

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1804 Session of
2007

INTRODUCED BY YUDICHAK, SOLOBAY, K. SMITH, SIPTROTH, PYLE,
BARRAR, GEORGE, GRUCELA, HARKINS, HENNESSEY, JOSEPHS,
LONGIETTI, McILVAINE SMITH, PETRONE, THOMAS, WOJNAROSKI,
YOUNGBLOOD AND MURT, OCTOBER 15, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 15, 2007

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," further providing for respiratory care
10 practitioners.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 13.1 of the act of December 20, 1985
14 (P.L.457, No.112), known as the Medical Practice Act of 1985,
15 added July 2, 1993 (P.L.424, No.60), is amended to read:

16 Section 13.1. Respiratory care practitioners.

17 [(a) Certificate required.--Eighteen months after the
18 effective date of this section, it shall be unlawful for any
19 person to hold himself out to the public as a respiratory care
20 practitioner and to practice or offer to practice respiratory

1 care unless he holds a valid, current temporary permit or
2 certificate issued by the board.

3 (b) Use of title.--A respiratory care practitioner who holds
4 a valid, current temporary permit or certificate issued by the
5 board may use the title respiratory care practitioner or
6 respiratory care practitioner-certified or an appropriate
7 abbreviation of that title such as "R.C.P." or "R.C.P.-C."]

8 (a) Criteria for certification as a respiratory care
9 practitioner.--The board shall approve for licensure as a
10 respiratory care practitioner an applicant who:

11 (1) Submits evidence satisfactory to the board, on forms
12 supplied by the board, that the applicant has met one or more
13 of the following criteria:

14 (i) Has graduated from a respiratory care program
15 approved by the Joint Review Committee for Respiratory
16 Therapy Education and passed the Certified Respiratory
17 Therapist Examination as determined by the National Board
18 for Respiratory Care.

19 (ii) Has been credentialed as a Certified
20 Respiratory Therapy Technician or Registered Respiratory
21 Therapist by the National Board for Respiratory Care.

22 (iii) Holds a valid license, certificate or
23 registration as a respiratory care practitioner in
24 another state, territory or the District of Columbia
25 which has been issued based on requirements substantially
26 the same as those required by the Commonwealth, including
27 the examination requirement.

28 (iv) Has continuously and actively provided
29 respiratory care services for a minimum of 12 months
30 immediately preceding the effective date of this

1 subsection, and has passed the Certified Respiratory
2 Therapist Examination as determined by the National Board
3 for Respiratory Care.

4 (2) Has paid the appropriate fee in the form of a check
5 or money order.

6 (3) Has satisfied the board that the applicant is of
7 good moral character, and is not unfit or unable to practice
8 as a respiratory therapist by reason of the extent or manner
9 of his use of alcoholic beverages or controlled substances or
10 by reason of a physical or mental disability.

11 (a.1) License required.--Eighteen months after the effective
12 date of this section, it shall be unlawful for any person to
13 hold himself out to the public as a respiratory therapist or to
14 practice or offer to practice respiratory therapy unless the
15 person holds a valid, current license issued by the board or the
16 State Board of Osteopathic Medical Examiners.

17 (b) Use of title.--A respiratory therapist who holds a
18 valid, current license issued by either board may use the title
19 respiratory therapist or licensed respiratory therapist, or an
20 appropriate abbreviation of the title, such as "RT."

21 (c) Regulations.--The board is authorized to promulgate
22 regulations to implement this section.

23 (d) Supervision and scope of practice.--A respiratory care
24 practitioner certified by the board may implement direct
25 respiratory care to an individual being treated by either a
26 licensed medical doctor or a licensed doctor of osteopathic
27 medicine, upon physician prescription or referral, or under
28 medical direction and approval consistent with standing orders
29 or protocols of an institution or health care facility. This
30 care may constitute indirect services such as consultation or

1 evaluation of an individual and also includes, but is not
2 limited to, the following services:

- 3 (1) Administration of medical gases.
- 4 (2) Humidity and aerosol therapy.
- 5 (3) Administration of aerosolized medications.
- 6 (4) Intermittent positive pressure breathing.
- 7 (5) Incentive spirometry.
- 8 (6) Bronchopulmonary hygiene.
- 9 (7) Management and maintenance of natural airways.
- 10 (8) Maintenance and insertion of artificial airways.
- 11 (9) Cardiopulmonary rehabilitation.
- 12 (10) Management and maintenance of mechanical
13 ventilation.
- 14 (11) Measurement of ventilatory flows, volumes and
15 pressures.
- 16 (12) Analysis of ventilatory gases and blood gases.
- 17 (13) Oximetry.
- 18 (14) Capnography.
- 19 (15) Simple spirometry.
- 20 (16) Conscious sedation.
- 21 (17) ECMO.
- 22 (18) Hemodynamic monitoring.
- 23 (19) Assistance with bronchoscopy (therapeutic,
24 diagnostic, interventional).

25 (d.1) Other licensed medical practitioners.--In addition to
26 licensed respiratory therapists, other licensed medical
27 practitioners may perform the procedures enumerated in this
28 section:

- 29 (1) only upon physician prescription or referral; or
- 30 (2) while under medical direction consistent with

1 standing orders or protocols in an institution or health care
2 facility; and

3 (3) having been tested for competency for each procedure
4 as outlined in regulations to be promulgated by the board.

5 (e) Exemptions.--This section shall not prevent or restrict
6 the practices, services or activities of:

7 (1) A person licensed or certified in this Commonwealth
8 to provide another health care service, including, but not
9 limited to, physicians, physical therapists, chiropractors,
10 nurses, dentists, physician assistants and podiatrists.

11 (2) A person rendering respiratory care services
12 pursuant to employment by a Federal agency.

13 (3) A person pursuing a course of study leading to a
14 degree or certificate in respiratory care in an accredited
15 educational program, if he is clearly designated as a student
16 and provides care under supervision implemented through that
17 program.

18 (4) A person executing or conveying medical orders
19 pursuant to lawful delegation by a physician.

20 (5) A person who, pursuant to lawful delegation by a
21 physician, delivers, installs, monitors or maintains a device
22 which enables an individual to self-administer respiratory
23 care.

24 (6) A person qualified by academic and clinical
25 education to operate extracorporeal circulation equipment in
26 a medical or surgical setting which requires support to or
27 the temporary replacement of a patient's circulatory or
28 respiratory functions.

29 (f) Referrals to State Board of Osteopathic Medicine.--
30 Information or allegations filed with the board against a

1 respiratory care practitioner certified by the State Board of
2 Osteopathic Medicine shall be referred to that board for
3 appropriate action.

4 Section 2. This act shall take effect in 60 days.