

Amended by R.2002 d.398, effective December 16, 2002.

See: 34 N.J.R. 1625(a), 34 N.J.R. 4469(a).

Rewrote (a).

Public Notice: Pulmonary function testing.

See: 35 N.J.R. 1740(b), 1963(a).

Public Notice: Polysomnographic Testing.

See: 35 N.J.R. 1963(a).

Amended by R.2008 d.114, effective May 5, 2008.

See: 39 N.J.R. 4543(a), 40 N.J.R. 2284(a).

In the introductory paragraph of (a), substituted "cardiac and pulmonary" for "cardio-respiratory"; in (a)5, substituted "cardiopulmonary" for "cardio-respiratory"; in (a)11, deleted the semicolon following "airways" and inserted "insertion and maintenance of peripheral arterial and peripheral venous catheters;"; in (a)12i, substituted "cardiopulmonary" for "cardio-respiratory" and inserted "and" at the end; and deleted (a)12iii.

13:44F-3.2 Practice by trainees

(a) A trainee may perform those duties essential for completion of his or her clinical service, without having to obtain a license, provided the duties are performed under the direction of a physician, as defined in N.J.A.C. 13:44F-3.1(b)1 and 2, and the supervision of a physician as defined in N.J.A.C. 13:44F-3.1(d), or under the direct supervision of a licensed respiratory care practitioner, as defined in N.J.A.C. 13:44F-5.1.

(b) The trainee shall, when performing duties pursuant to (a) above, wear a badge which identifies the person as a trainee. Additionally, the supervising licensee or physician shall inform the patient that the person rendering care is a trainee.

Amended by R.1997 d.260, effective June 16, 1997.

See: 29 N.J.R. 1253(b), 29 N.J.R. 2665(b).

In (a), substituted "trainee" for "person enrolled in a Board-approved respiratory care training program" and amended N.J.A.C. references; and in (b), inserted reference to physician in second sentence.

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

(a) For the purposes of this section, the following words shall have the following meanings unless the context clearly indicates otherwise and except as otherwise expressly provided:

"Assistant" means a respiratory assistant, respiratory aide, equipment technician or any other unlicensed person to whom a licensed respiratory care practitioner delegates tasks as set forth in (d) below.

"Inpatient setting" means residential care facilities, hospitals, subacute care facilities and skilled nursing care facilities.

"Outpatient setting" means assisted living facilities and home care.

(b) A licensed respiratory care practitioner may delegate the tasks set forth in (d) below to an individual employed as an assistant, provided the assistant has received a level of training necessary to ensure that the assistant can satisfactorily complete the outlined activities.

1. The licensed respiratory care practitioner shall ensure that training records are completed and kept in the assistant's file. The training records shall include the following:

- i. The dates upon which each training session occurred;
- ii. The length of each training session;
- iii. The topics addressed during each training session; and
- iv. Whether the assistant demonstrated satisfactory skill in each task.

2. The licensed respiratory care practitioner shall ensure that an assistant to whom the tasks set forth in (d) below are delegated is reevaluated on an annual basis to ensure continued competency to perform the outlined activities. Documentation related to such reevaluation shall be included in the assistant's file.

(c) A licensed respiratory care practitioner shall not authorize or permit an assistant to engage in direct patient care.

(d) Activities that a licensed respiratory care practitioner may delegate to assistants are limited to the following routine tasks:

1. Processing, cleaning and sterilizing basic respiratory equipment;
2. Maintaining and safe handling of oxygen and specialty gas cylinders and oxygen concentrators; and
3. Setting up, testing, exchanging and demonstrating equipment relating to basic respiratory delivery systems.

i. An assistant shall not be permitted to set up, test, exchange or demonstrate mechanical ventilators or positive pressure equipment, such as continuous positive airway pressure and bi-level positive airway pressure devices, with or without artificial airways, in use continuously or intermittently. For purposes of this section, the term "exchange" does not mean delivery, and this section shall not preclude an unlicensed assistant from delivering such equipment to a patient's home.

(e) A licensed respiratory care practitioner shall be responsible for any activities which an assistant performs pursuant to (d) above.

(f) The licensed respiratory care practitioner who delegates tasks set forth in (d) 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.

Amended by R.1997 d.260, effective June 16, 1997.
See: 29 N.J.R. 1253(b), 29 N.J.R. 2665(b).

Inserted new (a) and (c); recodified former (a) and (c) as (b) and (d); deleted former (b), relating to use of titles "respiratory aide" and "equipment technician"; in (b), deleted reference to respiratory aide and equipment technician, and added 5i and 5ii; and added (e) through (g).

Amended by R.1998 d.384, effective August 3, 1998.

See: 29 N.J.R. 4656(a), 30 N.J.R. 2929(a).

In (g)1ii, substituted a reference to business hours for a reference to hours in the first sentence, and added a second sentence.

Amended by R.2002 d.398, effective December 16, 2002.

See: 34 N.J.R. 1625(a), 34 N.J.R. 4469(a).

In (g), inserted "respiratory care" preceding "licensure", inserted "pursuant to N.J.S.A. 45:14E-9(c)" preceding "takes place", recodified i. and ii. as 1 and 2, inserting "of the follow up visit" following "documentation".

Amended by R.2008 d.114, effective May 5, 2008.

See: 39 N.J.R. 4543(a), 40 N.J.R. 2284(a).

In (a), in definition "Assistant", substituted "(d)" for "(b)"; deleted former (b); recodified former (c) as (b); rewrote the introductory paragraph of (b); in the introductory paragraph of (b)1, substituted "assistant's" for "employee's"; in (b)1iv, substituted "assistant" for "employee"; added (b)2; recodified former (d) as (c); in (c), substituted "assistant" for "unlicensed person"; added new (d); in (e), substituted "(d)" for "(b)"; deleted former (f); recodified former (g) as (f); and in the introductory paragraph of (f), substituted "(d)" for "(b)".

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION

13:44F-4.1 Eligibility for licensure

(a) Applications for licensure may be obtained from the office of the Board of Respiratory Care.

(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;

i. If an applicant for licensure is applying more than three years following completion of the training program, the applicant shall submit proof of having completed a refresher course approved by the Board. The refresher course shall not be required if the appli-

cant submits proof that he or she has been engaged in the practice of respiratory care in another state or jurisdiction since the completion of the training program; and

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.

Amended by R.1997 d.260, effective June 16, 1997.

See: 29 N.J.R. 1253(b), 29 N.J.R. 2665(b).

In (b)1, added "as approved by the Board:"; and in (b)3, deleted examination exception for persons pursuing licensure under N.J.A.C. 13:44F-5.

Amended by R.2002 d.398, effective December 16, 2002.

See: 34 N.J.R. 1625(a), 34 N.J.R. 4469(a).

In (b), rewrote 1 and 2.

Amended by R.2007 d.80, effective March 5, 2007.

See: 38 N.J.R. 4633(a), 39 N.J.R. 784(b).

In (b)3, inserted "within the five years preceding the date of application for licensure".

Amended by R.2008 d.114, effective May 5, 2008.

See: 39 N.J.R. 4543(a), 40 N.J.R. 2284(a).

In introductory paragraph of (b)2, deleted "and" from the end; and added (b)2i.

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.

Amended by R.1997 d.260, effective June 16, 1997.

See: 29 N.J.R. 1253(b), 29 N.J.R. 2665(b).

Deleted (b), relating to non-Board exams taken prior to August 20, 1991.

Amended by R.2002 d.398, effective December 16, 2002.

See: 34 N.J.R. 1625(a), 34 N.J.R. 4469(a).

Rewrote (a).

13:44F-4.3 Refusal to issue, suspension or revocation of license

The Board may refuse to issue or may suspend or revoke any license issued by the Board, after an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., for any of the reasons set forth in N.J.S.A. 45:1-21.

SUBCHAPTER 5. TEMPORARY LICENSURE

13:44F-5.1 Temporary license

(a) Any person deemed eligible to sit for the licensure examination by virtue of completion of an accredited training program may apply for the issuance of a temporary license which is effective for no more than six months.