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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Board of Respiratory Care
Division:
Contact Person: Mary Katherine Bratton, Assistant General Counsel
Office of General Counsel
665 Mainstream Drive
Address: Nashville, Tennessee 37243
Phone: (615) 741-1611
Email: Mary.Bratton@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: ADA Coordinator
710 James Robertson Parkway,
Address: Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone: (615) 741-6350
Email: Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date:	08/28/2014
Hearing Time:	9:00 am
	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1330-01	General Rules and Regulations Governing Respiratory Care Practitioners
Rule Number	Rule Title

1330-01-01	Definitions
1330-01-02	Scope of Practice
1330-01-05	Qualifications and Procedures for Licensure
1330-01-12	Continuing Education
1330-01-14	Temporary License
1330-01-19	Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings, Subpoenas, and Screening Panels

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1330-01-.01 Definitions is amended by deleting the defined term in paragraphs (7) and (17) and substituting instead the following language, so that as amended, the new paragraphs (7) and (17) shall read:

- (7) Board Office - The office of the Unit Director assigned to the Board.
- (17) T.J.C. - The Joint Commission previously known as the Joint Committee on Accreditation of Health Care Organizations.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.02 Scope of Practice is amended by deleting paragraph (2) and its subparagraphs in their entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

- (2) Use of Titles
 - (a) Only a certified respiratory therapist who has an active credential with the National Board of Respiratory Care (NBRC) and who possesses a valid, current and active license issued by the Board that is not suspended or revoked has the right to use the titles and/or acronyms "Certified Respiratory Therapist (CRT) as defined in T.C.A. § 63-27-102.
 - (b) Only a registered respiratory therapist who has an active credential with the National Board of Respiratory Care (NBRC) and who possesses a valid, current and active license issued by the Board that is not suspended or revoked has the right to use the title and/or acronym "Registered Respiratory Therapist (RRT)" as defined in T.C.A. § 63-27-102.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.05 Qualifications and Procedures for Licensure is amended by deleting paragraph (3) and its subparagraphs and parts in their entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Respiratory care practitioners by endorsement - The Board may issue a license by endorsement to an applicant who is currently licensed to practice respiratory care under the laws of another state, territory or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in Tennessee.
 - (a) Endorsement applicants must:
 - 1. Complete the Board approved application;
 - 2. Provide proof of possessing a current license, in good standing, from another state; and
 - 3. Provide proof of having completed at least twelve (12) contact hours of continuing education for the previous calendar year.
 - (b) If ABG endorsement is desired, refer to rule 1330-01-.22 on ABG endorsement.
 - (c) Graduates of educational programs not accredited by the American Medical Association Committee on Allied Health Education and Accreditation may be determined to have equivalent educational attainment upon submitting the following:
 - 1. Official copy of grades and curriculum, translated into English. Such translation and original document must be certified as to authenticity by the issuing source.
 - 2. Any education credentials obtained in such program evaluated by either a professional credentialing agency or an institution of higher education (college or university). The results of such evaluation must be submitted directly to the Board's administrative office from the evaluator on the evaluator's official letterhead and contain an original signature.

3. If the applicant is not a United States citizen:
- (i) Documentation of legal entry into the United States {certified photocopy of visa, naturalization papers or passport}.
 - (ii) Evidence of passing their English Competency Examination except for those applicants educated in countries in which English is the primary language or whose country of education is a member of the British Commonwealth. The test results must be forwarded directly to the Board office from the testing agency.
- (I) One of the following examinations must have been passed:
- I. Test of Spoken English
 - II. Test of English as a Foreign Language
 - III. Test of Written English or
 - IV. Michigan English Language Assessment Battery
- (II) To obtain information regarding English competency examinations, requests must be directed to:

Test of English
P. O. Box 6155
Princeton, NJ 08541-6155

Or

Michigan English Language Assessment Battery
English Language Institute
Testing and Certification Division
3020 North University Building
The University of Michigan
Ann Arbor, MI 48109-1057

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting subparagraphs 1(a) and 1(b) and their parts in their entirety, and substituting instead the following language, so that as amended, the new subparagraphs (1)(a) and (1)(b) shall read:

- (1) Hours required.
- (a) Each therapist and assistant licensed by the Board must complete twelve (12) hours of approved continuing education every calendar year.
 - 1. At least five (5) of those twelve (12) hours must pertain to the clinical practice of respiratory care or to research relating to the cardio-pulmonary system.
 - 2. At least one (1) of those twelve (12) hours must pertain to patient safety as defined by the T.J.C.
 - 3. At least one (1) of those twelve (12) hours must pertain to ethics related to patient care.
 - 4. The remaining five (5) hours may pertain to, among other topics, education or management.
 - (b) For new licensees, submitting proof of successful completion of the respiratory care program required by T.C.A. §§ 63-27-106 or 63-27-107 shall be considered proof of sufficient preparatory

education so as to satisfy the continuing education requirements for the calendar year in which the new licensee completed the program.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

(2) Acceptable Continuing Education.

(a) The following organizations' or associations' and their local and state affiliates' continuing education activities, which pertain to the practice of respiratory care, are considered pre-approved for fulfilling the requirements of this rule:

1. All hospitals or institutions belonging to the Tennessee Hospital Association, or which are T.J.C. accredited, and other accrediting hospital bodies with Centers for Medicare and Medicaid Services deemed status.
2. American Association for Respiratory Care and any of its chartered affiliates
3. American Association of Critical Care Nurses
4. American Association of Pediatric Physicians
5. American Cancer Society
6. American College of Chest Physicians
7. American College of Emergency Physicians
8. American College of Physicians
9. American Heart Association
10. American Lung Association
11. American Medical Association
12. American Nurses Association
13. American Nurses Credentialing Center's Commission on Accreditation
14. American Society of Anesthesiologists
15. American Society of Cardiovascular Professionals
16. American Thoracic Society
17. Association of Certified Registered Nurse Anesthetists
18. Committee on Accreditation for Respiratory Care
19. Society of Critical Care Medicine
20. Tennessee Association for Home Care
21. Tennessee Association of Cardiovascular and Pulmonary Rehabilitation
22. Tennessee Medical Association
23. American Academy of Sleep Medicine

24. American Association of Sleep Technologists

25. Society of Anesthesia & Sleep Medicine

(b) In lieu of obtaining continuing education hours from one of the organizations listed in (a), a licensee may obtain his or her continuing education hours in any of the following ways:

1. By taking and passing (with a grade point average of 2.0 or its equivalent, or better) a college or university course which focuses on the clinical practice of respiratory care and/or on education, management or research relating to the cardiopulmonary system. The licensee will receive continuing education hours equal to three (3) times the number of hours for which the course is accredited by the college or university.
2. By taking and passing advanced training courses (either the initial, renewal, or instructor courses) on advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or neonatal resuscitation programs (NRP). The licensee will receive ten (10) continuing education hours for one of these courses (unless the number of hours attended by the licensee is actually less than ten (10) hours).
3. By taking and passing a NBRC re-credentialing examination (either of the advanced practitioner examinations for registered respiratory therapists or the certification examination for certified respiratory therapists), or by taking and passing a NBRC specialty examination, such as, including but not limited to, Sleep Disorder Specialty or Certified Pulmonary Function Technologist. The licensee will receive ten (10) continuing education hours for passing the examination. These exams shall not fulfill the one (1) hour requirement in patient safety or the one (1) hour in ethics.
4. By presenting or instructing a pre-approved course. The credit is limited to credit for twice the presentation time and credit cannot be given for the same topic more than once per calendar year.

(c) A minimum of 5 hours must be obtained live, real time, with interactive opportunity.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting subparagraph (3)(a) in its entirety, and substituting instead the following language, so that as amended, the new subparagraph (3)(a) shall read:

- (3) (a) All entities offering education activities not considered pre-approved by these rules must request and receive prior approval of their content by the Board in order to be considered valid for fulfilling any of the continuing education requirements as set forth in this act.

Rule 1330-01-.12 Continuing Education is amended by deleting subparagraph (3)(c) in its entirety, and substituting instead the following language, so that as amended, the new subparagraph (3)(c) shall read:

- (3) (c) All applications must be submitted to the Board a minimum of thirty (30) calendar days prior to any scheduled Board meeting which is to take place before the educational offering. The Board or Board Consultant shall review each application and shall rule on whether the offering(s) in whole or in part shall be accepted as valid for the purposes of the continuing education requirements of this act. The decision of the Board shall be final in all such matters.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting part (4)(a)1. in its entirety, and substituting instead the following language, so that as amended, the new part (4)(a)1. shall read:

1. Certificates verifying the individual's completion.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.01 Continuing Education is amended by deleting part (4)(a)4. in its entirety.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112

Rule 1330-01-.12 Continuing Education is amended by deleting subparagraph (5)(c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (5)(c) shall read:

(5) (c) Independent unstructured or self-structured learning.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting part (6)(a)2. in its entirety and substituting instead the following language, so that as amended, the new part (6)(a)2. shall read:

2. Any individual requesting reinstatement of a license which has been retired for more than one (1) year must submit, along with the reinstatement request, verification which indicates the attendance and completion of twelve (12) hours of continuing education for every calendar year for which the license has been retired, although under no circumstances shall the maximum number of hours required be more than twenty-four (24) hours. The continuing education hours must have been obtained during the period of retirement with the exception of the most recent calendar year requirement, which must have been completed within the twelve (12) months preceding reinstatement.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by adding new part (6)(a)3. which shall read:

3. The twelve (12) hours received for each calendar year must comply with the requirements of rule 1330-01-.12(1)(a).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting subparagraph (6)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (6)(b) shall read:

(6) (b) Reinstatement of Revoked License - Any individual requesting reinstatement of a license which has been revoked for non-compliance with the continuing education requirements of this rule must submit, along with the reinstatement request, verification which indicates the attendance and completion of twelve (12) hours of continuing education for every calendar year for which the license has been revoked. The continuing education hours must have been obtained during the period of revocation with the exception of the most recent calendar year requirement, which must have been completed within the twelve (12) months preceding reinstatement.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.12 Continuing Education is amended by deleting parts (6)(c)1., 6(c)2 and 6(c)3. in their entirety and substituting instead the following language, so that as amended, the new parts (6)(c)1., (6)(c)2. and (6)(c)3. shall read:

1. Except for licensees who have been practicing in another state during the period of expiration, the continuing education hours documented at the time of reinstatement must equal twelve (12) hours for every calendar year for which the license was expired, although under no circumstances shall the maximum number of hours required be more than sixty (60) hours, and must have been successfully completed before the date of reinstatement.
2. For licensees who have been practicing in another state during the period of expiration, the continuing education hours documented at the time of reinstatement must equal twelve (12) hours for every calendar year for which the license was expired, although under no circumstances shall the maximum number of hours required be more than forty-

eight (48) hours, and must have been begun and successfully completed before the date of reinstatement.

3. The twelve (12) hours received for each calendar year must comply with the requirements of rule 1330-01-.12(1)(a).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.14 Temporary License is amended by deleting subparagraph (1)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(a) shall read:

- (1) (a) A temporary license is available for applicants who have filed their application with the Board office, and whose application file includes all the documentation required by rule 1330-01-.05, except for proof of their examination passage, and who are otherwise qualified for licensure. A temporary license can be issued not to exceed a cumulative period of six (6) months.

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

Rule 1330-01-.19 Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings, Subpoenas, and Screening Panels is amended by deleting subparagraph (5)(e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (5)(e) shall read:

- (5) (e) Any request for an advisory ruling shall be made on the following form, a copy of which may be obtained from the Board's Administrative Office:

Board of Respiratory Care
Request for Advisory Ruling

Date: _____
Licensee's Name: _____
Licensee's Address: _____

License Number: _____

1. The specific question or issue for which the ruling is requested:

2. The facts that gave rise to the specific question or issue:

3. The specific statutes and/or rules which are applicable to the question or issue:

Licensee's Signature _____

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-27-102, 63-27-104, and 63-27-112.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/19/14

Signature: *Mary Katherine Bratton*

Name of Officer: Mary Katherine Bratton
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 5-19-14

Notary Public Signature: *Suzanne Mechkowski*

My commission expires on: _____

MY COMMISSION EXPIRES
APRIL 19, 2017

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Filed with the Department of State on: 5/19/14

Tre Hargett
Tre Hargett
Secretary of State

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