

HB 4036

FILED

2008 MAR 31 PM 12: 25

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4036**

(By Delegate Moran)



Passed March 7, 2008

In Effect from Passage

E N R O L L E D

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COMMITTEE SUBSTITUTE

FOR

SECRETARY OF STATE

H. B. 4036

(BY DELEGATE MORGAN)

[Passed March 7, 2008; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-34-6a; and to amend and reenact §30-34-9 of said code, all relating to the respiratory care board; authorizing emergency and legislative rules; providing for temporary student permits; and establishing fees for permits.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §30-34-6a; and that §30-34-9 of said code be amended and reenacted, all to read as follows:

ARTICLE 34. BOARD OF RESPIRATORY CARE PRACTITIONERS.

§30-34-6a. Rulemaking authority.

1 (a) The board shall propose rules for legislative approval,
2 in accordance with the provisions of article three, chapter
3 twenty-nine-a of this code, to implement the provisions of
4 this article, including:

5 (1) Standards and requirements for licensure and permits
6 to practice respiratory care;

7 (2) Procedures for examination and reexamination;

8 (3) Educational and experience requirements;

9 (4) Standards for approval of courses;

10 (5) Procedures for the issuance and renewal of licences
11 and temporary permits;

12 (6) Procedures which may be delegated to a student
13 practicing under a temporary student permit;

14 (7) A fee schedule;

15 (8) Continuing education requirements for licensees;

16 (9) The procedure for denying, suspending, revoking,
17 reinstating or limiting the practice of a licensee or permittee;

18 (10) Requirements for inactive or revoked licensees or
19 temporary permits; and

20 (11) Any other rules necessary to effectuate the
21 provisions of this article.

22 (b) All rules in effect on the effective date of this section
23 remain in effect until they are amended, repealed or replaced.

24 **§30-34-9. Temporary student permits.**

25 (a) Subject to the provisions of subsection (d) of this
26 section, the board may issue a temporary student permit to
27 practice respiratory care for a period of up to six months to a
28 student enrolled in a respiratory care educational program
29 which is approved by the board if the student submits:

30 (1) A student work permit form signed by the program
31 director and by a principal administrative official of the
32 institution where the program is located;

33 (2) An official transcript indicating successful completion
34 of a minimum of thirty semester hours or the quarter hour
35 equivalent, eighteen of which must be specific to respiratory
36 care core curriculum, and at least two hundred clinical hours;

37 (3) Documentation from the program director and by a
38 principal administrative official of the institution where the
39 program is located stating that the student has successfully
40 completed didactic and clinical competency requirements
41 equal to the first year curriculum and approved by the board;
42 and

43 (4) A signed permit application form and an initial permit
44 application fee as prescribed by rule.

45 (b) A student practicing under a temporary student
46 permit may work only under the supervision of an employee
47 of the same department with a minimum Licensed
48 Respiratory Therapist Certified credential issued by the board
49 and who is present on the premises and available to the
50 student at all times.

51 (c) A student practicing under a temporary student
52 permit may not use worked paid hours as a substitute for

53 clinical rotations required by his or her respiratory care
54 educational program.

55 (d) Upon expiration of the initial permit, the student may
56 apply for one renewal permit for up to six additional months
57 by providing documentation from the program director
58 stating the student is actively enrolled in at least nine
59 semester hours, and is making satisfactory progress in his or
60 her respiratory care core curriculum and clinical rotations,
61 and payment of a renewal fee as prescribed by rule.

62 (e) The board may promulgate emergency rules, pursuant
63 to the provisions of section fifteen, article three, chapter
64 twenty-nine-a of this code, to set forth those procedures
65 which may be delegated to a student practicing under a
66 temporary student permit and fees for issuance and renewal
67 of temporary student permits. The board may not issue
68 temporary student permits unless and until the rule authorized
69 by this subsection is in effect.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.




Chairman Senate Committee



Chairman House Committee

Originating in the House.

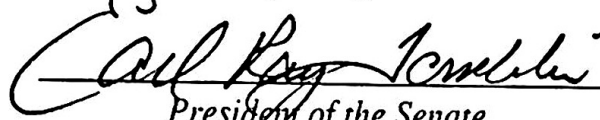
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

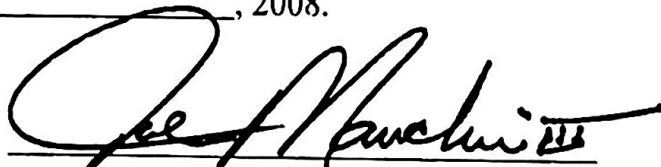


President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 9:35 AM