as long as that person does not perform clinical evaluation or treatment of the patient.
(4) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs and order respiratory care in the course of professional practice.
(5) "Respiratory care practitioner" means any person licensed to practice respiratory care under this chapter.
(6) "Respiratory related durable medical equipment" means:
   (a) medical grade oxygen;
   (b) equipment and supplies related to medical gases;
   (c) apnea monitors;
   (d) oximeters;
   (e) noninvasive positive pressure generators, except those with back-up respiratory rate or when used invasively;
(f) bilirubin lights;
(g) suctioning equipment;
(h) large volume nebulizers with compressors, except when used invasively in conjunction with an artificial airway;
(i) medication nebulizers;
(j) enteral nutrition equipment; and
(k) other respiratory related equipment intended for use in the home as defined by the division by rule.

(7) "Unlawful conduct" is defined in Sections 58-1-501 and 58-57-14.
(8) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
(a) acting contrary to the instructions of the practitioner responsible for supervising the licensee;
(b) knowingly operating any respiratory care equipment that is unsafe or not in compliance with standards of condition or operation consistent with the patient's safety;
(c) permitting any person to operate respiratory care equipment who is not competent or not allowed to operate the equipment;
(d) revealing to any unauthorized person confidential or privileged information about a patient;
(e) using any controlled substance, unless the controlled substance is prescribed by a practitioner and used in accordance with the practitioner's instructions; and
(f) making any statement that is incorrect due to negligence, willfulness, or intent to provide false information or entry on any patient record or other record that is used for payment of respiratory care services.

Amended by Chapter 106, 2006 General Session

58-57-3 Board created -- Membership -- Duties.
(1) There is created a five-member Respiratory Care Licensing Board consisting of the following persons:
(a) one physician who is a member of either the American Society of Anesthesiologists, the American College of Chest Physicians, the American Thoracic Society, or the American Academy of Pediatrics;
(b) three licensed respiratory care practitioners who have practiced respiratory care for a period of not less than three years immediately preceding their appointment to the board; and
(c) one member from the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

Amended by Chapter 297, 1993 General Session

58-57-4 Qualifications for a license.
(1) The division shall issue a respiratory care practitioner license to an applicant who meets the requirements specified in this section.
(2) An applicant seeking licensure as a respiratory care practitioner shall:
(a) submit an application on a form prescribed by the division;
(b) pay a fee as determined by the department pursuant to Section 63J-1-504;
(c) show evidence of good moral character;
(d) possess a high school education or its equivalent, as determined by the division in collaboration with the board;
(e) have completed a respiratory care practitioner educational program that is accredited by a nationally accredited organization acceptable to the division as defined by rule; and
(f) pass an examination approved by the division in collaboration with the board.

Amended by Chapter 183, 2009 General Session

58-57-5 Licensure by endorsement.
If an applicant has completed a respiratory care practitioner education program that is approved by the board and accredited by a nationally accredited organization acceptable to the division, as defined by rule, the board may recommend that the division issue a license without examination to any applicant currently licensed by another state as a respiratory care practitioner or its equivalent, if the requirements for licensing in that state are at least as stringent as the requirements under this chapter.

Amended by Chapter 106, 2006 General Session

58-57-6 Term of license -- Expiration -- Renewal.
(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-57-7 Exemptions from licensure.
(1)
(a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
(b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
(i) a practitioner;
(ii) a respiratory therapist;
(iii) a Diplomate of the American Board of Sleep Medicine; or
(iv) a registered polysomnographic technologist.
(2) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
(a) any person who provides gratuitous care for a member of his immediate family without representing himself as a licensed respiratory care practitioner;
(b) any person who is a licensed or qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the person does not represent himself as a respiratory care practitioner;
(c) any person who serves in the Armed Forces of the United States or any other agency of the federal government and is engaged in the performance of his official duties;
R156. Commerce, Occupational and Professional Licensing.


R156-57-101. Title.
This rule is known as the "Respiratory Care Practices Act Rule".

In addition to the definitions in Title 58, Chapters 1 and 57, as used in Title 58, Chapters 1 and 57, or this rule:
(1) "Other respiratory related durable medical equipment intended for use in the home", as used in Subsection 58-57-2(6)(k), means other new respiratory care technology intended for use in the home that was not approved on the market as of September 2006.
(2) "Supervised" as used in Subsection 58-1-307(1)(b) or "supervising" as used in Subsection 58-57-2(4)(e) means that the licensed respiratory care practitioner is present in the facility and shall be available to see the patient and give immediate consultation with respect to care.

R156-57-103. Authority - Purpose.
This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 57.

R156-57-104. Organization - Relationship to Rule R156-1.
The organization of this rule and its relationship to Rule R156-1 is as described in Section 58-1-107.

In accordance with Subsection 58-57-4(2)(f) and Sections 58-57-5 and 58-1-309, all applicants for licensure shall pass the following examinations:
(1) the National Board for Respiratory Care (NBRC) Certification Examination for Entry Level Respiratory Therapists (CRT); or
(2) the NBRC Registry Examination for Advanced Respiratory Therapists (RRT).

In accordance with Subsection 58-57-4(2)(e) and Section 58-57-5, "a respiratory care practitioner education program that is approved by the board" means a respiratory care educational program accredited by the Committee on Accreditation for Respiratory Care (COARC) as evidenced by NBRC certification as a CRT or RRT.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 57 is established by rule in Section R156-1-308a.
(2) Renewal procedures shall be in accordance with Section R156-1-308c.

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RESPIRATORY CARE PRACTICES ACT RULE

R156-57
Utah Administrative Code
Issued February 22, 2007

Disclaimer: The statute/rule above is an unofficial version provided for convenience only and may not be identical to the official versions on the Utah State Legislature (www.legislature.utah.gov) and the Utah Division of Administrative Rules (www.rules.utah.gov) websites.
R156. Commerce, Occupational and Professional Licensing.
R156-57-101. Title.
This rule is known as the "Respiratory Care Practices Act Rule".

In addition to the definitions in Title 58, Chapters 1 and 57, as defined or used in this rule:

1) "Other respiratory related [durable medical] equipment intended for use in the home" as used in Subsection 58-57-2(6)(k), means [other new] respiratory care technology intended for use in the home that was not approved on the market as of July 1, 2005.

2) "Supervised" as used in Subsection 58-1-307(1)(b) (or "supervision," as used in Subsection 58-57-2(4)(e)) means a licensed respiratory care practitioner is present in the facility and shall be available to see the patient and give immediate consultation with respect to care.

3) "Health care facility" as used in Subsection 58-57-2(2) is further defined to include a homeless shelter, home, skilled nursing facility, and long-term care facility where health care services are being performed or furnished.

R156-57-103. Authority - Purpose.
This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 37.

R156-57-104. Organization - Relationship to Rule R156-1.
The organization of this rule and its relationship to Rule R156-1 is as described in Section 58-1-107.

In accordance with Subsections 58-57-4(2)(f), [and Sections 58-57-5 and 58-1-309], all applicants for licensure shall pass the following examinations:

1) the National Board for Respiratory Care (NBRC) Certification Examination for Entry Level Respiratory Therapists (CRT); or

2) the NBRC Registry Examination for Advanced Respiratory Therapists (RRT).

In accordance with Subsections 58-57-4(2)(e) and [Section] 58-57-5, "a respiratory care practitioner education program that is approved by the board" means an all applicants for licensure shall pass a respiratory care educational program accredited by the Committee on Accreditation for Respiratory Care (COARC) as evidenced by a valid NBRC CRT or RRT credential (certification as a CRT or RRT).


(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 57 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-57-502. Unprofessional Conduct

In accordance with Subsection 58-57-2(8), unprofessional conduct includes:

(1)