Part 1. General Information ........................................................................................................ 2
   1.1 The Purpose of Licensure ................................................................................................. 2
   1.2 Business Location ........................................................................................................ 2
   1.3 Advisors to the Director of Professional Regulation ...................................................... 2
   1.4 Laws That Govern Licensure ....................................................................................... 2

Part 2. Information for Applicants .............................................................................................. 3
   2.1 Definitions .................................................................................................................. 3
   2.2 Where to Get an Application ........................................................................................ 3
   2.3 Licensure as a Respiratory Care Practitioner (By Examination) .................................... 3
   2.4 Licensure Without Examination (By Endorsement) ..................................................... 3
   2.5 Temporary Licenses .................................................................................................... 4
   2.6 Student Temporary Licensure ...................................................................................... 4
   2.7 Foreign Trained Graduates .......................................................................................... 4
   2.8 Right to a Written Decision and Appeal ................................................................. 5
   2.9 Use of Title ............................................................................................................... 5

Part 3. Information for Respiratory Care Practitioners .............................................................. 5
   3.1 Renewing Licenses Biennially ..................................................................................... 5
   3.2 Continuing Education Requirements ........................................................................... 5
   3.3 Continuing Education Reporting ................................................................................ 6
   3.4 Continuing Education Program Approval .................................................................... 7
   3.5 Reinstating Licensure ................................................................................................... 7
   3.6 Unprofessional Conduct ............................................................................................... 7
   3.7 Complaint Procedure ................................................................................................ 8
   3.8 Disciplinary Actions ................................................................................................... 8
PART 1. GENERAL INFORMATION

1.1 THE PURPOSE OF LICENSURE

The Director of Professional Regulation (who is referred to as "the Director" in this rule) has been given power by Vermont law to license respiratory care practitioners in order to protect the public health, safety and welfare. This is done by setting standards for issuing licenses, licensing only qualified applicants and regulating license holders and their practices.

1.2 BUSINESS LOCATION

The Director's business location is c/o Secretary of State, Office of Professional Regulation, 26 Terrace Street, Montpelier (the Office). Mailing address:

Secretary of State
Office of Professional Regulation
26 Terrace Street
Montpelier, Vermont 05609-1106

The telephone number is (802) 828-2363 and the website address is http:\www.vtprofessionals.org.

An interested person may get copies of these rules and more information about licensure and its requirements and procedures by writing or telephoning the Office.

1.3 ADVISORS TO THE DIRECTOR OF PROFESSIONAL REGULATION

The Secretary of State appoints two respiratory care practitioners to serve as advisors who help the Director carry out the program and advise the Director on such matters as selecting an examination, setting a passing score, making administrative rules, and approving or denying licensure. The Director refers disciplinary matters to an administrative law officer.

1.4 LAWS THAT GOVERN LICENSURE

The practice of respiratory care is governed by a specific state law (26 V.S.A. §§ 4701-4715) that establishes responsibilities for setting standards, issuing licenses and regulating the profession. In addition, the Director is obligated to ensure compliance with several other state laws, including the Administrative Procedure Act (3 V.S.A. §§801-847), the Open Meeting law (1 V.S.A. §§311-314), the Access to Public Records law (1 V.S.A. §§315-320), and the laws of the secretary of state’s office of professional regulation applicable to all professions regulated by the office (3 V.S.A. §§121-131). These laws spell out the rights of applicants, license holders and members of the public. A copy of these laws may be obtained by contacting a town clerk or librarian. Most have copies of these statutes, which are also available online at www.leg.state.vt.us.

PART 2. INFORMATION FOR APPLICANTS

2.1 DEFINITIONS

The definitions in the Act at 26 V.S.A. §4701 also apply to these rules. In addition, as used in these rules: (1) “The Act” means the respiratory care practitioners Act, 26 Vermont Statutes Annotated, Chapter 91 (26 V.S.A.§§ 4701-4715).
Rules for Respiratory Care Practitioners: Effective September 1, 2005

(2) “AARC” means the American Association for Respiratory Care.
(3) “The Director” means the Director of the Office of Professional Regulation.
(4) “The Office” means the Office of Professional Regulation in the Office of the Secretary of State.
(5) “V.S.A.” means Vermont Statutes Annotated: for example 26 V.S.A. §4701 means section 4701 of Title 26 of the Vermont Statutes Annotated.

2.2 WHERE TO GET AN APPLICATION

Applications for licensure and information about the application process are available on the Office’s website at www.vtprofessionals.org or may be obtained by calling or writing the Office.

2.3 LICENSURE AS A RESPIRATORY CARE PRACTITIONER (BY EXAMINATION)

Eligibility for licensure is set forth in statute at 26 V.S.A. §4707:

(a) Education: The applicant must have a degree from an educational program for respiratory care practitioners that is accredited by the committee on accreditation for respiratory care or by the commission on accreditation of allied health education programs, or their successor organizations. This does not apply to applicants who passed the examination and were conferred credentials prior to July 31, 1977.

(b) Examination: The applicant must submit proof of having passed the exam approved by the Director. Information on applying for and scheduling the exam is available from the Office or the national examining body. Candidates who fail the exam must retake the exam and are ineligible to practice until its successful completion.

2.4 LICENSURE WITHOUT EXAMINATION (BY ENDORSEMENT)

To qualify for a license by endorsement, respiratory care practitioner applicants must be currently certified or licensed in another jurisdiction. The requirements of that jurisdiction must be substantially equivalent to Vermont’s, as determined by the Director.

2.5 TEMPORARY LICENSURE FOR APPLICANTS BY ENDORSEMENT

(a) A temporary license may be issued by the Director for a period of up to 100 days to a person who applies for the first time to practice respiratory therapy in this state. The temporary license is issued to allow one who meets the licensing requirements of statute and Rule 2.4 above, to practice pending the Director’s receipt of the necessary data for licensure without exam.

(b) Applicants for temporary licensure shall apply on forms provided by the Director prior to performing respiratory care services. The application will include the designation of a Vermont licensed supervisor of record willing to take responsibility for the applicant.

(c) Qualified applicants under temporary licensure (other than student temporary licenses, below) may practice under the indirect supervision (see 26 V.S.A. §4701 for a definition) of a respiratory care practitioner licensed in Vermont.

2.6 TEMPORARY LICENSURE AS A STUDENT RESPIRATORY CARE PRACTITIONER

(a) A student currently enrolled in an accredited respiratory care education program may perform respiratory care services when those services are incidental to the clinical aspect of the student’s course of study. Such students are exempt from licensure.
Rules for Respiratory Care Practitioners: Effective September 1, 2005

(b) Students employed to perform respiratory care services under supervision and not as part of their clinical program shall apply for a student temporary license prior to performing respiratory care services. A student may apply for a student temporary license after beginning his or her third semester of study. The application will be made on forms provided by the Director and will include the designation of a Vermont licensed supervisor of record willing to take responsibility for the student therapist.

(c) The student temporary license is valid from the date of application approval until ninety (90) days after the next scheduled graduation date for that student’s educational program. This ninety (90) day window is to allow the student time to take and pass the examination and obtain full and permanent licensure as a respiratory care practitioner.

(d) After obtaining a student temporary license, a student may render respiratory care services under the direct supervision (see 26 V.S.A. §4701 for a definition) of a Vermont licensed respiratory care practitioner with at least two years experience in respiratory care. The student’s scope of practice is limited to those activities for which the supervisor has documented the student’s competency, including verification from the clinical director of the student’s accredited respiratory care program.

2.7 FOREIGN TRAINED GRADUATES

Applicants trained in countries without accreditation standards similar to those in the United States must have completed a respiratory care educational program equivalent to the standards of accredited schools. The Office will evaluate those academic credentials received with completed application in consultation with a credentials evaluation service. The applicant is responsible for the costs of this credential review. The Office will provide a current list of acceptable services and steps for requesting credential review.

2.8 RIGHT TO A WRITTEN DECISION AND APPEAL

Applicants are notified in writing whether or not they meet requirements to be licensed. If the Director denies an application he or she shall give specific reasons and inform the applicant of the right to request a hearing for review of this decision. The hearing will be held by an administrative law officer. After an opportunity to present the application and any additional information, the administrative law officer shall affirm, reverse, remand or modify the Director’s preliminary decision. The burden is on the applicant to prove eligibility for licensure. The applicant may appeal the administrative law officer’s decision, by sending a written notice of appeal to the Director within 30 days of the decision.

2.9 USE OF TITLE

A person may not use letters, words or insignia indicating or implying that the person is an respiratory care practitioner unless the person is licensed. See 26 VSA § 4702.

PART 3. INFORMATION FOR LICENSED RESPIRATORY CARE PRACTITIONERS

3.1 RENEWING LICENSES BIENNIALLY

Licenses expire every two years and must be renewed before the expiration date. The Office will mail a renewal application and notice of the renewal fee found at 3 V.S.A. § 125. However, it is the licensee’s responsibility to maintain a current address with the Office and renew the license prior to expiration. Any renewal application received after the deadline results in a lapsed license. Late renewals are subject to a late fee set by statute.

3.2 CONTINUING EDUCATION REQUIREMENTS
Rules for Respiratory Care Practitioners: Effective September 1, 2005

(a) "Continuing education" means formal presentations, inservice programs, conferences, and self-study courses, such as distance learning and online courses promoting continuing competency in respiratory care theory and practice in the interest of protecting the public. A total of 12 (twelve) hours of continuing education shall be earned in a two year renewal period.

(b) A respiratory care practitioner who is renewing his or her license for the first time after initial licensure is subject to a 6 (six) hour continuing education requirement per full year of licensure. If the license has been held for one year or less, no continuing education is required. If held more than one year but less than two years, 6 (six) hours is required.

(c) Programs or offerings shall be approved or sponsored by an organization approved by the Director. The Office maintains a list of approved providers and courses. Continuing education offerings may include, but are not limited to the following categories and hours are credited as follows:

1) Category I: Formal continuing education programs that may consist of workshops, inservice programs, professional continuing education activities and scientific meetings and self-directed continuing education activities that may consist of local, regional, national symposia, colloquia, journal clubs, self-study courses, online courses, distance learning activities and/or institutes, or recredentialing examinations through the National Board of Respiratory Care. Half of the continuing education (up to 6 hours) may be online or distance learning (non-didactic).

Credit: One hour for each hour attended except for the recredentialing exam which carries a specific number of hours set by the AARC.

2) Category II: Formal presentations by the licensee at a conference or seminar where continuing education credit has been approved by one of the sponsoring organizations previously approved by the Director.

Credit: Two hours for each hour of instruction, up to a maximum of 6 (six) hours per renewal period.

3.3 CONTINUING EDUCATION REPORTING

(a) At renewal time the Office will provide a form upon which all continuing education must be reported. The form must be submitted with the biennial renewal form.

(b) Requests for extension because of unforeseen circumstances may be granted. Under extenuating circumstances, the Director may waive all or part of the continuing education requirements if the applicant provides a written request for a waiver and provides evidence of an illness, injury, financial hardship, family hardship, or other extenuating circumstance which precluded the applicant’s completion of the requirements.

(c) Licensees shall maintain the required proof of completion for continuing education activity for a minimum of two years following the last day of the renewal period for which the continuing education was earned. Licensees should not send their documentation to the Office unless audited or otherwise requested to do so.

(d) The Office may perform a random audit of licensees’ continuing education. A licensee who fails to comply with continuing education requirements is subject to disciplinary action.

3.4 CONTINUING EDUCATION PROGRAM APPROVAL FOR SPONSORS

(a) Provided that the continuing education is consistent with the provisions of these rules, the Director
shall grant pre-approval to offerings:

1) sponsored or approved by the Vermont/New Hampshire Society for Respiratory Care;
2) sponsored or approved by the American Association for Respiratory Care; or
3) others approved by the Director on a list maintained by the Office which shall be available to licensees upon request.

(b) A provider who wishes to obtain approval of continuing education offerings shall submit to the Office, at least 90 days in advance of the program, all required information, including:

1) Course description;
2) Learning outcomes;
3) Target audience;
4) Content focus;
5) Detailed agenda for the activity;
6) Amount of credit offered;
7) Qualifications of the presenter(s);
8) Sample documentation for demonstrating satisfactory completion by course participants such as a certificate of completion.

(c) Upon review of the completed application, the office shall notify the provider as to whether or not the program has been approved and, if approved, the number of continuing education hours to be awarded.

3.5 REINSTATING LICENSURE

If a license has expired because it was not renewed on time, the licensee may apply for reinstatement and pay the renewal fee for the current renewal period and a late renewal penalty. Practicing with a lapsed license is considered unlicensed practice and may result in a charge of unauthorized practice and possible disciplinary action. The licensee does not have to pay renewal fees for years during which the license was lapsed. If a license has been lapsed for over five years, the Director may require proof of competence in the form of education, experience or examination prior to reinstating the license.

3.6 UNPROFESSIONAL CONDUCT

The Act sets forth specific grounds of unprofessional conduct. A licensee may be disciplined for a violation of any of those grounds, which are found in 26 V.S.A § 4714 as well as the grounds for unprofessional conduct found at 3 V.S.A. § 129a.

3.7 COMPLAINT PROCEDURE

The Office has a procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

3.8 DISCIPLINARY ACTIONS

Hearings on charges of unprofessional conduct are held before an administrative law officer. A party aggrieved by a decision of the administrative law officer may, within 30 days of the decision, appeal by filing a written notice with the Director. The appeal shall be decided by the superior court of Washington County on the basis of the record before the administrative law officer.

Effective: September 1, 2005