



State of West Virginia
Board of Respiratory Care
106 Dee Drive, Suite 1
Charleston, WV 25311

Jim Justice
Governor of West Virginia

Phone: 304 558-1382
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November 1, 2018

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Blvd East
Charleston, WV 25305

Dear Governor Justice,

Pursuant to Executive Order Number 3-18, the Board of Respiratory Care is herein providing a regulatory review of our CSR rules.

It is important to note that our board's rules are needed for the ongoing daily operations of the board with regards to the WV Code and the public.

However, the board is currently reviewing our statute for updating and will include any of our rules which can possibly be added into the statute. We hope to file our changes to the statute for the 2020 legislative session.

Please let us know if we may be of further assistance.

Respectfully submitted,

A handwritten signature in blue ink that reads "Nancy J. Massey".

Nancy J. Massey
Executive Secretary

SERIES 1 RULE – LEGISLATIVE RULE (License Application Requirements)

This rule establishes the requirements and procedure for applicants to obtain a license to practice respiratory care and prohibits the use of restricted titles by non-licensed persons.

This rule was promulgated on June 24, 1997.

Determination: Section 30-1-4 Grandfather Applicants; The board will modify this rule to remove this section in FY2019 as it no longer applies (4.1, 4.2, 4.3, 4.4). All other sections of this rule remain valid without any changes needed.

SERIES 2 RULE – LEGISLATIVE RULE (Application/Renewal Fees)

This rule establishes initial application fee and license renewal fees.

This rule was promulgated on June 24, 1997.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 3 RULE – LEGISLATIVE RULE (Continuing Education)

This rule establishes the requirement of Continuing Education for respiratory therapists and the procedure for obtaining and reporting to the board.

The rule was promulgated June 24, 1997 and was modified on April 6, 2000.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 4 RULE – LEGISLATIVE RULE (Disciplinary Authority/Actions)

This rule defines the role and authority of the Board in disciplinary actions and provides definition of professional misconduct of respiratory therapists.

This rule was promulgated on April 6, 2000.

Determination: The rule remains valid and no changes are needed at this time.

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SERIES 5 RULE – PROCEDURAL RULE (Disciplinary and Complaint Procedures)

This rule specifies the board’s procedure for investigation and resolution of complaints filed against licensed respiratory therapists.

This rule was written by the WV Attorney General’s Office and promulgated by the Board of Respiratory Care on August 8, 2000.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 6 RULE – PROCEDURAL RULE (Contested Case Hearing Procedures)

This rule specifies the procedure for the adjudication of contested case hearings before the board.

This rule was written by the WV Attorney General’s Office and promulgated by the Board of Respiratory Care on August 8, 2000.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 7 RULE – INTERPRETIVE RULE (Home Medical Suppliers)

This rule delineates the role of all individuals delivering and providing respiratory care in the home care setting. It provides a guideline for companies who deliver oxygen equipment in protecting the patient. Interpreting definition 30-34-2.d “Practice of Respiratory Care)

This rule was promulgated on August 7, 2000.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 8 RULE – PROCEDURAL RULE (Open Meetings)

This rule is mandated under WV Code 6-9A-3 and provides the required procedures for open meetings to the public.

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This rule was promulgated on November 28, 2007 under the guideline of the Ethics Commission.

Determination: This rule remains valid and no changes are needed at this time.

SERIES 9 – LEGISLATIVE RULE (Student Temporary Permit)

This rule establishes the temporary work permit process, fees, and practice limitations for students enrolled in accredited respiratory schools.

This rule was promulgated on June 11, 2008.

Determination: This rule remains valid and no changes are needed at this time.