

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

REC'D
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OFFICE OF THE
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Respiratory Care TITLE NUMBER: 30

CITE AUTHORITY 30-34

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Continuing Education Requirements

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Karen J Stewart



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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October 18, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Karen J. Stewart
WV Board of Respiratory Care
106 Dee Drive
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Continuing Education Requirements, 30CSR3**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

TITLE 30
LEGISLATIVE RULE

WEST VIRGINIA BOARD OF RESPIRATORY CARE

SERIES 3
CONTINUING EDUCATION REQUIREMENTS

LEGISLATIVE
SERIES 3
WEST VIRGINIA BOARD OF RESPIRATORY CARE
CONTINUING EDUCATION REQUIREMENTS

§30-34-1 General

- 1.1 Scope – This legislative rule delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.
- 1.2 Authority: WV Code §30-34-5
- 1.3 Filing Date:
- 1.4 Effective Date:

§30-3-2 Definitions

- 2.1 “Academic Course” offered by an accredited post-secondary institution means a respiratory care course, ~~designated by a respiratory care course number, beyond the mandatory entry level. The academic or a course which may~~ shall be applicable to ~~respiratory care practice~~ the practice of respiratory care and appropriate for the respiratory care provider employed in the areas of clinical practice, health care administration, respiratory care or health care education, or clinical research.

- 2.2 “American Association for Respiratory Care for Continuing Respiratory Care Education Approval” means any program, which has received recognition by the AARC American Association of Respiratory Care.
- 2.3 “Continuing Education Unit” means fifty (50) contact minutes of participating in an approved continuing education program.
- 2.4 “Program” means an organized learning experience planned and evaluated to meet behavioral objectives; programs may be presented in one session or in a series.
- 2.5 “Provider” means an organization approved by the Board for offering continuing education programs.
- 2.6 “Relevant” means having content applicable to the practice of respiratory care as defined by the Board.
- 2.7 “Successful completion” means that the respiratory care license licensee has satisfactorily met the specific requirements of the offering and that the respiratory care licensee has earned the continuing education units. The Board ~~will~~ shall not grant continuing education units for repeated instruction of the same course.

§30-34-3 Accrual of Continuing Education Units Mandatory: Computation of Accrual.

- 3.1 A licensee shall accrue a minimum of twenty (20) continuing education units every two (2) years.
- 3.2 ~~A licensee shall submit continuing education units to the Board by March~~

~~14 of the year proceeding the accrual period. The initial accrual period is from January 1, 1997 to December 31, 1998. The first reporting deadline is March 14, 1999. The current accrual period of January 1, 1999 through December 31, 2000 is revised to January 1, 1999 through September 30, 2000. Licensees shall report their continuing education to the Board office between October 1st and December 31st following the accrual period. The continuing education units required for this revised accrual period of January 1, 1999 to October 1, 2000 are prorated to fifteen (15) units. Each licensee shall report twenty (20) continuing education units for each subsequent two-year accrual period. The new deadline will be December 31st.~~

- 3.3 ~~Beginning October 1, 1999 the accrual period is January 1~~ October 1, of one year through ~~December 31~~ September 30, of the following calendar year.
- 3.4 All continuing education units ~~must~~ shall be relevant to the field of respiratory calendar year. care.
- 3.5 ~~A~~ The license of a licensee who fails to meet the continuing education requirements lapses. The Board shall notify the licensee, in writing, that his or her continuing education requirements are not in compliance and his or her license has lapsed, within ~~ten (10)~~ twenty (20) working days of receipt of CEU Continuing Education Unit reporting forms. If the Board fails to notify the licensee of non-compliance within this time period, the requested continued education units shall be considered approved by the Board.
- 3.6 Continuing education units shall be prorated for new licensees.

§30-3-4 Methods of Acquiring Continuing Education Units

- 4.1 Continuing education units applicable to the renewal of the license shall be directly related to the professional growth and development of the respiratory care licensee, and shall be relevant to the practice of respiratory care.
- 4.2 A licensee may earn continuing education units by completing any of the educational offerings of the American Association of Respiratory Care approved courses or programs.
- 4.3 A licensee may earn continuing education units by completing academic courses ~~as set forth in subsection 2.5~~ defined in subsection 2.1 of the this rule. For the purposes of this rule, one (1) credit hour of academic course equals fifteen (15) continuing education units.
- 4.4 Relevant offerings provided by other organizations or institutions may be approved by the Board for continuing education units. Approved organizations may include but are not limited to the West Virginia Society for Respiratory Care, the West Virginia Lung Association, the West Virginia Thoracic Society, the Board of Examiners for Registered Professional Nurses, the American Medical Association, or the National Association of Medical Equipment Suppliers.
- 4.5 The Board may approve continuing education units for successful completion of the "National Board of Respiratory Care, Inc.", advanced practitioner exams including, but, not limited to the Perinatal Pediatric Exam, ~~the~~ Certified Pulmonary Function Exam, ~~the~~ Registered Pulmonary Function Exam, or any

other future exam developed and administered by the NBRC National Board of Respiratory Care or its successor organization. The Board shall grant ten (10) continuing education units to a licensee upon passing each advanced practitioner exam.

The Board encourages licensees to retake the “National Board of Respiratory Care, Inc.” exams, and the Board shall grant five (5) continuing education units for those licensees retaking and passing the exam.

4.6 The Board may approve related areas not specifically a part of the field of respiratory care for up to two (2) continuing education units, if the Board believes that the related areas may serve to enhance the licensee's ability to practice.

4.7 The Board may approve continuing education units for up to five (5) units for authorship of a research article printed in a Board approved medical journal or Board approved textbook.

4.8 The Board may approve continuing education units for the authorship of continuing education material used in conducting continuing education program offerings. The Board shall grant the licensee twice the amount of continuing education units available to licensees attending the course or program was written. For example, if a course or program qualifies for five (5) continuing education units, the Board shall grant ten (10) continuing education units to the author of the continuing education material.

§30-3-5 Procedures For Accreditation of Sponsors and Approval of Continuing Education Activities

- 5.1 Any organization desiring to establish accreditation of a continuing education program shall apply to the Board prior to the program offering. The application for accreditation program shall be ~~approval~~ approved to by the Board at least thirty (30) days in advance of the program being offered, ~~commencement of the program~~. The organization shall submit an application on forms provided by the Board, ~~on a form provided by the board, stating~~ The application shall state the type of learning activity, the subject matter, the names and qualifications of the instructors, the number of continuing education units offered, and pay shall also submit the fees as established by the Board.
- 5.2 A continuing education activity is qualified for approval if the Board determines that the activity being presented is an organized program of learning; pertains to subject matters which integrally relate to the practice of respiratory care; contributes to the professional competency of the licensee; and is conducted by individuals who have educational training or experience acceptable to the Board.
- 5.3 The Board may pre-approve a provider of continuing education. The continuing education offering shall be an organized program of learning. Each approved provider of continuing education shall maintain accurate records of each course to include; a course content outline, a statement of the course's relevancy to respiratory care, a roster of attendees, and the name of the Respiratory

Therapist reviewing the course. Individuals who have educational training or experience acceptable to the Board shall conduct the course offerings.

5.4 A pre-approved provider must maintain records of each continuing education offering which shall include, but not be limited to; the continuing education offering title, the course outline, an attendance roster, the signature of the respiratory therapist reviewing the course content and the number of continuing education units granted.

5.5 The pre-approved provider shall provide the attendee of the continuing education activity an agenda or listing of course content and a certificate of completion signed by the provider of the continuing education offering.

5.6 The pre-approved provider shall supply, upon request by the Board, a copy of files of all continuing education offerings.

5.7 The pre-approved provider of continuing education offerings may be subject to Board suspension of privilege if the provider fails to submit requested documentation of continuing education activity. Future pre-approval is subject to the Board's decision.

§30-3-6 Responsibilities and Reporting Requirements of the License-Holders. Licensees

6.1 A licensee is responsible for obtaining the required number of continuing education units. The licensee shall identify his or her own continuing education needs, take initiative in seeking continuing professional education activities to

meet these needs, and seek ways to integrate new knowledge, skills and attitudes relevant to the practice of respiratory care.

- 6.2 Each licensee shall select approved activities by which to earn continuing education units and obtain prior approval from the board, ~~prior approval~~ for continuing education not accredited by the Board.
- 6.3 Each licensee shall maintain records of continuing education units and submit record of them to the board postmarked by ~~March 15~~ December 31st, of each year proceeding the accrual period.
- 6.4 Each licensee shall document attendance and participation in a continuing education activity in the form of, but not limited to, official documents such as transcripts, certificates, or affidavits signed by instructors. The type of documentation required varies depending on the specific activity submitted to the Board for approval.
- 6.5 Each licensee shall full comply with the provisions of this rule. The Board may revoke or refuse to renew a licensee's license if he or she fails to comply with the provisions of this rule.

§30-3-7 Carry Over of Continuing Education Units

- 7.1 A licensee may carry over six (6) continuing education units earned in excess of those required under subsection 3.1 of this rule into the immediately following accrual period.

§30-3-8 Board to Approve Continuing Education Units; Appeal When Approval Denied

- 8.1 In the event of denial, in whole or part, of any application for approval of continuing education units, the licensee ~~has the right to~~ may appeal in writing to the Board. The notice of appeal must be received by the Board within thirty (30) days after the date of the receipt of the Board's order denying approval of continuing education units.
- 8.2 A hearing before the full Board may be held at the request of the licensee, if the written appeal is denied. The board must receive the written request for a hearing within (10) business days after the date the Board mails the notification of denial.

§30-3-9 Temporary License Holders and Inactive Status

- 9.1 Continuing education requirements shall not apply to the holders of a temporary license.
- 9.2 The Board may, in individual cases involving medical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the requirements or make the required reports. A written request for waiver or extension of time shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician. Waivers of the minimum continuing education requirements or extensions of time within which to fulfill the requirements may be granted by the Board for a

period of time not to exceed one (1) calendar year. If the granted allowance continues beyond the period of the waiver or extension, the licensee shall must apply for another waiver.

- 9.3 The Board may waive continuing education requirements for a licensee on inactive status during the period he or she remain inactive. If the licensee applies to the Board to return to active status, the licensee shall submit proof of completion of five (5) continuing education units within the twelve (12) month period immediately preceding the date on which the application is submitted. The licensee may request to be allowed to return to active status immediately. The Board shall grant the request, if the licensee agrees to successfully complete ten (10) continuing education units within twelve (12) months of the date on which the Board approves active status.