



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Respiratory Care TITLE-SERIES: 30-09
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 30CSR9 Student Temporary Permit - Amended
CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-9

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4110

Section 64-9-22 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 18, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2033

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

Yes

Amber D Shawver -- 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. -- April 4, 2024.

1.4. Effective Date. -- May 18, 2024.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect after August 1, 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 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.

3.2 Procedures 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 and approval.

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

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

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

3.3.3 Resecure or reposition of endotracheal or nasotracheal tube.

3.3.4. Resecure or changing inner cannula of tracheostomy tube.

3.3.5. Transport of patients receiving invasive mechanical ventilation.

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

3.3.7. Endotracheal extubation.

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.

3.4. A holder of the student temporary permit may perform procedures on patients requiring mechanical ventilation, or on patients in 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.