

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESPIRATORY CARE - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16148 and 18709 of 1978 PA 368, MCL 333.16148 and MCL 333.18709, and Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-1, MCL 330.3101, 445.2001, and 445.2011)

R 338.2201 Definitions.

Rule 2201. As used in these rules:

- (a) "Board" means the board of respiratory care.
- (b) "Code" means 1978 PA 368, MCL 333.1101.
- (c) "Department" means the department of community health.
- (d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code.

History: 2006 AACCS.

R 338.2201a Training standards for identifying victims of human trafficking; requirements.

Rule 2201a. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall cover all of the following:
 - (i) Understanding the types and venues of human trafficking in Michigan or the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:

- (i) Teleconference or webinar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

History: 2016 AACCS.

R 338.2202 Application for respiratory therapist license; requirements.

Rule 2202. An applicant for a respiratory therapist license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with all of the following provisions:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Have graduated from a respiratory therapist educational program that is acceptable to the board under R 338.2206.

(c) Have earned at least a 2-year associate's degree from an accredited college or university approved by the department.

(d) Possess the entry-level credential for respiratory therapists that was conferred by the national board of respiratory care (nbrca) or by its predecessor organization.

History: 2006 AACCS.

R 338.2203 Application for temporary respiratory therapist license; requirements.

Rule 2203. An applicant for a temporary respiratory therapist license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with all of the following provisions:

(a) Before December 1, 2006, submit a completed application on a form provided by the department together with the requisite fee in section 18711(1)(a).

(b) Provide proof of full-time employment as a respiratory therapist for the 4 years immediately preceding the date of application in accordance with section 18711(1)(b). "Full-time employment" as used in this subdivision shall be defined as continuous employment for 4 years with a minimum of 5,000 hours of experience accumulated in the 4 years immediately preceding the date of application.

(c) Submit a letter of recommendation from the applicant's medical director, as defined in section 18701(1)(b), that attests to the applicant's clinical competence as a respiratory therapist.

History: 2006 AACCS.

R 338.2204 Application for license for credentialed respiratory therapists; requirements.

Rule 2204. An applicant for a respiratory therapist license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with both of the following provisions:

(a) Before December 1, 2006, submit a completed application on a form provided by the department together with the requisite fee according to provisions of section 18709(2).

(b) Submit documentation of a respiratory therapist certification or registration credential from the nbrc.

History: 2006 AACCS.

R 338.2205 Licensure by endorsement; respiratory therapist.

Rule 2205. (1) An applicant for a respiratory therapist license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) If an applicant was registered or licensed as a respiratory therapist in another state and has held a valid registration or license as a respiratory therapist in that state immediately preceding the date of filing an application for a Michigan license but is not currently certified by the nbrc, then it will be presumed that the applicant meets the requirements of section 18709(1)(a), (b) and (c) of the code.

(3) If an applicant does not meet subrule (2) of this rule, then the applicant shall meet both of the following, in addition to meeting the requirements of the code:

(a) Possess a valid registration or license as a respiratory therapist that was issued by another state after the applicant graduated from an accredited respiratory therapist education program that is acceptable to the board under R 338.2206.

(b) Is currently registered or certified by the nbrc or passed the nbrc certification examination for respiratory therapists within 2 years of submission of the application for licensure by endorsement.

(4) If the applicant is a Canadian registered respiratory therapist who is currently certified as a respiratory therapist by the United States nbrc, then it will be presumed that the applicant meets section 18709(1)(a), (b) and (c) of the code.

(5) If a Canadian registered applicant or other foreign trained and registered applicant does not meet subrule (4) of this rule, then the applicant shall comply with all of the following provisions:

(a) Have his or her education evaluated to determine if it is equivalent to the standards in R 338.2206.

(b) Pass the United States nbrc certification examination.

(c) Verify that the registration or license from the other jurisdiction, whether current or expired, is in good standing.

History: 2006 AACCS.

R 338.2206 Educational program standards; adoption by reference.

Rule 2206. (1) The board approves the standards for accrediting respiratory therapist educational programs adopted by the Committee on Accreditation for Respiratory Care (CoARC) from the Commission on Accreditation of Allied Health Education Programs in the document entitled "Standards and Guidelines of the Profession of Respiratory Care" effective July 15, 2003. Copies of these standards may be obtained at CoARC 1248 Harwood Rd. Bedford, Texas 76021-4244, at cost, or at the coarc website, www.coarc.com, at no cost or from the Michigan Board of Respiratory Care, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909. A respiratory therapist educational program that is accredited by the committee on accreditation for respiratory care is a respiratory therapist educational program that is acceptable to the board.

(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 1999, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Michigan Board of Respiratory Care, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.

(3) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost. Copies of these standards also are available for inspection and distribution at cost from the Michigan Board of Respiratory Care, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2002 edition, which is available free of charge on the association's website at <http://www.msche.org> or for purchase at a cost of \$7.40 as of the time of adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2001 edition, which is available free of charge on the association's website at <http://www.neasc.org>.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, in the document entitled "Handbook of Accreditation," 2003 edition, which is available for purchase through the association's website at <http://www.ncahigherlearningcommission.org> at a cost of \$30.00 as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2003 edition, which is available for purchase through the association's website at <http://www.nwccu.org> at a cost of \$20.00 as of the time of adoption of these rules.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", January 2004, which is available free of charge on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$12.00 for members and \$24.00 for nonmembers as of the time of adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, in the document entitled "2001 Handbook of Accreditation," which is available free of charge on the commission's website at <http://www.wascweb.org> or for purchase at a cost of \$15.00 for member institutions and \$20.00 for nonmember institutions as of the time of adoption of these rules.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, in the document entitled "Accreditation Reference Book," July 2003, which is available free of charge on the commission's website at <http://www.wascweb.org>.

History: 2006 AACCS.

Editor's Note: An obvious error in R 338.2206 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Annual Administrative Code Supplement*, 2006. The memorandum requesting the correction was published in *Michigan Register*, 2014 MR 8.

R 338.2207 Relicensure.

Rule 2207. (1) An applicant whose license has been lapsed for more than 3 years may be relicensed under section 16201(4) of the code upon meeting either of the following requirements:

(a) Provide to the department documentation that the applicant holds an unrestricted license in another state.

(b) Provide to the department documentation that the applicant passed the certification examination of the nbrc within the 2 years immediately preceding the application for relicensure.

(2) If the applicant is not able to meet either of the requirements in subdivisions (a) and (b) of this subrule, the applicant shall become credentialed by the nbrc.

History: 2006 AACCS.