

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

JUN 19 1 35 PM '00

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: Interpretive CITE AUTHORITY: 30-34-15d

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 RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: Home Medical Suppliers

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 7-31-00 AT 4:30 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

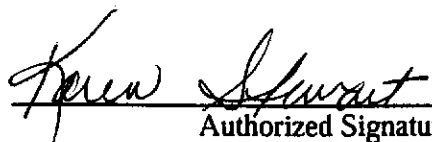
WV Board of Respiratory Care

106 Dee Drive

Charleston, WV 25311

304-558-1382

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

BRIEF SUMMARY OF PROPOSAL

The Board of Respiratory Care establishes a comment period for Interpretive Rule 7, of cite authority 30-34-15d regarding Home Medical Suppliers.

STATEMENT OF CIRCUMSTANCES FOR SERIES 7

This interpretive rule delineates the role of personnel involved with delivering respiratory care in the home care setting.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Home Medical Suppliers

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Respiratory Care

Address: 106 Dee Drive

Charleston, WV 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The Board is a self supporting and fees incurred will be the responsibility of the license.

3. Objectives of These Rules:

This rule delineates the role of personnel involved with delivering respiratory care in the home care setting.

Rule Title: Home Medical Suppliers

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: 6/19/00

Signature of Agency Head or Authorized Representative:

Karen Stewart

**Title 30
Interpretative Rule
West Virginia Board of Respiratory Care
Series 7
Home Medical Suppliers**

FILED

JUN 19 1 36 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§30-7-1 General

1.1 Scope: This interpretative rule delineates the role of personnel involved with delivering respiratory care in the home care setting.

1.2 Authority: §30-34-15d

1.3 Filing Date:

1.4 Effective Date:

§30-7-2 Application

This rule applies to all individuals who are providing respiratory care in the home care setting.

§ 30-7-3 Definitions

“Home Medical Equipment Dealers and Agents” means any person working in home care and not licensed under the provisions of W. Va. Code § 30-34-1 et seq.

§30-7-4 Actions allowed by non licensed home medical equipment dealers or their agents.

4.1 Home medical equipment dealers who are not licensed in the state of West Virginia under are limited to delivering and instructing persons in the operation of home medical equipment.

4.2 Instructing in the operation of home medical equipment is limited to:

- a) Connection to an electrical source
- b) Turning the unit on.
- c) Cleaning.
- d) Maintenance such as filter changes.
- e) Placement and location of controls.

§30-7-5 Restrictions of non-licensed home medical equipment dealers or their agents.

5.2 Home medical dealers and their agents who are not licensed are restricted from the following:

- a) Administration of pharmacological, diagnostic and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitation, or a diagnostic regimen.
- b) Placing a patient on oxygen.
- c) Placing a patient on any device used for intermittent ventilation, non-invasive ventilation, BI-Level, CPAP, and mechanical ventilation.
- d) Placing a patient on any form of aerosolized medication.
- e) Placing a patient on a positive pressure or negative pressure device.
- f) Providing clinical instruction to any person.