



State of California
Respiratory Care Board
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March 5, 2004

Inquiry:

- 1) Can you send me a fresh copy of the letter (dated 4/29/87, attached) because parts of it are unreadable?
- 2) Is the position taken in the letter still the position of the Respiratory Care Board?
- 3) Are there additional requirements that need to be met today (such as an AS degree)?
- 4) In the question posed on page one, the included letter refers to requirements in "22CAC70619(b)". What is this and can you provide the contents of that citation? I had a paralegal search for it within California law without success.
- 5) To your knowledge, is there an exam that a Registered Nurse can take to demonstrate that she has the knowledge equivalent of either a Certified (CRTT) or Registered (RRT) Respiratory Care Practitioner?
- 6) Does the Respiratory Care Board possess or administer such an exam?
- 7) Are you aware of any case law in which respiratory care provided by an RN or LVN was judged against the standard of care of a Respiratory Care Practitioner?

Response: Your inquiry referenced a letter dated 4/29/1987 where another practitioner had inquired about a registered nurse in charge of the day-to-day operations of a Respiratory Care Department. The law surrounding the detail of this inquiry can be found in Section 70619, Title 22, California Code of Regulations, where it states that:

The day-to-day operation of the service (Respiratory Care) shall be under the immediate supervision of a technical director who shall be a respiratory therapist, respiratory therapy technician, cardiopulmonary or pulmonary technologist or a registered nurse with specialized training and/or advanced experience in respiratory care, who shall be responsible for:

1. Supervising the clinical application of respiratory care.
2. Supervising the technical procedures used in pulmonary function testing and blood gas analysis.
3. Supervising the maintenance of equipment.
4. Assuring that national and local safety standards are met.

Although the specifics of the specialized training and/or advanced experience are not outlined here, the law specifically indicates that the technical director shall be responsible for clinical application and procedures associated with respiratory care, pulmonary function testing and blood gas analysis. This responsibility would seem to indicate that the person would need the necessary training and skills associated with a licensed respiratory care practitioner. It does not preclude the possibility that the administrative functions of a department could be successfully managed by a registered nurse with appropriate delegation of authority to a clinical expert (a licensed and experienced respiratory therapist), with regard to the clinical and procedural oversight. In either case, the respiratory care board has no legal authority to decide the question of what the meaning may be regarding training or experience for

departmental oversight. That authority clearly rests with the California Department of Health Services (DHS).

The second question in the letter refers to a training program used to train nurses to perform respiratory services. Unfortunately, there is no copy of the training program referenced so we cannot comment on its contents. The Board, however, does still agree with the amendments, suggested to the training program, that relate to a qualified instructor and the provision of a post-test with return demonstration/competency.

The Board is not aware of another exam other than the entry level exam or the registered respiratory therapist exam that validates competency in the practice of respiratory care other than those offered by the National Board for Respiratory Care (NBRC) however, you may wish to contact them to see if they know of one. Their information is provided below. Additionally, we are not aware of any case law you referenced in question 6 of your inquiry:

National Board for Respiratory Care, Inc. (NBRC)
8310 Nieman Road
Lenexa, KS 66214-1579
Phone: 913-599-4200 E-mail: NBRC-info@nbc.org

Should you have any additional questions regarding these matters, please do not hesitate to contact the Executive Officer of the Board or myself. For your convenience, we have included a clearer copy of the letter date 4/29/1987 and the section referenced in Title 22.

2003-C-28