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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
State Board of Respiratory Care

Adopted Amendments: N.J.A.C. 13:44F-1.2, 4.1 and 7.1

Adopted New Rules: N.J.A.C. 13:44F-10

Adopted Repeals and New Rules: N.J.A.C. 13:44F-7.2 and 7.3

Applicant Qualifications; Board-Approved Examination; License Renewals; Continuing Education

Proposed: November 6, 2006 at 38 N.J.R. 4633(a).

Adopted: January 9, 2007 by the State Board of Respiratory Care, Kenneth Capek, President.

Filed: February 7, 2007 as R.2007 d.80, without change.

Authority: N.J.S.A. 45:14E-7 and 16, and 45:1-7.1 and 7.2.

Effective Date: March 5, 2007.

Expiration Date: November 14, 2007.

Federal Standards Statement

A Federal standards analysis is not required because the amendments, repeals and new rules are governed by N.J.S.A. 45:14E-1 et seq., and, therefore, are not subject to any Federal standards or requirements.

Full text of the adoption follows:

13:44F-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

... "Respiratory care" means the health specialty involving the treatment, management, control, and care of patients with deficiencies and abnormalities of the cardiopulmonary system, as further defined in N.J.S.A. 45:14E-3(c).

... 13:44F-4.1 Eligibility for licensure

(a) (No change.)

(b) An applicant shall submit, with the completed application form and the required fee, satisfactory proof that the applicant:

1.-2. (No change.)

3. Has passed the examination specified in N.J.A.C. 13:44F-4.2 within the five years preceding the date of application for licensure.

13:44F-7.1 Biennial license renewal; inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a completed license renewal application on a form provided by the Board, a statement that the licensee has fulfilled the continuing education requirement set forth in N.J.A.C. 13:44F-10.1 and the license renewal fee set forth in N.J.A.C. 13:44F-8.1 prior to the expiration date of the license.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:44F-8.1, and shall not engage in the practice of respiratory care in this State.

(c) If the licensee does not renew the license prior to its expiration date, the licensee may renew it within 30 days of its expiration by submitting a renewal application, a statement that the licensee has fulfilled the continuing education requirement set forth in N.J.A.C. 13:44F-10.1, a license renewal fee and a late fee, as set forth in N.J.A.C. 13:44F-8.1.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice. The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

13:44F-7.2 Change of license status: inactive to active

(a) A licensee who elected inactive status and has been on inactive status for five years or less may be reactivated by the Board upon submission of the following:

1. A completed reinstatement application on a form provided by the Board;
2. Payment of the reinstatement fee pursuant to N.J.A.C. 13:44F-8.1;
3. An affidavit of employment listing each job held during the period the license was on inactive status, which includes the name, address, and telephone number of each employer; and
4. Proof of completion of the continuing education credits required for each biennial licensure period for which the licensee was on inactive status.

(b) In addition to fulfilling the requirements set forth in (a)1 through 3 above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall successfully complete the examination required for initial licensure prior to reinstatement of his or her license as specified in N.J.A.C. 13:44F-4.2 within five years of the application for return to active status.

13:44F-7.3 Reinstatement of suspended license

(a) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to N.J.A.C. 13:44F-7.1(d) may be reinstated by the Board upon submission of the following:

1. A completed reinstatement application on a form provided by the Board;
2. Payment of the reinstatement fee and all past delinquent biennial renewal fees as set forth in N.J.A.C. 13:44F-8.1;
3. An affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer; and
4. Proof of completion of the continuing education credits required for each biennial licensure period for which the license was suspended.

(b) In addition to fulfilling the requirements set forth in (a)1 through 3 above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall successfully complete the examination required for initial licensure as specified in N.J.A.C. 13:44F-4.2 within five years of the application for return to active status.

SUBCHAPTER 10. CONTINUING EDUCATION

13:44F-10.1 Continuing education requirements for biennial renewal

(a) A licensee applying for biennial license renewal shall complete, during the preceding biennial period, 30 continuing education (CE) credits as specified in (c) below. Applicants for initial licensure are exempt from the continuing education requirements of this section for the initial biennial period of licensure.

1. A licensee shall be required to complete 15 CE credits, 10 CE credits in respiratory care clinical practices and five CE credits in any health care related field, for the biennial renewal period beginning on April 1, 2006, if this section becomes effective on or before April 1, 2007.

2. A licensee shall be exempt from the CE requirements for the biennial renewal period beginning on April 1, 2006, if this section becomes effective after April 1, 2007.

(b) Each licensee shall confirm on the application for biennial licensure renewal that he or she has completed 30 continuing education credits.

(c) A licensee shall complete a minimum of 30 continuing education credits, in programs permitted under N.J.A.C. 13:44F-10.2, as follows:

1. At least one CE credit in infection control;
2. At least one CE credit in patient safety/medical errors;
3. At least one CE credit in ethics;
4. At least 20 CE credits in other respiratory care clinical practices; and
5. Any remaining credits in any health care related field.

(d) A licensee who completes credit hours in excess of the 30 credits required may apply no more than five of those credits to the continuing education requirement for the following biennial period only, so long as those additional credits were completed within one year prior to the end of the biennial licensing period.

(e) The Board may direct a licensee to complete continuing education credits to correct a deficiency in the licensee's continuing education requirement.

(f) A licensee who is required to complete remedial continuing education pursuant to Board action shall not receive credit for such imposed continuing education toward the mandatory 30 credits of biennial licensure period.

13:44F-10.2 Approval of continuing education programs, courses, seminars and articles; determination of credits

(a) The following are acceptable sources of continuing education programs, courses, seminars and articles, as long as the programs, courses, seminars or articles fall within the content areas set forth in N.J.A.C. 13:44F-10.1(c):

1. Successful completion of programs, courses or seminars offered or approved by the New Jersey Society for Respiratory Care or the American Association for Respiratory Care: one continuing education credit for each course credit awarded;
2. Successful completion of courses related to any health care related field at colleges and universities accredited by the Middle States Association of Colleges and Schools. Commission on Higher Education or any other regional accrediting agency with standards that are substantially similar to the standards utilized by the Middle States Association of Colleges and Schools, Commission on Higher Education: one continuing education credit for each course credit awarded;
3. Successful completion of any certification or recertification course approved by the American Heart Association in Pediatric Advanced Cardiac Life Support (PALS) or Advanced Cardiac Life Support (ACLS) or approved by the American Academy of Pediatrics in Neonatal Resuscitation Protocol (NRP): one continuing education credit for each

instructional hour awarded, with a maximum of 12 credits per biennial licensure period;

4. Authorship of published peer-reviewed textbooks, articles or manuals directly related to respiratory care: three credits for each textbook, article or manual; and

5. Successful completion of videotaped, Internet, and other distance learning courses, approved by one of the organizations listed in (a)1 above, with verification by the course provider that the course was monitored and successfully completed by the licensee: one continuing education credit for each course credit awarded with a maximum of 15 credits per biennial licensure period.

(b) A licensee shall receive one continuing education credit for each hour of attendance at programs, courses and seminars approved by one of the organizations listed in (a)1 above. Credit shall not be granted for courses that are less than one instructional hour long. For purposes of this subchapter, an "instructional hour" represents a 60-minute clock hour with no less than 50 minutes of content within the hour. Programs may include one 10-minute break for each instructional hour.

13:44F-10.3 Licensee certification of compliance; recordkeeping; audit

(a) A licensee shall:

1. Certify completion of the required number of continuing education credits on the application for biennial renewal. Falsification of any information submitted on the renewal application shall be cause for disciplinary action;

2. Maintain all evidence of verification of continuing education requirements for two full biennial licensing periods after completion of the credits and submit such documentation to the Board upon request; and

3. Provide to the Board upon request, documentation of the licensees completion of continuing education requirements as follows:

i. For programs, courses and seminars: the course provider's written verification of attendance;

ii. For college courses: an official transcript;

iii. For articles published in a peer-reviewed professional journal: the published article;

iv. For authored textbooks or manuals: the textbook or manual; and

v. Videotaped, Internet and other distance learning courses: written verification from the course provider.

(b) The Board shall conduct random audits to determine licensee compliance with continuing education requirements.

13:44F-10.4 Waiver or modification of continuing education requirements

(a) The Board may extend, waive or otherwise modify continuing education requirements, including the time period for completion or the number of continuing education credits, on an individual basis for reasons of hardship, such as severe illness, disability or military service.

(b) A licensee seeking an extension, waiver or other modification of the continuing education requirements shall apply to the Board in writing and set forth in specific detail the reasons for the request. The licensee shall submit to the Board all documentation in support of the request for extension, waiver or other modification.

(c) A licensee shall apply for an extension, waiver or other modification no later than 60 days prior to the end of the biennial licensing period. All requests shall be sent to the offices of the Board, as provided in N.J.A.C. 13:44F-2.2, by certified mail, return receipt requested.