

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: The WV Board of Respiratory Care TITLE NUMBER: 30

AMENDMENT TO AN EXISTING RULE: YES , NO

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

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 209

SECTION 64-9-17(c), PASSED ON April 12, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 24, 1997

John H. Park

FILED

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

JUN 24 10 19 AM '97

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.V. 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 course shall be applicable to respiratory care practice and appropriate for the respiratory care provider employed in the areas of clinical practice, administration, education or research.

2.2. "American Association for Respiratory Care for Continuing Respiratory Care Education approval" means any program which has received recognition by the AARC.

2.3. "Continuing Education Unit" means fifty (50) contact minutes of participating in approved continuing educational 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 has satisfactorily met the specific requirements of the offering and that the respiratory care licensee has earned the continuing education units. The board will not grant continuing education units for repeated instruction of the same course.

30-3-3. **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.

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

3.4. All continuing education units must be relevant to the field of respiratory calendar year.

3.5. A license of a licensee who fails to meet the continuing education requirements lapses. The board shall notify the licensee in writing within 10 working days of receipt of CEU forms. If the board fails to notify the licensee within this time period, the requested continuing education units shall be considered approved by the board.

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.

4.2. A licensee may earn continuing education units 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. of 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 or its successor organization. The board shall grant ten (10) continuing education units to a licensee upon passing each 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 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.

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 prior to the program offering. The program shall be approved to the board at least thirty (30) days in advance of the commencement of the program, on a form provided by the board, stating the type of learning activity, the subject matter, the names and qualifications of the instructors, the number of continuing education units offered, and pay 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.

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

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.

6.2. Each licensee shall select approved activities by which to earn continuing education units 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 units and submit records of them to the board postmarked by March 15 of each year proceeding the accrual period.

6.4. Each licensee shall document attendance and participation in a continuing education activity in 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 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 appeal in writing to the board. Notice of the 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 ten (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 continues beyond the period of the waiver or extension, the licensee 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.

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(Plus all the volunteer
help we can get)

TO: ANNA PARKMAN

AGENCY: RESPIRATORY CARE

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 7, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 30 RESPIRATORY CARE

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Karen J Stewart

TITLE OF PERSON SIGNING: President

DATE: August 18, 1997

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.