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**CHAPTER 49: RESPIRATORY THERAPISTS****§3351. Purpose**

The legislature hereby declares that in order to safeguard the health, safety, and welfare of the people of this state against the unauthorized, unqualified, and improper practice of respiratory therapy it is necessary to provide for the regulation of persons offering respiratory services to the public.

Acts 1985, No. 408, §1.

**§3352. Short title**

This Chapter shall be known and may be cited as the Respiratory Therapy Practice Act.

Acts 1985, No. 408, §1.

**§3353. Definitions**

As used in this Chapter, unless the context clearly states otherwise:

- (1) "Board" means the Louisiana State Board of Medical Examiners established in R.S. 37:1263.
  - (2) "Licensed respiratory therapist" or "LRT" means a person who is licensed by the board to practice respiratory therapy under the qualified medical direction and supervision of a physician.
  - (3) "Physician" means a person who is licensed by the board to practice medicine in this state.
  - (4) "Respiratory care" is synonymous with the term "respiratory therapy" as defined in this Chapter.
  - (5) "Respiratory therapy" means the allied health specialty practiced under the direction and supervision of a physician involving the assessment, treatment, testing, monitoring, and care of persons with deficiencies and abnormalities of the cardiopulmonary system. Such therapy includes but is not limited to the following activities conducted upon a prescription or other order of a physician, advanced practice registered nurse, or physician assistant howsoever communicated and duly recorded:
    - (a) Application and monitoring of oxygen therapy, invasive and noninvasive ventilatory therapy, mechanical ventilation, bronchial hygiene therapy, and cardiopulmonary rehabilitation and resuscitation.
    - (b) Insertion and care of airways.
    - (c) Institution of any type of physiologic monitoring applicable to respiratory therapy, including but not limited to cardiopulmonary and neurological processes related to such diseases.
    - (d) Insertion and care of peripheral arterial lines.
    - (e) Administration of noncontrolled drugs and medications common to respiratory therapy that have been dispensed by a pharmacist and prescribed by a physician, advanced practice registered nurse, or physician assistant to be administered by a licensed respiratory therapist as defined in this Chapter. Nothing in this Chapter shall be construed to authorize the administration of sedatives, hypnotics, anesthetics or paralytic agents, or intravenous administration of medications, with the exception of the administration of medications necessary during cardiopulmonary arrest by a licensed respiratory therapist certified in Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), or a Neonatal Resuscitation Program (NRP).
- (f) Pulmonary assessment, testing techniques, and therapy modification required for implementation of physician-approved respiratory therapy protocols.
  - (g) Administration of medical gases and environmental control systems and their apparatus, including hyperbaric oxygen therapy.
  - (h) Administration of humidity and aerosol therapy.
  - (i) Application of chest pulmonary therapy and associated bronchopulmonary hygiene techniques.
  - (j) Institution of physician-approved, patient-driven respiratory therapy protocols in emergency situations in the absence of a physician.
  - (k) Supervision of students.
  - (l) Performance of specific procedures and diagnostic testing relative to respiratory therapy that are ordered by a physician, advanced practice registered nurse, or physician assistant to assist in diagnosis, monitoring, treatment, and research, including:
    - (i) Drawing arterial, venous, and capillary blood samples and other body fluids for analysis to determine laboratory values to be performed on blood gas instrumentation.
    - (ii) Collection of sputum and other body fluids for analysis.
    - (iii) Procedures involved in patient preparation and assisting a physician who is in attendance with invasive procedures related to respiratory therapy, including but not limited to bronchoscopy, chest tube insertion, and tracheotomy.
    - (iv) Measurement of expired gases in the performance of cardiopulmonary function tests common to respiratory therapy.
    - (v) Starting of intravenous lines for the purpose of administering fluids pertinent to the practice of respiratory therapy in a special procedure area under the order of a physician, advanced practice registered nurse, or physician assistant.
    - (m) Transcription and implementation of physician, advanced practice registered nurse, or physician assistant orders pertinent to the practice of respiratory therapy to be provided by a licensed respiratory therapist.
    - (n) Instruction of patient, family, and caregivers in the prevention, management, and therapeutic modalities related to respiratory therapy for patients in any setting.
- (6) "Respiratory therapy education program" means a program of respiratory therapy studies accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), in collaboration with the Committee on Accreditation for Respiratory Care (CoARC), or their predecessor or successor organizations or an equivalent program approved by the board.

Acts 1985, No. 408, §1; Acts 1995, No. 802, §1; Acts 2007, No. 142, §2.

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**§3354. Licensure required; qualifications**

A. No person shall practice respiratory therapy as defined in this Chapter in this state unless licensed in accordance with the provisions of this Chapter.

B. In order to obtain a license to practice respiratory therapy, an applicant shall demonstrate to the satisfaction of the board that he:

- (1) Is of good moral character.
- (2) Is at least eighteen years of age and a high school graduate or has the equivalent of a high school diploma.
- (3) Is a graduate of a respiratory therapy education program.
- (4)(a) Holds current credentials as a certified or registered respiratory therapist granted by the National Board for Respiratory Care or its predecessor or successor organization or equivalent credentials on the basis of examination and training approved by the board; or  
(b) Holds a current, unrestricted license to practice respiratory therapy issued by the licensing authority of another state, the District of Columbia, or a territory of the United States, whose requirements for licensure are considered by the board to exceed or be equivalent to those of the state of Louisiana and who otherwise meets the requirements provided by this Chapter and established by the board.
- (5) Has paid all fees and satisfied all requirements of this Chapter and the board's rules.

C.-E. Repealed by Acts 2007, No. 142, §3.

Acts 1985, No. 408, §1; Acts 2007, No. 142, §§2 and 3.

**§3355. Powers and duties of the board**

The board shall:

- (1) Establish and publish minimum standards of respiratory therapy practice in accordance with those developed and accepted by the profession.
- (2) Approve, deny, revoke, suspend, and renew licensure of duly qualified applicants.
- (3) Adopt, promulgate, revise, and enforce rules and regulations that the board may deem necessary to ensure the competency of applicants, the protection of the public, and proper administration of this Chapter in accordance with the Administrative Procedure Act.
- (4) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license.

Acts 1985, No. 408, §1; Acts 2007, No. 142, §2.

**§3356. Respiratory Care Advisory Committee; creation; duties**

A.(1) The Respiratory Care Advisory Committee (committee) is hereby created and shall be composed of ten members appointed by the governor to assist the board in the administration of the provisions of this Chapter.

(2)(a) Six members of the committee shall be respiratory therapists licensed by the board to practice respiratory therapy in this state and selected from a list of names submitted by the Louisiana Society of Respiratory Therapy.

(b) Two members of the committee shall be physicians engaged in the practice of pulmonary or critical care medicine and selected from a list of names submitted by the Louisiana State Medical Society.

(c) One member of the committee shall be a hospital administrator selected from a list of names submitted by the Louisiana Hospital Association.

(d) One member of the committee shall be a citizen of Louisiana who is not employed in the delivery of health care.

B.(1) The nominating organizations shall submit their lists of nominees at the request of the governor.

(2) Members shall serve at the pleasure of the appointing governor. Each appointment by the governor shall be submitted for Senate confirmation.

C. A vacancy in an unexpired term shall be filled in the manner of original appointment.

D. A majority of the members of the committee shall elect a chairman.

E. The committee shall meet no less than quarterly at a time and place to be determined by the chairman of the committee. A majority of the members of the committee shall constitute a quorum for the transaction of all business.

F. Each member shall receive a per diem of fifty dollars per day and be reimbursed for travel expenses incurred in attendance at meetings and other official business on behalf of the committee or the board. Such compensation shall be paid from funds derived from fees as provided in R.S. 37:3359.

G. The committee shall:

- (1) Advise the board on issues affecting applicants for licensure and regulation of respiratory therapy in the state.
- (2) Provide advice and recommendations to the board regarding the modification, amendment, and supplementation of rules, regulations, standards, policies, and procedures for respiratory therapy licensure and practice.
- (3) Serve as liaison between and among the board, licensed respiratory therapists, and professional organizations.
- (4) Review and advise the board on issues affecting requests for temporary licenses.
- (5) Conduct audits on applications to ensure satisfactory completion of continuing education and competency as specified by the board's rules.
- (6) Perform such other functions and provide such additional advice and recommendations as may be requested by the board.

Acts 1985, No. 408, §1; Acts 1989, No. 211, §1, eff. June 26, 1989; Acts 2007, No. 142, §2.

**§3357. Issuance and renewal of license**

A. The board shall issue a respiratory therapist license to any person who meets the qualifications provided for in this Chapter and the rules and regulations of the board and who pays the respective license fees fixed by the board.

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B. Any person who is issued a license as a respiratory therapist under the provisions of this Chapter may use the words "licensed respiratory therapist" or may use the letters "LRT" in connection with his name to denote licensure. A respiratory therapist licensed by the board, who is currently certified or registered by, and in good standing with, the National Board for Respiratory Care, may identify such credentials with his name by the title "licensed respiratory therapist-certified" or "licensed respiratory therapist-registered" or the letters "LRT-C" or "LRT-R".

C. A license issued under the provisions of this Chapter shall be subject to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the board.

Acts 1985, No. 408, §1; Acts 1989, No. 211, §1, eff. June 26, 1989; Acts 1995, No. 802, §1; Acts 2007, No. 142, §2.

**§3357.1. Continuing education requirement**

A. Every applicant for license renewal shall have completed in the prior twelve months at least ten hours of continuing education courses that are approved by the board in consultation with the Respiratory Care Advisory Committee.

B. The board shall develop and maintain appropriate rules to reflect the annual continuing education requirement. The committee, at the direction of the board, shall further conduct regular audits to verify that applicants have fulfilled the continuing education requirement. Any applicant found to have submitted insufficient or false information relative to this requirement, within ninety days after being requested to do so, shall submit documentation verifying that he has fulfilled this requirement. The board shall suspend the license of any respiratory therapist who fails to provide such documentation within such time.

Acts 2007, No. 142, §2.

**§3357.2. Reinstatement of license**

A license that has expired without renewal may be reinstated by the board, provided the applicant is otherwise eligible under the provisions of this Chapter, pays the applicable fees, and satisfies the continuing education requirement and such other requirements as may be established by the board.

Acts 2007, No. 142, §2.

**§3357.3. Temporary license**

A. The board may issue a six-month temporary license as a respiratory therapist to persons who have completed a respiratory therapy education program, applied for and are awaiting examination with the National Board for Respiratory Care, and filed an application for licensure with the board. A temporary license shall expire and become null and void upon the earlier of:

- (1) The date on which the board acts on the application following notification of the successful completion of the examination; or
- (2) Six months from the date of issuance.

B. A temporary license shall not be renewable and may be restricted or limited by the board. Exceptions may be made at the discretion of the board based upon an appeal identifying extenuating circumstances.

Acts 2007, No. 142, §2.

**§3357.4. Work permit**

A. The board may grant a work permit to practice respiratory therapy, effective for a period of sixty days, to either of the following:

- (1) An applicant currently credentialed by the National Board of Respiratory Care who has filed an application for licensure with the board.
- (2) A graduate of a respiratory therapy educational program who has applied for and is awaiting examination by the National Board of Respiratory Care and who has filed an application for licensure with the board.

B. A work permit may not be renewed.

Acts 2007, No. 142, §2.

**§3358. Causes for nonissuance, suspension, revocation, or refusal to renew**

A. The board may deny, refuse to renew, suspend, revoke, or impose probationary conditions on a license if the licensee or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
- (2) Violating the code of ethics adopted and published by the American Association for Respiratory Therapy.
- (3) Conviction or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered.
- (4) Conviction or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of respiratory therapy.
- (5) Perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice respiratory therapy.
- (6) Providing false testimony before the board or providing false sworn information to the board.
- (7) Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence.
- (8) Solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading.
- (9) Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, indemnity association, company, individual, or governmental authority for the purpose of obtaining any thing of economic value.
- (10) Cognitive or clinical incompetency.

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(11) Continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of respiratory therapy in this state.

(12) Knowingly performing any act which in any way assists an unlicensed person to practice respiratory therapy, or having professional connection with or lending one's name to an illegal practitioner.

(13) Paying or giving any thing of economic value to another person, firm, or corporation to induce the referral of patients to a respiratory therapist.

(14) Interdiction by due process of law.

(15) Inability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.

(16) Refusal to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into the licensee's physical or mental fitness and ability to practice respiratory therapy with reasonable skill or safety to patients.

(17) Practicing or otherwise engaging in any conduct or functions beyond the scope of respiratory therapy as defined by this Chapter or the board's rules.

(18) Refusal of the licensing authority of another state to issue or renew a license, permit, or certificate to practice respiratory therapy in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.

(19) Violation of any rules and regulations of the board or any provisions of this Chapter.

B. Denial, refusal to renew, suspension, or revocation of a license, or the imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in the manner provided by the policies which shall be adopted by the board or by consent of the parties. Any license suspended, revoked, or otherwise restricted may be reinstated by the board.

C. The board shall have authority to establish policies regarding denial, suspension, revocation, or refusal to renew an application. Such policies shall be adopted in accordance with the provisions of the Louisiana Administrative Procedure Act.

D. A license suspended pursuant to this Section shall be subject to all requirements for renewal during a period of suspension.

Acts 1985, No. 408, §1; Acts 2007, No. 142, §2.

**§3359. Fees**

The board, under its authority established in R.S. 37:1281, shall fix fees for the purpose of administering the provisions of this Chapter in a manner established by its rules.

Acts 1985, No. 408, §1; Acts 2007, No. 142, §2.

**§3360. False representation of licensure prohibited**

A. Any person who is not licensed under the provisions of this Chapter or whose license has been suspended or revoked shall not engage in the practice of respiratory therapy in this state or use in connection with his name the words "licensed respiratory therapist", the letters "LRT", or any other words, letters, abbreviation, or insignia indicating in any way, directly or by implication, that he is a licensed respiratory therapist.

B. Whoever violates the provisions of this Chapter shall be fined not more than one thousand dollars or be imprisoned for not more than six months, or both.

Acts 1985, No. 408, §1; Acts 2007, No. 142, §2.

**§3361. Persons and practices not affected**

Nothing in this Chapter shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed.

(2) Any person employed as a respiratory therapist by the United States government if such person provides respiratory therapy solely under the direction or control of the United States governmental organization by which he is employed.

(3) Any student pursuing a course of study in an approved respiratory therapy education program, provided that such respiratory therapy practices, activities, and services are necessary to meet the requirements of the program. Any such student shall be referred to as a "student respiratory therapist" and shall use the letters "SRT" during clinical training to denote his status as a student or trainee.

(4) Any person not licensed as a respiratory therapist who may be employed in a pulmonary testing laboratory or physician's office, provided such practice is confined to that laboratory or office under the direction and immediate supervision of a licensed physician.

Acts 1985, No. 408, §1; Acts 1989, No. 211, §1, eff. June 26, 1989; Acts 2007, No. 142, §2.