

**MONDAY, DECEMBER 16, 2002**  
RULE ADOPTION  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
**STATE BOARD OF RESPIRATORY CARE**  
RULES

Readoption with Amendments: N.J.A.C. 13:44F

Proposed: May 6, 2002 at 34 N.J.R. 1625(a).

Adopted: September 10, 2002 by State Board of Respiratory Care, Kenneth Capek, Chairman.

Filed: November 14, 2002 as R.2002 d.398, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:14E-7.

Effective Dates: November 14, 2002, Readoption;  
December 16, 2002, Amendments.  
Expiration Date: November 14, 2007.

Summary of Agency Initiated Changes Upon Adoption:

The Board is recodifying the term "hyperbaric oxygenation" from N.J.A.C. 13:44F-3.1(a)12iv to N.J.A.C. 13:44F-3.1(a)13 because the proposal incorrectly indicated that the method is purely a testing technique. Rather, the Board believes the service is within the scope of practice of a respiratory therapist and listing the term as a separate duty a licensee may perform under N.J.A.C. 13:44F-3.1(a) more accurately reflects the current practice of respiratory care. The Board believes this technical change will avoid any confusion on the part of licensees or the public. The meaning and intent of the adopted amendments to N.J.A.C. 13:44F-3.1(a) remain unchanged.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments do not involve any Federal standards or requirements.

Full text of the adoption follows:

<< **NJ ADC 13:44F-1.1** >>

**13:44F-1.1 Purpose and scope**

(a) This chapter is promulgated by the Director of the Division of Consumer Affairs. The rules contained in this chapter implement the provisions of the Respiratory Care Practitioner Licensing Act, P.L. 1991, c.31, and regulate the practice of respiratory care within the State of New Jersey.

(b) This chapter shall apply to all individuals who render respiratory care, as defined in N.J.A.C. 13:44F-1.2, under the direction or supervision of a plenary licensed physician and to anyone within the jurisdiction of the Board of Respiratory Care.

(c) (No change.)

<< **NJ ADC 13:44F-1.2** >>

**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.

... "Trainee" means a student enrolled in a respiratory care training program accredited by the Committee on Accreditation for Respiratory Care (CoARC), or its successor.

## **SUBCHAPTER 2. (RESERVED)**

### **<< NJ ADC 13:44F-3.1 >>**

#### **13:44F-3.1 Scope of practice**

(a) For the purposes of treating, managing, controlling and caring for patients with deficiencies and abnormalities of the cardio-respiratory system, a respiratory care practitioner may perform the following duties under the direction or supervision of a physician:

1.-5. (No change.)

6. Bronchial hygiene techniques such as: i. Postural drainage; ii. Chest percussion; and iii. Vibration;

7. Breathing exercises;

8. Cardio and/or pulmonary rehabilitation;

Recodify existing 11.-13. as 9.-10. (No change in text.)

11. Insertion and maintenance of artificial airways; <<-and->>

12. Testing techniques to assist in diagnosis, monitoring, treatment and research including, but not limited to:

i. Measurement of cardio-respiratory volumes, pressure and flow;

ii. Drawing and analyzing of samples of arterial, capillary and venous blood; <<-and<<+>>->>

iii. Establishment and maintenance of arterial lines, provided the licensee is appropriately trained in this procedure; and

<<-iv.->><<+13.+>> Hyperbaric oxygenation.

(b)-(d) (No change.)

### **<< NJ ADC 13:44F-3.3 >>**

#### **13:44F-3.3 Delegation by a respiratory care practitioner to unlicensed persons**

(a)-(f) (No change.)

(g) The licensed respiratory care practitioner who delegates tasks set forth in (b) above in an outpatient setting shall ensure that a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9(c) takes place within 24 hours of the delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

1. The documentation of the follow-up visit shall be maintained for all patients during the course of respiratory care, and for a period of one year following the termination of respiratory care services.

2. The documentation of the follow-up visit shall be available for the Board's inspection on the business premises of the licensee or person exempt from licensure who conducts the follow-up visit, within 12 business hours of the Board's

request. For the purposes of this section, "business hours" is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday.

**<< NJ ADC 13:44F-4.1 >>**

**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. Has a high school diploma or its educational equivalent;
2. Has successfully completed a training program accredited by the Committee on Accreditation for Respiratory Care (CoARC) or its successor; and
3. (No change.)

**<< NJ ADC 13:44F-4.2 >>**

**13:44F-4.2 Nature of examination; passing grade**

(a) The respiratory care examination shall be the National Board for Respiratory Care Entry Level Examination.

1. Applications for examination should be obtained from the National Board for Respiratory Care. Examinations may be taken at such times and places designated by the National Board for Respiratory Care.
2. The passing score required in order to be licensed shall be the passing score identified by the National Board for Respiratory Care.

**<< NJ ADC 13:44F-6.2 >>**

**13:44F-6.2 Application requirements for licensure by endorsement**

(a) An applicant seeking licensure by endorsement shall submit the following to the Board:

1. An application form together with the required fee as set forth in N.J.A.C. 13:44F-8.1;
2. Proof which establishes that the applicant is currently licensed in another state or possession of the United States or the District of Columbia and that the license is in good standing; and
3. (No change.)

**<< NJ ADC 13:44F-7.1 >>**

**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 license renewal application 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.

(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 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.

<< NJ ADC 13:44F-7.2 >>

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

(a) A licensee, upon application to the Board, may change from inactive to active status upon payment of the renewal fee as set forth in N.J.A.C. 13:44F-8.1.

(b) A licensee on inactive status for more than two years shall take a refresher course approved by the Board which demonstrates the licensee's ability to practice respiratory care. If a licensee on inactive status in New Jersey has been practicing respiratory care in another state or jurisdiction, the licensee shall submit to the Board an affidavit that the licensee has been satisfactorily practicing respiratory care in the other state or jurisdiction.

<< NJ ADC 13:44F-7.3 >>

### **13:44F-7.3 Reinstatement of suspended license**

(a) An individual whose license has been automatically suspended for nonpayment of a biennial renewal fee pursuant to N.J.A.C. 13:44F-7.1(d) may be reinstated by the Board, provided the applicant otherwise qualifies for licensure pursuant to N.J.A.C. 13:44F-4.1, and submits a completed reinstatement application and one of the following to the Board:

1. A certification of licensure in good standing from any other state or jurisdiction in which the applicant has practiced respiratory care during the period the license was suspended in this State;
2. Certification by the applicant stating that he or she has practiced respiratory care in a state or jurisdiction which does not require certification or licensure, during the period the license was suspended in this State; or
3. Certification stating that the applicant has not practiced respiratory care, in this or any other jurisdiction during the period the license was suspended in this State.

(b) An individual who has practiced respiratory care in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Board, from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey license was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An individual whose license has been automatically suspended for a period between two and five years shall take a refresher course approved by the Board which demonstrates the licensee's ability to practice respiratory care. If a licensee in New Jersey has been practicing respiratory care in another state or jurisdiction, the licensee shall submit to the Board an affidavit that the licensee has been satisfactorily practicing respiratory care in the other state or jurisdiction.

(d) An individual whose license has been automatically suspended for a period of five or more years shall take an examination that has been determined by the Board to test the applicant's ability to practice respiratory care.

(e) Prior to reinstatement, an applicant shall pay a reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:44F-8.1.

<< NJ ADC 13:44F-8.1 >>

### **13:44F-8.1 Fees**

(a) State Board of Respiratory Care charges for licensure and other services as follows:

1.-7. (No change.)

8. Reinstatement fee (after 30 days) ..... 175.00

9.-10. (No change.)

11. Inactive license fee ..... (Reserved)

**<< NJ ADC 13:44F-8.2 >>**

**13:44F-8.2 Patient records**

(a) Respiratory care practitioners shall prepare contemporaneous, permanent treatment records. If custody of the patient records is within the responsibility of the licensee, the licensee shall ensure that every patient record shall be kept for at least seven years from the date of the most recent entry, except that if a patient is a minor, the records shall be kept for an additional two years beyond the age of 18. Such records shall include:

1.-5. (No change.)

6. Written prescription for care or a care plan signed by a physician or such other health care practitioners authorized by law to prescribe, or a verbal order or prescription memorialized by the prescriber in writing pursuant to the provisions of N.J.A.C. 13:44F-3.1(b)3. The licensee shall document verbal prescriptions in the patient record contemporaneously with administration of treatment;

7.-8. (No change.)

9. The signature or initials of the licensee who rendered the care. If the licensee chooses to sign by means of initials, his or her complete signature shall appear at least once in the records.

(b)-(c) (No change.)

(d) In an outpatient setting, access to patient treatment records by patients or duly authorized representatives shall be in accordance with the following:

1. (No change.)

2. Except where the complete record is required by applicable law, where the written request comes from an insurance carrier or its agent with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement, the licensee may elect to provide a summary of the record, as long as that summary adequately reflects the patient's history and treatment.

3.-4. (No change.)

**<< NJ ADC 13:44F-8.4 >>**

**13:44F-8.4 Office location**

The offices of the Board are located at 124 Halsey Street, PO Box 45301, Newark, New Jersey 07102.

**<< NJ ADC 13:44F-8.5 >>**

**13:44F-8.5 Notification of change of address**

A licensee, whether active or inactive, of the State Board of Respiratory Care shall notify the Board in writing of any change of address from that which the Board maintains in its records and which the licensee's current license displays.

The licensee shall forward the notice to the Board by certified mail, return receipt requested, no later than 30 days following the change of address.

<< NJ ADC 13:44F-8.6 >>

### **13:44F-8.6 Change of name**

(a) Any licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change;
2. A copy of the licensee's original license with satisfactory evidence that the licensee is the same person to whom the Board issued the license; and
3. The appropriate duplicate license fee as set forth in N.J.A.C. 13:44F- 8.1.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue a new license to the licensee.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall remit the original license to the Board.

<< NJ ADC 13:44F-8.7 >>

### **13:44F-8.7 Duplicate licenses**

(a) Any licensee seeking a duplicate license shall forward to the Board the following:

1. A notarized statement that the license has been lost or destroyed; and
2. The appropriate duplicate license fee as set forth in N.J.A.C. 13:44F- 8.1.

(b) Upon receipt of the items outlined in (a) above, the Board shall forward a duplicate license to the licensee.