



House Health Reported Substitute for HB299

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama State Board of Respiratory Therapy; to amend Sections 34-27B-2, 34-27B-3, 34-27B-4, 34-27B-5, 34-27B-7, 34-27B-8, 34-27B-9, and 34-27B-11, Code of Alabama 1975, to further provide for and revise requirements for licensure; to further provide for the duties and composition of the board; to further provide for temporary licenses; to add Section 34-27B-8.1 to the Code of Alabama 1975, to provide criminal penalties for certain actions; and to repeal Section 34-27B-12, Code of Alabama 1975, requiring the board to provide notice of regulations to respiratory therapists practicing on May 17, 2004.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-27B-2, 34-27B-3, 34-27B-4, 34-27B-5, 34-27B-7, 34-27B-8, 34-27B-9, and 34-27B-11, Code of Alabama 1975, are amended to read as follows:

"§34-27B-2

As used in this chapter, the following terms ~~shall~~ have the following meanings:

(1) BOARD. The Alabama State Board of Respiratory Therapy.



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29 (2) DIRECT CLINICAL SUPERVISION. A situation where a
30 licensed respiratory therapist or physician is available for
31 the purpose of communication, consultation, and assistance.

32 (3) ~~HEALTHCARE~~ HEALTH CARE FACILITY. The ~~definition~~
33 ~~shall be the~~ same meaning as in Section 22-21-260.

34 (4) MEDICALLY APPROVED PROTOCOL. A detailed plan for
35 taking specific diagnostic or treatment actions, or both,
36 authorized by the treating physician of the patient, ~~all of~~
37 ~~which actions shall be~~ which is:

38 a. In a hospital or other inpatient health care
39 facility, approved by the supervising physician of the
40 respiratory therapist or in an outpatient treatment setting
41 approved by the supervising physician of the respiratory
42 therapist ~~;~~ ;

43 b. Except in cases of medical emergency, instituted
44 following an evaluation of the patient by a physician or
45 otherwise directed by the supervising physician of the
46 respiratory therapist ~~;~~ ; ~~and~~

47 c. Consistent with the definition of the scope of
48 practice of respiratory therapy, as established by this
49 chapter.

50 (5) PHYSICIAN. ~~A person~~ An individual who is a doctor
51 of medicine or a doctor of osteopathy licensed to practice in
52 this state.

53 (6) RESPIRATORY THERAPIST. ~~A person~~ An individual
54 licensed by the board to administer respiratory therapy and
55 who has the knowledge and skills necessary to administer
56 respiratory therapy, monitor patient responses, modify



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57 respiratory therapy based upon patient response, provide
58 information and education to patients about deficiencies or
59 disorders of the cardiopulmonary system, and supervise others
60 in the delivery of appropriate respiratory therapy procedures.

61 (7) RESPIRATORY THERAPY OR CARE. Therapy, management,
62 rehabilitation, diagnostic evaluation, and care of patients
63 with deficiencies and abnormalities of the cardiopulmonary
64 system and associated aspects of other systems' functions,
65 given by a ~~health care professional~~ respiratory therapist
66 under the direction of a physician. The term includes, ~~but is~~
67 ~~not limited to,~~ the following activities conducted upon
68 written prescription, verbal order, or medically approved
69 protocol:

70 a. Direct and indirect pulmonary care services that are
71 safe, aseptic, preventive, or restorative to the patient.

72 b. Direct and indirect respiratory therapy services,
73 including, ~~but not limited to,~~ the administration of
74 pharmacologic, diagnostic, and therapeutic agents related to
75 respiratory therapy procedures necessary to implement a
76 treatment, disease prevention, pulmonary rehabilitative, or
77 diagnostic regimen prescribed by a physician.

78 c. Observation and monitoring of signs and symptoms,
79 general behavior, and general physical response to respiratory
80 therapy treatment and diagnostic testing and determination of
81 whether ~~such~~ these signs, symptoms, reactions, behavior, or
82 general responses exhibit abnormal characteristics, and
83 implementation, based on observed abnormalities, of
84 appropriate reporting or referral practices or prescribed and



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85 medically approved respiratory therapy protocols or
86 appropriate changes in a treatment regimen, pursuant to a
87 prescription by a physician, or the initiation of emergency
88 procedures.

89 d. The diagnostic and therapeutic use of any of the
90 following, in accordance with the prescription of a physician:

- 91 1. Administration of medical gases, ~~exclusive of~~ not
92 including general anesthesia.
- 93 2. Aerosols.
- 94 3. Humidification.
- 95 4. Environmental control systems and hyperbaric
96 therapy.
- 97 5. Pharmacologic agents related to respiratory therapy
98 procedures.
- 99 6. Mechanical or physiological ventilatory support.
- 100 7. Bronchopulmonary hygiene.
- 101 8. Cardiopulmonary resuscitation.
- 102 9. Maintenance of the natural airways.
- 103 10. Insertion without cutting tissues and maintenance
104 of artificial airways.
- 105 11. Diagnostic and testing techniques required for
106 implementation of respiratory therapy protocols.
- 107 12. Collections of specimens of blood and other body
108 fluids including specimens from the respiratory tract.
- 109 13. Collection of inspired and expired gas samples.
- 110 14. Analysis of blood, gases, and respiratory
111 secretions.
- 112 15. Measurements of ventilatory volumes, pressures, and



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113 flows.

114 16. Pulmonary function testing.

115 17. Hemodynamic and other related physiologic
116 measurements of the cardiopulmonary system.

117 18. Respiratory telecommunications.

118 19. Cardiopulmonary disease management.

119 20. Tobacco cessation.

120 e. The transcription and implementation of the written
121 and verbal orders of a physician pertaining to the practice of
122 respiratory therapy.

123 f. Institution of known and medically approved
124 protocols relating to respiratory therapy in emergency
125 situations in the absence of immediate direction by a
126 physician ~~and institution of specific procedures and~~
127 ~~diagnostic testing related to respiratory therapy as ordered~~
128 ~~by a physician~~ to assist in diagnosis, monitoring, treatment,
129 and medical research.

130 g. Delivery of respiratory therapy procedures,
131 instruction, and education of patients in the proper methods
132 of self-care and prevention of cardiopulmonary diseases and
133 other conditions requiring the use of respiratory therapy
134 equipment or techniques."

135 "§34-27B-3

136 (a) Except as provided in Section 34-27B-7, no ~~person~~
137 individual shall hold himself or herself out to be, or
138 function as, a respiratory therapist in this state unless
139 licensed in accordance with this chapter.

140 (b) In order to obtain a respiratory therapist license,



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141 an applicant shall demonstrate to the board that he or she: ;
142 (i) is a citizen of the United States or, if not a citizen of
143 the United States, ~~a person~~ an individual who is legally
144 present in the United States with appropriate documentation
145 from the federal government; (ii) is at least 18 years of
146 age; (iii) is a high school graduate, or has the equivalent
147 of a high school diploma; (iv) demonstrates good moral
148 character; and (v) meets one of the following requirements:

149 (1) Holds and maintains credentials as a registered
150 respiratory therapist (RRT) or a certified respiratory
151 therapist (CRT), as granted by the National Board for
152 Respiratory Care or its successor organization.

153 (2) Holds a temporary license issued under ~~subsection~~
154 ~~(d) of~~ Section 34-27B-7 and passes the examination leading to
155 the CRT or RRT credential.

156 (3) Has a valid respiratory therapist license from
157 another state, the District of Columbia, or a territory of the
158 United States, whose requirements for licensure are considered
159 by the board as substantially similar to those of ~~Alabama~~ this
160 state and who otherwise meets the reciprocity requirements
161 established by the board.

162 ~~(4) Meets the requirements of subdivision (2) of~~
163 ~~subsection (d) of Section 34-27B-7.~~

164 ~~(5)~~ (4) Has been approved by the board as otherwise
165 qualified by special training and has passed the licensure
166 examination established by the board in subsection (c).

167 (c) The board shall arrange for the administration of a
168 licensure examination administered by the state or a national



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169 agency approved by the board. The examination shall be
170 validated and nationally recognized as testing respiratory
171 care competencies. The board may enter into agreements or
172 contracts, consistent with state law, with outside
173 organizations for the purpose of developing, administering,
174 grading, and reporting the results of licensure examinations.
175 ~~Such~~ These organizations shall be capable of meeting the
176 standards of the National Commission for Health Certifying
177 Agencies, or its equivalent or successor organization. The
178 board shall establish criteria for satisfactory performance on
179 the examination.

180 (d) The board may request a criminal history background
181 check of an applicant for the purpose of determining an
182 applicant's suitability for a license to practice respiratory
183 therapy. If requested by the board, the applicant shall submit
184 a full set of fingerprints to the board for the purpose of
185 obtaining a state and national criminal history background
186 check.

187 (2) Fingerprints obtained pursuant to subdivision (1)
188 may be exchanged by the board, the Alabama State Law
189 Enforcement Agency, or any successor entity thereof, or any
190 channeler approved by the board, with the Federal Bureau of
191 Investigation for the purpose of obtaining a state and
192 national criminal history background check.

193 (3) The applicant shall be responsible for all costs
194 associated with the submission of his or her fingerprints and
195 obtaining a state and national criminal history background
196 check. The board may incorporate those costs into the cost of



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197 licensing or may charge the applicant a separate fee, which
198 may be payable to the board, the Alabama State Law Enforcement
199 Agency, or any successor entity thereof, or the approved
200 channeler, as appropriate.

201 (4) Information received by the board pursuant to a
202 state and national criminal history background check shall be
203 confidential and shall not be a public record, except that any
204 information received by and relied upon by the board in
205 denying the issuance of a license may be disclosed as
206 necessary to support the denial."

207 "§34-27B-4

208 (a) The board shall perform all of the following
209 functions:

210 (1) Set respiratory therapy licensure fees, including,
211 ~~but not limited to,~~ application, initial, renewal, ~~and~~
212 reinstatement fees.

213 (2) Establish and publish minimum standards of
214 continuing education of respiratory therapy in accordance with
215 those standards developed and accepted by the profession.

216 (3) Examine for, approve, deny, revoke, suspend, and
217 renew licensure of duly qualified applicants.

218 (4) ~~Promulgate~~ Adopt and publish rules in accordance
219 with the Administrative Procedure Act to administer this
220 chapter.

221 (5) Conduct hearings on charges calling for the denial,
222 suspension, revocation, or refusal to renew a license.

223 (6) Maintain an up-to-date list of every ~~person~~
224 individual licensed to practice respiratory therapy pursuant



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225 to this chapter. The list shall include the last known place
226 of residence and the state license number of the licensee.

227 (7) Maintain an up-to-date list of ~~persons~~ individuals
228 whose licenses have been suspended, revoked, or denied. The
229 list shall include the name, Social Security number, type,
230 date, and cause of action, penalty incurred, and the length of
231 the penalty. The information on the list, except for Social
232 Security numbers, shall be available for public inspection
233 during reasonable business hours and the information may be
234 shared with others as deemed necessary and acceptable by the
235 board.

236 (b) The board, by rule, shall prorate fees as
237 appropriate and shall provide applicants and licensees with
238 verification of receipt of fees."

239 "§34-27B-5

240 (a) (1) The Alabama State Board of Respiratory Therapy
241 is created to implement and administer this chapter and shall
242 be composed of ~~six~~ seven members appointed by the Governor.
243 ~~Three~~ Four of the members shall be respiratory therapists, one
244 member shall be the chief executive officer of a hospital, one
245 member shall be a physician, and one member shall be a
246 consumer.

247 (2) The respiratory therapist members of the board
248 appointed by the Governor shall be selected from a list of
249 names submitted by the Alabama Society for Respiratory Care.
250 The list shall include two names for each appointed position
251 to be filled. The respiratory therapist members appointed to
252 the board shall be registered or certified by the National



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253 Board for Respiratory Care or its successor organization.
254 ~~Respiratory therapists appointed to the initial board must be~~
255 ~~eligible to obtain a license under this chapter. Respiratory~~
256 ~~therapists selected for subsequent appointments must~~ and be
257 licensed by the ~~state~~ board.

258 (3) The hospital member shall be selected from a list
259 of two names submitted by the Alabama Hospital Association.

260 (4) The physician member appointed shall be duly
261 licensed to practice medicine in Alabama and shall be a member
262 of at least one of the following: The American Thoracic
263 Society, the American College of Chest Physicians, the
264 American Society of Anesthesiologists, or the American Academy
265 of Pediatrics. The physician member of the board appointed by
266 the Governor shall be selected from a list of two names
267 submitted by the Medical Association of the State of Alabama.

268 (5) The consumer member appointed by the Governor shall
269 be selected from one of the names submitted by the American
270 Lung Association in Alabama, the Alabama Chapter of the Cystic
271 Fibrosis Foundation, and the Alabama Asthma Coalition. Each
272 entity shall submit one name for consideration.

273 (b) All board members shall be residents of Alabama and
274 all appointing authorities shall coordinate their appointments
275 ~~so that diversity of gender, race, and geographical areas is~~
276 ~~reflective of the makeup~~ to assure the board's membership is
277 inclusive and reflects the racial, gender, geographic, urban,
278 rural, and economic diversity of this state.

279 (c) The Governor shall make the appointments for all
280 positions for members of the board within 90 days of the date



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281 the position becomes available, including initial
282 appointments, vacancies, and replacements at the end of the
283 term of service. All members shall continue to serve until a
284 successor is appointed.

285 (d) Members of the board shall have the same immunities
286 from personal liability as state employees for actions taken
287 in the performance of their official duties.

288 (e) The term of office of those members first appointed
289 shall be as follows: Two respiratory therapists and the
290 hospital member, as determined by the Governor, shall serve
291 for terms of two years, and one respiratory therapist and the
292 physician member shall serve for terms of four years. The
293 additional respiratory therapist member appointed after
294 October 1, 2026, shall serve an initial term of not more than
295 four years as determined by the Governor. Thereafter, the term
296 of all members, including the consumer member, shall be for
297 four years. No member shall be appointed for more than three
298 consecutive full terms. A vacancy in an unexpired term shall
299 be filled in the manner of the original appointment. The board
300 shall elect a chair and vice chair annually.

301 (f) The board shall meet at least twice each year at a
302 time and place determined by the chair. A majority of the
303 members of the board shall constitute a quorum for the
304 transaction of business.

305 (g) Each member shall serve without compensation, but
306 shall be reimbursed for travel expenses incurred in attendance
307 at meetings of the board and any other expenses incurred on
308 business of the board at its discretion. Board members shall



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309 also receive a per diem allowance following the guidelines for
310 state employees. The reimbursement for expenses and per diem
311 shall be paid from funds derived from the Alabama State Board
312 of Respiratory Therapy Fund."

313 "§34-27B-7

314 (a) The board shall issue a respiratory therapist
315 license to any ~~person~~ individual who meets the qualifications
316 required by this chapter and who pays the license fee
317 ~~established herein.~~

318 (b) Any ~~person~~ individual who is issued a regular or
319 temporary respiratory therapy license ~~as a respiratory~~
320 ~~therapist~~ under this chapter may use the words "licensed
321 respiratory therapist" or the letters "L.R.T." in connection
322 with his or her name to denote his or her license.

323 (c) A license issued under this chapter shall be
324 subject to ~~biennial~~ renewal every two years.

325 (d) ~~(1)~~ The board may issue a six-month temporary
326 license as a respiratory therapist to ~~persons~~ individuals who
327 have graduated from a respiratory therapy educational program
328 accredited by the Council on Allied Health Education Programs
329 (CAHEP) in collaboration with the Committee on Accreditation
330 for Respiratory Care (CoARC), or their successor
331 organizations, and who have applied for and are awaiting
332 competency examination. ~~The temporary license shall be~~
333 ~~renewable only once for an additional six-month period if the~~
334 ~~applicant fails the examination. Exceptions may be made at the~~
335 ~~discretion of the board based upon an appeal identifying~~
336 ~~extenuating circumstances.~~ The holder of a temporary license



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337 may only provide respiratory therapy or care activities,
338 services, and procedures as defined in Section 34-27B-2 under
339 the direct clinical supervision of a licensed onsite
340 respiratory therapist ~~or physician~~.

341 ~~(2) The board shall grant a license as a respiratory~~
342 ~~therapist to other persons who do not meet the qualifications~~
343 ~~for licensure pursuant to Section 34-27B-3, but who, on the~~
344 ~~effective date of the adoption of the rules and regulations of~~
345 ~~the board, are currently employed in the administration of~~
346 ~~respiratory therapy under the direction of a physician in the~~
347 ~~State of Alabama. The opportunity to apply for a respiratory~~
348 ~~therapy license issued under this subdivision shall expire 365~~
349 ~~days after implementation of the rules of the board. Holders~~
350 ~~of these licenses shall be eligible to renew their licenses as~~
351 ~~are any other licensed respiratory therapists under this~~
352 ~~chapter."~~

353 "§34-27B-8

354 (a) The board may refuse to renew a license, may
355 suspend or revoke a license, may impose probationary
356 conditions, or may impose an administrative fine not to exceed
357 five hundred dollars (\$500) per violation, as disciplinary
358 actions if a licensee or applicant for licensure has been
359 found guilty of unprofessional conduct that has endangered, or
360 is likely to endanger, the health, welfare, or safety of the
361 public. Unprofessional conduct includes, ~~but is not limited~~
362 ~~to,~~ each of the following:

363 (1) Obtaining a license by means of fraud,
364 misrepresentation, or concealment of material facts.



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365 (2) Being found guilty of unprofessional conduct as
366 defined by the rules established by the board, or violating
367 the code of ethics adopted and published by the American
368 Association for Respiratory Care or its successor
369 organization.

370 (3) Conviction of a crime, other than a minor offense,
371 in any court if the offense has a direct bearing on whether
372 the person should be entrusted to serve the public in the
373 capacity of a respiratory therapist.

374 (b) The board, after a hearing, may exercise the
375 disciplinary actions authorized in subsection (a). The board
376 shall adopt policies for the conduct of the hearings. One year
377 after the date of the revocation of a license, application may
378 be made to the board for reinstatement. The board shall hold a
379 hearing to consider any application for reinstatement.

380 (c) The board may ~~establish~~ adopt rules regarding the
381 disciplinary actions authorized in subsection (a) in
382 accordance with the Administrative Procedure Act.

383 (d) A suspended license is subject to expiration during
384 the suspension period.

385 (e) The board may subpoena any person or document and
386 take testimony to carry out this chapter.

387 (f) The board shall promote the early identification,
388 intervention, treatment, and rehabilitation of respiratory
389 therapy licensees who may be impaired by reason of illness,
390 inebriation, excessive use of drugs, narcotics, alcohol,
391 chemicals, or other substances, or as a result of any physical
392 or mental condition. If the board has reasonable cause to



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393 believe that a respiratory therapy licensee is impaired, the
394 board may refer that licensee to a treatment program."

395 "§34-27B-9

396 ~~(a) A person~~ An individual who does not hold a license
397 or a temporary license as a respiratory therapist or whose
398 license or temporary license has been suspended or revoked may
399 not do any of the following:

400 (1) Use in connection with the ~~person's~~ individual's
401 practice the words "respiratory care professional,"
402 "respiratory therapist," "respiratory care practitioner,"
403 "certified respiratory care practitioner," "licensed
404 respiratory therapist," "inhalation therapist," or
405 "respiratory therapy technician"; or use the letters "R.C.P."
406 or "L.R.T."; or use any other words, letters, abbreviations,
407 or insignia indicating or implying that the ~~person~~ individual
408 is a respiratory therapist.

409 (2) Directly or by implication represent in any way
410 that the ~~person~~ individual is a respiratory therapist.

411 ~~(b) A person who holds a license or a temporary license~~
412 ~~to practice respiratory therapy under this chapter may use the~~
413 ~~title "respiratory therapist" and the abbreviation "L.R.T."~~

414 "§34-27B-11

415 Nothing in this chapter shall be construed as
416 preventing or restricting the practice, services, or
417 activities of any of the following:

418 (1) Any ~~person~~ individual who is licensed in ~~Alabama~~
419 this state or certified by an organization accredited by the
420 National Commission for Certifying Agencies and acceptable to



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421 the state from engaging in the profession or occupation for
422 which the ~~person~~ individual is licensed or certified.

423 (2) Any ~~person~~ individual employed by the United States
424 government who provides respiratory therapy solely under the
425 direction or control of the United States government agency or
426 organization.

427 (3) Any ~~person~~ individual receiving clinical training
428 while pursuing a course of study leading to registry or
429 certification in a respiratory therapy educational program
430 accredited by the Council on Allied Health Education Programs
431 in collaboration with the Committee on Accreditation for
432 Respiratory Care or their successor organizations. This ~~person~~
433 ~~will~~ individual shall be under direct supervision and be
434 designated by a title clearly indicating his or her status as
435 a student or trainee.

436 (4) Any emergency medical technician licensed by the
437 Alabama ~~State Board~~ Department of Public Health who is
438 providing care to a patient at the scene of an emergency, or
439 during transport of the patient in a licensed ground
440 ambulance, provided that such care may not exceed the scope of
441 care permissible under the rules of the Alabama ~~State Board~~
442 Department of Public Health.

443 (5) The delivery of respiratory therapy of sick or
444 disabled ~~persons~~ individuals by family members or domestic
445 servants or the care of ~~non-institutionalized persons~~
446 noninstitutionalized individuals by a surrogate family member
447 as long as the ~~persons~~ individuals do not represent themselves
448 as, or hold themselves out to be, respiratory therapists.



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449 (6) Any individual who has demonstrated competency in
450 one or more areas covered by this chapter as long as the
451 individual performs only those functions that he or she is
452 qualified by examination to perform. The standards of the
453 National Commission for Certifying Agencies, or its
454 equivalent, shall serve as a standard with which to evaluate
455 those examinations and examining organizations.

456 (7) Any ~~person~~ individual performing respiratory
457 services or care not licensed as a respiratory therapist in
458 accordance with this chapter who is employed in a diagnostic
459 laboratory, physician's office, clinic, or outpatient
460 treatment facility and whose function is to administer
461 treatment or perform diagnostic procedures confined to that
462 laboratory, office, clinic, or outpatient facility under the
463 direction of a licensed physician.

464 (8) Any respiratory therapy student who performs
465 limited respiratory therapy procedures as an employee of ~~any~~ a
466 health care provider organization while enrolled in a
467 respiratory therapy educational program accredited by the
468 Council on Allied Health Education Programs in collaboration
469 with the Committee on Accreditation for Respiratory Care or
470 their successor organizations, provided any procedure
471 performed by a respiratory therapy student is a procedure that
472 the student has previously studied and completed in clinical
473 training. The employee shall be designated by title as a
474 student or trainee and shall work under direct supervision of
475 a licensed respiratory therapist. The board shall maintain a
476 list of all such students.



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477 (9) Any individual employed by a durable medical
478 equipment or home medical equipment company who delivers, sets
479 up, or maintains respiratory equipment, but not including
480 assessment, treatment, or evaluation of the patient.

481 (10) Any individual employed as a polysomnographic
482 technologist working in a sleep center or diagnostic sleep
483 clinic.

484 (11) Any licensed respiratory therapist performing
485 advances in the art and techniques of respiratory therapy
486 learned through special training acceptable to the board."

487 Section 2. Section 34-27B-8.1 is added to the Code of
488 Alabama 1975, to read as follows:

489 An individual shall be guilty of a Class B misdemeanor
490 if he or she does any of the following:

491 (1) Sells or fraudulently obtains or furnishes, or aids
492 or abets in selling or fraudulently obtaining, any license
493 issued pursuant to this chapter.

494 (2) Practices respiratory therapy, uses the title
495 respiratory therapist, or uses in connection with his or her
496 name any designation tending to imply that he or she is a
497 respiratory therapist without a valid and active license
498 issued pursuant to this chapter.

499 Section 3. Section 34-27B-12, Code of Alabama 1975,
500 requiring the Alabama State Board of Respiratory Therapy to
501 provide notice of regulations to respiratory therapists
502 practicing on May 17, 2004, is repealed.

503 Section 4. This act shall become effective on October
504 1, 2026.



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