

Colorado Respiratory Therapists Licensure

-- *Update 2002* --

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

Since the 2001 license renewal, the Division of Registrations has seen a number of personnel changes. Bruce Douglas retired in August and Rosemary McCool became the new Director of Registrations. Linda Fleming, the former Program Administrator for the Office of Respiratory Therapists Licensure, took a promotion within the Department of Regulatory Agencies. In November, Kevin Heupel left the Attorney General's Office and became the new Program Administrator. The Division of Registrations is currently reorganizing, and as a result, more changes are in store. In August, this office will change its physical location but will not affect you during this year's renewal.

Before joining the Office of Respiratory Therapists Licensure, Mr. Heupel spent five years at the Colorado Office of the Attorney General and served as an Assistant Attorney General. Mr. Heupel was the General Counsel to the Respiratory Therapy Licensure, helped draft the recent amendments to the practice act, and handled all of the disciplinary actions against respiratory therapists.

Rosemary McCool is the new Director of the Colorado Division of Registrations and is responsible for the enforcement of the Respiratory Therapists Practice Act. Ms. McCool joined the Division of Registrations in 1992 and has served in several capacities. During her tenure, she managed the Division's centralized investigation section and served as the program administrator for the Colorado State Boards of Dental Examiners, Chiropractic Examiners, and Nursing Home Administrators. She was promoted to the position of Director in September 2001.

HOT TOPICS

This spring, the office has been investigating the unlicensed practice of respiratory therapy by persons delivering oxygen supplies. Under the Respiratory Therapy Practice Act, an oxygen delivery person can render respiratory therapy services in the course of assigned duties including the inspection and maintenance of associated apparatus. In the complaints being investigated, an unlicensed person is delivering oxygen, "hooking up" the apparatus, explaining the doctor's prescription to the patient, reading the pulse oximeter and recording the reading.

The office is concerned that oxygen delivery people are going beyond the statutory exclusion, and engaging in the practice of respiratory therapy when they start explaining the apparatus to the patient, interpreting the doctor's prescription, and reading the pulse oximeter. Oxygen delivery people are not skilled or trained to assess the patient's oxygen needs; whereas, respiratory therapists have been specially trained in the assessment of the patient's condition and the necessary therapies to deal with the disease process. The practice act suggests anything beyond that is entering into the realm of patient assessment and teaching associated with respiratory therapy; thereby, engaging in the unlicensed practice.

This issue is sure to generate differing opinions. As such, the office is considering the promulgation of a rule to clearly define the permissible scope for oxygen delivery people. The office expects to engage in rulemaking on this issue later this summer. Notice will be sent to you and your participation is encouraged.

If you ever have a regulatory question about the practice, feel free to contact the Office of Respiratory Therapy.

RENEWAL

This year marks the second license renewal period since respiratory therapists first became licensed in 2000. To date, there are 1,820 active licensed respiratory therapists in Colorado.

The renewal fee has gone up a little this year to \$35 for a timely renewal, and \$50 for renewals received after August 31, 2002.

UNLICENSED?

Since licensure of respiratory therapy is still relatively new, there are a few stragglers that have not become licensed. Please let us know if you are aware of anyone practicing respiratory therapy without being licensed so that we may contact and bring them into compliance, or initiate legal action if necessary.

COMPLAINTS/DISCIPLINE

Since licensure became effective in the summer of 2000, there have been few complaints against respiratory therapists, and fewer instances of discipline. A total of 12 complaints have been lodged against RTs with allegations of practicing beyond the scope, providing false information, abandoning patients, substance abuse, engaging in substandard care, and practicing without a license.

A total of four licensees have been disciplined. They are as follows:

RELINQUISHMENT:	Gary J. Hahn (August 20, 2001) Mark W. Evans (August 20, 2001)
LETTER OF ADMONITION:	David A. Seigel (December 17, 2001)
PROBATION:	Suzy Tearpak (June 5, 2002)

Three complaints were dismissed, and the remaining seven are still pending.

NOTICE TO RESPIRATORY THERAPISTS:

Section 24-34-107(1) of the Colorado Revised Statutes requires that every application by an individual for a license issued pursuant to the authority set forth in title 12, C.R.S., by the Department of Regulatory Agencies, shall require the applicant's social security number. Disclosure of your social security number is mandatory for purposes of establishing, modifying, or enforcing child support under § 14-14-113 and § 26-13-126, C.R.S.; locating an individual who is under an obligation to pay child support as required by § 26-13-107(3)(a)(I)(A), C.R.S.; and reporting disciplinary actions to the Health Integrity and Protection Data Bank as required by 45 CFR §§ 61.1 et seq. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Disclosure of your social security number is voluntary for disclosure to other state regulatory agencies, testing and examination vendors, law enforcement agencies, and other private federations and associations involved in professional regulation for identification purposes only. Your social security number will not be released for any other purpose not provided for by law.