

---

**By: Senators Hollinger, Della, Boozer, Kasemeyer, Stoltzfus, and Sfikas**

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Licensure of Respiratory Care**  
3 **Practitioners**

4 FOR the purpose of requiring the State Board of Physician Quality Assurance (Board) to  
5 adopt regulations for the licensure and practice of respiratory care practitioners;  
6 defining certain terms; providing that this Act does not limit the rights of certain  
7 individuals to practice certain occupations; authorizing the Board to set certain  
8 fees; establishing the Respiratory Care Professional Standards Committee  
9 (Committee) within the Board; specifying the membership, powers, and duties of  
10 the Committee; establishing the terms of and requirements for certain members of  
11 the Committee; requiring an individual to be licensed by the Board before the  
12 individual may practice respiratory care; creating certain exceptions; specifying the  
13 qualifications for certain licenses; specifying application procedures for certain  
14 licenses; authorizing the issuance and renewal of certain licenses; authorizing  
15 certain licensed individuals to perform certain acts; providing for the expiration and  
16 renewal of certain licenses; establishing certain grounds for discipline; requiring the  
17 Board to provide certain hearing procedures before certain individuals may be  
18 disciplined under this Act; prohibiting certain acts; making certain exceptions;  
19 establishing certain penalties; and generally relating to the licensure of individuals  
20 to practice respiratory care in this State.

21 BY repealing

22 Article - Health Occupations  
23 Section 14-507  
24 Annotated Code of Maryland  
25 (1994 Replacement Volume and 1995 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Health Occupations  
28 Section 14-405 and 14-408  
29 Annotated Code of Maryland  
30 (1994 Replacement Volume and 1995 Supplement)

31 BY adding to

32 Article - Health Occupations

2

1 Section 14-5A-01 through 14-5A-24, inclusive, to be under the new subtitle  
 2 "Subtitle 5A. Respiratory Care Practitioners"  
 3 Annotated Code of Maryland  
 4 (1994 Replacement Volume and 1995 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article - State Government  
 7 Section 8-403(e)  
 8 Annotated Code of Maryland  
 9 (1995 Replacement Volume)

10 BY adding to  
 11 Article - State Government  
 12 Section 8-403(l)  
 13 Annotated Code of Maryland  
 14 (1995 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That Section(s) 14-507 of Article - Health Occupations of theAnnotated  
 17 Code of Maryland be repealed.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 19 read as follows:

20 **Article - Health Occupations**

21 14-405.

22 (a) Except as otherwise provided in the Administrative Procedure Act, before the  
 23 Board takes any action under § 14-404 of this subtitle or § 14-303 [or], § 14-305, OR §  
 24 14-5A-17 of this title, it shall give the individual against whom the action is contemplated  
 25 an opportunity for a hearing before a hearing officer.

26 (b) The hearing officer shall give notice and hold the hearing in accordance with  
 27 the Administrative Procedure Act except that factual findings shall be supported by clear  
 28 and convincing evidence.

29 (c) The individual may be represented at the hearing by counsel.

30 (d) If after due notice the individual against whom the action is contemplated fails  
 31 or refuses to appear, nevertheless the hearing officer may hear and refer the matter to the  
 32 Board for disposition.

33 (e) After performing any necessary hearing under this section, the hearing officer  
 34 shall refer proposed factual findings to the Board for the Board's disposition.

35 (f) The Board may adopt regulations to govern the taking of depositions and  
 36 discovery in the hearing of charges.

37 (g) The hearing of charges may not be stayed or challenged by any procedural  
 38 defects alleged to have occurred prior to the filing of charges.

3

1 14-408.

2 (a) Except as provided in this section for an action under § 14-404 of this subtitle  
3 OR § 14-5A-17 OF THIS TITLE, any person aggrieved by a final decision of the Board in a  
4 contested case, as defined in the Administrative Procedure Act, may:

5 (1) Appeal that decision to the Board of Review; and

6 (2) Then take any further appeal allowed by the Administrative Procedure  
7 Act.

8 (b) (1) Any person aggrieved by a final decision of the Board under § 14-404 of  
9 this subtitle OR § 14-5A-17 OF THIS TITLE may not appeal to the Secretary or Board of  
10 Review but may take a direct judicial appeal.

11 (2) The appeal shall be made as provided for judicial review offinal  
12 decisions in the Administrative Procedure Act.

13 (c) An order of the Board may not be stayed pending review.

14 (d) The Board may appeal from any decision that reverses or modifiesits order.

15 SUBTITLE 5A. RESPIRATORY CARE PRACTITIONERS.

16 14-5A-01.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (B) "BOARD" MEANS THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE.

20 (C) "COMMITTEE" MEANS THE RESPIRATORY CARE PROFESSIONAL  
21 STANDARDS COMMITTEE ESTABLISHED UNDER § 14-5A-05 OF THIS SUBTITLE.

22 (D) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
23 LICENSE ISSUED BY THE BOARD TO PRACTICE RESPIRATORY CARE.

24 (E) "LICENSED RESPIRATORY CARE PRACTITIONER" MEANS, UNLESS THE  
25 CONTEXT REQUIRES OTHERWISE, A RESPIRATORY CARE PRACTITIONER WHO IS  
26 LICENSED BY THE BOARD TO PRACTICE RESPIRATORY CARE.

27 (F) "NATIONAL CERTIFYING BOARD" MEANS THE NATIONAL BOARD FOR  
28 RESPIRATORY CARE OR A CERTIFYING ORGANIZATION THAT HAS CERTIFICATION  
29 REQUIREMENTS EQUIVALENT TO THE NATIONAL BOARD FOR RESPIRATORY CARE  
30 AND THAT HAS BEEN APPROVED BY THE BOARD.

31 (G) (1) "PRACTICE RESPIRATORY CARE" MEANS TO EVALUATE, CARE FOR,  
32 AND TREAT, INCLUDING THE DIAGNOSTIC EVALUATION OF, INDIVIDUALS WHO  
33 HAVE DEFICIENCIES AND ABNORMALITIES THAT AFFECT THE PULMONARY SYSTEM  
34 AND ASSOCIATED ASPECTS OF THE CARDIOPULMONARY AND OTHER SYSTEMS  
35 UNDER THE SUPERVISION OF AND IN COLLABORATION WITH A PHYSICIAN.

36 (2) "PRACTICE RESPIRATORY CARE" INCLUDES:

4

1 (I) PROVIDING DIRECT AND INDIRECT RESPIRATORY CARE  
2 SERVICES THAT ARE SAFE, ASEPTIC, PREVENTIVE, AND RESTORATIVE;

3 (II) PRACTICING THE PRINCIPLES, TECHNIQUES, AND THEORIES  
4 DERIVED FROM CARDIOPULMONARY MEDICINE;

5 (III) EVALUATING AND TREATING INDIVIDUALS WHOSE  
6 CARDIOPULMONARY FUNCTIONS HAVE BEEN THREATENED OR IMPAIRED BY  
7 DEVELOPMENTAL DEFECTS, THE AGING PROCESS, PHYSICAL INJURY, DISEASE, OR  
8 ACTUAL OR ANTICIPATED DYSFUNCTION OF THE CARDIOPULMONARY SYSTEM;

9 (IV) OBSERVING AND MONITORING PHYSICAL SIGNS AND  
10 SYMPTOMS, GENERAL BEHAVIOR, AND GENERAL PHYSICAL RESPONSE TO  
11 RESPIRATORY CARE PROCEDURES AND DETERMINING IF INITIATION,  
12 MODIFICATION, OR DISCONTINUATION OF A TREATMENT REGIMEN IS WARRANTED;

13 (V) USING EVALUATION TECHNIQUES THAT INCLUDE  
14 CARDIOPULMONARY FUNCTION ASSESSMENTS, GAS EXCHANGE, THE NEED AND  
15 EFFECTIVENESS OF THERAPEUTIC MODALITIES AND PROCEDURES, AND THE  
16 ASSESSMENT AND EVALUATION OF THE NEED FOR A LOWER LEVEL OF CARE AND  
17 HOME CARE PROCEDURES, THERAPY, AND EQUIPMENT; AND

18 (VI) APPLYING THE USE OF TECHNIQUES, EQUIPMENT, AND  
19 PROCEDURES INVOLVED IN THE ADMINISTRATION OF RESPIRATORY CARE,  
20 INCLUDING:

21 1. EXCEPT FOR GENERAL ANESTHESIA, THERAPEUTIC AND  
22 DIAGNOSTIC GASES;

23 2. PRESCRIBED MEDICATION FOR INHALATION OR DIRECT  
24 TRACHEAL INSTALLATION;

25 3. THE ADMINISTRATION OF ANALGESIC AGENTS BY  
26 SUBCUTANEOUS INJECTION OR INHALATION FOR THE PERFORMANCE OF  
27 RESPIRATORY CARE PROCEDURES;

28 4. NONSURGICAL INSERTION, MAINTENANCE, AND  
29 REMOVAL OF ARTIFICIAL AIRWAYS;

30 5. ADVANCED CARDIOPULMONARY MEASURES;

31 6. CARDIOPULMONARY REHABILITATION;

32 7. MECHANICAL VENTILATION OR PHYSIOLOGICAL LIFE  
33 SUPPORT SYSTEMS;

34 8. COLLECTION OF BODY FLUIDS AND BLOOD SAMPLES FOR  
35 EVALUATION AND ANALYSIS;

36 9. INSERTION OF DIAGNOSTIC ARTERIAL ACCESS LINES;  
37 AND

38 10. COLLECTION AND ANALYSIS OF EXHALED RESPIRATORY  
39 GASES.

5

1 (H) "SUPERVISION" MEANS THE RESPONSIBILITY OF A PHYSICIAN TO  
2 EXERCISE ON-SITE OR IMMEDIATELY AVAILABLE DIRECTION FOR A LICENSED  
3 RESPIRATORY CARE PRACTITIONER PERFORMING DELEGATED MEDICAL ACTS.

4 (I) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD UNDER  
5 AND AS LIMITED BY § 14-5A-15 OF THIS SUBTITLE TO PRACTICE RESPIRATORY CARE.

6 14-5A-02.

7 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A  
8 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER  
9 THIS ARTICLE.

10 14-5A-03.

11 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE  
12 OF RESPIRATORY CARE .

13 14-5A-04.

14 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF  
15 AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES TO  
16 RESPIRATORY CARE PRACTITIONERS.

17 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO  
18 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE  
19 OTHER SERVICES PROVIDED TO RESPIRATORY CARE PRACTITIONERS.

20 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
21 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

22 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE STATE  
23 BOARD OF PHYSICIAN QUALITY ASSURANCE ESTABLISHED UNDER § 14-201 OF THIS  
24 TITLE.

25 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT  
26 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES  
27 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

28 14-5A-05.

29 THERE IS A RESPIRATORY CARE PROFESSIONAL STANDARDS COMMITTEE  
30 WITHIN THE BOARD.

31 14-5A-06.

32 (A) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE  
33 BOARD AS FOLLOWS:

34 (1) THREE RESPIRATORY CARE PRACTITIONERS;

35 (2) THREE PHYSICIANS WHOSE APPROVED SPECIALTY IS THORACIC  
36 SURGERY OR PULMONARY MEDICINE; AND

37 (3) ONE CONSUMER MEMBER.

6

1 (B) THE CONSUMER MEMBER OF THE COMMITTEE:

2 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

3 (2) MAY NOT BE OR EVER HAVE BEEN:

4 (I) A RESPIRATORY CARE PRACTITIONER;

5 (II) ANY HEALTH CARE PROFESSIONAL; OR

6 (III) IN TRAINING TO BE A RESPIRATORY CARE PRACTITIONER OR  
7 OTHER HEALTH PROFESSIONAL;

8 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH  
9 PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH PROFESSIONAL; AND

10 (4) MAY NOT:

11 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A  
12 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RESPIRATORY CARE;

13 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A  
14 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RESPIRATORY CARE;

15 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
16 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

17 (IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
18 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO RESPIRATORY  
19 CARE PRACTITIONERS OR TO THE FIELD OF RESPIRATORY CARE.

20 (C) (1) THE TERM OF A MEMBER IS 3 YEARS.

21 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
22 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 1996.

23 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
24 SUCCESSOR IS APPOINTED AND QUALIFIES.

25 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
26 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
27 QUALIFIES.

28 14-5A-07.

29 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE  
30 COMMITTEE SHALL:

31 (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO  
32 CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

33 (2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR  
34 THE PRACTICE OF RESPIRATORY CARE FOR ADOPTION BY THE BOARD;

35 (3) DEVELOP AND RECOMMEND TO THE BOARD STANDARDS OF CARE  
36 FOR THE PRACTICE OF RESPIRATORY CARE;

7

1 (4) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS  
2 FOR LICENSURE AS A RESPIRATORY CARE PRACTITIONER, INCLUDING:

3 (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL TRAINING  
4 OF RESPIRATORY CARE PRACTITIONERS; AND

5 (II) CRITERIA FOR A PROFESSIONAL COMPETENCY EXAMINATION  
6 AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE RESPIRATORY CARE;

7 (5) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR  
8 RESPIRATORY CARE PRACTITIONERS WHO ARE LICENSED IN OTHER STATES TO  
9 PRACTICE IN THIS STATE;

10 (6) EVALUATE THE ACCREDITATION STATUS OF EDUCATION  
11 PROGRAMS IN RESPIRATORY CARE FOR APPROVAL BY THE BOARD;

12 (7) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND  
13 LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR A LICENSE TO  
14 PRACTICE RESPIRATORY CARE;

15 (8) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING  
16 EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

17 (9) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE  
18 PRACTICE OF RESPIRATORY CARE;

19 (10) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA RELATED TO  
20 THE PRACTICE OF RESPIRATORY CARE IN THE HOME SETTING;

21 (11) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR THE  
22 DIRECTION OF STUDENTS IN CLINICAL EDUCATION PROGRAMS BY LICENSED  
23 RESPIRATORY CARE PRACTITIONERS;

24 (12) KEEP A RECORD OF ITS PROCEEDINGS; AND

25 (13) SUBMIT AN ANNUAL REPORT TO THE BOARD.

26 14-5A-08.

27 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL  
28 SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE  
29 RESPIRATORY CARE IN THE STATE.

30 (B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL EMPLOYED BY THE  
31 FEDERAL GOVERNMENT AS A RESPIRATORY CARE PRACTITIONER WHILE THE  
32 INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT.

33 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE  
34 MEANINGS INDICATED.

35 (II) "EDUCATIONAL PROGRAM" MEANS A RESPIRATORY CARE  
36 EDUCATIONAL PROGRAM APPROVED BY THE AMERICAN MEDICAL ASSOCIATION.

37 (III) "VETERAN" MEANS AN INDIVIDUAL WHO:

8

1 1. HAS SERVED ON ACTIVE DUTY IN THE UNITED STATES  
2 ARMED FORCES;

3 2. HAS BEEN HONORABLY DISCHARGED; AND

4 3. MEETS THE REQUIREMENTS OF THIS SECTION.

5 (IV) "VETERANS' PROGRAM" MEANS A VETERANS' INTERNSHIP  
6 PROGRAM IN RESPIRATORY CARE FOR QUALIFIED VETERANS WHO ARE WORKING  
7 IN HOSPITALS.

8 (2) THIS SECTION DOES NOT APPLY TO A VETERAN WHO:

9 (I) APPLIES TO THE BOARD WITHIN 6 MONTHS OF DISCHARGE,  
10 PROVIDES THE BOARD THE INFORMATION REQUIRED UNDER THIS SUBSECTION,  
11 AND IS APPROVED BY THE BOARD;

12 (II) HAS PRACTICED IN THE MILITARY WITH ONE OF THE  
13 FOLLOWING SPECIALTIES:

14 1. NAVY 854 WITH SUCCESSFUL COMPLETION OF THE U.S.  
15 ARMY RESPIRATORY CARE SCHOOL;

16 2. ARMY 91V; OR

17 3. UNITED STATES AIR FORCE 90450 OR UNITED STATES AIR  
18 FORCE 90250 WITH ADVANCED EXPERIENCE;

19 (III) HAS PRACTICED RESPIRATORY CARE FOR 2,000 HOURS IN THE  
20 5 YEARS IMMEDIATELY PRECEDING DISCHARGE WITH EXPERIENCE IN AREAS  
21 RECOMMENDED AND APPROVED BY THE BOARD;

22 (IV) HAS DOCUMENTED COMPLETION OF EDUCATIONAL  
23 REQUIREMENTS IN THE MILITARY AS APPROVED BY THE BOARD WITH REFERENCE  
24 TO THE STANDARDS OF THE JOINT REVIEW COMMITTEE RESPIRATORY THERAPY  
25 EDUCATION MODULES; AND

26 (V) HAS APPLIED FOR ADMISSION IN AN APPROVED EDUCATIONAL  
27 PROGRAM WITHIN 6 MONTHS OF DISCHARGE.

28 (3) WITHIN 30 DAYS AFTER THE END OF EACH SEMESTER OR EVERY 6  
29 MONTHS, WHICHEVER IS MORE FREQUENT, A VETERAN SHALL SUBMIT EVIDENCE  
30 OF SUCCESSFUL CONTINUED ENROLLMENT IN A RESPIRATORY CARE EDUCATIONAL  
31 PROGRAM WITH SATISFACTORY ACADEMIC STANDING AS APPROVED BY THE  
32 BOARD.

33 (4) IF THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION ARE  
34 MET, A VETERAN MAY PRACTICE IN A VETERANS' PROGRAM FOR UP TO 30 MONTHS  
35 FROM THE DATE OF THE APPROVAL OF THE VETERAN'S APPLICATION FOR THE  
36 VETERANS' PROGRAM.

37 (5) UPON GRADUATION FROM AN APPROVED EDUCATIONAL  
38 PROGRAM, A VETERAN:



9

1 (I) CEASES TO QUALIFY TO PRACTICE RESPIRATORY CARE  
2 UNDER THIS SECTION; AND

3 (II) SHALL APPLY FOR A STANDARD GRADUATE INTERNSHIP  
4 REQUIRED FOR ALL GRADUATES OF APPROVED RESPIRATORY CARE PROGRAMS.

5 (6) THE BOARD MAY SET AND CHARGE REASONABLE FEES TO  
6 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

7 (7) THE BOARD SHALL APPROVE THE APPLICATION OF EACH VETERAN  
8 WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION.

9 (8) A VETERAN WHO PRACTICES RESPIRATORY CARE UNDER THIS  
10 SUBSECTION IS SUBJECT TO THE SAME DISCIPLINARY PROCEDURES AND IS HELD TO  
11 THE SAME STANDARD OF CARE AS A RESPIRATORY CARE PRACTITIONER LICENSED  
12 UNDER § 14-5A-11 OF THIS SUBTITLE.

13 14-5A-09.

14 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL  
15 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

16 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

17 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

18 (D) THE APPLICANT SHALL:

19 (1) (I) BE CERTIFIED BY A NATIONAL CERTIFYING BOARD ON OR  
20 BEFORE AUGUST 31, 1996; OR

21 (II) BE REGISTERED BY A NATIONAL CERTIFYING BOARD; AND

22 (2) MEET THE EDUCATIONAL AND CLINICAL TRAINING REQUIREMENTS  
23 ESTABLISHED BY THE COMMITTEE.

24 14-5A-10.

25 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

26 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
27 BOARD REQUIRES; AND

28 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

29 14-5A-11.

30 THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT WHO  
31 MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT LICENSE.

32 14-5A-12.

33 A RESPIRATORY CARE PRACTITIONER LICENSE AUTHORIZES THE LICENSEE  
34 TO PRACTICE RESPIRATORY CARE WHILE THE LICENSE IS EFFECTIVE.

10

1 14-5A-13.

2 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE  
3 IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

4 (B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL  
5 SEND TO THE LICENSEE, BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF  
6 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

7 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

8 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
9 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
10 THE LICENSE EXPIRES; AND

11 (3) THE AMOUNT OF THE RENEWAL FEE.

12 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE  
13 EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM,  
14 IF THE LICENSEE:

15 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

16 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

17 (3) SUBMITS TO THE BOARD:

18 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD  
19 REQUIRES; AND

20 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
21 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER  
22 REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.

23 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
24 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING  
25 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL  
26 OF LICENSES UNDER THIS SECTION.

27 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS  
28 THE REQUIREMENTS OF THIS SECTION.

29 (F) THE BOARD SHALL REINSTATE THE LICENSE OF A RESPIRATORY CARE  
30 PRACTITIONER WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND  
31 WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE RESPIRATORY  
32 CARE PRACTITIONER:

33 (1) APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE DATE  
34 THE LICENSE EXPIRES;

35 (2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND

36 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

11

1 14-5A-14.

2 (A) (1) EXCEPT FOR THE HOLDER OF A TEMPORARY LICENSE ISSUED  
3 UNDER § 14-5A-15 OF THIS SUBTITLE, THE BOARD SHALL PLACE A LICENSEE ON  
4 INACTIVE STATUS, IF THE LICENSEE SUBMITS TO THE BOARD:

5 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
6 REQUIRED BY THE BOARD; AND

7 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

8 (2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON  
9 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL  
10 REQUIREMENTS THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM  
11 INACTIVE TO ACTIVE STATUS.

12 (B) THE BOARD MAY REINSTATE THE LICENSE OF A RESPIRATORY CARE  
13 PRACTITIONER WHO HAS NOT BEEN PUT ON INACTIVE STATUS, WHO HAS FAILED TO  
14 RENEW THE LICENSE FOR ANY REASON, AND WHO APPLIES FOR REINSTATEMENT  
15 MORE THAN 30 DAYS AFTER THE LICENSE HAS EXPIRED, IF THE RESPIRATORY CARE  
16 PRACTITIONER:

17 (1) MEETS THE RENEWAL REQUIREMENTS OF § 14-5A-13 OF THIS  
18 SUBTITLE;

19 (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;  
20 AND

21 (3) MEETS ANY OTHER REQUIREMENTS ESTABLISHED BY REGULATION.

22 14-5A-15.

23 (A) THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

24 (1) HAS MET THE APPROPRIATE REQUIREMENTS FOR LICENSURE OF  
25 THIS SUBTITLE FOR A RESPIRATORY CARE PRACTITIONER UNDER § 14-5A-09 OF  
26 THIS SUBTITLE; OR

27 (2) HAS GRADUATED FROM AN APPROVED RESPIRATORY CARE  
28 EDUCATIONAL PROGRAM AND HAS APPLIED FOR THE FIRST AVAILABLE NATIONAL  
29 CERTIFYING EXAMINATION.

30 (B) A TEMPORARY LICENSE ISSUED TO A RESPIRATORY CARE PRACTITIONER  
31 AUTHORIZES THE HOLDER TO PRACTICE RESPIRATORY CARE ONLY IN  
32 ASSOCIATION WITH A LICENSED RESPIRATORY CARE PRACTITIONER.

33 (C) A TEMPORARY LICENSE EXPIRES 45 DAYS AFTER THE DATE WHEN THE  
34 RESULTS OF THE FIRST EXAMINATION THAT THE HOLDER WAS ELIGIBLE TO TAKE  
35 ARE MADE PUBLIC.

36 (D) THE BOARD MAY NOT ISSUE MORE THAN TWO TEMPORARY LICENSES TO  
37 AN INDIVIDUAL.

12

1 14-5A-16.

2           UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A  
3 LICENSED RESPIRATORY CARE PRACTITIONER OR HOLDER OF A TEMPORARY  
4 LICENSE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY  
5 OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE  
6 CHARGES ARE PENDING AGAINST THE LICENSEE.

7 14-5A-17.

8           (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE  
9 BOARD MAY DENY A LICENSE OR TEMPORARY LICENSE TO ANY APPLICANT,  
10 REPRIMAND ANY LICENSEE OR HOLDER OF A TEMPORARY LICENSE, PLACE ANY  
11 LICENSEE OR HOLDER OF A TEMPORARY LICENSE ON PROBATION, OR SUSPEND OR  
12 REVOKE A LICENSE OR TEMPORARY LICENSE IF THE APPLICANT, LICENSEE, OR  
13 HOLDER:

14           (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
15 OBTAIN A LICENSE OR TEMPORARY LICENSE FOR THE APPLICANT, LICENSEE, OR  
16 HOLDER OR FOR ANOTHER;

17           (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR TEMPORARY  
18 LICENSE;

19           (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE  
20 PRACTICE OF RESPIRATORY CARE;

21           (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

22           (5) ABANDONS A PATIENT;

23           (6) IS HABITUALLY INTOXICATED;

24           (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR  
25 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE;

26           (8) PROVIDES PROFESSIONAL SERVICES WHILE:

27           (I) UNDER THE INFLUENCE OF ALCOHOL; OR

28           (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
29 SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE OR ANY OTHER DRUG THAT IS  
30 IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

31           (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,  
32 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

33           (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE  
34 PRACTICE OF RESPIRATORY CARE;

35           (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED  
36 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A  
37 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

38           (12) BREACHES PATIENT CONFIDENTIALITY;

13

1 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF  
2 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR  
3 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY  
4 FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR  
5 BRINGING OR REFERRING A PATIENT;

6 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING  
7 RESPIRATORY CARE;

8 (15) KNOWINGLY PRACTICES RESPIRATORY CARE WITH AN  
9 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE  
10 PRACTICE OF RESPIRATORY CARE;

11 (16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY  
12 A SECRET METHOD, TREATMENT, OR MEDICINE;

13 (17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR  
14 IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS  
15 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR  
16 THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR  
17 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

18 (18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF  
19 RESPIRATORY CARE PERFORMED IN ANY INPATIENT OR OUTPATIENT FACILITY,  
20 OFFICE, HOSPITAL OR RELATED INSTITUTION, DOMICILIARY CARE FACILITY,  
21 PATIENT'S HOME, OR ANY OTHER LOCATION IN THIS STATE;

22 (19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR  
23 WHICH SERVICES ARE NOT PROVIDED;

24 (20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY  
25 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY  
26 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY  
27 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

28 (II) THE LICENSED INDIVIDUAL:

29 1. SURRENDERED THE LICENSE ISSUED BY THE STATE OR  
30 COUNTRY; OR

31 2. ALLOWED THE LICENSE ISSUED BY THE STATE OR  
32 COUNTRY TO EXPIRE OR LAPSE;

33 (21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN  
34 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

35 (22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR  
36 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

37 (23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED  
38 SCOPE OF PRACTICE;

14

1 (24) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A  
2 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT ANY  
3 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA  
4 SET ASIDE;

5 (25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
6 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES  
7 FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE  
8 INDIVIDUAL IS HIV POSITIVE; OR

9 (26) PRACTICES OR ATTEMPTS TO PRACTICE A RESPIRATORY CARE  
10 PROCEDURE OR USES OR ATTEMPTS TO USE RESPIRATORY CARE EQUIPMENT IF  
11 THE APPLICANT, LICENSEE, OR HOLDER HAS NOT RECEIVED EDUCATION AND  
12 TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE  
13 EQUIPMENT.

14 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE  
15 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER THIS SECTION, IT SHALL GIVE  
16 THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN  
17 OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN ACCORDANCE WITH THE  
18 HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

19 14-5A-18.

20 ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN  
21 REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL  
22 AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.

23 14-5A-19.

24 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT  
25 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE RESPIRATORY CARE IN  
26 THIS STATE UNLESS LICENSED TO PRACTICE RESPIRATORY CARE BY THE BOARD.

27 14-5A-20.

28 (A) UNLESS AUTHORIZED TO PRACTICE RESPIRATORY CARE UNDER THIS  
29 SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY  
30 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE  
31 PERSON IS AUTHORIZED TO PRACTICE RESPIRATORY CARE IN THIS STATE.

32 (B) UNLESS AUTHORIZED TO PRACTICE RESPIRATORY CARE UNDER THIS  
33 SUBTITLE, A PERSON MAY NOT USE THE ABBREVIATION "R.C.P." OR ANY OTHER  
34 WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE  
35 PERSON PRACTICES RESPIRATORY CARE.

36 14-5A-21.

37 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR  
38 REPRESENT THAT THE PERSON PROVIDES RESPIRATORY CARE UNLESS THE  
39 RESPIRATORY CARE IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO  
40 PRACTICE RESPIRATORY CARE UNDER THIS SUBTITLE.

15

1 14-5A-22.

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
4 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

5 14-5A-23.

6 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND RESPIRATORY CARE  
7 PRACTITIONERS ACT".

8 14-5A-24.

9 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE  
10 MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND  
11 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO  
12 EFFECT AFTER JULY 1, 2006.

13 **Article - State Government**

14 8-403.

15 (e) On or before November 30 of the 2nd year before the evaluation date of a  
16 governmental activity or unit, the Legislative Policy Committee may waive as unnecessary  
17 the evaluation required under this section.

18 (L) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,  
19 ON OR BEFORE JULY 1, 2005, AN EVALUATION SHALL BE MADE OF THE STATE  
20 RESPIRATORY CARE PROFESSIONAL STANDARDS COMMITTEE AND THE  
21 REGULATIONS THAT RELATE TO THE STATE RESPIRATORY CARE PROFESSIONAL  
22 STANDARDS COMMITTEE.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 1996.