

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: S2/27/01 S3/1/01

## A Bill

SENATE BILL 382

5 By: Senator Gullett  
6 By: Representative Dees  
7

### For An Act To Be Entitled

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9  
10 AN ACT TO MAKE VARIOUS CHANGES IN THE ARKANSAS  
11 RESPIRATORY CARE ACT; AND FOR OTHER PURPOSES.  
12

### Subtitle

13  
14 AN ACT TO MAKE VARIOUS CHANGES IN THE  
15 ARKANSAS RESPIRATORY CARE ACT.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code 17-99-205 is amended to read as follows:  
21 17-99-205. Continuing education.

22 The board, in cooperation with the Arkansas Society for Respiratory  
23 Care, shall develop and implement rules and regulations for continuing  
24 education ~~within two (2) years of July 20, 1987. Continuing education~~  
25 ~~requirements shall not exceed fifteen (15) hours every two (2) years.~~  
26

27 SECTION 2. Arkansas Code 17-99-102 is amended to add an additional  
28 subsection to read as follows:

29 (6) "Licensed allied health practitioner" means any person formally  
30 trained and tested in an allied health field, qualified to deliver medical  
31 care to the public, and licensed in the State of Arkansas.  
32

33 SECTION 3. Arkansas Code 17-99-301(b)(2) & (3) are amended to read as  
34 follows:

35 (2)(A) A licensed physician or a licensed advanced practice nurse  
36 shall be exempt from the requirement of obtaining a license to practice

1 respiratory care.

2 (B) A licensed registered nurse or a licensed practical  
3 nurse qualified in and engaged in respiratory care under the supervision of a  
4 licensed physician or a licensed advanced practice nurse within the terms of  
5 their collaborative agreement shall be exempt from the requirement of  
6 obtaining a license to practice respiratory care.

7 (C) A licensed allied health practitioner who passes an  
8 examination that included content in one or more of the functions included in  
9 the definition of respiratory care shall not be prohibited from performing  
10 such procedures as he or she was tested.

11 (3) Nothing in this chapter shall be construed to prohibit or to  
12 require a license hereunder with respect to:

13 (A) The rendering of services in case of an emergency or  
14 acute care situation;

15 (B) The administration of oxygen or other resuscitation  
16 procedures to participants in or spectators at athletic events;

17 (C) Any person pursuing a course of study leading to a  
18 degree or certificate in respiratory care at an accredited or approved  
19 educational program approved by the committee, if the activities and services  
20 constitute a part of the supervised course of study and the person is  
21 designated by a title which clearly indicates the student or trainee status;

22 (D) Self-care by a patient or gratuitous care by a friend  
23 or family member who does not represent or hold himself out to be a  
24 respiratory care practitioner;

25 (E) The respiratory care practitioner who demonstrates  
26 advances in the art and techniques of respiratory care learned through  
27 formalized or specialized training;

28 (F) Any person working in the military service or federal  
29 health care facilities when functioning in the course of his assigned duties;

30 (G)(i) Any person who has demonstrated his competency in  
31 one (1) or more areas covered by this chapter who performs only those  
32 functions that he is qualified by examination to perform.

33 (ii) The committee and the board shall have the  
34 authority to evaluate the standards of examinations and examining  
35 organizations and to reject qualification by inadequate examinations and  
36 examining organizations;

1                   (H) ~~Employees of licensed hospitals with one hundred sixty-~~  
2 ~~nine (169) beds or less~~ Medically trained personnel employed in a designated  
3 critical access hospital licensed as such by the Department of Health; and

4                   (I) *The practice of respiratory care, when done in*  
5 *connection with the practice of the religious principles or tenets of any*  
6 *well-recognized church or denomination which relies upon prayer or spiritual*  
7 *means of healing.*

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9           SECTION 4. Arkansas Code 17-99-302(b) is amended to read as follows:

10           (b) Each applicant must:

- 11                   (1) Be at least eighteen (18) years of age;
- 12                   (2) Be of good moral character;
- 13                   (3) Have been awarded a high school diploma or its equivalent;
- 14                   (4) Have satisfactorily completed training in a respiratory care

15 program which has been approved by the committee, to include adequate  
16 instruction in basic medical science, clinical science, and respiratory care  
17 theory and procedures; and

18                   (5) Have passed ~~a written~~ an examination approved by the board  
19 and the committee, unless exempted by other provisions of this chapter.

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21           SECTION 5. Arkansas Code 17-99-302(c) is amended to read as follows:

22           (c) All examinations of applicants for a license to practice  
23 respiratory care shall be held in ~~the City of Little Rock at a time and place~~  
24 ~~published by the board~~ designated areas of the state at a time and place  
25 published by the testing board.

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27           SECTION 6. Arkansas Code 17-99-302(e) & (f) are amended to read as  
28 follows:

29           (e) *A fee not to exceed the sum of ~~one hundred fifty dollars (\$150)~~ the*  
30 *prevailing rate set by the National Board for Respiratory Care or successor*  
31 *organization must accompany the application.*

32           ~~(f)(1) Any applicant who fails an examination and is refused a license~~  
33 ~~may take the next examination upon payment of an additional fee, as~~  
34 ~~established by the board, not to exceed one hundred fifty dollars (\$150).~~

35                   ~~(2) Any applicant who fails the second examination may take~~  
36 ~~subsequent examinations when the application is accompanied by a fee not to~~

1 ~~exceed one hundred fifty dollars (\$150).~~

2 (f)(1) Any person, whether or not he or she has passed the examination  
3 provided for in this chapter, who through a notarized affidavit, submitted to  
4 the board by January 1, 2002, demonstrates that he or she has been engaged in  
5 the practice of respiratory care for at least two (2) years during the three  
6 (3) consecutive years prior to September 1, 2001 and who submits an  
7 application and a fee not to exceed one hundred fifty dollars (\$150).

8 (2) Any person licensed under this provision must complete the  
9 entry level requirements for certification in respiratory care and must, no  
10 later than January 1, 2005, pass the examination provided for in this chapter.

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12 Section 7. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO  
13 CODIFY THIS SECTION.] In codifying this act, the Arkansas Code Revision  
14 Commission may make any necessary changes to conform Arkansas Code 17-99-102  
15 to Code style and format.

16 /s/ Gullett