



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Respiratory Care TITLE-SERIES: 30-09
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 30-09 Student Temporary Permits Amended

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 3-34-6a & 30-34-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rules delineates the role of respiratory Student Temporary Permit holders in the practice of Respiratory Care. Specific procedures are broaden to allow students to perform various additional duties while ensuring patient safety

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/28/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/1/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Posted to Board's website at wvborc.com

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rules delineates the role of respiratory Student Temporary Permit holders in the practice of Respiratory Care. Specific procedures are broaden to allow students to perform various additional duties while ensuring patient safety.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Healthcare facilities expressed a need for employed students to perform additional duties other than the basics in the original rule. Healthcare facilities will perform check off lists to the board to verify the student is capable of performing the additional duties herein

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

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

NA

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.

TITLE 30
LEGISLATIVE RULE
WV BOARD OF RESPIRATORY CARE

SERIES 9
STUDENT TEMPORARY PERMIT - AMENDED

§30-9-1. General.

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

1.2. Authority. -- W. Va. Code §§ 30-34-6 and 30-34-9.

1.3. Filing Date. -- ~~May 11, 2020.~~

1.4. Effective Date. -- ~~August 11, 2020.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect after August 11, 2033.

§30-9-2. Application for Student Temporary Permit.

2.1. An applicant for a student temporary 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 shall submit:

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.

2.2.2. 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.

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

2.3. Upon expiration of initial six (6) month permit the student may apply for an additional six_ month permit by payment of an additional fee of twenty-five dollars (\$25.00) 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. Graduate respiratory care therapists may continue to work under their student temporary permit until the permit expires.

§30-9-3. Practice Limitations for the Student Temporary Permit holder.

3.1. The holder of the student temporary permit must work under the supervision of a licensed respiratory therapist. The licensed respiratory therapist must be present in the facility where the holder of the student temporary permit is working. The licensed respiratory therapist must be available in the event of an emergent need and act as a resource for the holder of the student temporary permit. Staffing ratios for student temporary permit holders are one licensed respiratory therapist to one student temporary permit holder per shift.

~~3.13.2~~ The following Procedures, approved by the Board, may be assigned to a student temporary permit holder if the permit holder has demonstrated the completion and competence of such tasks in the documentation from the school facility, and the employer. Completed competency forms from the school and the employer shall be sent to the Board for review.

3.3 The student temporary permit holder skills that must always be performed with and documented by a licensed respiratory therapist are as follows:

~~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.~~

3.3.1. Initial setup and maintenance of invasive mechanical ventilation including all ventilator setting and circuit changes except for FIO2.

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

3.3.2 Initial setup of non-invasive ventilation for acute condition including all non-invasive setting and circuit changes except for FIO2.

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

3.3.3 Resecure or reposition of endotracheal or nasotracheal tube.

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

3.3.4. Resecure or changing inner cannula of tracheostomy tube.

~~3.1.5. Measurement of peak flow.~~

3.3.5. Transport of patients receiving invasive mechanical ventilation.

~~3.1.6. Measurement of simple spirometry.~~

3.3.6. Transport of patients receiving non-invasive ventilation for acute condition.

~~3.1.7. Measurement of pulse oximetry.~~

3.3.7. Endotracheal extubation.

~~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.~~

3.3.8. Intubation.

3.3.9. Nasotracheal suctioning.

3.3.10 Delivery of inhaled nitric oxide or heliox.

3.3.11 Aerosolized medications via invasive mechanical ventilation.

3.3.12 High risk delivery response.

3.3.13 Arterial and Capillary Blood Gas puncture or sampling.

~~3.1.9. Cardiopulmonary Resuscitation after Basic Life Support Certification.30~~

~~3.2. A holder of the student temporary permit must work under the supervision of a licensed respiratory therapist. The licensed respiratory therapist must be present in the facility where the holder of the student temporary 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 permit.~~

~~3.3.3.4. A holder of the student temporary permit is not allowed to may perform procedures on patients requiring mechanical ventilation, or on patients in any critical care situations or environments, such as: emergency rooms, intensive care units, and post anesthesia care units. Procedures performed in these critical care areas must be performed with and documented by a licensed respiratory therapist.~~

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

~~3.5. A holder of the student temporary 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 permit is strictly prohibited from performing any procedure which is not written within this rule.~~