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RESPIRATORY THERAPISTS: REQUIRE REGISTRATION

House Bill 4236
Sponsor: Rep. Stephen Ehardt
Committee: Health Policy

Complete to 3-28-03

A SUMMARY OF HOUSE BILL 4236 AS INTRODUCED 2-18-03

The bill would add a new part to the Public Health Code (Part 187, “Respiratory Care”) to require respiratory therapists to be registered, to restrict various titles used by respiratory therapists, to implement application and registration fees, and to create a board of respiratory care in the Department of Consumer and Industry Services.

Restricted titles. The bill would restrict the titles (and initials) “respiratory therapist” (“R.T.”) and “respiratory care practitioner” (“R.C.P.”) to individuals registered under the bill as respiratory therapists. The bill also would prohibit an individual from using these titles (or similar words indicating that an individual was a respiratory therapist) unless he or she was registered under the bill as a respiratory therapist after the rules promulgated by the proposed Michigan Board of Respiratory Care took effect.

Definitions. The bill would define “respiratory therapist” to mean an individual who was responsible for providing patient care services under the prescription of a physician to individuals with disorders and diseases of the cardiopulmonary system, including, but not limited to, life support and cardiopulmonary resuscitation, and who was registered under the bill as a respiratory therapist.

Michigan Board of Respiratory Care. The Public Health Code (MCL 333.16126) requires a registration board to have a majority of members registered in the profession that the board registers and to include at least one public member. General requirements for health profession board members include being at least 18 years old, of good moral character, a resident of the state, and, for the board’s professional members, currently licensed or registered in the state. In addition, the director of the department is an ex officio, non-voting member, of each board, though not for determining a quorum or for the constitutional requirement that a majority of the members of an appointed examining or licensing board of a profession be members of that profession (Article V, section 5).

The bill would create a seven-member Michigan Board of Respiratory Care in the Department of Consumer and Industry Services, each of whose members would have to meet the general requirements for health profession board members. The board would have to consist of a medical director and four members with special qualifications in respiratory therapy (described below) and two public members.

The medical director would have to be a licensed physician (either M.D. or D.O.) who was responsible for the quality, safety, appropriateness, and effectiveness of the respiratory care

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provided by a respiratory therapist; who assisted in quality monitoring, protocol development, and competency validation; and who met all of the following requirements:

- was the medical director of an inpatient or outpatient respiratory care service or department within a health facility, or of a home care agency, durable medical equipment company, or educational program;
- had special interest and knowledge in the diagnosis and treatment of cardiopulmonary disorders and diseases; and
- was qualified by training or experience, or both, in the management of acute and chronic cardiopulmonary disorders and diseases.

The four other members specializing in respiratory therapy would have to meet either or both of the following criteria:

- be certified or otherwise approved by a national organization that certified or otherwise approved individuals in respiratory therapy; and
- have actively practiced respiratory therapy or have taught in an educational institution that prepared applicants for licensure or registration in respiratory therapy (or a combination of both) for not less than the two years preceding their appointment.

(Note: it appears that the board's four "respiratory therapist" members would be required to be registered as respiratory therapists within three years of the bill's effective date but not before then.)

Rules promulgation. The bill would require the proposed board, in promulgating rules to establish requirements for registration, to require that registrants:

- have successfully completed an accredited respiratory therapist training program approved by the department;
- have at least a two-year associate's degree from an accredited college or university approved by the department; and
- have the credential conferred by the National Board for Respiratory Care (or its successor organization) as a respiratory therapist (or its successor credential), as approved by the department.

Also, the bill would require the department to prescribe by rule continuing education requirements as a condition for registration renewal.

Temporary registration. The department could issue a temporary registration as a registered respiratory therapist to an applicant who did not meet all of the registration requirements that the bill would require be promulgated in department rules for registrants, if the applicant did all of the following:

- applied to the department for a temporary registration within one year after the bill's effective date;

- provided satisfactory proof to the department that he or she had been employed full-time as a respiratory therapist for the four years immediately preceding the date of application in a durable medical equipment company, a respiratory care educational program, or an inpatient or outpatient respiratory care service or department within a licensed health facility; and
- provided the department with a letter of recommendation from his or her medical director at the time of application attesting to the applicant's clinical competence as a respiratory therapist; and
- paid the applicable fees.

A temporary registration would expire within the same time period as a nontemporary registration. The holder of a temporary registration could apply for renewal of the temporary registration a number of times but could not hold a temporary registration for longer than four years. The holder of a temporary registration would be subject to Part 187 and the rules promulgated under it, except for the registration requirements.

Fees. The bill would establish a \$20 application processing fee, an annual \$75 registration fee for individuals registered or seeking registration as respiratory therapists, and an annual \$75 temporary registration fee for applicants meeting the criteria for temporary applicants.

Third party reimbursement. The bill would specify that it would not require new or additional third party reimbursement or mandate worker's compensation benefits for services rendered by someone registered as a respiratory therapist under the bill.

MCL 333.16131 et al.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.