

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 382

"AN ACT TO MAKE VARIOUS CHANGES IN THE ARKANSAS RESPIRATORY CARE
ACT."

Amendment No. 1 to Senate Bill No. 382.

Amend Senate Bill No. 382 as originally introduced:

Delete sections 2 and 3 and substitute the following:

"SECTION 2. Arkansas Code 17-99-102 is amended to add an additional subsection to read as follows:

(6) "Licensed allied health practitioner" means any person formally trained and tested in an allied health field, qualified to deliver medical care to the public, and licensed in the State of Arkansas.

SECTION 3. Arkansas Code 17-99-301(b)(2) & (3) are amended to read as follows:

(2)(A) A licensed physician or a licensed advanced practice nurse shall be exempt from the requirement of obtaining a license to practice respiratory care.

(B) A licensed registered nurse or a licensed practical nurse qualified in and engaged in respiratory care under the supervision of a licensed physician or a licensed advanced practice nurse shall be exempt from the requirement of obtaining a license to practice respiratory care.

(C) A licensed allied health practitioner who passes an examination that included content in one or more of the functions included in the definition of respiratory care shall not be prohibited from performing such procedures as he or she was tested.

(3) Nothing in this chapter shall be construed to prohibit or to require a license hereunder with respect to:

(A) The rendering of services in case of an emergency;

(B) The administration of oxygen or other resuscitation procedures to participants in or spectators at athletic events;

(C) Any person pursuing a course of study leading to a degree or certificate in respiratory care at an accredited or approved educational program approved by the committee, if the activities and services constitute a part of the supervised course of study and the person is designated by a title which clearly indicates the student or trainee status;

(D) Self-care by a patient or gratuitous care by a friend or family member who does not represent or hold himself out to be a

respiratory care practitioner;

(E) The respiratory care practitioner who demonstrates advances in the art and techniques of respiratory care learned through formalized or specialized training;

(F) Any person working in the military service or federal health care facilities when functioning in the course of his assigned duties;

(G)(i) Any person who has demonstrated his competency in one (1) or more areas covered by this chapter who performs only those functions that he is qualified by examination to perform.

(ii) The committee and the board shall have the authority to evaluate the standards of examinations and examining organizations and to reject qualification by inadequate examinations and examining organizations;

(H) Employees of licensed hospitals with one hundred sixty-nine (169) beds or less medically trained personnel employed in a designated critical access hospital licensed as such by the Department of Health; and

(I) The practice of respiratory care, when done in connection with the practice of the religious principles or tenets of any well-recognized church or denomination which relies upon prayer or spiritual means of healing."

AND

Delete section 6 and substitute the following:

"SECTION 6. Arkansas Code 17-99-302(e) & (f) are amended to read as follows:

(e) A fee not to exceed the sum of one hundred fifty dollars (\$150) the prevailing rate set by the National Board for Respiratory Care or successor organization must accompany the application.

~~(f)(1) Any applicant who fails an examination and is refused a license may take the next examination upon payment of an additional fee, as established by the board, not to exceed one hundred fifty dollars (\$150).~~

~~(2) Any applicant who fails the second examination may take subsequent examinations when the application is accompanied by a fee not to exceed one hundred fifty dollars (\$150).~~

(f)(1) Any person, whether or not he or she has passed the examination provided for in this chapter, who through a notarized affidavit, submitted to the board by January 1, 2002, demonstrates that he or she has been engaged in the practice of respiratory care for at least two (2) years during the three (3) consecutive years prior to September 1, 2001 and who submits an application and a fee not to exceed one hundred fifty dollars (\$150).

(2) Any person licensed under this provision must complete the entry level requirements for certification in respiratory care and must, no later than January 1, 2005, pass the examination provided for in this chapter.

Section 7. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO CODIFY THIS SECTION.] In codifying this act, the Arkansas Code Revision Commission may make any necessary changes to conform Arkansas Code 17-99-102 to Code style and format."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Gullett

LH/RRS

RRS466

Secretary