



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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11/17/2020 12:24:27 PM

Office of West Virginia  
Secretary Of State

## NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Respiratory Care

RULE TYPE: Legislative

TITLE-SERIES: 30-01

RULE NAME: CRITERIA FOR LICENSURE

CITE AUTHORITY: 30-34-6 &30-34-6a

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

**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.**

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**TITLE 30**

**LEGISLATIVE RULE**

**BOARD OF RESPIRATORY CARE**

**SERIES 1**

**CRITERIA FOR LICENSURE**

**§30-1-1. General**

1.1. Scope. -- This legislative rule establishes criteria for licensure by the West Virginia Board of Respiratory Care.

1.2. Authority. -- W. Va. Code §30-34-6, and W. Va. Code §30-34-6a

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

**§30-1-2. Definitions**

2.1. "Board" means the West Virginia Board of Respiratory Care established pursuant to W. Va. Code §30-34-1 et seq.

2.2. "Initial License" means obtaining a license in West Virginia for the practice of respiratory care for the first time.

2.3. "Reinstatement of License" means obtaining a license in West Virginia for the practice of respiratory care when the applicant had a previous license.

**§30-1-3. Criteria for Licensure**

3.1. Upon payment of required fees, an applicant for a license to practice respiratory care shall submit to the board official written, verified by oath, evidence that the applicant:

3.1.1. Has completed a board approved respiratory care educational program; and

3.1.2. On or after July 1, 2022 holds a current valid Registered Respiratory Therapist Credential conferred by the National Board of Respiratory Care or its successor organizations.

3.1.3. Prior to July 1, 2022 holds a current valid Certified Respiratory Therapist or Registered Respiratory Therapist credential from the National Board of Respiratory Care or its successor organizations.

3.1.4. Successfully passing an examination administered by the state or by a national agency approved by the board. The board shall set the passing score for the examination.

3.1.5. The board may issue a license to practice respiratory care to an applicant who is currently licensed to practice respiratory care under the laws of another state, territory, or country if the

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qualifications of the applicant are deemed by the board to be equivalent to, or greater than, those required in West Virginia. Applicants applying under this section shall be required to provide official verification of license from the state where they currently hold a valid license directly to this state.

3.1.6. The board may also issue a license to practice respiratory Care by endorsement to respiratory therapists holding valid credentials conferred by the National Board of Respiratory Care, or its successor organizations, if the credentials have not been suspended or revoked. Applicants applying under this section shall be required to provide official verification of valid credentials directly from the National Board of Respiratory Care to this board.

3.1.7. If an applicant fails to complete the requirements for licensure within ninety days from the date of filing, the application is considered abandoned.

#### **§30-1-4. Criteria for Reinstatement of License**

4.1. Respiratory therapists licensed prior to July 1, 2022, whose license has expired and wish to reapply for a license in West Virginia shall provide proof of holding a current valid Certified Respiratory Therapist or Registered Respiratory Therapist credential from the National Board for Respiratory Care or successor organizations within a year of application and completing continuing education credits requirements as set by the board.

4.2. Respiratory therapists licensed after July 1, 2022 reapplying for a new license shall provide proof of holding a current valid Registered Respiratory Therapist credential from the National Board for Respiratory Care or successor organizations within a year of application and completing continuing education credit requirements as set by the board.