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Sequence Number: 12-14-08
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 File Date: 12/23/2008

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Respiratory Care
Division:	Division of Health Related Boards
Contact Person:	Ernest Sykes, Jr.
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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
Address:	Division of Health Related Boards
Phone:	(615) 532-4397
Email:	

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

Address 1:	Department of Health 1 st Floor Heritage Place Building, Iris Room MetroCenter		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date :	02/26/2009		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

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 here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/RuleTitle per row.)

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

Rule Number	Rule Title
1330-01-.02	Scope of Practice
1330-01-.12	Continuing Education
1330-01-.15	Disciplinary Grounds, Actions, and Civil Penalties
1330-01-.19	Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings, Subpoenas and Screening Panels

Substance of Proposed Rules

Chapter 1330-01 General Rules Governing Respiratory Care Practitioners

Amendments

Rule 1330-01-.02, Scope of Practice, 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) Use of Titles

- (a) Any certified respiratory therapist 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)" or "Certified Respiratory Therapy Technician (CRTT)" as defined in T.C.A. § 63-27-102.
- (b) Any registered respiratory therapist 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.
- (c) Any person who possesses a valid, current and active license issued by the Board that is not suspended or revoked has the right to practice as a respiratory care practitioner as defined in T.C.A. § 63-27-102.
- (d) Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every advertisement he or she publishes. Failure to do so may constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the practitioner to disciplinary action pursuant to T.C.A. § 63-27-112 (a) (2) and (9).

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) (c) 1. in its entirety and substituting instead the following language, so that as amended, the new language shall read:

- (6) (c) 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 ten (10) contact hours for every calendar year for which the license was expired, although under no circumstances shall the maximum number of contact hours required be more than sixty (60) hours, and must have been successfully completed before the date of reinstatement.

Authority: T.C.A. §§ 63-27-104 and 63-27-109.

Rule 1330-01-.15, Disciplinary Grounds, Actions, and Civil Penalties, is amended by deleting subparagraph (1) (g) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (g) shall read:

- (1) (g) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 - 1. During any period of probation, suspension; or

2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-27-104, 63-27-105(c)(2), and 63-27-112.

Rule 1330-01-.19, Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings, Subpoenas and Screening Panels, is amended by deleting paragraph (2) but not its subparagraphs, and substituting instead the following language, so that as amended, the new paragraph (2) but not its subparagraphs shall read:

- (2) The Board shall select consultants who, along with each individual member of the Board, may serve as consultants to the Division and who are vested with the authority to do the following acts:

Authority: T.C.A. §§ 63-1-115, 63-1-132, 63-1-142, 63-27-103, and 63-27-104.