

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 (b) 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) Activities which a licensed respiratory care practitioner may delegate to individuals employed as assistants are limited to the following routine tasks which relate to the cleanliness and maintenance of equipment:

1. Disassembling equipment;
2. Cleaning equipment;
3. Preparing equipment for sterilization;
4. Maintaining oxygen cylinder and other specialty gas cylinders; and
5. Making oxygen checks and charges.

i. An assistant who has received a level of training to ensure that the assistant can satisfactorily complete activities set forth in (b) above may set up, test, exchange and demonstrate equipment relating to oxygen delivery systems, except that a licensed respiratory care practitioner shall not permit an assistant to set up, test, exchange or demonstrate the equipment when oxygen is to be used on any life support system. This includes mechanical ventilation, either positive or negative pressure, with or without artificial airways, in use continuously or intermittently.

ii. In performance of the tasks enumerated in (b)5i above, the assistant is limited to basic oxygen delivery devices and shall not perform these duties in conjunction with any other respiratory therapy equipment.

(c) A licensed respiratory care practitioner shall ensure that an assistant who performs the activities set forth in (b) above shall first receive a level of training 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 employee'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 employee demonstrated satisfactory skill in each task.

(d) A licensed respiratory care practitioner shall not authorize or permit an unlicensed person to engage in direct patient care.

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

(f) The licensed respiratory care practitioner who delegates tasks as set forth in (b) above in an inpatient setting shall, prior to patient use, conduct an in-person assessment of the equipment and its application to the patient to ensure that the assistant has performed the delegated setup tasks such that the equipment and other devices are safe for patient care.

(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.

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".

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; 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".

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.

(b) All temporary license holders under this section shall be required to work under the direct supervision of a physician or licensed respiratory care practitioner. For purposes of this section, "direct supervision" means continuous on-site presence of a supervising licensed respiratory care practitioner or supervising physician either of whom is constantly accessible through electronic communication and available to render immediate physical assistance as required.

(c) The temporary license holder shall advise the Board, in writing, of the name and permanent license number of the licensee(s) under whose direct supervision the temporary licensee is or will be working. The temporary licensee shall keep the Board advised, in writing, of any subsequent change in supervising licensee(s).

(d) The holder of a temporary license shall take the examination administered by the National Board of Respiratory Care or its successor organization within six months of issuance of the temporary license unless the temporary license holder can demonstrate undue hardship to the Board. The temporary licensee shall submit a request to the National Board of Respiratory Care to inform the Board of the temporary licensee's test results. The temporary license shall expire six months from the date of issuance except that if the candidate fails the examination, the provisions of (d)2 and 3 below apply.

1. Upon notification that he or she has passed the examination, the temporary licensee shall submit the initial license fee as set forth in N.J.A.C. 13:44-8.1 within 10 days if the temporary licensee intends to practice respiratory care in the State of New Jersey.

2. If a temporary licensee is notified that he or she has failed the examination for the first time, the temporary license shall expire 10 days from such notification and if he or she intends to continue in the practice of respiratory care, he or she shall:

- i. Apply to the Board for a one-time temporary license renewal; and

ii. Submit to the Board the temporary license renewal fee as set forth in N.J.A.C. 13:44F-8.1.

3. Upon issuance of the second temporary license, the temporary licensee shall take the respiratory care examination within six months of the issuance of the temporary license.

4. Upon notification by the Board that he or she has passed the second examination, the temporary licensee shall submit the initial license fee as set forth in N.J.A.C. 13:44-8.1 within 10 days if he or she intends to practice respiratory care in the State of New Jersey. If a temporary licensee fails the examination for the second time, the temporary license shall expire and he or she shall surrender the license to the Board.

(e) Unless the temporary license holder can demonstrate undue hardship to the Board, the second temporary license shall expire at the end of the six month period.

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), added "which is effective for no more than six months"; in (b), inserted reference to physician supervision and inserted "immediate" preceding "physical assistance"; substantially amended (d); deleted (e) and (g), relating to renewals and expirations of temporary licenses, respectively; and recodified former (f) as (e).

Amended by R.2002 d.39, effective February 4, 2002.

See: 33 N.J.R. 2244(a), 34 N.J.R. 744(a)

Rewrote (d) and (e).

13:44F-5.2 (Reserved)

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

Section was "Temporary licensure of individuals practicing respiratory care as of August 20, 1991".

SUBCHAPTER 6. LICENSURE BY ENDORSEMENT

13:44F-6.1 Eligibility for licensure by endorsement

(a) An applicant possessing a valid license issued by another state or possession of the United States or the District of Columbia shall be issued a license to practice respiratory care in New Jersey provided that:

1. The requirements for licensure in that state or possession of the United States or the District of Columbia are substantially equivalent to the requirements of this chapter; and

2. The applicant has not previously failed the Board-approved examination.

(b) Nothing herein shall preclude the Board, in its discretion, from deeming an applicant who possesses a license issued by another jurisdiction but who has failed the examination to be eligible for licensure.

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. An affidavit that the applicant has not failed the Board-approved examination.

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

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

In (a), added "as set forth in N.J.A.C. 13:44F-8.1" in 1 and substituted "which establishes" for "satisfactory to the board" in 2.

SUBCHAPTER 7. LICENSE RENEWALS

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.

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

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

Rewrote the section.

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

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

In (a), inserted "completed" and "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"; in (b), inserted "in this State"; in (c), inserted "a statement that the licensee has fulfilled the continuing education requirement set forth in N.J.A.C. 13:44F-10.1"; and in (d), inserted the last two sentences.

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.

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

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

Rewrote the section.

Repeal and New Rule, R.2007 d.80, effective March 5, 2007.

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

Section was "Change of license status: inactive to active".

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.

New Rule, R.2002 d.398, effective December 16, 2002.

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

Repeal and New Rule, R.2007 d.80, effective March 5, 2007.

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

Section was "Reinstatement of suspended license".

SUBCHAPTER 8. GENERAL PROVISIONS

13:44F-8.1 Fees

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

- | | |
|--|------------|
| 1. Application fee..... | \$125.00 |
| 2. Initial license fee | |
| i. During the first year of a biennial renewal period..... | 160.00 |
| ii. During the second year of a biennial renewal period..... | 80.00 |
| 3. License renewal fee, biennial..... | 160.00 |
| 4. Late renewal fee (within 30 days)..... | 100.00 |
| 5. Duplicate license fee..... | 50.00 |
| 6. Six-month temporary license | 40.00 |
| i. Temporary license renewal | 40.00 |
| 7. Temporary visiting license..... | 80.00 |
| i. Temporary visiting license renewal | 80.00 |
| 8. Reinstatement fee (after 30 days)..... | 175.00 |
| 9. Duplicate wall certificate | 50.00 |
| 10. Verification of licensure..... | 25.00 |
| 11. Inactive license fee..... | (Reserved) |

Amended by R.1996 d.111, effective February 20, 1996.

See: 27 N.J.R. 4497(a), 28 N.J.R. 1221(b).

Decreased fees and eliminated the fee for 18 month temporary licenses.

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

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

In (a), substituted "30 days" for "60 days" in the Reinstatement fee and added "Inactive License Fee".

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. The dates and times of all treatments including adverse effects, if any;
2. Findings of patient assessment;
3. A patient care plan which includes treatment goals;