



**Government of the District of Columbia  
Department of Health  
Board of Respiratory Care**

**899 NORTH CAPITOL ST. NE – 2<sup>ND</sup> FLR.  
WASHINGTON, DC 20002**

**December 12, 2016**

**9:00 am - 12:00 pm**

**MEETING AGENDA**



Open Session December 2016: Call to Order

OS-1212-01	<b>SENIOR DEPUTY DIRECTOR'S REPORT</b>	
OS-1212-02	<b>EXECUTIVE DIRECTOR'S REPORT</b>	
OS-1212-03	<b>BOARD ATTORNEY'S REPORT</b>	
OS-1212-04	<b>CHAIRPERSON'S REPORT</b>	
OS-1212-05	<b><u>OPEN SESSION MINUTES</u></b> <b>Board Action:</b> To consider the Open Session Minutes of the October 3, 2016 meeting.	
OS-1212-06	<b><u>REVIEW OF REGULATIONS</u></b> <b>Board Action:</b> To discuss the draft regulations.	

**ADJOURNMENT**

At the conclusion of the public open session meeting and pursuant to the DC Official Code 2-575(b) and for the purposes set forth therein, the Board will move into the closed executive session portion of the meeting.



**Government of the District of Columbia  
Department of Health  
Board of Respiratory Care**

**899 NORTH CAPITOL ST. NE – 2<sup>ND</sup> FLR.  
WASHINGTON, DC 20002**

**October 3, 2016**

**9:00 am - 12:00 pm**

**OPEN SESSION  
MEETING MINUTES**



ATTENDANCE: October 2016

BOARD MEMBERS:		
	CAROLYN WILLIAMS, CHAIRPERSON	Present
	TIMOTHY MAHONEY, BOARD MEMBER	Present
STAFF:	ROBIN Y. JENKINS, EXECUTIVE DIRECTOR	Present
	ERIC YEAGER, HEALTH LICENSING SPECIALIST	Present
	REBECCA ODRICK, INVESTIGATOR	Present
	PANRAVEE VONGJAROENRAT, ASSISTANT GENERAL COUNSEL	Present
VISITOR	CHRISTOPHER IDEDEVBO	Present



OPEN SESSION October 2016

OS-1003-01	<p><b>SENIOR DEPUTY DIRECTOR'S REPORT</b>  <b>Board Action:</b> There was no report.</p>	
OS-1003-02	<p><b>EXECUTIVE DIRECTOR'S REPORT</b>  <b>Board Action:</b> The Executive Director distributed DOH building key fobs to the Board Members because they had completed the required ethics training. They will also be provided official government email addresses and Metro SmarTrip cards to conduct business on behalf of the Board.</p>	
OS-1003-03	<p><b>BOARD ATTORNEY'S REPORT</b>  <b>Board Action:</b> There was no report.</p>	
OS-1003-04	<p><b>CHAIRPERSON'S REPORT</b>  <b>Board Action:</b> The Board Chair took a moment to give belated birthday wishes to Board Attorney Panravee Vongjaroenrat. The Board Chair also noted that she and Board Member Timothy Mahoney attended the National Board for Respiratory Care's State Licensure Liaison Group Meeting on August 25<sup>th</sup> – 27<sup>th</sup> in Olathe, Kansas. She noted that the meeting featured presentations from Executive Board Members of the American Association for Respiratory Care (AARC), Commission of Accreditation for Respiratory Care (CoARC) and National Board for Respiratory Care (NBRC). Though these are separate organizations, they all work together to benefit the profession, she said. This was a very useful meeting, said the Board Chair, who distributed meeting handouts to Board staff.</p> <p>The Board Chair then said that the NBRC meeting was helpful in providing information on how other state boards handle re-entry to practice for licensure applicants who have CRT or RRT certifications but have not worked in five (5) or more years. She tasked Board Member Timothy Mahoney with the assignment of researching this issue at the NBRC meeting, and he reported that other states offer three (3) different pathways to licensure: 1) completing the National Board for Respiratory Care (NBRC) self-assessment exam; 2) completing the American Association for Respiratory Care (AARC) exam prep course; or 3) completing a</p>	



	<p>course in adult acute care in the practice of respiratory therapy at an institution accredited by the American Medical Association Committee on Allied Health Education and Accreditation (CAHEA).</p> <p>The Board Chair then asked why the D.C. Board of Respiratory Care is currently not enrolled in the NBRC’s database for reporting licensee discipline. She distributed information to Board staff about the procedure for submitting disciplinary orders to this database. However, after reviewing this documentation, the Board Attorney said that, for privacy and legal concerns, the Board should not report submit disciplinary actions to this database.</p> <p>Finally, the Board Chair noted that the New York Downtown Association of Respiratory Therapists, Inc. will hold its Annual Fall Symposium on Friday, October 28, 2016.</p>	
OS-1003-05	<p><b><u>OPEN SESSION MINUTES</u></b>  <b>Board Action:</b> The Open Session minutes of the August 8, 2016 meeting were approved.</p>	
OS-1003-06	<p><b><u>LGBTQ EDUCATION REQUIREMENT</u></b>  <b>Board Action:</b> The Board voted to table this matter until the next meeting, and it further agreed to overhaul all of the D.C. Municipal Regulations for Respiratory Care by the spring of 2017.</p> <p>In its discussion, the Board agreed that three (3) ethics CEUs will be required for the January 2017 renewal. For the 2019 renewal, the Board agreed that a licensee will need two (2) CEUs in ethics and two (2) CEUs in training related to lesbian, gay, bisexual, transgender and queer (LGBTQ) patients.</p> <p>Continuing its review of the regulations, the Board agreed with the Board Attorney’s advice to remove Section 7607 in its entirety. This section states that renewal applicants are only required to submit proof of CEUs when audited by the Board. The Board also accepted the Board Attorney’s suggestion to amend Section</p>	



	<p>7606.8. While this section currently states that the Board “shall” conduct a CE audit after each renewal, the Board agreed to amend this language to state that such audits “may” be conducted.</p> <p>The Board Attorney also advised that the Board remove Section 7606.9’s language requiring that an applicant who falsely certifies completion of CEUs “shall be subject to disciplinary action.” In her view, this language is unnecessary since the Health Occupations Revision Act (HORA) already provides sanctions for such false representations. After the Board Members opposed this change, the Board Attorney asked that the record clearly reflect that the Board rejected her advice on this point. The Board Members held firm on this issue, but agreed to address it again when conducting the general overhaul of all the regulations.</p>	
OS-1003-07	<p><b><u>DISCUSSION OF RE-ENTRY TO PRACTICE</u></b>  <b><u>Board Action:</u></b> The Board decided to give applicants who have valid CRT or RRT credentials but have not practiced anywhere in five (5) years or more <b><u>the option of choosing one (1) of the following three (3) pathways to licensure:</u></b></p> <ol style="list-style-type: none"> <li>1. Completing the National Board for Respiratory Care (NBRC) self- assessment exam;</li> <li>2. Completing the American Association for Respiratory Care (AARC) exam prep course; or</li> <li>3. Completing a course in adult acute care in the practice of respiratory therapy at an institution accredited by the American Medical Association Committee on Allied Health Education and Accreditation (CAHEA).</li> </ol> <p>After an applicant has finished one of the above steps, he or she must then submit the exam/course results to the Board for a decision on whether licensure will be granted.</p> <p style="text-align: center;">Open Session closed at 11:00 a.m.</p>	

**DISTRICT OF  
COLUMBIA  
MUNICIPAL  
REGULATIONS  
for  
RESPIRATORY  
THERAPY**



## CHAPTER 76      RESPIRATORY THERAPY

Secs.

7600	General Provisions
7601	Term of License
7602	Educational Requirements
7603	Applicants Educated in Foreign Countries
7604	National Examination
7605	Licensure by Endorsement
7606	Renewal, Reactivation, or Reinstatement of a License; Continuing Education Requirements
7607	Approved Continuing Education Programs and Activities
7608	Practice of Respiratory Care by Students or Applicants
7609	Standards of Conduct and Ethics
7699	Definitions

### **7600      GENERAL PROVISIONS**

- 7600.1      This chapter shall apply to any person who applies for or holds a license to practice respiratory therapy in the District of Columbia (“District”).
- 7600.2      The provisions of this chapter shall be supplemented by the provisions of Chapter 35 of this title, entitled “Occupational and Professional License Fee Schedule”, Chapter 40 of this title, entitled “Health Occupations: General Rules”, and Chapter 41 of this title, entitled “Health Occupations: Administrative Procedures”.

### **7601      TERM OF LICENSE**

- 7601.1      A license issued pursuant to this chapter shall be effective for not more than two years and shall expire at 12:00 midnight on January 31<sup>st</sup> of each odd-numbered year. The Director of the Department of Health may establish a different term and expiration date, by rule.

### **7602      EDUCATIONAL REQUIREMENTS**

- 7602.1      Except as provided in § 7605, each applicant for a license to practice respiratory therapy shall submit proof, satisfactory to the Board, that the applicant has successfully completed an educational program in the practice of respiratory therapy at an institution accredited by the American Medical Association Committee on Allied Health Education and Accreditation (CAHEA), upon the recommendation of the Joint Review Committee for Respiratory Therapy Education (JRCRTE), or their successor organizations.
- 7602.2      For purposes of this section, proof satisfactory to the Board of successful completion of an educational program shall be an official transcript, notarized diploma, or certificate of completion from an institution accredited by the CAHEA and JRCRTE.

**7603 APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

7603.1 An applicant who was educated in a foreign country shall satisfy the educational requirements in § 7602.

**7604 NATIONAL EXAMINATION**

7604.1 In addition to satisfying the educational requirements set forth in § 7602, an applicant shall receive a passing score on the National Board Examination (“NBE”) developed and administered by the National Board for Respiratory Care (“NBRC”). The passing score for the NBE for purposes of these rules shall be the passing score determined by the NBRC.

7604.2 Each applicant for a license by examination shall submit to the Board a completed application and the applicant’s NBE results, which shall be certified or validated by the NBRC.

**7605 LICENSURE BY ENDORSEMENT**

7605.1 The Board shall issue a license to practice respiratory therapy, by endorsement to an applicant who:

- (a) Is currently licensed or certified by another state;
- (b) Is in good standing under the laws of another state with standards that the Board determines to be comparable to the requirements of the Act and this chapter; and
- (c) Pays the applicable fee.

**7606 RENEWAL, REACTIVATION, OR REINSTATEMENT OF A LICENSE; CONTINUING EDUCATION REQUIREMENTS**

7606.1 Except as provided in § 7606.2, all applicants for the renewal, reactivation, or reinstatement of a license to practice respiratory therapy in the District shall demonstrate successful completion of approved continuing education units (“CEUs”) in accordance with this section.

7606.2 This section shall not apply to applicants for an initial District of Columbia license, nor to applicants for the first renewal of a license granted by examination.

7606.3 To qualify for reactivation of a license to practice respiratory therapy, a person in inactive status, as defined in § 511 of the Act (D.C. Official Code § 3-1205.11), shall submit proof of having successfully completed eight (8) approved CEUs for

each year that the applicant was in inactive status, up to a maximum of forty (40) CEUs.

- 7606.4 To qualify for reinstatement of a license, an applicant shall submit proof of having successfully completed eight (8) approved CEUs for each year after January 31, 2003, that the applicant's license was not renewed, up to a maximum of forty (40) CEUs. If an applicant whose license has expired does not apply for reinstatement of a license pursuant to this section within five (5) years of the date that the applicant's license expires, the applicant shall meet the requirements for obtaining an initial license.
- 7606.5 To qualify for renewal of a license an applicant shall:
- ~~(a) Have~~ completed sixteen (16) CEUs in approved continuing education programs during the two (2)-year period preceding the date the license expires, which shall include:
    - (a) Three (3) hours of continuing education in ethics for all licensure terms between February 1, 2008 to January 31, 2017; or
    - (b) For the licensure term beginning on February 1, 2017 and all subsequent terms, two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).—Beginning with the renewal period ending January 31, 2009, a minimum of three (3) hours of the total continuing education credits shall have been in ethics;
    - ~~(b) Attest to completion of the required continuing education credits on the renewal application form; and~~
    - ~~(c) Be subject to a random audit for compliance with the continuing education requirement.~~
- 7606.6 Except as provided in § 7606.7, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

~~7606.7 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 7606.6 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.~~

7606.8 The Board ~~shall~~ may conduct a random audit of licensees' continuing education compliance credits at the completion of each renewal period following the expiration of each licensure term. Any licensee selected for the audit shall provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

~~7606.9 An applicant who falsely certifies completion of continuing education credits shall be subject to disciplinary action.~~

7606.10 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and its renewal.

7606.11 If an applicant for renewal of a license fails to renew the license and pay the late fee within the sixty (60) days after the expiration of the license, the expired license shall be deemed to have lapsed on the date of expiration and the applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

7606.12 If an applicant's license lapses, the applicant shall be subject to disciplinary action, including denial of a license, if the applicant practices respiratory therapy after the date the license lapses.

7606.13 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the applicant's failure to renew was for good cause. As used in this section "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

## **7607 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

7607.1 Beginning with the ~~renewal period licensure term starting on February 1, 2007~~ of 2007, the Board shall only grant CEUs for continuing education programs and activities administered or approved by organizations listed in § 7607.8 of this chapter.

7607.2 For the ~~renewal period of 2007 licensure term starting on February 1, 2007~~ only, the Board may accept CEUs for education programs and activities that were not

administered or approved by an organization listed in § 7607.8 of this chapter if:

- (a) The Board determines that the CEUs were sufficiently related to the practice of respiratory therapy;
- (b) The program or activity was approved by a recognized approving body; and
- (c) The CEUs were obtained prior to the enactment of these regulations.

7607.3 The Board may approve a seminar, workshop, or an educational program given at a conference for approved CEU credit, if the seminar, workshop, or program is administered or approved by one of the organizations listed in § 7607.8 of this chapter.

7607.4 The Board may approve CEU credit for an applicant who serves as an instructor or speaker at a seminar, workshop, or program that is approved by one of the organizations listed in § 7607.8 of this chapter for both preparation and presentation time, subject to the following restrictions:

- (a) The maximum number of approved CEUs that may be granted for preparation time is twice the number of hours spent preparing for the presentation;
- (b) The maximum number of approved CEUs that may be granted pursuant to this subsection is fifty percent (50%) of an applicant's CEU requirement;
- (c) If an applicant has previously received a credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
- (d) The presentation shall have been presented during the period for which credit is claimed.

7607.5 The Board may approve the following independent home studies and distance learning continuing education activities:

- (a) Publication of an article in a professional journal, publication of a book or a chapter in a book, or publication of a book review in a professional journal or bulletin provided that the article, book or chapter was published during the period for which credit is claimed; and
- (b) Internet courses, video courses, telecourses, videoconferences, and teleconferences offered by accredited colleges or universities, or pre-approved by the AARC or MD/DC Society.

7607.6 The Board may grant continuing education credit under § 7607.5.(a) only if the applicant proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.

7607.7 No more than eight (8) CEUs [required in § 7606.3, 7606.4, or 7606.5](#) may be

~~accepted in any renewal period, or for reinstatement or reactivation of a license, for approved obtained through~~ independent home studies ~~and or~~ distance learning continuing education activities as enumerated in § 7607.5.

- 7607.8 To qualify for approval by the Board, a continuing respiratory care education seminar, workshop, or program shall be administered or approved by:
- (a) The American Association of Respiratory Care (AARC);
  - (b) The Maryland/District of Columbia Society for Respiratory Care;
  - (c) A health care facility accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHCO);
  - (d) A college or university approved by an accrediting body recognized by the Council on Postsecondary Accreditation or the Secretary of the United States Department of Education; or
  - (e) Any of the following organizations provided that the training is related to respiratory care services:
    - (1) American Medical Association under Physician Category I.
    - (2) American Thoracic Society
    - (3) American Association of Cardiovascular and Pulmonary Rehabilitation
    - (4) American Heart Association
    - (5) American Nurses Association
    - (6) American College of Chest Physicians
    - (7) American Society of Anesthesiologists
    - (8) American Academy of Sleep Medicine.
    - (9) The Accreditation Council for Continuing Medical Education (ACCME),
    - (10) The American College of Cardiology
    - (11) The American Lung Association
    - (12) The National Society for Cardiopulmonary Technologists
- 7607.9 The Board shall not grant CEU credit for basic life support courses or training, or for CPR courses or training.

7607.10 The applicant shall verify that a seminar, workshop, or program is approved by the Board pursuant to this section, prior to attending the seminar, workshop or program.

## **7608 PRACTICE OF RESPIRATORY CARE BY STUDENTS OR APPLICANTS**

7608.1 This section shall apply to:

- (a) A student enrolled in an approved school or college as a candidate for a degree or a certificate in respiratory therapy; and
- (b) An applicant whose first application for a license to practice respiratory therapy in the District has been submitted to the Board and a decision on the application is pending.

7608.2 A student or applicant may practice respiratory therapy only in accordance with the Act and this section.

7608.3 A student shall practice respiratory therapy in a hospital, nursing home, health facility, or health education center operated by the District or federal government or at a health care facility that the student's school or college determines to be appropriate for this purpose.

7608.4 An applicant may practice respiratory therapy in a hospital, nursing home, or health facility operated by the District or federal government or any private health care facility.

7608.5 The student or applicant shall practice respiratory therapy only under the direct supervision of a licensed respiratory care practitioner who collaborates with a licensed physician.

7608.6 When practicing respiratory therapy, a student or applicant shall wear an identifying name tag or badge that indicates student or applicant status.

7608.7 A licensed respiratory care practitioner who supervises a student or applicant shall be fully responsible for the student's or applicant's practice of respiratory therapy under the licensed practitioner's or physician's supervision and shall be subject to disciplinary action for any act or omission by the supervised student or applicant that constitutes a violation of the Act or this chapter.

7608.8 A student shall not receive payment or compensation of any nature, directly or indirectly, for the practice of respiratory therapy. An applicant may be paid a salary based on hours worked.

7608.9 A student or applicant shall be subject to each of the applicable provisions of the Act and this chapter. The Board may deny an application for a license by, or take

other disciplinary action against, a student or applicant who is found to have violated the Act or this chapter, in accordance with Chapter 41 of this title.

7608.10 If the Board finds that a student or applicant has violated the Act or this chapter, the Board may, in addition to any other disciplinary action permitted by the Act, revoke, suspend, or restrict the privilege of the student or applicant to practice respiratory therapy.

## **7609 STANDARDS OF CONDUCT AND ETHICS**

7609.1 A licensed respiratory care practitioner shall:

- (a) Practice medically acceptable methods of treatment;
- (b) Present his or her skills, training, scope of practice, certification, professional affiliations, or other qualifications in a manner that is not false or misleading;
- (c) Practice only within the scope of his or her competence, qualifications, and any authority vested in the licensed respiratory care practitioner by a physician;
- (d) Continually strive to enhance the knowledge and skill set required to render quality respiratory care to each patient;
- (e) Participate in activities to promote community and national efforts to meet the health needs of the public;
- (f) Be familiar with state and federal laws that govern health occupations;
- (g) Promptly report to the Board any information relative to the incompetent, unsafe, illegal, or unethical practice of respiratory therapy or any violation of the Act or this chapter;
- (h) Uphold the dignity and honor of the profession and abide by its ethical principles;
- (i) Cooperate with other health care professionals;
- (j) Provide all services in a manner that respects the dignity of the patient, regardless of the patient's social or economic status, personal attributes, or health problems;
- (k) Refuse any offer of any gift from a patient or friend or relative of a patient for respiratory care provided to the patient;



- (l) Wear an identifying tag or badge that includes the practitioner's full name and the words "licensed respiratory care practitioner" when practicing respiratory therapy; and
- (m) Abide by the National Clinical Practice Guidelines published by the American Association of Respiratory Care (AARC) and any subsequent guidelines published by the AARC.

7609.2 If the Board investigates a respiratory care practitioner in connection with a respiratory care procedure for which no AARC guideline has been adopted, the Board may contract with the District of Columbia Society for Respiratory Care (also known as the Maryland/District of Columbia Society for Respiratory Care) or any licensed respiratory care practitioner for a determination of whether the respiratory care procedure was conducted consistent with acceptable standards of care.

## 7699 DEFINITIONS

7699.1 As used in this chapter, the following terms shall have the meanings ascribed:

**Act** ~~means~~ the District of Columbia Health Occupations Revision Act of 1985, effective march 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*)

~~**Applicant** means a person who applies for a license to practice respiratory therapy pursuant to this chapter.~~

**Board** ~~means~~ the Board of Respiratory Care, established by § 214 of the Act, (D.C. Official Code § 3-1202.14).

**Continuing education unit (CEU) – at least fifty minutes of learning time.**

**Licensure term – the period between February 1 of an odd-numbered year to January 31 of the next odd-number year during which a license issued in accordance with this chapter is valid.**