

Colorado Respiratory Therapists Licensure

➤ *Update 2006*

<i>State of Colorado Bill Owens, Governor</i>	<i>Department of Regulatory Agencies Tambor Williams, Executive Director</i>	<i>Division of Registrations Rosemary McCool, Director</i>
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SUNSET REVIEW

In 2004, information about the practice of respiratory therapy in Colorado was gathered by the Office of Policy, Research and Regulatory Reform, and was subsequently presented to the legislature in a report. The 2004 Sunset Review of the Respiratory Therapy Practice Act is available on our website under the section entitled “News and Hot Topics.”

Then in 2005, the Colorado General Assembly considered whether to continue regulation of the respiratory therapy profession, and reviewed proposed modifications to the Respiratory Therapy Practice Act.

The first change proposed in the Sunset Review was to discontinue the regulation of respiratory therapists. The argument for repeal was not successful and state regulation of respiratory therapy will continue until the next sunset review scheduled in 2015.

With its sunset legislation (Senate Bill 05-147), the legislature:

- Adopted additional grounds for disciplinary action, including: 1) the making of falsified or repeated incorrect entries or failing to make essential entries in medical records; and 2) practicing beyond the scope of one’s training, experience, or competence.
- Reworded section 12-41.5-109(2)(h) of the practice act relating to drug or alcohol use. The old language, “addiction to or dependence on...” was changed to “excessive or habitual use or abuse...”
- Limited polysomnographic (sleep) technologists to certain procedures.

A copy of Senate Bill 05-147 and a summary of legislative changes can also be found on our website under “News and Hot Topics.”

HOUSE BILL 06-1048

This year, the House introduced a bill that will make practicing without an active respiratory therapy license a Class 2 misdemeanor for a first offense. A second or any subsequent offense for practicing without an active license will be a Class 6 felony. Governor Owens signed the bill on March 27, 2006.

COMPLAINTS AND DISCIPLINE

Between July 1, 2004 and June 15, 2006, 14 new complaints were filed against respiratory therapists in Colorado. The allegations included unlicensed practice, failure to reveal discipline in another state, patient death, substance abuse, patient abandonment, felony conviction, and altered application documents. In the same time period, 10 cases were finalized. Five complaints were dismissed. The following individuals were disciplined:

Licensee	Date	Conduct	Disciplinary Sanction
Gerald Boarts	April 6, 2005	Substance abuse	Probation
Norvell Brown	May 6, 2005	Unlicensed practice	Letter of Admonition
Franklin Moody	April 19, 2005	Patient death	Probation
Debra Padilla	May 2, 2006	Patient abandonment	Probation
Earlie Reeves	February 16, 2005	Felony conviction	Probation

To view disciplinary documents dating from January 1, 1999 to the present, please visit Registrations Online Documents (ROD) at www.dora.state.co.us/doraimages.

INFORMATION AVAILABLE ONLINE

For the latest updates, the current copy of the Practice Act, or the Rules and Regulations, visit the Respiratory Therapy website at: www.dora.state.co.us/respiratory-therapy.

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