



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/3/2019 3:33:38 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Respiratory Care TITLE-SERIES: 30-09  
RULE TYPE: Legislative Amendment to Existing Rule: Yes  
RULE NAME: Student Temporary Permits

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

WV Code 30-34-6 & 30-34-9

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

NA

PRIMARY CONTACT:

NAME: Nancy Massey / WV Bd of Respiratory Care

ADDRESS: 106 Dee Drive Suite 1

Charleston WV 25311

EMAIL: nancy.j.massey@wv.gov

PHONE NUMBER: 304-558-1382

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Amending this rule as "emergency" to enable 2019 May & June graduates who hold a current student permit to continue employment beyond graduation until their permit expires which will allow them time and finances to take the national examination. This will help in- state employers retain student employees to become fully licensed respiratory practitioners. Also, decreases student permit renewal fee from \$40.00 to \$25.00.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? No

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No Impact on Revenues

B. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

Encourages students to continue working in-state after graduation and assists with personal finances.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

0 Estimates

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Nancy J Massey--By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

LEGISLATIVE RULE  
WV BOARD OF RESPIRATORY CARE

SERIES 9  
AMENDED STUDENT ~~TEMPORARY~~ LIMITED PERMIT

**§30-9-1 General**

1.1 Scope -- This legislative rule establishes the temporary limited permit process, fees and practice limitations for students enrolled in accredited respiratory care schools.

1.2 Authority -- WV Code 30-34-6 and 30-34-9

1.3 Filing Date -- ~~June 11, 2008~~

1.4 Effective Date -- ~~June 1, 2009~~

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon the expiration of ten (10) years from final filing date.

**§30-9-2 Application for Student ~~Temporary~~ Limited Permit**

2.1 An applicant for student temporary limited permit shall file with the West Virginia Board of Respiratory Care a signed permit application form and shall pay an initial six (6) month permit application fee of seventy-five dollars (\$75.00).

2.2 The applicant ~~must~~ shall submit:

~~2.2a~~ 2.2.1 A student work permit form signed by the program director of an accredited respiratory care program and by a principal administrative official of the institution where the program is located.

~~2.2b~~ 2.2.2 An official transcript indicating successful completion of a minimum of thirty semester hours or the quarter hour equivalent, eighteen of which must be specific to respiratory care core curriculum, and at least two hundred clinical hours.

~~2.2c~~ 2.2.3 Documentation from the program director indicating clinical competencies completed indicating successful completion of tasks by ~~didactic~~ didactic testing and clinical observation by school faculty.

2.3 Student Limited Permits will expire six (6) months from the date of issuance. Student Limited Permits may be renewed by completing the application for renewal, submitting payment of a Student Limited Permit renewal fee of (\$25.00), ~~Upon expiration of initial six (6) month permit the student my six month permit by payment of an additional fee of forty dollars (\$40.00)~~ and providing the WV Board of Respiratory Care with documentation from the program director of the school where the student is enrolled stating the student is actively enrolled and taking a minimum of 9 satisfactory semester hours in respiratory care curriculum.

2.4 Upon graduation from an accredited respiratory care program, the holder of a Student Limited Permit may continue to provide respiratory care under the restrictions of the limited permit until the permit expires.

### **§30-9-3 Practice Limitations for the Student ~~Temporary~~ Limited Permit holder.**

3.1 The following procedures, approved by the Board, may be assigned to a student ~~temporary~~ limited permit holder if the permit holder has demonstrated the completion and competence of such tasks in the documentation from the school facility:

↷ 3.1.1 Set up and maintenance of low flow oxygen devices of 6 LPM or less to include nasal cannula or a simple mask.

↷ 3.1.2 Set up and maintenance of aerosol devices with ~~FiO2~~ oxygen percentage of equal to or less than 50%.

↷ 3.1.3 Delivery of medications through a spontaneous small volume nebulizer.

↷ 3.1.4 Medication delivery via Metered Dose Inhaler or Dry Powder Inhaler.

↷ 3.1.5 Measurement of peak flow.

↷ 3.1.6 Measurement of simple spirometry.

↷ 3.1.7 Measurement of pulse oximetry.

↷ 3.1.8 Use of the following airway clearance devices or techniques: therapy vest, chest physiotherapy, incentive spirometry, suctioning via artificial airway, and positive expiratory pressure therapies.

↷ 3.1.9 Cardiopulmonary Resuscitation after Basic Life Support Certification.<sup>30</sup>

3.2 A holder of the student ~~temporary~~ limited permit must work under the supervision of a licensed respiratory therapist ~~certified or registered~~. The licensed respiratory therapist must be present in the facility where the holder of the student ~~temporary~~ limited permit is working. Direct observational supervision is not required but the licensed respiratory therapist must be available in the event of an emergent need and act as source of reference for the holder of the student ~~temporary~~ limited permit.

3.3 A holder of the student ~~temporary~~ limited permit is not allowed to perform procedures on patients requiring mechanical ventilation, or on patients in any critical care situation or environments, such as: emergency rooms, intensive care units, and post anesthesia care units. A holder of the Student Limited Permit may provide care to patients in intermediate care areas.

3.4 Mass casualty situations are permitted if the student limited permit holder has received the proper training and supervised directly by a licensed respiratory therapist.

3.5 A holder of the student ~~temporary~~ limited permit is strictly prohibited from performing positive pressure procedures such as: Intermittent Positive Pressure Breathing, Bi-Level, Continuous Positive Airway Pressure devices.

3.6 A holder of the student ~~temporary~~ limited permit is strictly prohibited from performing any procedure which is not written within this rule.

3.7 A holder of the Student Limited permit will be identified as a Respiratory Extern