

## CHAPTER 1

### GENERAL PROVISIONS

**Section 1. Purpose.** The State Board for Respiratory Care Rules and Regulations are set forth for the purpose of interpreting and implementing W.S. 33-43-101 through 118 establishing the Board, and conferring upon it the responsibility for licensure of respiratory care practitioners, and the regulation of the practice of respiratory care in the State of Wyoming.

**Section 2. Statutory Authority.** The State Board for Respiratory Care hereafter referred to as the “Board” was created by the Respiratory Care Practice Act of 2003, W.S. 33-43-101 through 33-43-118, herein after referred to as the “Act”.

**Section 3. Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Purpose of These Rules.** The purpose of these rules shall be to develop procedures and establish requirements for:

- (a) Election of officers, establishment of Board organization, and codification of rules and procedures for Board meetings;
- (b) Standards and qualifications requisite in the issuance of licenses and permits;
- (c) Evaluation of qualifications of individuals applying for licenses and permits;
- (d) Issuance and renewal of licenses and permits to persons qualified in respiratory therapy in the State of Wyoming;
- (e) Setting fees necessary for the administration of this act;
- (f) Establishing criteria for actions against licensees and permittees, including but not limited to:
  - (i) Investigation and conduct of hearings on complaints of violations of this act;
  - (ii) Proceedings to enjoin, restrain or bring suit against persons violating this act;
  - (iii) Revocation, suspension, denial, restriction, or refusal for renewal of licenses and permits; and,
- (g) Codification of a code of ethics.

## CHAPTER 9

### ~~REINSTATEMENT OF LICENSE AFTER DISCIPLINARY ACTION~~

~~Section 1. Reinstatement After Disciplinary Action.~~ A person whose license or certification has been revoked, suspended, or has had limitations placed thereon may petition the Board for reinstatement of the license or permit.

~~Section 2. Procedures for Reinstatement.~~

~~(a)~~ A petition for reinstatement shall be accompanied by at least two (2) recommendations from licensed respiratory care practitioners and by at least two (2) recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary action was ordered.

~~(b)~~ A petition for reinstatement may be considered at the next meeting of the Board held more than sixty (60) days after the petition is filed.

~~(c)~~ Any petition for reinstatement of a license or permit shall be conclusively acted upon by the Board within one hundred and eighty (180) days after the filing of a complete petition and all necessary accompanying documents with the Board.

~~(d)~~ There shall be no right to a formal hearing on any petition for reinstatement.

~~Section 3. License or Permit Renewal.~~ The license or permit shall not be reinstated until a renewal application together with the proper renewal fee is received by the Board.

## CHAPTER 8

### COMPLAINTS: PRACTICE AND PROCEDURE

**Section 1. Complaints.** Any reference to the term “license” in this chapter shall also apply to persons holding a permit issued by the Board. All complaints shall be filed with the Board in writing and shall contain:

- (a) Name and address of Licensee;
- (b) Name, address and telephone number of complainant;
- (c) Nature of alleged violations;
- (d) A short and concise statement of facts relating to the alleged violations; and
- (e) Signature of ~~complaint~~ the complainant.

#### **Section 2. Investigation.**

(a) The Board shall assign an investigation committee comprised of one (1) or two (2) Board members or other individuals with assistance from a representative of the Attorney General’s Office.

(b) Upon completion of the investigation, the investigation committee may:

(i) Prepare and file a formal complaint and notice of hearing with the Board, ~~setting the matter for a contested case hearing~~;

(ii) Recommend to the Board that a reprimand be given to the Licensee; or

(iii) Recommend to the Board that the complaint be dismissed.

(c) The Board may resolve a complaint at any time by:

(i) Sending a written advisory letter ~~of reprimand/warning~~ to the Licensee;

(ii) Accepting a voluntary surrender of a license;

(iii) Accepting conditional terms for settlement;

(iv) Dispensing with it in an informal manner; or

(v) Dismissal.

**Section 3. Service of Notice and Formal Complaint.** Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by certified or registered mail with return receipt thereof to the Licensee's last known address.

**Section 4. Docket.** A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits.

**Section 5. Answer or Appearance.** The Licensee shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.

**Section 6. Default in Licensee Answering or Appearing.** In the event of the failure of a Licensee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.

**Section 7. Discovery.** In all contested cases coming before the Board, the taking of depositions and discovery shall be available to the parties.

**Section 8. Subpoenas.** Subpoenas for appearance and to produce testimony, books, papers, documents, or exhibits may be issued by the Board or hearing officer on behalf of any party to the contested case.

**Section 9. Contested Case Hearing.** All issues and matters set forth in the Notice and Complaint shall be presented to the Board. A Licensee may be represented by an attorney, licensed to practice law in this State or otherwise associated at the hearing with an attorney licensed to practice law in this State.

**Section 10. Hearing Officer.** The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.

**Section 11. Order of Procedure.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

(a) The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record and shall note for the record all subpoenas issued and all appearances of record;

(b) All persons testifying at the hearing shall be administered the standard oath;

(c) The attorney or representative of the State shall thereupon proceed to present the State's evidence. Witnesses may be cross-examined by the Licensee or attorney if represented. Redirect examination may be permitted;



(d) The Licensee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross-examination and redirect examination may be permitted;

(e) Opening statements may be made;

(f) Closing statements, at the conclusion of the presentation of evidence, may be made by parties or attorneys. A rebuttal statement may be made by the State. The time for oral argument may be limited by the Board or hearing officer;

(g) After all proceedings have been concluded, the Board or hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the Board may do so. The Board may take the case under advisement and shall declare unto each of the parties that the decision of the Board shall be announced within due and proper time following consideration of all the matters presented at the hearing; and

(h) The Board and hearing officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by a particular witness.

**Section 12. Rules of Civil Procedure to Apply.** The rules of practice and procedure contained in the Wyoming Rules of Civil Procedure insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board shall apply.

**Section 13. Attorneys.** The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. The Board and all parties shall be notified in writing of any withdrawal. Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. This rule shall not be construed to prohibit any Licensee from representing themselves in any hearing before the Board, but any Licensee appearing in their own behalf shall not be relieved of abiding by all rules established for the hearing proceedings.

**Section 14. Attorney General to be Present.** In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the State, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.

**Section 15. Record of Proceedings.** When the denial, revocation or suspension of any license or certification is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other adequate recording device.

**Section 16. Decision, Findings of Fact and Conclusions of Law and Order.**

(a) The Board shall, with the assistance of the hearing officer, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.

(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.

(c) Upon entry and filing, the Board shall mail copies of the decision to each Licensee and attorneys of record.

**Section 17. Appeals to District Court.** Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.

**Section 18. Transcript in Case of Appeal.** In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.

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(b) All persons testifying at the hearing shall be administered the standard oath;

(c) The attorney or representative of the State shall thereupon proceed to present the State's evidence. Witnesses may be cross-examined by the Licensee or attorney if represented. Redirect examination may be permitted;

(d) The Licensee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross-examination and redirect examination may be permitted;

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(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.

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## CHAPTER 6

### STANDARDS OF PROFESSIONAL CONDUCT

**Section 1. Scope of Practice.** Respiratory Care is a changing and evolving profession and shall also include procedures described by the Clinical Practice Guidelines of the ~~AARC~~ [American Association for Respiratory Care \(AARC\)](#), and the duties consistent with the training and education of respiratory care personnel or related to the practice of respiratory care, as approved by the Board. Respiratory therapists are members of a team of health care professionals working under medical direction in a wide variety of clinical settings to evaluate, treat, and manage patients of all ages with respiratory illnesses and other cardiopulmonary disorders. As members of this team, respiratory therapists should exemplify the standards and ethics expected of all health care professionals. In addition to performing respiratory care procedures, respiratory therapists are involved in clinical decision-making and patient education. The scope of practice for respiratory therapy includes, but is not limited to:

- (a) Acquiring and evaluating clinical data;
- (b) Assessing the cardiopulmonary status of patients;
- (c) Performing and assisting in the performance of prescribed diagnostic studies such as: obtaining blood samples, blood gas analysis, pulmonary function testing, polysomnography, and neurodiagnostics;
- (d) Evaluating data to assess the appropriateness of prescribed respiratory care;
- (a) Establishing therapeutic goals for patients with cardiopulmonary disease;
- (f) Participating in the development and modification of respiratory care plans;
- (g) Case management of patients with cardiopulmonary and related diseases;
- (h) Initiating prescribed respiratory care treatments, evaluating and monitoring patient responses to such therapy and recommending modification of the prescribed therapy to achieve the desired therapeutic objectives;
- (i) Initiating and conducting prescribed pulmonary rehabilitation;
- (j) Providing education to patient, family, community, and allied health care professional;
- (k) Promoting cardiopulmonary wellness, disease prevention, and disease management;
- (l) Participating in life support activities as required; and

- (m) Promoting evidence-based medicine; research; and clinical practice guidelines.

**Section 2. Ethical Standards.** The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of persons whose activities are regulated by the Board. Any reference to the term “license” in this chapter shall also apply to persons holding a permit issued by the Board. The following ethical standards are adopted and incorporated herein by the Board:

- (a) The American Association for Respiratory Care Statement of Ethics and Professional Conduct, incorporated as Appendix B, is adopted by reference herein.

- (b) Persons licensed by the Board shall:

- (i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare.

- (ii) Be able to justify all services rendered to patients as necessary for diagnostic or therapeutic purposes.

- (iii) Perform only those procedures or functions in which they are individually competent and which are within the scope of accepted and responsible practice.

- (iv) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed or permitted professionals.

- (v) Use only the initials L.R.C.P. for Licensed Respiratory Care Practitioner as the designation of licensure.

- (vi) Use only indicators of current discipline-related credentials such as Certified Respiratory Therapist and Registered Respiratory Therapist or such indicators as awarded by independent credentialing agencies such as the American Association for Respiratory Care and the National Board for Respiratory Care in association with their licensure or permit and practice.

- (vii) Upon request, provide patients with fees and billing arrangements before rendering services. Barter is not an acceptable fee arrangement.

- (viii) Respect the privacy of patients and hold in confidence all information obtained in the course of professional service.

- (ix) Keep confidential their professional relationships with patients.

- (x) Disclose patient records or other confidential information to others only with the expressed written consent of the patient, or if required for the responsible performance of duty, or as required by law, and shall inform patients fully about the limits of

confidentiality in a given situation, the purposes for which information is obtained and how it may be used.

(xi) Ensure that the welfare of patients is in no way compromised in any experimentation or research involving those patients which would include but not be limited to informed consent of the patient.

(xii) Follow sound scientific procedures and ethical principles in research.

(xiii) Refrain from engaging in sexual intimacies with a patient.

(xiv) When advertising services to the public or client, ensure that such advertising, by any form, is neither fraudulent nor misleading.

(xv) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or any other preferences or characteristics.

(xvi) Terminate services when such services are no longer required and no longer serve the patient's needs. Services are not withdrawn precipitously except in unusual circumstances and with care to minimize possible adverse effects. This includes providing referral and transfer of services as appropriate.

(xvii) Avoid using relationships with patients to promote commercial enterprises of any kind.

(xviii) Seek advice and counsel of colleagues and supervisors when such consultation is in the best interest of the patient while taking care to protect the patient's confidentiality.

(xix) Respond to all requests for information and all other correspondence from the Board.

(xx) Display their license or certification at all times in a conspicuous location readily accessible to all patients at the Licensee's place of business.

(xxi) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its members.

(xxii) Actively maintain and continually improve their professional competence, and represent it accurately.

(xxiii) Respect and protect the legal and personal rights and dignity of patients they treat, including the right to informed consent and refusal of treatment with demonstrated understanding of the consequences.

(xxiv) Promote disease prevention and wellness.

(xxv) Refuse to participate in illegal or unethical acts, and shall refuse to conceal illegal, unethical or incompetent acts of others.

(xxvi) Comply with state or federal laws that govern and relate to their practice.

(xxvii) Avoid any form of conduct that creates a conflict of interest, and shall follow the principles of ethical business behavior.

(xxviii) Promote the positive evolution of the professional and health care in general, through improvement of the access, efficacy, and cost of patient care.

(xxix) Refrain from indiscriminate and unnecessary use of resources, both economic and natural, in their practice.

(xxx) The director of a respiratory care department or his designee, provided such director or designee is a respiratory therapist, shall be on the premises and readily available to give aid, direction, and instruction to any student rendering respiratory care services pursuant to the Act.



## CHAPTER 6

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- (a) The American Association for Respiratory Care Statement of Ethics and Professional Conduct, incorporated as Appendix B, is adopted by reference herein.

- (b) Persons licensed by the Board shall:

- (i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare.

- (ii) Be able to justify all services rendered to patients as necessary for diagnostic or therapeutic purposes.

- (iii) Perform only those procedures or functions in which they are individually competent and which are within the scope of accepted and responsible practice.

- (iv) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed or permitted professionals.

- (v) Use only the initials L.R.C.P. for Licensed Respiratory Care Practitioner as the designation of licensure.

- (vi) Use only indicators of current discipline-related credentials such as Certified Respiratory Therapist and Registered Respiratory Therapist or such indicators as awarded by independent credentialing agencies such as the American Association for Respiratory Care and the National Board for Respiratory Care in association with their licensure or permit and practice.

- (vii) Upon request, provide patients with fees and billing arrangements before rendering services. Barter is not an acceptable fee arrangement.

- (viii) Respect the privacy of patients and hold in confidence all information obtained in the course of professional service.

- (ix) Keep confidential their professional relationships with patients.

- (x) Disclose patient records or other confidential information to others only with the expressed written consent of the patient, or if required for the responsible performance of duty, or as required by law, and shall inform patients fully about the limits of

confidentiality in a given situation, the purposes for which information is obtained and how it may be used.

(xi) Ensure that the welfare of patients is in no way compromised in any experimentation or research involving those patients which would include but not be limited to informed consent of the patient.

(xii) Follow sound scientific procedures and ethical principles in research.

(xiii) Refrain from engaging in sexual intimacies with a patient.

(xiv) When advertising services to the public or client, ensure that such advertising, by any form, is neither fraudulent nor misleading.

(xv) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or any other preferences or characteristics.

(xvi) Terminate services when such services are no longer required and no longer serve the patient's needs. Services are not withdrawn precipitously except in unusual circumstances and with care to minimize possible adverse effects. This includes providing referral and transfer of services as appropriate.

(xvii) Avoid using relationships with patients to promote commercial enterprises of any kind.

(xviii) Seek advice and counsel of colleagues and supervisors when such consultation is in the best interest of the patient while taking care to protect the patient's confidentiality.

(xix) Respond to all requests for information and all other correspondence from the Board.

(xx) Display their license or certification at all times in a conspicuous location readily accessible to all patients at the Licensee's place of business.

(xxi) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its members.

(xxii) Actively maintain and continually improve their professional competence, and represent it accurately.

(xxiii) Respect and protect the legal and personal rights and dignity of patients they treat, including the right to informed consent and refusal of treatment with demonstrated understanding of the consequences.

(xxiv) Promote disease prevention and wellness.

(xxv) Refuse to participate in illegal or unethical acts, and shall refuse to conceal illegal, unethical or incompetent acts of others.

(xxvi) Comply with state or federal laws that govern and relate to their practice.

(xxvii) Avoid any form of conduct that creates a conflict of interest, and shall follow the principles of ethical business behavior.

(xxviii) Promote the positive evolution of the professional and health care in general, through improvement of the access, efficacy, and cost of patient care.

(xxix) Refrain from indiscriminate and unnecessary use of resources, both economic and natural, in their practice.

(xxx) The director of a respiratory care department or his designee, provided such director or designee is a respiratory therapist, shall be on the premises and readily available to give aid, direction, and instruction to any student rendering respiratory care services pursuant to the Act.

## CHAPTER 5

### LICENSE RENEWAL AND CONTINUING EDUCATION

#### Section 1. Annual Renewal.

(a) Licenses shall expire on ~~November 1<sup>st</sup>~~ October 31<sup>st</sup> of each year and ~~shall may~~ be ~~renewable~~ renewed by providing the Board with the following post marked on or prior to the license expiration date:

- (i) Payment of the renewal fee; and
- (ii) Complete application for renewal; and
- (iii) Verification of compliance with the continuing education requirements as set out below.

(b) Each ~~Licensee~~ licensee shall earn a minimum of eight (8) contact hours of continuing education every year, with no more than four (4) hours ~~being CPR of training in ACLS/PALS/NRP training or any combination thereof.~~ Basic CPR training is not accepted as continuing education towards license renewal.

(i) Contact hours for purposes of this section shall be the actual number of hours during which instruction was received. A minimum of fifty (50) minutes constitutes a contact hour. For academic courses, one (1) semester credit equals fifteen (15) contact hours. ~~One (1) CEU credit is equal to ten (10) contact hours.~~

(ii) Continuing education activity must be completed during the twelve (12) months prior to the license expiration date. The thirty (30) day reinstatement period for renewal shall also apply to the continuing education requirement; however, any activities completed after October 31<sup>st</sup> and applied to the previous renewal period may not be reported on the next renewal application.

(iii) Excess continuing education credit hours acquired in one twelve (12) month period may not be carried forward to the next period.

(iv) Any identical course or program may be submitted for continuing education credit only once every two (2) years.

(v) The following standards shall govern acceptability of continuing education activities:

(A) These activities shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's competence in the practice of respiratory care.



(B) These activities shall constitute an organized program of learning dealing with matters directly related to the clinical practice, professional responsibility or ethical obligations of respiratory care practitioners.

(C) Presenters of ~~these~~ acceptable activities should be experts in respiratory care. The scope of practice in these rules and regulations may be used as a basis of what knowledge and skills are acceptable to the Board as continuing education activities.

(D) Continuing education programs sponsored by the following organizations, which are germane to the profession of respiratory care, are approved by the board: Institutions approved by the Joint Review Committee for Respiratory Therapy Education, Respiratory Care Accreditation Board or other successor accreditation organizations and courses approved by the American Association for Respiratory Care, the Wyoming Society for Respiratory Care, the American Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American Nurses Association, the National Society for Cardiopulmonary Technologists, the American Lung Association, the American Lung Association of Wyoming, the Wyoming Heart Association, the Wyoming and American Medical Association, the Wyoming Hospital Association and Respiratory Care Journal (sponsored by the American Association of Respiratory Care).

(E) Continuing education programs not sponsored by the above organizations may be submitted for review and approval by the Board.

(F) A maximum of four (4) hours of continuing education credit may be applied to this requirement for teaching, with credit being awarded on a two-to-one ratio. For a one (1) hour presentation, the presenter will be awarded two (2) hours of continuing education credits.

(I) This includes teaching addressed to allied health professionals. Any given activity may be submitted for continuing education credit units only once.

(II) To be applicable the teaching activity must be different from the licensee's usual and customary professional employment.

(III) Individuals employed by universities and colleges may not claim teaching credit units for conducting courses that are a part of the regular course offering of those institutions, even if those courses are offered in the evening or summer, or for individuals enrolled in a degree program or vocational technical schools.

(vi) Licensees shall attest to the number of continuing education hours completed.

(vii) Licensees shall ~~list~~ report their continuing education activities ~~on the form provided~~ in a manner determined by the Board.

~~(A) In addition to the listing, the Licensees shall attach copies of any certificates of attendance, letters certifying attendance, transcripts, or any other official documents which show attendance.~~

~~(B) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, and the name of the Licensee.~~

(viii) ~~Licensees are responsible for maintaining their own continuing education documentation.~~ Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.

(A) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, and the name of the Licensee.

(ix) Approximately sixty (60) days prior to the renewal date the Board will send a renewal application to the address of record.

(x) Renewal applications will not be accepted more than one hundred twenty (120) days prior to the expiration date.

(xi) Renewal applications received by the Board which are postmarked after ~~November 1<sup>st</sup>~~ October 31<sup>st</sup> or after the next business day in cases when ~~November 1<sup>st</sup>~~ October 31<sup>st</sup> falls on a weekend, will not be processed and the license will expire for failure to timely and sufficiently secure renewal. Electronic renewal applications will not be accepted after midnight on October 31<sup>st</sup>, and for reinstatement after midnight on November 30<sup>th</sup>.

(xii) Failure to receive an application for renewal from the Board does not excuse a Licensee from the requirement for renewal under the Act and these rules.

(c) The required hours of continuing education will be prorated for the first renewal of a license as follows:

(i) Issued November 1<sup>st</sup> through January 31<sup>st</sup>, eight (8) hours of continuing education are required.

(ii) Issued February 1<sup>st</sup> through April 30<sup>th</sup>, six (6) hours of continuing education are required.

(iii) Issued May 1<sup>st</sup> through July 31<sup>st</sup>, four (4) hours of continuing education are required.

(iv) Issued August 1<sup>st</sup> through October 31<sup>st</sup>, two (2) hours of continuing education are required.

Section 2. Continuing Education Audit. Continuing education may be audited by the



Board for verification of compliance with these requirements.

(a) Failure to provide the documents requested for audit within thirty (30) days of receiving the notice from the Board may subject the licensee to disciplinary action.

(b) If the Board disallows any continuing education hours as a result of an audit, the licensee shall have three (3) months from notice of such disallowance to either:

(i) provide further evidence that the disallowed continuing education hours meet the criteria established by these rules, or

(ii) provide evidence of having completed appropriate continuing education during the required time frame which may substitute for the disallowance, or

(iii) remedy the disallowance by completing the number of additional continuing education hours necessary to fulfill the requirements in this Chapter. These additional continuing education hours shall not be reported on subsequent applications for license renewal.

(c) If the continuing education hours disallowed are not remedied within the time frame permitted, then the license shall be subject to disciplinary action.

**Section 23. Waiver of Continuing Education Requirements.** Upon written request received prior to the license expiration date, the Board may waive a portion of the continuing education requirement for renewal of a license ~~for good cause. Good cause is hereby defined as if~~ during the current renewal period:

(a) The licensee otherwise meets all other renewal requirements and experiences a ~~A~~ severe physical or emotional hardship or other ~~personal emergency~~ disabling situation ~~which substantially interferes with a licensee's ability to meet the minimum requirement of eight (8) continuing education hours prior to the deadline~~ exceeding one hundred and eighty (180) or more consecutive days during the twelve (12) months immediately preceding the license expiration date.

(b) The licensee otherwise meets all other renewal requirements and is a ~~A~~ civilian called to active duty in the armed forces of the United States for a ~~significant~~ period of time exceeding one hundred and eighty (180) or more consecutive days during the twelve (12) months immediately preceding the license expiration date.

(c) The number of hours exempted shall be in proportion to the length of deployment, disability or situation.

(d) The licensee claiming an exemption shall provide supporting documentation from a third party acceptable to the Board.

**Section 3. Reinstatement.** An expired license may be reinstated by the Board. Request for reinstatement must be made in writing and post marked within thirty (30) calendar days of the expiration date. ~~The applicant must submit,~~ and be accompanied with the following:

- (a) ~~the~~ The renewal application, and
- (b) ~~the eight (8) hours of continuing education which was required for renewal,~~ Verification of compliance with the continuing education requirements established in these rules, and
- (c) ~~the~~ The license renewal fee, and
- (d) ~~the~~ The reinstatement fee.

**Section 4. ~~Lapsed~~ Expired License.**

(a) A license which has been ~~lapsed-expired~~ for no more than three (3) years may be reinstated by the Board. However, applicants will be required to meet all other current licensure standards in place at the time of application. Request for reinstatement must be made in writing. The applicant must submit,

- (i) The renewal application, and
- (ii) The license renewal fee for the current period, and
- (iii) The reinstatement fee, and
- (iv) Verification of having competed eight ~~Eight~~ (8) contact hours of continuing education completed during the twelve (12) months immediately proceeding the date of application.

(b) A license which has been ~~lapsed-expired~~ for three (3) years or more may not be reinstated. The individual would be required to apply as a new applicant and may be required to take the requisite examination.

**Section 5. Retired Status.** Persons who are retired from active practice are exempt from the requirement for continuing education for renewal of their license. Retired persons exercising this exemption may not provide the services regulated by the Act and these Rules within the state of Wyoming except as exempted by the Act. To do so would be considered unlicensed practice. In order to qualify for the exemption, the ~~Licensee~~ licensee must;

(a) Notify the Board that they have retired from active practice. The notice must be in writing and accompanied by the original wall certificate and current wallet identification cards issued by the Board.

(b) A replacement wall certificate will be issued which clearly distinguishes that the Licensee is retired.

(c) The licenses of retired persons shall expire and be renewable according to the same schedule and in the same manner as active licensees.

(d) A retired ~~Licensee~~licensee may return to active practice by completing eight (8) contact hours of continuing education during the twelve (12) months immediately proceeding the date of application.



## CHAPTER 5

### LICENSE RENEWAL AND CONTINUING EDUCATION

#### Section 1. Annual Renewal.

(a) Licenses shall expire on October 31<sup>st</sup> of each year and may be renewed by providing the Board with the following post marked on or prior to the license expiration date:

- (i) Payment of the renewal fee; and
- (ii) Complete application for renewal; and
- (iii) Verification of compliance with the continuing education requirements as set out below.

(b) Each licensee shall earn a minimum of eight (8) contact hours of continuing education every year, with no more than four (4) hours of training in ACLS/PALS/NRP or any combination thereof. Basic CPR training is not accepted as continuing education towards license renewal.

(i) Contact hours for purposes of this section shall be the actual number of hours during which instruction was received. A minimum of fifty (50) minutes constitutes a contact hour. For academic courses, one (1) semester credit equals fifteen (15) contact hours.

(ii) Continuing education activity must be completed during the twelve (12) months prior to the license expiration date. The thirty (30) day reinstatement period for renewal shall also apply to the continuing education requirement; however, any activities completed after October 31<sup>st</sup> and applied to the previous renewal period may not be reported on the next renewal application.

(iii) Excess continuing education credit hours acquired in one twelve (12) month period may not be carried forward to the next period.

(iv) Any identical course or program may be submitted for continuing education credit only once every two (2) years.

(v) The following standards shall govern acceptability of continuing education activities:

(A) These activities shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's competence in the practice of respiratory care.

(B) These activities shall constitute an organized program of learning dealing with matters directly related to the clinical practice, professional responsibility or ethical obligations of respiratory care practitioners.

(C) Presenters of acceptable activities should be experts in respiratory care. The scope of practice in these rules and regulations may be used as a basis of what knowledge and skills are acceptable to the Board as continuing education activities.

(D) Continuing education programs sponsored by the following organizations, which are germane to the profession of respiratory care, are approved by the board: Institutions approved by the Joint Review Committee for Respiratory Therapy Education, Respiratory Care Accreditation Board or other successor accreditation organizations and courses approved by the American Association for Respiratory Care, the Wyoming Society for Respiratory Care, the American Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American Nurses Association, the National Society for Cardiopulmonary Technologists, the American Lung Association, the American Lung Association of Wyoming, the Wyoming Heart Association, the Wyoming and American Medical Association, the Wyoming Hospital Association and Respiratory Care Journal (sponsored by the American Association of Respiratory Care).

(E) Continuing education programs not sponsored by the above organizations may be submitted for review and approval by the Board.

(F) A maximum of four (4) hours of continuing education credit may be applied to this requirement for teaching, with credit being awarded on a two-to-one ratio. For a one (1) hour presentation, the presenter will be awarded two (2) hours of continuing education credits.

(I) This includes teaching addressed to allied health professionals. Any given activity may be submitted for continuing education credit units only once.

(II) To be applicable the teaching activity must be different from the licensee's usual and customary professional employment.

(III) Individuals employed by universities and colleges may not claim teaching credit units for conducting courses that are a part of the regular course offering of those institutions, even if those courses are offered in the evening or summer, or for individuals enrolled in a degree program or vocational technical schools.

(vi) Licensees shall attest to the number of continuing education hours completed.

(vii) Licensees shall report their continuing education activities in a manner determined by the Board.

(viii) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.

(A) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, and the name of the Licensee.

(ix) Approximately sixty (60) days prior to the renewal date the Board will send a renewal application to the address of record.

(x) Renewal applications will not be accepted more than one hundred twenty (120) days prior to the expiration date.

(xi) Renewal applications received by the Board which are postmarked after October 31st or after the next business day in cases when October 31st falls on a weekend, will not be processed and the license will expire for failure to timely and sufficiently secure renewal. Electronic renewal applications will not be accepted after midnight on October 31<sup>st</sup>, and for reinstatement after midnight on November 30<sup>th</sup>.

(xii) Failure to receive an application for renewal from the Board does not excuse a Licensee from the requirement for renewal under the Act and these rules.

(c) The required hours of continuing education will be prorated for the first renewal of a license as follows:

(i) Issued November 1<sup>st</sup> through January 31<sup>st</sup>, eight (8) hours of continuing education are required.

(ii) Issued February 1<sup>st</sup> through April 30<sup>th</sup>, six (6) hours of continuing education are required.

(iii) Issued May 1<sup>st</sup> through July 31<sup>st</sup>, four (4) hours of continuing education are required.

(iv) Issued August 1<sup>st</sup> through October 31<sup>st</sup>, two (2) hours of continuing education are required.

**Section 2. Continuing Education Audit.** Continuing education may be audited by the Board for verification of compliance with these requirements.

(a) Failure to provide the documents requested for audit within thirty (30) days of receiving the notice from the Board may subject the licensee to disciplinary action.

(b) If the Board disallows any continuing education hours as a result of an audit, the licensee shall have three (3) months from notice of such disallowance to either;

(i) provide further evidence that the disallowed continuing education

hours meet the criteria established by these rules, or

(ii) provide evidence of having completed appropriate continuing education during the required time frame which may substitute for the disallowance, or

(iii) remedy the disallowance by completing the number of additional continuing education hours necessary to fulfill the requirements in this Chapter. These additional continuing education hours shall not be reported on subsequent applications for license renewal.

(c) If the continuing education hours disallowed are not remedied within the time frame permitted, then the license shall be subject to disciplinary action.

**Section 3. Waiver of Continuing Education Requirements.** Upon written request received prior to the license expiration date, the Board may waive a portion of the continuing education requirement for renewal of a license if during the current renewal period:

(a) The licensee otherwise meets all other renewal requirements and experiences a severe physical or emotional hardship or other disabling situation exceeding one hundred and eighty (180) or more consecutive days during the twelve (12) months immediately preceding the license expiration date.

(b) The licensee otherwise meets all other renewal requirements and is a civilian called to active duty in the armed forces of the United States for a period of time exceeding one hundred and eighty (180) or more consecutive days during the twelve (12) months immediately preceding the license expiration date.

(c) The number of hours exempted shall be in proportion to the length of deployment, disability or situation.

(d) The licensee claiming an exemption shall provide supporting documentation from a third party acceptable to the Board.

**Section 3. Reinstatement.** An expired license may be reinstated by the Board. Request for reinstatement must be made in writing and post marked within thirty (30) calendar days of the expiration date, and be accompanied with the following:

(a) The renewal application, and

(b) Verification of compliance with the continuing education requirements established in these rules, and

(c) The license renewal fee, and

(d) The reinstatement fee.

#### **Section 4. Expired License.**

(a) A license which has been expired for no more than three (3) years may be reinstated by the Board. However, applicants will be required to meet all other current licensure standards in place at the time of application. Request for reinstatement must be made in writing. The applicant must submit,

- (i) The renewal application, and
- (ii) The license renewal fee for the current period, and
- (iii) The reinstatement fee, and
- (iv) Verification of having completed eight (8) contact hours of continuing education completed during the twelve (12) months immediately proceeding the date of application.

(b) A license which has been expired for three (3) years or more may not be reinstated. The individual would be required to apply as a new applicant and may be required to take the requisite examination.

**Section 5. Retired Status.** Persons who are retired from active practice are exempt from the requirement for continuing education for renewal of their license. Retired persons exercising this exemption may not provide the services regulated by the Act and these Rules within the state of Wyoming except as exempted by the Act. To do so would be considered unlicensed practice. In order to qualify for the exemption, the licensee must;

(a) Notify the Board that they have retired from active practice. The notice must be in writing and accompanied by the original wall certificate and current wallet identification cards issued by the Board.

(b) A replacement wall certificate will be issued which clearly distinguishes that the Licensee is retired.

(c) The licenses of retired persons shall expire and be renewable according to the same schedule and in the same manner as active licensees.

(d) A retired licensee may return to active practice by completing eight (8) contact hours of continuing education during the twelve (12) months immediately proceeding the date of application.

## CHAPTER 4

### FEES

**Section 1. Fees.** This fee schedule is adopted by the Board pursuant to W.S. 33-1-201.

|                    |  |                                   |
|--------------------|--|-----------------------------------|
| (a)                | Application fee  | \$100.00                          |
| <del>(b)</del>     | <del>Temporary license</del>                             | <del>\$40.00</del>                |
| <del>(e)</del> (b) | Temporary permit   | \$40.00                           |
| <del>(d)</del> (c) | Annual license renewal fee ( <u>paper format</u> )       | \$100.00                          |
| (d)                | <u>Annual license renewal fee (online)</u>               | <u>\$75.00</u>                    |
| <del>(e)</del> (e) | Temporary permit renewal fee                             | \$40.00                           |
| (f)                | Reinstatement fee  | <del>\$25.00</del> <u>\$50.00</u> |
| (g)                | Annual retired status renewal fee                        | \$25.00                           |
| (h)                | Written license verification                             | <del>\$25.00</del> <u>\$10.00</u> |
| (i)                | Replacement or duplicate wall certificate                | <del>\$25.00</del> <u>\$15.00</u> |
| (j)                | Replacement or duplicate wallet identification cards (2) | \$5.00                            |
| (k)                | Non-sufficient funds fee in accord with W.S. 1-1-115.    |                                   |

### Section 2. Refunds.

(a) Fees shall be paid in the exact amount, in advance of services rendered. ~~Application fees shall be paid by money order or cashier's check. All other fees may be paid by personal or business check.~~

(b) All fees collected by the Board are non-refundable.

**Section 3. Applications Unaccompanied by Fees.** No application shall be considered by the Board unless accompanied by the appropriate fee.

**Section 4. Duplicate or Replacement Certificate and Wallet Card.** Duplicate or replacement wall certificates and wallet cards may be issued by the Board. All requests for duplicate or replacement certificates and wallet cards must be in writing and must be accompanied by the appropriate fee.



**Section 5. Change of Name, Address or Telephone Number.**

(a) Licensees must register with the Board any change in their legal name, must submit documentation demonstrating the change of name, appropriate fee and must surrender the old wall certificate and a new wall certificate shall be issued by the Board.

(b) Each applicant and licensee must file with the Board their current home and professional mailing addresses and telephone numbers and must report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

## CHAPTER 4

### FEES

**Section 1. Fees.** This fee schedule is adopted by the Board pursuant to W.S. 33-1-201.

|     |  |          |
|-----|--|----------|
| (a) | Application fee  | \$100.00 |
| (b) | Temporary permit   | \$40.00  |
| (c) | Annual license renewal fee (paper format)                | \$100.00 |
| (d) | Annual license renewal fee (online)                      | \$75.00  |
| (e) | Temporary permit renewal fee                             | \$40.00  |
| (f) | Reinstatement fee  | \$50.00  |
| (g) | Annual retired status renewal fee                        | \$25.00  |
| (h) | Written license verification                             | \$10.00  |
| (i) | Replacement or duplicate wall certificate                | \$15.00  |
| (j) | Replacement or duplicate wallet identification cards (2) | \$5.00   |
| (k) | Non-sufficient funds fee in accord with W.S. 1-1-115.    |          |

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**Section 5. Change of Name, Address or Telephone Number.**

(a) Licensees must register with the Board any change in their legal name, must submit documentation demonstrating the change of name, appropriate fee and must surrender the old wall certificate and a new wall certificate shall be issued by the Board.

(b) Each applicant and licensee must file with the Board their current home and professional mailing addresses and telephone numbers and must report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

## CHAPTER 3

### LICENSURE REQUIREMENTS AND APPLICATION PROCEDURES

**Section 1. Requirements for Licensure.** A license shall not be issued until the applicant has provided satisfactory evidence to the Board that they;

- (a) Are of majority age; and
- (b) Have no felony convictions, and no misdemeanor convictions involving moral turpitude or controlled substances, although exceptions to this requirement may be granted by the Board if consistent with the public interest; and
- (c) Have graduated from an accredited high school or have completed an equivalent education; and
- (d) Have successfully completed a respiratory care educational program from an accredited institution as defined in Chapter 1, which has been approved by the Board; and
- (e) Have passed the Certified Respiratory Therapist (CRT) exam or the Registered Respiratory Therapist (RRT) exam administered by the National Board for Respiratory Care, Inc. (NBRC). The Board will accept the passing score as established by the NBRC.

~~Section 2. Temporary License. The Board may issue a temporary license to an applicant who presents proof satisfactory to the Board that they meet the requirements stated in Section 1(a), (b) and (e); and~~

~~(a) The applicant must demonstrate that they are presently functioning in the capacity of a respiratory care practitioner.~~

~~(b) The temporary license is subject to renewal and will become null and void if the applicant has not passed the required examination by July 1, 2008.~~

~~Section 3. License by Previous Practical Experience. The Board may issue a license by previous practical experience to an applicant who presents proof satisfactory to the Board that they meet the requirements stated in Section 1(a), (b) and (e); and~~

~~(a) The applicant presents written and notarized evidence on a form provided by the Board, of having previous practical experience in the capacity of a respiratory care practitioner in Wyoming during the twenty four (24) months proceeding July 1, 2003; and~~

~~(b) The application for licensure by previous practical experience is received by the Board no later than July 1, 2005.~~

**Section 42. License by Endorsement.** The Board may issue a license by endorsement to an applicant who presents proof satisfactory to the Board that, at the time of application for

Wyoming license the applicant possesses credentials and qualifications equal to those required by the Act and these rules, and;

(a) The applicant holds a current license in good standing issued under the laws of another jurisdiction and the applicant's qualifications are equivalent to those required in Wyoming as determined by the Board, or

(b) The applicant holds current credentials in good standing as a CRT or RRT conferred by the NBRC.

**Section 53. Temporary Permit.** The Board may issue a temporary permit to practice respiratory care in Wyoming pending issuance of a license. A temporary permit is valid for six (6) months and may be renewed only once for an additional six (6) months. The Board shall not grant more than one (1) temporary permit to the same individual. In order to be granted a temporary permit, an applicant must present proof satisfactory to the Board that;

(a) The applicant is currently practicing, or within the six (6) months prior to submitting an application has practiced respiratory care in another jurisdiction, holds a current license in good standing issued under the laws of that jurisdiction, and the applicant's qualifications are equivalent to those required in Wyoming as deemed by the Board, or

(b) The applicant meets the requirements stated in Section 1(a), (b) and (c), is currently enrolled in an accredited respiratory care educational program, and is expected to graduate within thirty (30) calendar days of making application.

(i) The temporary permit shall be revoked by the Board upon notification that the student has failed to successfully complete the educational program.

**Section 64. Application Documents.** Applicants for licensure must submit a complete and legible application form accompanied by the proper non-refundable fee, acceptable proof of ~~U.S. citizenship or~~ legal presence in the U.S., and provide the following documents;

(a) For license by examination,

(i) Official transcript from all accredited respiratory care education programs attended, and

(ii) Official verification of having passed the required examination.

~~(b) For temporary license,~~

~~(i) Official transcript from all accredited respiratory care education programs attended.~~

~~(c) For license by previous practical experience,~~



~~(i) A complete and notarized Employer's Statement.~~

~~(d)~~ ~~(d)(b)~~ For license by endorsement,

(i) Official certification of current credentials in good standing from the NBRC, or

(ii) Official verification of current license in good standing from all jurisdictions where the applicant holds a current license, or has held a license, as a respiratory care practitioner.

~~(e)~~(c) For temporary permit with license in another jurisdiction,

(i) Official verification of current license in good standing from the jurisdiction where the applicant holds a valid license and is currently practicing, or within the six (6) months prior to submitting an application has practiced respiratory care prior to submitting an application, and

(ii) A complete and notarized Employer's Statement.

~~(d)~~(d) For temporary permit as a student,

(i) Written documentation from the registrar or program director verifying the applicants standing as a current student, and stating their expected graduation date.

### **Section 7. Application Procedures.**

(a) All documents submitted in support of the application ~~must~~shall contain an original signature and be submitted directly to the Board office from the ~~respondent~~source and not forwarded through the applicant.

(b) The Board will not accept faxed or photocopied documents.

(c) The applicant ~~must~~shall document completion of all requirements within three (3) years of the date the application was received by the Board, otherwise the application ~~will~~shall be deemed to be abandoned and the file will be closed.

(d) The application date is the date the complete application was received by the Board.

(e) Each applicant ~~must~~shall file with the Board their current home and professional mailing addresses and telephone numbers and ~~must~~shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.



**Section 8. Notification of Applicants and Right of Appeal.** ~~If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the Board that they meet the licensure or permit requirements.~~ If the applicant's initial application is denied, the reasons for this rejection shall be communicated in writing. The applicant shall have the right to request reconsideration of the application materials, and may further request a hearing before the Board in accordance with the Wyoming Administrative Procedures Act.

**Section 9. Issuance and Expiration of License.** The Board shall issue a wall certificate and a wallet identification card to the successful applicant bearing the full name of the holder, license number, date of issuance, expiration date, and appropriate seal. All licenses expire on October 31<sup>st</sup>.

**Section 10. Release of Confidential Records.**

(a) Release of Board records shall be governed by W.S. 16-4-201 et seq., Public Records Act.

(b) Any applicant, licensee, or others with proper notarized written consent may personally inspect the contents of ~~a Board~~ their application or license file with the exception of information specifically prohibited by the Public Records Act.

(c) Record inspection shall take place under the following conditions:

(i) An appointment must be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the offices of the Board.

(ii) Record inspection must take place in the presence of a member of the Board or a representative of its administrative staff.

(iii) Original documents must remain with the Board but may be copied at the Board offices for a reasonable fee.

**Section 11. Correction and Amendment.** Any applicant may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which will be placed in their file.

## CHAPTER 3

### LICENSURE REQUIREMENTS AND APPLICATION PROCEDURES

**Section 1. Requirements for Licensure.** A license shall not be issued until the applicant has provided satisfactory evidence to the Board that they;

- (a) Are of majority age; and
- (b) Have no felony convictions, and no misdemeanor convictions involving moral turpitude or controlled substances, although exceptions to this requirement may be granted by the Board if consistent with the public interest; and
- (c) Have graduated from an accredited high school or have completed an equivalent education; and
- (d) Have successfully completed a respiratory care educational program from an accredited institution as defined in Chapter 1, which has been approved by the Board; and
- (e) Have passed the Certified Respiratory Therapist (CRT) exam or the Registered Respiratory Therapist (RRT) exam administered by the National Board for Respiratory Care, Inc. (NBRC). The Board will accept the passing score as established by the NBRC.

**Section 2. License by Endorsement.** The Board may issue a license by endorsement to an applicant who presents proof satisfactory to the Board that, at the time of application for Wyoming license the applicant possesses credentials and qualifications equal to those required by the Act and these rules, and;

- (a) The applicant holds a current license in good standing issued under the laws of another jurisdiction and the applicant's qualifications are equivalent to those required in Wyoming as determined by the Board, or
- (b) The applicant holds current credentials in good standing as a CRT or RRT conferred by the NBRC.

**Section 3. Temporary Permit.** The Board may issue a temporary permit to practice respiratory care in Wyoming pending issuance of a license. A temporary permit is valid for six (6) months and may be renewed only once for an additional six (6) months. The Board shall not grant more than one (1) temporary permit to the same individual. In order to be granted a temporary permit, an applicant must present proof satisfactory to the Board that;

- (a) The applicant is currently practicing, or within the six (6) months prior to submitting an application has practiced respiratory care in another jurisdiction, holds a current license in good standing issued under the laws of that jurisdiction, and the applicant's qualifications are equivalent to those required in Wyoming as deemed by the Board, or

(b) The applicant meets the requirements stated in Section 1(a), (b) and (c), is currently enrolled in an accredited respiratory care educational program, and is expected to graduate within thirty (30) calendar days of making application.

(i) The temporary permit shall be revoked by the Board upon notification that the student has failed to successfully complete the educational program.

**Section 4. Application Documents.** Applicants for licensure must submit a complete and legible application form accompanied by the proper non-refundable fee, acceptable proof of legal presence in the U.S., and provide the following documents;

(a) For license by examination,

(i) Official transcript from all accredited respiratory care education programs attended, and

(ii) Official verification of having passed the required examination.

(b) For license by endorsement,

(i) Official certification of current credentials in good standing from the NBRC, or

(ii) Official verification of current license in good standing from all jurisdictions where the applicant holds a current license, or has held a license, as a respiratory care practitioner.

(c) For temporary permit with license in another jurisdiction,

(i) Official verification of current license in good standing from the jurisdiction where the applicant holds a valid license and is currently practicing, or within the six (6) months prior to submitting an application has practiced respiratory care prior to submitting an application, and

(ii) A complete and notarized Employer's Statement.

(d) For temporary permit as a student,

(i) Written documentation from the registrar or program director verifying the applicants standing as a current student, and stating their expected graduation date.

**Section 7. Application Procedures.**

(a) All documents submitted in support of the application shall contain an original signature and be submitted directly to the Board office from the source and not forwarded through the applicant.

(b) The Board will not accept faxed or photocopied documents.

(c) The applicant shall document completion of all requirements within three (3) years of the date the application was received by the Board, otherwise the application shall be deemed to be abandoned and the file will be closed.

(d) The application date is the date the complete application was received by the Board.

(e) Each applicant shall file with the Board their current home and professional mailing addresses and telephone numbers and shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

**Section 8. Notification of Applicants and Right of Appeal.** If the applicant's initial application is denied, the reasons for this rejection shall be communicated in writing. The applicant shall have the right to request reconsideration of the application materials, and may further request a hearing before the Board in accordance with the Wyoming Administrative Procedures Act.

**Section 9. Issuance and Expiration of License.** The Board shall issue a wall certificate and a wallet identification card to the successful applicant bearing the full name of the holder, license number, date of issuance, expiration date, and appropriate seal. All licenses expire on October 31<sup>st</sup>.

**Section 10. Release of Confidential Records.**

(a) Release of Board records shall be governed by W.S. 16-4-201 et seq., Public Records Act.

(b) Any applicant, licensee, or others with proper notarized written consent may personally inspect the contents of their application or license file with the exception of information specifically prohibited by the Public Records Act.

(c) Record inspection shall take place under the following conditions:

(i) An appointment must be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the offices of the Board.

(ii) Record inspection must take place in the presence of a member of the Board or a representative of its administrative staff.

(iii) Original documents must remain with the Board but may be copied at the Board offices for a reasonable fee.

**Section 11. Correction and Amendment.** Any applicant may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which will be placed in their file.



## CHAPTER 2

### ORGANIZATION AND PROCEDURES OF THE BOARD

**Section 1. Structure of the Board.** The Board shall consist of five (5) persons, one (1) public member, one (1) physician who is licensed in the state of Wyoming with a special interest in pulmonary medicine, and three (3) respiratory care practitioners who are licensed under this act. Appointments and removal of board members shall be governed by W.S. 33-43-103 and W.S. 9-1-202.

**Section 2. Establishment of Licensure Standards.** The state professional organization representing respiratory therapists may recommend to the Board the specific requirements, rules, and procedures appropriate for licensing and permitting persons in that field and suggest changes to the rules and regulations.

**Section 3. Officers.** Officers of the Board shall be elected at the first meeting each year, by a majority vote of the Board, and be comprised of a chair, a vice chair and a secretary-treasurer.

(a) Chairman. The chairman shall, when present, preside at all meetings. He/she shall appoint all committees, subject to confirmation of the Board, sign all certificates issued, sign the minutes of board meetings, and perform all other duties pertaining to his/her office as hereinafter prescribed. He/she shall approve the annual report of the Board as required by law and shall cause the same to be distributed as the Board may direct. He/she shall assist the Secretary/Treasurer in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(b) Vice-Chairman. The Vice-Chairman shall perform all of the duties prescribed for the Chairman in the absence of the Chairman, and shall sign all certificates issued. He/she shall assist the Secretary in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(c) Secretary. The Secretary shall, with the assistance of such staff as may be required, conduct and care for all the correspondence of the Board, keep the minutes of all the meetings, keep all books and records as herein provided, and sign all certificates issued. He/she shall be in possession of the official seal which shall be affixed to all certificates of licensure. He/she shall provide notice of the time and place of all meetings of the Board, including an agenda of items to be discussed, to each member of the Board.

**Section 4. Establishment of Committees.** The Board may, by a majority vote of the membership, establish and empower committees to approve applications for license and permits, applications for renewal, special request, and other issues that the Board deems proper to delegate. Committees may also be established and empowered to conduct complaint investigations, and make recommendations on complaints. These committees shall be comprised of current members of the Board and/or administrative staff.



**Section 45. Meetings of the Board.** Meetings shall be open to the public and held in accordance with the Wyoming Administrative Procedures Act. The Board has the right to call executive sessions pursuant to W.S. 16-4-405.

(a) The Board shall meet at least twice each year at a date, place and time established by the Chair with special meetings held as requested by the Chair or by a majority of the members.

(b) Meeting dates and times shall be made known to Board members at least twenty (20) days prior to such meeting except for special meetings which may be held upon emergency notice to all Board members.

(c) The Chair may conduct meetings and Board business by telephone as a means of conserving funds and expediting appropriate business.

(d) A quorum shall consist of three (3) members, and a majority vote of those Board members present and voting is required to approve Board actions.

**Section 6. Communication: Prohibition of Improper Contacts.** Prior to the filing of an application, and after final Board action on an application, verbal and written communication with individual Board members or any member of the Board's staff shall be freely permitted; provided, however, that in no event is any member of the Board or its staff authorized to give any indication of what specific action the Board may take upon the merits of any application which may be filed with it. General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the Board in evaluating applications. While an application for licensure, or enforcement proceeding is pending before the Board, no one shall initiate any written or oral communication with individual Board members concerning the matter; however this does not preclude communications with the Application Review Committee or the Investigative Committee.

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## CHAPTER 1

### GENERAL PROVISIONS

**Section 1. Purpose.** The State Board for Respiratory Care Rules and Regulations are set forth for the purpose of interpreting and implementing W.S. 33-43-101 through 118 establishing the Board, and conferring upon it the responsibility for licensure of respiratory care practitioners, and the regulation of the practice of respiratory care in the State of Wyoming.

**Section 2. Statutory Authority.** The State Board for Respiratory Care hereafter referred to as the "Board" was created by the Respiratory Care Practice Act of 2003, W.S. 33-43-101 through 33-43-118, herein after referred to as the "Act".

**Section 3. Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Purpose of These Rules.** The purpose of these rules shall be to develop procedures and establish requirements for:

- (a) Election of officers, establishment of Board organization, and codification of rules and procedures for Board meetings;
- (b) Standards and qualifications requisite in the issuance of licenses and permits;
- (c) Evaluation of qualifications of individuals applying for licenses and permits;
- (d) Issuance and renewal of licenses and permits to persons qualified in respiratory therapy in the State of Wyoming;
- (e) Setting fees necessary for the administration of this act;
- (f) Establishing criteria for actions against ~~Licenseses~~licensees and ~~Permittees~~permittees, including but not limited to:
  - (i) Investigation and conduct of hearings on complaints of violations of this act;
  - (ii) Proceedings to enjoin, restrain or bring suit against persons violating this act;
  - (iii) Revocation, ~~or~~ suspension, denial, restriction, or refusal for renewal of licenses and permits; and,
- (g) Codification of a code of ethics.



**Section 5. Terms Defined by Statute.** Terms defined in W.S. 33-43-101 through 33-43-118 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.

**Section 6. Terms Defined Herein.** As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

(a) **Accredited Program.** An accredited program is a respiratory care educational program which is sponsored by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) in collaboration with the Committee on Accreditation for Respiratory Care (CoARC) or their predecessor or successor organizations.

(b) **CRT.** Certified Respiratory Therapist as credentialed by the NBRC.

(c) **NBRC.** National Board for Respiratory Care.

(d) **RRT.** Registered Respiratory Therapist as credentialed by the NBRC.

(e) **Revocation.** The withdrawal of licensure or certification privileges for cause after adjudication.

(f) **Suspension.** The temporary denial of the rights of licensure or certification for cause as defined under the Administrative Procedures Act.



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