

No. 2004-55

AN ACT

SB 751

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for respiratory care practitioners; and providing for continuing respiratory care education.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 36.1(b) of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, added July 2, 1993 (P.L.424, No.60), is amended and the section is amended by adding a subsection to read:

Section 36.1. Respiratory care practitioner certificates and permits.

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(b) Temporary permits.—[**Twelve months after the effective date of this section, the** *The* board shall issue temporary permits for the practice of respiratory care to individuals who have applied for certification from the board and who meet any of the following requirements:

(1) Graduation from an accredited respiratory care training program recognized by the board.

(2) Enrollment in an accredited respiratory care training program recognized by the board, if the individual is expected to graduate within 30 days from the date of application.

(3) Designation as a "Certified Respiratory [**Therapy Technician**] *Therapist*" or a "Registered Respiratory Therapist" by a nationally recognized credentialing agency approved by the board.

(4) Continuous provision of respiratory care services for a minimum of 12 months immediately preceding the effective date of this section.

(5) Holding certification, licensure or registration as a respiratory care practitioner issued by another state, the District of Columbia or a territory of the United States, where the requirements for licensure, registration or certification are substantially similar to those required by the board.

* * *

(f) *Continuing education.*—

(1) *The board shall adopt, promulgate and enforce rules and regulations consistent with the provisions of this act establishing requirements of continuing education to be met by individuals holding certification as respiratory care practitioners under this act as a condition for certificate renewal. The regulations shall include any fees*

necessary for the board to carry out its responsibilities under this section.

(2) Beginning with the license period designated by regulation, certificate holders shall be required to attend and complete 20 hours of mandatory continuing education during each two-year certificate period.

(3) An individual applying for the first time for certification in this Commonwealth shall be exempted from the continuing education requirement for the biennial renewal period following initial certification.

(4) The board may waive all or a portion of the continuing education requirement for biennial renewal for a certificate holder who shows to the satisfaction of the board that he or she was unable to complete the requirements due to serious illness, military service or other demonstrated hardship. The request shall be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why the certificate holder is unable to comply with the continuing education requirement. Waiver requests shall be evaluated by the board on a case-by-case basis. The board shall send the certificate holder written notification of its approval or denial of a waiver request.

(5) A certificate holder seeking to reinstate an inactive or lapsed certificate shall show proof of compliance with the continuing education requirement for the preceding biennium.

(6) All courses, locations, instructors and providers shall be approved by the board. No credit shall be given for any course in office management.

(7) The board shall initiate the promulgation of regulations to carry out the provisions of this section within one year of the effective date of this section.

Section 2. This act shall take effect in 60 days.

APPROVED—The 2nd day of July, A.D. 2004.

EDWARD G. RENDELL