

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 187.

RESPIRATORY CARE

333.18701 Definitions.

Sec. 18701. (1) As used in this part:

(a) "Health facility" means a health facility or agency licensed under article 17.

(b) "Medical director" means a physician who is responsible for the quality, safety, appropriateness, and effectiveness of the respiratory care services provided by a respiratory therapist, who assists in quality monitoring, protocol development, and competency validation, and who meets all of the following:

(i) Is 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.

(ii) Has special interest and knowledge in the diagnosis and treatment of cardiopulmonary disorders and diseases.

(iii) Is qualified by training or experience, or both, in the management of acute and chronic cardiopulmonary disorders and diseases.

(c) "Physician" means that term as defined in sections 17001 and 17501.

(d) "Practice of respiratory care" means the provision of respiratory care services. Practice of respiratory care may be provided by an inpatient or outpatient service or department within a health facility, by a home care agency or durable medical equipment company, or by an educational program.

(e) "Respiratory care services" means preventative services, diagnostic services, therapeutic services, and rehabilitative services under the written, verbal, or telecommunicated order of a physician to an individual with a disorder, disease, or abnormality of the cardiopulmonary system as diagnosed by a physician. Respiratory care services involve, but are not limited to, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including determination of whether those signs, symptoms, reactions, behaviors, or general physical response exhibit abnormal characteristics; the administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care protocols, clinical pathways, referrals, and written, verbal, or telecommunicated orders of a physician; application, operation, and management of mechanical ventilatory support and other means of life support; and the initiation of emergency procedures under the rules promulgated by the board.

(f) "Respiratory therapist" and "respiratory care practitioner" mean an individual engaged in the practice of respiratory care and who is responsible for providing respiratory care services and who is licensed under this article as a respiratory therapist or respiratory care practitioner.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

History: Add. 2004, Act 3, Eff. July 1, 2004.

Popular name: Act 368

333.18703 Restricted use of words, titles, or letters.

Sec. 18703. Beginning the effective date of the amendatory act that added this part, an individual shall not use the titles "respiratory therapist", "respiratory care practitioner", "licensed respiratory therapist", "licensed respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", "l.r.c.p.", or similar words that indicate the individual is a respiratory therapist unless the individual is licensed under this article as a respiratory therapist or respiratory care practitioner.

History: Add. 2004, Act 3, Eff. July 1, 2004.

Popular name: Act 368

333.18705 Michigan board of respiratory care; creation; membership; terms.

Sec. 18705. (1) The Michigan board of respiratory care is created in the department and consists of the following members who meet the requirements of part 161:

(a) Until June 30, 2010, 4 individuals who meet the requirements of section 16135(2). Beginning July 1, 2010, 7 individuals who are engaged in the practice of respiratory care.

(b) One medical director.

(c) Until June 30, 2010, 2 public members. Beginning July 1, 2010, 3 public members.

(2) The terms of office of individual members of the board created under this section, except those appointed to fill vacancies, expire 4 years after appointment on December 31 of the year in which the term expires.

History: Add. 2004, Act 3, Eff. July 1, 2004;—Am. 2006, Act 407, Imd. Eff. Sept. 29, 2006;—Am. 2010, Act 79, Imd. Eff. May 20, 2010.

Popular name: Act 368

333.18707 Practice of respiratory care; license required.

Sec. 18707. (1) An individual shall not engage in the practice of respiratory care or provide or offer to provide respiratory care services unless licensed under this part.

(2) Subsection (1) does not prevent any of the following:

(a) An individual licensed under any other part or act from performing activities that are considered respiratory care services if those activities are within the individual's scope of practice and if the individual does not use the titles protected under section 18703.

(b) An individual not licensed under this part from performing activities that are considered respiratory care services while under the supervision of an individual who is licensed under this part as a respiratory therapist or respiratory care practitioner, if the individual does not use the titles protected under section 18703.

(c) An individual not licensed under this part from performing activities that are considered diagnostic services if the individual possesses a level of training approved by the board, has successfully passed a credentialing examination approved by the board, and if the individual does not use the titles protected under section 18703.

(d) The practice of respiratory care which is an integral part of a program of study by students enrolled in an accredited respiratory therapist educational program approved by the board, provided that they are identified as a student and provide respiratory care services only while under the supervision of a licensed respiratory therapist or respiratory care practitioner.

(e) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold himself or herself out to be a licensed respiratory therapist or respiratory care practitioner.

History: Add. 2004, Act 3, Eff. July 1, 2004.

Popular name: Act 368

333.18709 Licensure requirements; rules; temporary license; interim standards.

Sec. 18709. (1) The department shall promulgate rules under section 16145 as necessary or appropriate to fulfill its functions under this article. In promulgating rules to establish requirements for licensure under section 16145, the department shall adopt all of the following requirements:

(a) Successful completion of an accredited respiratory therapist training program approved by the department.

(b) Having at least a 2-year associate's degree from an accredited college or university approved by the department.

(c) Having 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.

(2) The department shall issue a license as a respiratory therapist to an individual who had either of the credentials as a registered respiratory therapist or certified respiratory therapist, or their predecessor credentials, conferred by the national board for respiratory care, or its predecessor organization, on or before the effective date of this part, and who applies for licensure as a respiratory therapist within 1 year after the effective date of this part.

(3) The department shall issue a license as a respiratory therapist to an individual who is a holder of a temporary license as a respiratory therapist if a holder of a temporary license meets all of the following requirements:

(a) Applies for licensure as a respiratory therapist prior to the expiration of his or her temporary license as prescribed in section 18711(2).

(b) Provides proof to the department that he or she has successfully completed the national credentialing exam by the national board for respiratory care or its successor organization, as approved by the department.

(4) The department may utilize the standards contained in the clinical practice guidelines issued by the American association of respiratory care that are in effect on the effective date of this part as interim standards, which are adopted by reference, until rules are promulgated under subsection (1).

History: Add. 2004, Act 3, Eff. July 1, 2004.

Popular name: Act 368

333.18711 Temporary license.

Sec. 18711. (1) The department may issue a temporary license as a respiratory therapist to an applicant who does not meet all of the requirements of section 18709, if the applicant does all of the following:

(a) Applies to the department for a temporary license within 1 year after the effective date of the amendatory act that added this part.

(b) Provides satisfactory proof to the department that he or she has been employed full-time as a respiratory therapist for the 4 years immediately preceding the date of application in 1 of the following:

(i) An inpatient or outpatient respiratory care service or department within a licensed health facility.

(ii) A durable medical equipment company or home care agency.

(iii) A respiratory care educational program.

(c) Provides 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.

(d) Pays the applicable fees prescribed by section 16344.

(2) A temporary license issued by the department under this section expires within the same time period as a nontemporary license issued by the department under this part. The holder of a temporary license issued under this section may apply for 1 or more renewals of the temporary license a number of times, but an individual may not hold a temporary license for more than a total of 4 years.

(3) The holder of a temporary license issued under this section is subject to this part and the rules promulgated under this part, except for the requirements for licensure.

History: Add. 2004, Act 3, Eff. July 1, 2004.

Popular name: Act 368

333.18713 New or additional reimbursement or benefits not required.

Sec. 18713. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed as a respiratory therapist under this article.

History: Add. 2004, Act 3, Eff. July 1, 2004.

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