

Colorado Respiratory Therapists Licensure

Update 2001

*State of Colorado
Department of Regulatory Agencies
Bill Owens, Governor
M. Michael Cooke, Executive Director
Bruce Douglas, Division Director*

Welcome to the first license renewal period for respiratory therapists!

The time has arrived to renew your first Colorado respiratory therapist license. To date there are just over 1,500 licensed respiratory therapists in Colorado.

But first, a little history. The Office of Respiratory Therapists Licensure was created in the 2000 legislative session through House Bill 00-1294, which was signed by Governor Bill Owens on May 26, 2000. The bill actually went into effect on July 1, 2000 and that's when the Office of Respiratory Therapists Licensure began to take shape. We obtained lists of practicing respiratory therapists from the National Board for Respiratory Care in August 2000 and began to send out notices to those individuals.

We also wrote to probable employers of respiratory therapists -- hospitals, nursing homes, etc. -- and asked them to pass the word that licensure was now required. This office received its first licensure application on August 18, 2000 from Pamela M. Langlois. The first respiratory therapist license was issued on September 7, 2000.

Cheap

Based on the NBRC lists, we expected to license about 1,100 people. As you can see we have overshot that number by quite a few individuals. Because of this unanticipated revenue, we have been able to set the renewal fee at a very reasonable \$25.00.

TEMPORARY LICENSES

Because a number of people were not ready to take the exam when licensure went into effect, temporary licenses were created. These licenses expire June 30, 2001. The purpose of this one-time temporary licensing was to permit those 38 individuals to finish their schooling if necessary and make arrangements to take the NBRC examination. Examination packets were sent to all of them on February 21, 2001. Later, on May 30, a letter went out to all temporary licensees reminding them of the need to test and apply for licensure.

Unlicensed?

Please tell us if you are aware of anyone practicing respiratory therapy without being licensed, so that we may initiate legal action against them.

Many questions and concerns have arisen over the use of unlicensed persons to assist a respiratory therapist in providing patient care. This has been addressed by the new Practice Act passed by the 2001 Colorado legislature. The following article was written by Kevin D. Heupel, Assistant Attorney General and General Counsel to the Director.

The New and Improved Respiratory Therapy Practice Act

During the past legislative session, the Respiratory Therapy Practice Act ("Act") was amended. The amendment was primarily for housekeeping purposes and fell into two general categories.

The first category granted additional powers to the Director of the Division of Registrations ("Director"). The Director is the person responsible for enforcing compliance with the Act. In the original enactment of the Act, the Director was not provided with the power to seek injunctions or issue investigatory subpoenas. The Director is now able to seek an injunction to enjoin any person who practices respiratory therapy without a license and issue subpoenas during the investigation of a respiratory therapist who allegedly violated the Act. Both items are typically included with any licensing board and will make it easier for the Director to carry out the legislative intent of the Act.

The second category added practices to the Act that were specifically not prohibited. When the Act was originally enacted, the scope of practice for respiratory therapy was broadly defined and there were very few exceptions to the type of practices that did not require a respiratory therapist license. The amended Act provides for more exceptions to permit different types of practices. In addition to the existing exclusions, the Act now allows the practice of respiratory therapy by student pulmonary function technologists and student sleep technologists as long as the practice is an integral part of a program of study that leads to a certification or registration in the respective discipline.

Also permitted is the practice of respiratory therapy procedures by an unlicensed person when the person is under direct supervision and does not have to perform an assessment, perform an invasive procedure, or alter care beyond the scope of approved protocols. In addition, an unlicensed person may only perform such duties after a respiratory therapist has considered specific criteria relating to the health of the patient, the skill of the person, the procedure, and the availability of the respiratory therapist. Finally, the Act permits the practice by certified pulmonary function technologists, registered pulmonary function technologists, and other practitioners who hold credentials from a nationally recognized organization as determined by the Director (such as the National Board for Respiratory Care).

The purpose of the amendment was to correct some oversights in the original enactment of the Act. The amendment grants some additional powers to the Director which were necessary to enforce the Act. The amendment also provided more exclusions for those who fell under the Act by mistake. The Act can be found in the Colorado Revised Statutes at 12-41.5-101 et seq. and should be consulted if one has a question about the amendment's ramifications.