



State of California
Respiratory Care Board

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Inquiry: I understand that a non-licensed person can set up a CPAP provided there is no instruction for "the purpose of deriving the intended medical benefit." However my question is about the subsequent responsibilities of the respiratory therapist. Most home care companies require that and RT either call or see the patient within 24-72 hours following instruction by a non-licensed person. Due to the current shortage sometimes only a phone call is done. Is a phone call adequate? Who determines this?

Also does a home care company have to have a medical director or is the RCB that is stating that an RT must work under the supervision of a medical director at all times? What if there is no medical director? Please advise

Response: From a patient safety perspective I think a phone call does little to provide a patient with the intended expertise a respiratory practitioner can provide to a patient to ensure they have a clear understanding of the therapy their physician has ordered for them.

Your question regarding medical direction can be answered as follows:

1. Respiratory Practitioners must have a signed order from a licensed physician to administer care.
2. § 3702. Practice of respiratory care; Respiratory care as a practice means a health care profession employed under the supervision of a medical director in the therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities which affect the pulmonary system and associated aspects of cardiopulmonary and other systems functions, and includes all of the following: ...

A copy of sections 3701 and 3702 of the practice act are included for your reference.

Reference #: 2005-C-11