



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/31/2024 2:06:05 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Respiratory Care

TITLE-SERIES: 30-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

RULE NAME: Criteria for Licensure

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

WV Code 30-34-6 & WV Code 30-34-6a

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:

PRIMARY CONTACT:

NAME: Amber D Shawver

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: amber.legg@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:

Chapter 29A3-15: For the immediate preservation of public peace, health, safety or welfare; ... to prevent substantial harm to the public interest.

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:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 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

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

No effect on revenue.

**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.**

**30CSR1**

**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. -- ~~April 8, 2021~~

1.4. Effective Date. -- ~~April 8, 2021~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon ~~April 8, 2026~~ April 8, 2035.

**§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.

2.4. "Temporary Respiratory License" means obtaining a license in West Virginia for the practice of respiratory care which is valid for 12 months from the date of issuance.

**§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.

~~3.2.3.1.5.~~ 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 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.~~

3.3. The board may issue a Temporary Respiratory License valid for 12 months to individuals who completed a board approved respiratory care educational program on or after July 1, 2022 and hold a current valid Certified Respiratory Therapist credential conferred by the National Board of Respiratory Care or its successor organizations.

~~3.4. 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.