WEST VIRGINIA CODE: §30-34A-2

§30-34A-2. Definitions.

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

"Active military member" means any person with a full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by any state authority with regulatory authority over respiratory therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice, not including participation in an alternative program.

"Alternative program" means a non-disciplinary monitoring or practice remediation process applicable to a respiratory therapist approved by any state authority with regulatory authority over respiratory therapists. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

"Charter member states" means those member states who were the first seven states to enact the compact into the laws of their state.

"Commission" or "Respiratory care interstate compact commission" means the government instrumentality and body politic whose membership consists of all member states that have enacted the compact.

"Commissioner" means the individual appointed by a member state to serve as the member of the Commission for that member state.

"Compact" means the respiratory care interstate compact.

"Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a respiratory therapist in the remote state under the remote state's laws and rules. The practice of respiratory therapy occurs in the member state where the patient is located at the time of the patient encounter.

"Criminal background check" means the submission by the member state of fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) or successor provision, from the Federal Bureau of Investigation and the state's criminal history record repository, as defined in 28 C.F.R. § 20.3(f) or successor provision.

WV Legislature

"Data system" means the commission’s repository of information about licensees as further set forth in section 8 of this article.

"Domicile" means the jurisdiction which is the licensee’s principal home for legal purposes.

"Encumbered license" means a license that a state’s respiratory therapy licensing authority has limited in any way.

"Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by the commission.

"Home state" except as set forth in §30-34A-5 of this code, means the member state that is the licensee’s primary domicile.

"Home state license" means an active license to practice respiratory therapy in a home state that is not an encumbered license.

"Jurisprudence requirement" means an assessment of an individual’s knowledge of the state laws and regulations governing the practice of respiratory therapy in such state.

"Licensee" means an individual who currently holds an authorization from the state to practice as a respiratory therapist.

"Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules.

"Model compact" means the model for the respiratory care interstate compact on file with the council of state governments or other entity as designated by the commission.

"Remote state" means a member state where a licensee is exercising or seeking to exercise the compact privilege.

"Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the national board for respiratory care (or its successor) and holds a license in a state to practice respiratory therapy. For purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

"Respiratory therapy," "respiratory therapy practice," "respiratory care," "the practice of respiratory care," and "the practice of respiratory therapy" means the care and services provided by or under the direction and supervision of a respiratory therapist or respiratory care practitioner.

"Respiratory therapy licensing authority" means the agency, board, or other body of a state

WV Legislature

that is responsible for licensing and regulation of respiratory therapists.

"Rule" means a regulation promulgated by an entity that has the force and effect of law.

"Scope of practice" means the procedures, actions, and processes a respiratory therapist licensed in a state or practicing under a compact privilege in a state is permitted to undertake in that state and the circumstances under which the respiratory therapist is permitted to undertake those procedures, actions, and processes. such procedures, actions, and processes, and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the state respiratory therapy licensing authority or other government agency.

"Significant investigative information" means information, records, and documents received or generated by a state respiratory therapy licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state respiratory therapy licensing authority could pursue adverse action against the licensee.

"State" means any state, commonwealth, district, or territory of the United States.

WV Legislature