

HOUSE BILL NO. HB0175

Wyoming Respiratory Practice Act.

Sponsored by: Representative(s) Meuli and McMurtrey and  
Senator(s) Barrasso, Boggs and Massie

A BILL

for

1 AN ACT relating to the board of respiratory care; creating  
2 a board of respiratory care; specifying membership;  
3 specifying duties and powers; providing for licensure of  
4 respiratory care practitioners; specifying requirements for  
5 licensure; providing exception; granting rulemaking  
6 authority; providing definitions; specifying grounds for  
7 denial, suspension or revocation of license; providing for  
8 appeals; providing penalties; and providing for an  
9 effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 33-42-101 through 33-42-118 are  
14 created to read:

15

16

CHAPTER 42



1 (B) Hyperbaric therapy;

2

3 (C) Pharmacologic agents related to  
4 respiratory care procedures;

5

6 (D) Mechanical or physiological ventilatory  
7 support;

8

9 (E) Bronchopulmonary hygiene;

10

11 (F) Cardiopulmonary resuscitation;

12

13 (G) Maintenance of the natural airway;

14

15 (H) Insertion and maintenance of artificial  
16 airways;

17

18 (J) Specific diagnostic and testing  
19 techniques employed in the monitoring, treatment and  
20 research of pulmonary abnormalities, including measurements  
21 of ventilatory volumes, pressures and flows, collection of  
22 specimens of blood and blood gases, expired and inspired  
23 gas samples, respiratory secretions and pulmonary function  
24 testing;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(K) Hemodynamic and other related physiologic measurements of the cardiopulmonary system;

(M) Respiratory care telecommunications;

(N) Cardiopulmonary disease management;

(O) Tobacco cessation;

(P) Sleep diagnostic procedures; and

(Q) Neurodiagnostics.

(iii) "Practice of respiratory care" means services which may be performed in any clinic, hospital, skilled nursing facility and private dwelling or other place deemed appropriate or necessary by the board, in accordance with the prescription or verbal order of a physician or other authorized health care professional and shall be performed under the supervision of a qualified medical director and shall include:

1                   (A) Direct and indirect respiratory care  
2 services, including the administration of pharmacological,  
3 diagnostic and therapeutic agents related to respiratory  
4 care procedures necessary to implement a treatment, disease  
5 prevention, pulmonary rehabilitative, or diagnostic regimen  
6 prescribed by a physician or other authorized health care  
7 professional;

8  
9                   (B) Transcription and implementation of the  
10 written or verbal orders of a physician or other authorized  
11 health care professional pertaining to the practice of  
12 respiratory care;

13  
14                   (C) Observing and monitoring signs and  
15 symptoms, general behavior, general physical response to  
16 respiratory care treatment and diagnostic testing,  
17 including determining whether the signs, symptoms,  
18 reactions, behavior or general response exhibit abnormal  
19 characteristics;

20  
21                   (D) Implementation, based on observed  
22 abnormalities, of appropriate reporting, referral,  
23 respiratory care protocols or changes in treatment,

1 pursuant to a prescription by a person authorized to  
2 practice medicine under the laws of the state of Wyoming;

3

4 (E) Initiation of emergency procedures  
5 under the regulations of the board or as otherwise  
6 permitted in this act.

7

8 (iv) "Qualified medical director" means a  
9 licensed physician who has a special interest in the  
10 diagnosis and treatment of respiratory problems. The  
11 physician shall be, wherever possible, qualified by special  
12 training or experience in the management of acute and  
13 chronic respiratory disorders. The physician shall be  
14 competent to monitor and assess the quality, safety and  
15 appropriateness of the respiratory care services being  
16 provided. The medical director shall be accessible to and  
17 assure the competency of the respiratory care practitioner  
18 as well as require that respiratory care be ordered by a  
19 physician who has medical responsibility for that patient;

20

21 (v) "Respiratory care" means the allied health  
22 profession responsible for the treatment, management,  
23 diagnostic testing, control and care of patients with  
24 deficiencies and abnormalities associated with the

1 cardiopulmonary systems under the supervision of a  
2 qualified medical director and includes the terms  
3 "inhalation therapy" and "respiratory therapy";

4

5 (vi) "Respiratory care practitioner" means:

6

7 (A) A person employed in the practice of  
8 respiratory care who has the knowledge and skill necessary  
9 to administer respiratory care as defined in paragraphs  
10 (ii) and (iii) of this subsection;

11

12 (B) A person who is capable of serving as a  
13 resource to the physician in relation to the technical  
14 aspects of respiratory care as to safe and effective  
15 methods for administering respiratory care modalities;

16

17 (C) A person who is able to function in  
18 situations of unsupervised patient contact requiring  
19 individual judgment; and

20

21 (D) A person capable of supervising,  
22 directing or teaching less skilled personnel in the  
23 provision of respiratory care services.

24

1                   (vii) "This act" means W.S. 33-42-101 through  
2 33-42-118.

3

4                   **33-42-103. Board created; members; appointment;**  
5 **terms; qualification; removal; vacancies.**

6

7                   (a) There is created a state board for respiratory  
8 care within the department of administration and  
9 information to administer the provisions of this act. The  
10 board shall consist of five (5) members. The initial board  
11 shall consist of one (1) public member, one (1) physician  
12 member who is a member of the Wyoming medical society, and  
13 three (3) members who shall have been engaged in the  
14 practice of respiratory care for a period of not less than  
15 five (5) years immediately preceding appointment to the  
16 board. Thereafter, practitioner members shall be licensed  
17 under this act prior to appointment to the board.

18

19                   (b) The governor shall appoint the members of the  
20 board and may consider lists submitted by the Wyoming  
21 medical society and the Wyoming society for respiratory  
22 care. Of the initial members appointed to the board, the  
23 physician member and the public member shall be appointed  
24 for terms as specified in paragraphs (i) and (iii) of this



1 subsection, and one (1) respiratory care practitioner shall  
2 be appointed for a term of three (3) years, one (1)  
3 respiratory care practitioner shall be appointed for a term  
4 of two (2) years and one (1) respiratory care practitioner  
5 shall be appointed for a term of one (1) year. Thereafter,  
6 the terms of office of the members appointed shall be for  
7 the following periods:

8

9 (i) Physician member, three (3) years;

10

11 (ii) Respiratory care practitioner members,  
12 three (3) years each;

13

14 (iii) Public member, one (1) year.

15

16 (c) Vacancies in the board shall be filled by  
17 appointment by the governor as provided in subsection (b)  
18 of this section for the balance of an unexpired term and  
19 each member shall serve until his successor is appointed  
20 and qualified.

21

22 (d) The governor may remove any member from the board  
23 as provided in W.S. 9-1-202.

24

1           **33-42-104. Board meetings; elections; quorum.**

2

3           (a) The board shall meet at least twice each year and  
4 shall elect a chairman at the first meeting each year. The  
5 board may convene at the request of the chairman or as the  
6 board may determine for any other meeting as may be deemed  
7 necessary to transact its business.

8

9           (b) Three (3) board members constitute a quorum.

10

11           **33-42-105. Board responsibilities; duties.**

12

13           (a) The board shall:

14

15                   (i) Examine, license and renew the licenses of  
16 duly qualified applicants;

17

18                   (ii) Maintain an up-to-date list of every person  
19 licensed to practice respiratory therapy under this act.  
20 The list shall show the licensee's last known place of  
21 employment, last known place of residence and the date and  
22 number of his license;

23

1           (iii) Keep a record of all proceedings of the  
2 board and make the record available to the public for  
3 inspection during reasonable business hours;

4  
5           (iv) Maintain an up-to-date list of persons  
6 whose licenses have been suspended, revoked or denied.  
7 This list shall include the names, social security numbers,  
8 type and cause of action, date and penalty incurred, and  
9 the length of penalty. This list shall be available for  
10 public inspection during reasonable business hours. This  
11 list shall be supplied to similar boards in other states  
12 upon request;

13  
14           (v) Establish fees for licenses, permits,  
15 renewals and reinstatements in accordance with W.S.  
16 33-1-201.

17

18           **33-42-106. Board; general powers.**

19

20           (a) The board may:

21

22           (i) In accordance with the Wyoming  
23 Administrative Procedure Act, adopt rules and regulations

1 not inconsistent with the law as may be necessary to enable  
2 it to carry into effect the provisions of this act;

3

4 (ii) Employ personnel as necessary to perform  
5 the functions of the board;

6

7 (iii) Establish relicensure requirements and  
8 procedures as are appropriate;

9

10 (iv) Secure the services of resource consultants  
11 as deemed necessary by the board. Resource consultants  
12 shall receive travel and per diem expenses in the same  
13 manner and amount as state employees, while engaged in  
14 consultative service to the board;

15

16 (v) Enter into agreements or contracts with  
17 outside organizations for the purpose of developing,  
18 administering, grading or reporting the results of  
19 licensing examinations. The contracting organizations shall  
20 be capable of providing an examination which meets the  
21 standards of the national commission for health certifying  
22 agencies, or their equivalent, be validated, and nationally  
23 recognized as testing respiratory care competencies.

24

1           **33-42-107. Compensation of board members; immunity.**

2

3           (a) Members of the board shall not receive  
4 compensation for their services but shall receive mileage  
5 and per diem in the same manner and amount as state  
6 employees while engaged in the discharge of official  
7 duties.

8

9           (b) Members of the board shall have the same  
10 immunities from personal liability as other state employees  
11 for actions taken in the performance of their duties under  
12 this act, as provided in W.S. 1-39-104.

13

14           **33-42-108. Application for license; qualifications.**

15

16           (a) An applicant for a license to practice  
17 respiratory care shall submit to the board written  
18 evidence, verified by oath, that the applicant:

19

20           (i) Has completed an approved four (4) year high  
21 school course of study or the equivalent thereof determined  
22 by the appropriate educational agency; and

23

1           (ii) Has completed a respiratory care  
2 educational program. A respiratory care educational  
3 program means a program accredited by the council on allied  
4 health education programs (CAHEP) in collaboration with the  
5 committee on accreditation for respiratory care (CoARC) or  
6 their successor organizations.

7

8           (b) The board may issue a license to practice  
9 respiratory care by endorsement to:

10

11           (i) An applicant who is currently licensed to  
12 practice respiratory care under the laws of another state,  
13 territory or country if the qualifications of the applicant  
14 are deemed by the board to be equivalent to those required  
15 in this state;

16

17           (ii) Applicants holding credentials, conferred  
18 by the national board for respiratory care, as a certified  
19 respiratory therapist (CRT) or as a registered respiratory  
20 therapist (RRT), provided the credential has not been  
21 suspended or revoked.

22

23           (c) Applicants applying for licensure under  
24 subsection (b) of this section shall be required to certify

1 under oath that their credentials have not been suspended  
2 or revoked.

3

4 **33-42-109. Licensure; fees.**

5

6 An applicant applying for a license to practice respiratory  
7 care shall pay an administrative fee to the board. Fees  
8 under this section shall be set by the board in accordance  
9 with W.S. 33-1-201. If an applicant fails to complete the  
10 requirements for licensing within three (3) years from the  
11 date of filing, the application is deemed to be abandoned.

12

13 **33-42-110. Temporary permits.**

14

15 Upon payment of a fee set by the board in accordance with  
16 W.S. 33-1-201, the board may issue a temporary permit to  
17 practice respiratory care for a period of six (6) months to  
18 an applicant for licensing, pending compliance with the  
19 requirements for licensing, providing the applicant shows  
20 written evidence, verified by oath, that the applicant is  
21 currently practicing, or has within the last six (6) months  
22 practiced respiratory care in another state, territory or  
23 country and was licensed to practice respiratory care in  
24 that state or is a student in a committee on accreditation

1 for respiratory care (CoARC) approved respiratory care  
2 education program who expects to graduate within the next  
3 thirty (30) calendar days. On expiration of the permit and  
4 on payment of an additional fee set by the board in  
5 accordance with W.S. 33-1-201, the board may issue a permit  
6 to perform respiratory care for an additional period not to  
7 exceed twelve (12) months from the date of issuance of the  
8 original permit. Reapplication following abandonment of an  
9 application shall not entitle the applicant to a permit.

10

11 **33-42-111. Temporary licenses.**

12

13 The board shall issue a license to perform respiratory care  
14 to an applicant, who, prior to July 1, 2003, has passed the  
15 entry level or advanced practitioner examinations  
16 administered by the national board for respiratory care or  
17 its equivalent. Other applicants who are not students in a  
18 respiratory care education program and have not passed  
19 either of the examinations under this section or their  
20 equivalents prior to July 1, 2003, and who through written  
21 evidence, verified by oath, demonstrate that they are  
22 presently functioning in the capacity of a respiratory care  
23 practitioner as defined by this act, shall be given a  
24 temporary license to practice respiratory care for a period



1 up to twenty-four (24) months from July 1, 2003. The  
2 applicants shall pass the licensure examination  
3 administered by the board during the twenty-four (24) month  
4 period in order to be issued a license to practice  
5 respiratory care.

6

7 **33-42-112. Licensed respiratory care practitioner;**  
8 **use of L.R.C.P. professional.**

9

10 (a) A person holding a license to practice  
11 respiratory care in this state may use the title, "licensed  
12 respiratory care practitioner" and the abbreviation,  
13 "L.R.C.P.".

14

15 (b) A licensee shall show his license when requested.

16

17 **33-42-113. Renewal of license; lapse; reinstatement.**

18

19 (a) A license shall be renewed annually except as  
20 hereafter provided. The board shall mail notices and  
21 applications for renewal at least sixty (60) calendar days  
22 prior to expiration for renewal of licenses to every person  
23 to whom a license was issued or renewed during the  
24 preceding renewal period. The licensee shall complete the

1 application for renewal and return it to the board with the  
2 renewal fee set by the board in accordance with W.S.  
3 33-1-201 before the date of expiration.

4

5 (b) Upon receipt of the application for renewal and  
6 the fee, the board shall verify its contents and shall  
7 issue the license for the current renewal period, which  
8 shall be valid for the period stated thereon. The board may  
9 establish continuing education requirements for annual  
10 renewal of the license.

11

12 (c) A licensee who allows his license to lapse by  
13 failing to renew it, may be reinstated by the board upon  
14 payment of the renewal fee and reinstatement fee set by the  
15 board in accordance with W.S. 33-1-201 provided that the  
16 request for reinstatement is made within thirty (30) days  
17 of the end of the renewal period.

18

19 (d) A respiratory care practitioner who does not  
20 engage in the practice of respiratory care during the  
21 succeeding renewal period is not required to pay the  
22 renewal fee as long as he remains inactive. If he desires  
23 to resume the practice of respiratory care, he shall notify  
24 the board of his intent and shall satisfy the current

1 requirements of the board in addition to remitting the  
2 renewal fee for the current renewal period and the  
3 reinstatement fee.

4

5 (e) The board is authorized to establish reasonable  
6 fees for replacement and duplicate licenses.

7

8 **33-42-114. Disposition of fees.**

9

10 Fees received by the board and any monies collected under  
11 this act shall be deposited with the state treasurer, who  
12 shall credit the money to an account within the earmarked  
13 revenue fund which shall only be used by the board to  
14 defray costs incurred in the administration of this act.

15

16 **33-42-115. License revocation; discipline.**

17

18 (a) The board may revoke, suspend or refuse to renew  
19 any license or permit or place on probation, or otherwise  
20 reprimand a licensee or permit holder or deny a license to  
21 an applicant if, after hearing, it finds that the person:

22

1           (i) Is guilty of fraud or deceit in procuring or  
2 attempting to procure a license or renewal of license to  
3 practice respiratory care;

4  
5           (ii) Is unfit or incompetent by reason of  
6 negligence, habits or other causes of incompetency as  
7 defined in the rules and regulations promulgated by the  
8 board;

9  
10           (iii) Is habitually intemperate in the use of  
11 alcoholic beverages;

12  
13           (iv) Is addicted to, or shows dependency on a  
14 habit-forming drug or controlled substance, as defined by  
15 the Wyoming Controlled Substance Act;

16  
17           (v) Is guilty of dishonest or unethical conduct;

18  
19           (vi) Has practiced respiratory care after his  
20 license or permit has expired or has been suspended;

21  
22           (vii) Has practiced respiratory care under cover  
23 of any permit or license illegally or fraudulently obtained  
24 or issued;

1

2

3

(viii) Has violated or aided or abetted others  
in violation of any provision of this act.

4

5

6

7

8

9

10

11

12

13

**33-42-116. Board hearings; investigations.**

14

15

16

17

18

19

20

21

22

23

(a) Upon filing of written complaint with the board,  
charging a person with having been guilty of any of the  
acts described in W.S. 33-42-115, the administrative  
secretary, or other authorized employee of the board shall  
make an investigation. If the board finds reasonable  
grounds for the complaint, a time and place for a hearing  
shall be set, notice of which shall be served on the  
licensee, permit holder or applicant at least fifteen (15)  
calendar days prior thereto. The notice shall be by

1 personal service or by certified or registered mail sent to  
2 the last known address of the person.

3

4 (b) The board may issue subpoenas for the attendance  
5 of witnesses and the production of necessary evidence in  
6 any hearing before it. Upon request of the respondent or  
7 his counsel, the board shall issue subpoenas on behalf of  
8 the respondent.

9

10 (c) Unless otherwise provided in this act, hearing  
11 procedures shall be promulgated in accordance with, and a  
12 person aggrieved by a decision of the board may take an  
13 appeal pursuant to, the Wyoming Administrative Procedure  
14 Act.

15

16 **33-42-117. Exceptions.**

17

18 (a) No person shall practice respiratory care or  
19 represent himself to be a respiratory care practitioner  
20 unless he is licensed under this act, except as otherwise  
21 provided by this act.

22

23 (b) This act does not prohibit:

24

1           (i) The practice of respiratory care which is an  
2 integral part of the program of study by students enrolled  
3 in a respiratory care education program recognized by the  
4 committee on accreditation for respiratory care (CoARC) or  
5 its successor. Students enrolled in a respiratory therapy  
6 care education program shall be identified as "student-  
7 respiratory care practitioner" and shall only provide  
8 respiratory care under direct clinical supervision;

9  
10           (ii) Self-care by a patient, or gratuitous care  
11 by a friend or family member who does not represent or hold  
12 himself out to be a respiratory care practitioner;

13  
14           (iii) Respiratory care services rendered in the  
15 course of an emergency;

16  
17           (iv) Respiratory care rendered by persons in the  
18 military services or working in federal facilities when  
19 functioning in the course of their assigned duties;

20  
21           (v) The respiratory care practitioner from  
22 performing advances in the art and techniques of  
23 respiratory care learned through formalized or specialized  
24 training;

1

2 (vi) An individual, other than a respiratory  
3 care practitioner, employed by a home medical equipment  
4 company, from installing and maintaining home respiratory  
5 equipment, provided he does not perform patient assessment  
6 or patient care relating to home respiratory care.

7

8 (c) Nothing in this act is intended to limit,  
9 preclude or otherwise interfere with the practices of other  
10 persons and health providers licensed by appropriate  
11 agencies of the state of Wyoming.

12

13 (d) An individual who, by passing an examination  
14 which includes content in one (1) or more of the functions  
15 included in this act, offered by a testing body certified  
16 by the national commission for health certifying agencies  
17 or its equivalent, shall not be prohibited from performing  
18 procedures for which they were tested.

19

20 (e) Nothing in this act shall be construed to permit  
21 the practice of medicine.

22

23 **33-42-118. Offenses.**

24



1 (a) It is a violation of this act for any person to:

2

3 (i) Sell, fraudulently obtain or furnish any  
4 respiratory care permit, license or record, or aid or abet  
5 therein;

6

7 (ii) Practice respiratory care under cover of  
8 any respiratory care diploma, permit, license or record  
9 illegally or fraudulently obtained or issued;

10

11 (iii) Practice respiratory care unless duly  
12 licensed or otherwise authorized to do so under the  
13 provisions of this act;

14

15 (iv) Impersonate in any manner or pretend to be  
16 a respiratory care practitioner or use the title, "licensed  
17 respiratory care practitioner," the letters, "L.R.C.P.," or  
18 any other words, letters, signs, symbols or devices to  
19 indicate the person using them is a licensed respiratory  
20 care practitioner, unless duly authorized by license or  
21 permit to perform under the provisions of this act;

22

23 (v) Practice respiratory care during the time  
24 his license or permit is suspended, revoked or expired;

1

2 (vi) Fail to notify the board of the suspension,  
3 probation or revocation of any past or currently held  
4 licenses, certifications or registrations required to  
5 practice respiratory care in this or any other  
6 jurisdiction;

7

8 (vii) Knowingly employ unlicensed persons in the  
9 practice of respiratory care in the capacity of a  
10 respiratory care practitioner;

11

12 (viii) Make false representations or impersonate  
13 or act as a proxy for another person or allow or aid any  
14 person to impersonate him in connection with any  
15 examination for licensing or request to be examined or  
16 licensed;

17

18 (ix) Otherwise violate any provision of this  
19 act.

20

21 (b) Any violation of this act is a misdemeanor and  
22 upon conviction shall be punishable by a fine of not more  
23 than one thousand dollars (\$1,000.00), imprisonment for not

1 more than six (6) months, or both fine and imprisonment for  
2 each offense.

3

4 **Section 2.** This act is effective July 1, 2003.

5

6

(END)