

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

JUL 30 9 44 AM '96

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Respiratory Care TITLE NUMBER: 30

RULE TYPE: Legislative; CITE AUTHORITY 30-34

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Continuing education requirements

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 8/30/96 AT 8:00 Am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Board of Respiratory Care

PO BOX 3709

Charleston, WV 25337

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Handwritten signature of Jane St. Parkman

Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Continuing education requirements

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency WV Board of Respiratory Care

Address PO BOX 3709
Charleston, WV 25337

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

The board is self supporting and all continuing education fees will be the responsibility of the licensee.

3. Objectives of these rules:

This rule establishes continuing education requirements for the licensed respiratory care providers in the state.

Rule-Title: Continuing education requirements

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None.

Date: 7/30/96

Signature of Agency Head or Authorized Representative

Gene H. Packman

304-357-4837

Rule Summary
30-34 Rule 3: Continuing Education

This rule establishes definitions with regard to continuing education in respiratory care, accrual of continuing education hours, mandatory number of continuing education hours annually, procedures for sponsors, responsibilities of license holders, carry over of continuing education hours, appeal processes, and requirements for temporary and inactive members.

Title 30
Legislative Rules
WV Board of Respiratory Care
Series #3
Establishment Continuing Education Requirements

This rule is necessary because the law mandates the board to set continuing education requirements. Continuing education is essential in any field but particularly needed in medicine where technology and information change daily.

FILED

Title 30
Legislative Rules
The West Virginia Board of Respiratory Care
Series #3
Continuing Education Requirements

JUL 30 9 44 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

30-3-1. General.

3.1. 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. -- W.Va. Code 30-34-5
- 1.3. Filing Date. --
- 1.4. Effective Date. --

30-3-2. Definitions

2.1. "Approved" means West Virginia Board of Respiratory Care (WVBORC) recognized.

2.2. "Continuing Education Hour" means fifty (50) contact minutes of participating in continuing educational experiences.

2.3. "Offering" means an organized learning experience planned and evaluated to meet behavioral objectives; offerings may be presented in one session or in a series.

2.4. "American Association for Respiratory Care for Continuing Respiratory Care Education (AARC-CRCE) approval" means any offering having received recognition by this organization.

2.5. "Academic courses" offered by an accredited post-secondary institution means a respiratory care course, designated by a respiratory care course number, beyond the mandatory entry level; an academic course applicable to respiratory care practice and appropriate for the respiratory care provider employed in the areas of clinical practice, administration, education or research. Academic credit equivalency for continuing education hours will be based on one (1) credit hour = 15 continuing education hours.

2.6. "Relevant" means having content applicable to the practice of respiratory care as defined by the board.

2.7. "Provider" means an organization approved by the West Virginia Board of Respiratory Care (WVBORC) for offering continuing education programs.

2.8. "Successful completion" means that the respiratory care provider has satisfactorily met the specific requirements of the offering and that the respiratory care provider has earned the continuing education hours. Credit will not be issued for repeated instruction of the same course.

30-3-3. Accrual of Continuing Education Hours Mandatory; Computation of Accrual.

3.1. A minimum of twelve (12) continuing education hours shall be accrued by each person holding a license each year.

3.2. Continuing education hours shall be submitted with license renewals and shall be mandatory with the January 1, 1998 renewal date.

3.3. The accrual period shall be January 1 of one year through December 31 of the following calendar year.

3.4. All hours must be in or related to the field of respiratory care.

3.5. Failure to meet the continuing education requirements will result in lapse of license.

30-3-4. Methods of acquiring continuing education hours.

4.1. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of the respiratory care licensee.

4.2. Continuing education hours may be earned by completing any of the educational offerings of the AARC-CRCE approved courses or programs.

4.3. Continuing education hours may be earned by completing academic courses as set forth in section 30-3-2.5. of this article.

4.4. Relevant offerings provided by other organizations or institutions may be approved by the WVBORC for continuing education hours. 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 West Virginia Board of Nursing, the American Medical Association, or the National Association of Medical Equipment Suppliers.

4.5. Continuing education hours may be approved for successful completion of the NBRC advanced practitioner exams including but not limited 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 or its successor organization. Continuing education hours equivalency will be based on 10 (ten) continuing education hours for passing each exam. Recredentialing is encouraged and having successfully completed any of these exams or the entry level exam, the continuing education equivalency will be based on 5 (five) continuing education hours for successful recredentialing.

4.6. Related areas not specifically a part of the field of respiratory care may be approved for up to two (2) continuing education hours if the board believes that said related areas may serve to enhance the license holder's ability to practice.

4.7. Continuing education hours may be approved for up to 5 (five) hours for authorship of a research article in a board approve medical journal.

30-3-5. Procedures for accreditation of sponsors and approval of continuing education activities.

5.1. Any entity desiring to establish accreditation of a continuing education offering prior to attendance shall apply for approval to the board at least thirty (30) days in advance of the commencement of the offering, on a form provided by the board, stating the type of learning activity, the subject matter, the names and qualifications of the instructors, and the number of continuing education hours offered.

5.2. A continuing education activity shall be 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.

30-3-8. Board to approve Continuing Education hours; Appeal when Approval Denied.

8.1. In the event of denial, in whole or part, of any application for approval of continuing education hours, the licensee shall have the right to appeal in writing to the board. Notice of such appeal must be received by the board within thirty (30) days after the entry date of the board's order denying approval of continuing education hours.

8.2. A hearing before the full board may be held at the request of the person holding a license if the written appeal is denied, provided the board receives written request for such hearing within ten (10) days after the entry date of the board's order denying the written appeal.

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 same 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 same may be granted by the board for a period of time not to exceed one (1) calendar year. If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee must reapply.

9.3. Continuing educational requirements may be waived for a licensee on inactive status during the period they remain inactive. If the licensee applies to the board to return to active status, the licensee shall submit proof of completion of fifteen (15) continuing education hours 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, with the provision that fifteen (15) continuing education hours will be successfully completed within six (6) months of the date on which active status is approved.

30-3-6. Responsibilities and reporting requirements of the license holders.

6.1. A license holder shall be responsible for obtaining required continuing education hours. The license holder 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.

6.2. Each licensee shall select approved activities by which to earn continuing education hours and obtain from the board prior approval for continuing education not accredited by the board.

6.3. Each licensee shall maintain records of continuing education hours and submit records of such to the board at each annual renewal 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 fully comply with the provisions of this regulation. Failure to comply shall constitute grounds for revoking the license as set forth in code 30-34-13 and may result in the refusal to renew, suspension, or revocation of the license to practice respiratory care.

30-3-7. Carry-over of Continuing Education hours.

7.1. A person holding a license may carry over 6 (six) continuing education hours earned in excess of those required under section 30-3-3.1. of this regulation into the immediately following license renewal period.