



State of California
Respiratory Care Board
444 North 3rd Street, Suite 270
Sacramento, CA 95814
Telephone (916) 323-9983
Fax (916) 323-9999
www.rcb.ca.gov



September 16, 2004

Inquiry: I am writing in regard to the inquiry dated Sept 18, 2002, reference # 2002-C-35 regarding oxygen bars. (See below):

"It is the Board's position that oxygen administration requires a physician's order. It is also clearly stated in the Respiratory Care Practice Act, section 3703 (b) that, ""The practice of respiratory care shall be performed under the supervision of a medical director in accordance with the prescription of a physician and surgeon or pursuant to respiratory care protocols as specified in section 3702"."

Your response stated that oxygen administration requires a physicians order and also sites the Respiratory Care Practice Act. It sounds like based on your response these oxygen bars are illegal, so I am wondering how they are allowed to exist. Why aren't they being closed down? The employee I spoke to at an oxygen bar said they use oxygen concentrators and said, "You need a medical license to deliver oxygen from a tank but not with a concentrator."

Response: The issue of "oxygen bars" operating in California without physicians' orders or oxygen being delivered by unlicensed medical personnel is being reviewed by the Department of Health Services (DHS). While the DHS has not yet taken a position on this issue (as to whether to regulate this practice or prohibit it), it is accepting consumer complaints/concerns. For more information contact:

Larry Upjohn, PhD. or Barbara J. Moynier, M.S., R.D., Chief
Department of Health Services
Food and Drug Branch
MS 7602
P.O. Box 997413
Sacramento, CA 95899-7413
(916) 650-6500

Please also see the attached link to an article published on the U.S. Food and Drug Administration's website which provides additional information on this issue. (http://www.fda.gov/fdac/features/2002/602_air.html)

Thank you for your inquiry. Should you have further questions, please do not hesitate to contact the Executive Officer of the Respiratory Care Board.

Reference #: 2004-C-11