

EFFECTIVE
05/17/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 162

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 162 RESPIRATORY CARE PRACTITIONERS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of respiratory care practitioners under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-3201 to 38-3216 of the Respiratory Care Practice Act and the Uniform Credentialing Act (UCA).

002. DEFINITIONS. Definitions are set out in the Respiratory Care Practice Act, the Uniform Credentialing Act, Title 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 APPROVED TRAINING PROGRAM. A respiratory therapy education program which is accredited by the Commission on Accreditation for Respiratory Care.

002.02 CONTINUING EDUCATION. The offering of instruction or information to license holders for the purpose of maintaining skills necessary to the safe and competent practice of respiratory care. Continuing education may be offered under such names as scientific school, clinic, forum, lecture, or educational seminar.

002.03 LICENSURE EXAMINATION. The Certified Respiratory Therapist (CRT) examination or the Registered Respiratory Therapist (RRT) examination offered by the National Board for Respiratory Care and approved by the Department on the recommendation of the Board.

002.04 PROVIDER. An individual or sponsoring organization that presents continuing education programs to license holders.

002.05 SCALED SCORE. A qualitative interpretive score which is a function of performance.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-3209 to §38-3212, 172 NAC 10, and this chapter.

003.01 DOCUMENTATION. The following documentation must be provided to the Department.

003.01(A) EDUCATION. Submit an official transcript directly from the issuing institution, verifying completion of an approved training program.

003.01(B) EXAMINATION. Documentation of successful completion of the licensure

examination developed by the National Board of Respiratory Care with a minimum score of 75 on a scaled score ranging from 1 to 99. An applicant who, on or before July 17, 1986, passed the Certified Respiratory Therapy Technician or Registered Respiratory Therapist examination administered by the National Board for Respiratory Care or the appropriate accrediting agency acceptable to the Board, and meets the requirements as listed in 172 NAC 10, will be issued a license to perform respiratory care.

003.01(C) OTHER PROOF OF COMPETENCY. Applicants who have met the education and examination requirements as listed in 172 NAC 162-003.01(A) and (B) who passed the examination more than 3 years prior to the time of application and who are not practicing at the time of application, must within the 3 years immediately preceding the application, present proof of having at least 60 hours of acceptable continuing education in accordance with these regulations with a minimum of 15 hours in the each of the following categories:

- (i) Pharmacology;
- (ii) Mechanical ventilation;
- (iii) Non-invasive ventilation support; and
- (iv) Practice of respiratory care.

003.01(D) ACTIVE LICENSE IN ANOTHER JURISDICTION, NOT PRACTICING. Applicants who have an active license in another jurisdiction but who are not practicing at the time of application must meet the requirements listed in 172 NAC 162-003.01(A) and (B) and provide proof of having a minimum of 20 hours of acceptable continuing education in accordance with these regulations, obtained within the 3 years immediately preceding the date of application.

004. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All respiratory care practitioner licenses expire on June 1st of each even-numbered year.

005. CONTINUING EDUCATION. On or before June 1st of each even-numbered year, individuals holding an active license in the State of Nebraska must complete at least 20 hours of acceptable continuing education hours during the preceding 24-month period.

005.01 CONTINUING EDUCATION HOUR CALCULATIONS. The following provides the hour calculations for acceptable continuing education:

005.01(A) PROGRAMS AT STATE AND NATIONAL ASSOCIATION MEETINGS. Programs presented at state or national association meetings must relate to the theory or clinical application of theory pertaining to the practice of respiratory care. One hour for each hour of attendance;

005.01(B) FORMAL EDUCATION COURSES. Formal continuing education courses must be:

- (i) Formally organized and planned instructional experiences;
- (ii) Have a date, location, and course title, number of contact hours, signed certificate of attendance, and be open to all licensees;

- (iii) Have objectives that relate to the theory or clinical application of theory pertaining to the practice of respiratory care; and
- (iv) Be presented by an instructor that has specialized experience or training to meet the objectives of the course.

005.01(C) ACADEMIC COURSEWORK. Courses related to respiratory care practice taken either in person or online for college credit will be accepted for continuing education upon submission of a transcript by the college or university from which the course was taken. Continuing education hours will be awarded as follows:

- (i) 1 semester hour of academic credit equals 15 continuing education hours; and
- (ii) 1 quarter hour of academic credit equals 10 continuing education hours.

005.01(D) HOME STUDY. Home study will be accepted when the content of the home study activity relates to the theory or clinical application of theory pertaining to the practice of respiratory care, whether the subject is research, treatment, documentation, education, or management, for example, videotapes, internet courses, or correspondence courses. The program must have a testing mechanism scored by the named study provider. A licensee's documentation must include a certificate of completion and a program outline or objectives.

005.01(E) MANAGEMENT COURSES. Management courses which relate to the theory or clinical application of theory pertaining to the practice of respiratory care will be accepted. A respiratory care practitioner may complete a maximum of 4 hours of continuing education utilizing management courses each 24-month renewal period. A licensee's documentation must include a certificate of attendance and a program outline or objectives.

005.01(F) SPECIALTY CERTIFICATION EXAMINATIONS. A licensee will earn contact hours for successful completion of nationally recognized specialty certification examinations related to an area of specialty practice in the field of respiratory care each 24-month renewal period. A licensee's documentation must include a copy of the certification that shows the date of the examination. Continuing education hours will be awarded as follows:

- (i) Certified Pulmonary Function Technologist (CPFT), 10 hours;
- (ii) Registered Polysomnographic Technologist (RPSGT), 10 hours;
- (iii) Neonatal Pediatric Specialist (NPS), 10 hours;
- (iv) Registered Pulmonary Function Technologist (RPFT), 10 hours; and
- (v) Registered Respiratory Therapist (written and clinical simulation examinations), 15 hours.

005.01(G) CARDIOPULMONARY RESUSCITATION CERTIFICATION. Basic or advanced cardiac life support for adults and pediatric or neonatal courses:

- (i) Maximum of 1 hour credit for the basic cardiac life support course during each 24-month renewal period;
- (ii) Maximum of 12 hours credit for initial advanced cardiac life support certification course or 6 hours credit for re-certification during each 24-month renewal period;
- (iii) Maximum of 8 hours credit for initial neonatal advanced life support certification

- course or 4 hours credit for re-certification during each 24-month renewal period;
- (iv) Maximum of 12 hours credit for pediatric advanced life support certification course or 6 hours credit for re-certification during each 24-month renewal period.

005.01(H) IN-SERVICES. In-services that meet the requirements for formal education that cover:

- (i) Therapeutic respiratory care procedures; or
- (ii) Respiratory care equipment.

005.01(I) PRESENTER OR LECTURER. One hour credit will be awarded for each hour of scientific presentation by a licensee acting as an essayist or lecturer to licensed respiratory care practitioners if the program relates to the theory or clinical application of theory pertaining to respiratory care. A licensee may receive continuing education credit for only the initial presentation during a renewal period, with a maximum of 4 hours of continuing education for presentations in a 24-month renewal period. Presenters may not receive any more hours of credit for a continuing education activity than an attendee could receive for the activity.

005.02 ACCEPTABLE PROGRAMS. The Board does not approve continuing education programs. In order for a continuing education program to be accepted for renewal or reinstatement of a license, the activity must include one or a combination of the following topic areas related to the practice of respiratory care therapy or clinical application:

- (A) Research;
- (B) Treatment;
- (C) Documentation;
- (D) Management; or
- (E) Education.

005.03 NON-ACCEPTABLE CONTINUING EDUCATION. Continuing education credit will not be awarded for programs that do not relate to the theory or clinical application of theory pertaining to the practice of respiratory care including:

- (A) Business communications and operations;
- (B) Medical terminology and language courses;
- (C) Courses which deal with personal self-improvement, financial gain, or career options;
- (D) Courses designed for lay persons;
- (E) Teaching unlicensed or uncertified persons, conducting research, or publications, or any preparation for the same;
- (F) Respiratory care on-the-job training;
- (G) Respiratory care orientation programs or staff meetings, including orientation to new policies, non-therapeutic procedures, equipment, forms, responsibilities, or services;
- (H) Presentation made by students; or
- (I) Participation in or attendance at case conferences, grand rounds, or informal presentations.

006. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter and includes:

- (A) Providing services for which they are not trained or experienced;

- (B) Encouraging or promoting respiratory care by untrained or unqualified persons;
- (C) Committing any act which endangers patient safety or welfare;
- (D) Failure to maintain in confidence information obtained from a patient, except in those unusual circumstances in which to do so would result in clear danger to the person or to others, or where otherwise required by law;
- (E) Failure to safeguard the welfare of patients and maintain appropriate professional relationships with patients;
- (F) Improper use of another person for one's own advantage;
- (G) Failure to decline to carry out respiratory care services that have been requested when the services are known to be contraindicated or unjustified;
- (H) Failure to decline to carry out procedures that have been requested when such services are known to be outside of the respiratory care practitioner's scope of practice;
- (I) Verbally or physically abusing patients;
- (J) Falsification or unauthorized destruction of patient records;
- (K) Attempting to provide diagnostic or treatment information to patients that is beyond the respiratory care practitioner's level of training and expertise;
- (L) Delegating to other personnel those patient related services when the clinical skills and expertise of a respiratory care practitioner is required.
- (M) Engaging in sexual harassment of patients or co-workers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:
 - (i) The provision or denial of respiratory care to a patient;
 - (ii) The provision or denial of employment or employment advances to a co-worker;
 - (iii) For the purpose or effect of creating an intimidating, hostile, or offensive environment for the patient or unreasonably interfering with a patient's ability to recover; or
 - (iv) For the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interfering with the co-worker's ability to perform their work.
- (N) Obtaining any fee for professional services by fraud, deceit, or misrepresentation;
- (O) Violating an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
- (P) Failure to follow policies or procedures implemented in the practice situation to safeguard patient care;
- (Q) Failure to safeguard the patient's dignity and right to privacy;
- (R) Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;
- (S) Failure of a licensee who is the subject of a disciplinary investigation to furnish the Department or its investigator with requested information or requested documents.

007. REINSTATEMENT. The application must meet the requirements set out in 172 NAC 10.

008. FEES. Fees are set out in 172 NAC 2.