

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

AUG 8 3 41 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Board of Respiratory Care TITLE NUMBER: 30

CITE AUTHORITY: 30-34

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 ADOPTED: 7

TITLE OF RULE BEING ADOPTED: Home Medical Suppliers

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 7, 2000

Karen J. Stewart

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

FILED

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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: August 7, 2000
- 1.4 Effective Date: September 7, 2000

§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.

WV BOARD OF RESPIRATORY CARE

SERIES 7 – INTERPRETIVE RULE

HOME MEDICAL SUPPLIERS

DOCUMENTATION FOR COMMENT PERIOD

The attached Rule 7 – Home Medical Suppliers was filed in the Secretary of State's office on June 19, 2000. This rule was mailed for comment period (starting July 1, 2000 and ending July 31, 2000, 4:30 p.m.) to 1,136 respiratory care practitioners in the State of West Virginia. No comments were received on this rule.

**Legislative Rule Making
Review Committee**

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.

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Home Medical Suppliers

Type of Rule: Legislative X 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: 8/7/00

Signature of Agency Head or Authorized Representative:

Karen Stewart
Karen Stewart