

**CHAPTER 27B**  
**ALABAMA STATE BOARD OF RESPIRATORY THERAPY**

**§ 34-27B-1. Legislative Findings**

The Legislature finds and declares that the practice of respiratory therapy in Alabama affects the public health, safety, and welfare of the citizens of Alabama. It, therefore, should be subject to regulation and control, in the public interest to protect the citizenry against the unauthorized, unqualified, and improper administration of respiratory therapy and from unprofessional or unethical conduct by persons licensed to practice respiratory therapy. (Act 2004-518, §1.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004

**§ 34-27B-2 Definitions**

As used in this chapter, the following terms shall have the following meanings:

- (1) BOARD. The Alabama State Board of Respiratory Therapy
- (2) DIRECT CLINICAL SUPERVISION. A situation where a licensed respiratory therapist or physician is available for the purpose of communication, consultation, and assistance.
- (3) HEALTHCARE FACILITY. The definition shall be the same as in Section 22-21-260.
- (4) MEDICALLY APPROVED PROTOCOL. A detailed plan for taking specific diagnostic or treatment actions, or both, authorized by the treating physician of the patient, all of which actions shall be:
  - (a) In a hospital or other inpatient health care facility, approved by the supervising physician of the respiratory therapist or in an outpatient treatment setting approved by the supervising physician of the respiratory therapist.
  - (b) Except in cases of medical emergency, instituted following an evaluation of the patient by a physician or otherwise directed by the supervising physician of the respiratory therapist.
  - (c) Consistent with the definition of the scope of practice of respiratory therapy, as established by this chapter.
- (5) PHYSICIAN. A person who is a doctor of medicine or a doctor of osteopathy licensed to practice in this state.
- (6) RESPIRATORY THERAPIST. A person licensed by the board to administer respiratory therapy and who has the knowledge and skills necessary to administer respiratory therapy, monitor patient responses, modify respiratory therapy based upon patient response, provide information and education to patients about deficiencies or disorders of the cardiopulmonary system, and supervise others in the delivery of appropriate respiratory therapy procedures.

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- (7) RESPIRATORY THERAPY OR CARE. Therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities of the cardiopulmonary system and associates aspects of other systems functions, given by a health care professional under the direction of a physician. The term includes, but is not limited to, the following activities conducted upon written prescription, verbal order, or medically approved protocol:
- (a) Direct and indirect pulmonary care services that are safe, aseptic, preventive, or restorative to the patient.
  - (b) Direct and indirect respiratory therapy services, including, but not limited to, the administration of pharmacologic, diagnostic, and therapeutic agents related to respiratory therapy procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a physician.
  - (c) Observation and monitoring of signs and symptoms, general behavior, and general physical response to respiratory therapy treatment and diagnostic testing and determination of whether such signs, symptoms, reactions, behavior, or general responses exhibit abnormal characteristics and implementation, based on observed abnormalities, of appropriate reporting or referral practices or prescribed and medically approved respiratory therapy protocols or appropriate changes in a treatment regimen, pursuant to a prescription by a physician, or the initiation of emergency procedures.
  - (d) The diagnostic and therapeutic use of any of the following, in accordance with the prescription of a physician:
    - 1. Administrative of medical gases, exclusive of general anesthesia.
    - 2. Aerosols.
    - 3. Humidification.
    - 4. Environmental control systems and hyperbaric therapy.
    - 5. Pharmacologic agents related to respiratory therapy procedures.
    - 6. Mechanical or physiological ventilatory support.
    - 7. Bronchopulmonary hygiene.
    - 8. Cardiopulmonary resuscitation.
    - 9. Maintenance of natural airways.
    - 10. Insertion without cutting tissues and maintenance of artificial airways.
    - 11. Diagnostic and testing techniques required for implementation of respiratory therapy protocols.
    - 12. Collections of specimens of blood and other body fluids including specimens from the respiratory tract.
    - 13. Collections of inspired and expired gas samples.
    - 14. Analysis of blood, gases, and respiratory secretions.

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15. Measurements of ventilatory volumes, pressures, and flows.
  16. Pulmonary function testing.
  17. Hemodynamic and other related physiologic measurements of the cardiopulmonary system.
  18. Respiratory telecommunications.
  19. Cardiopulmonary disease management.
  20. Tobacco cessation.
- (e) The transcription and implementation of the written and verbal orders of a physician pertaining to the practice of respiratory therapy.
- (f) Institution of known and medically approved protocols relating to respiratory therapy in emergency situations in the absence of immediate direction by a physician and institution of specific procedures and diagnostic testing related to respiratory therapy as ordered by a physician to assist in diagnosis, monitoring, treatment, and medical research.
- (g) Delivery of respiratory therapy procedures, instruction, and education of patients in the proper methods of self-care and prevention of cardiopulmonary diseases and other conditions requiring the use of respiratory therapy equipment or techniques.  
(Act 2004-518, §2,)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004

**§ 34-27B-3 License requirement; examination.**

- (a) Except as provided in Section 34-27B-7, no person shall hold himself or herself out to be, or function as, a respiratory therapist in this state unless licensed in accordance with this chapter.
- (b) In order to obtain a respiratory therapist license, an applicant shall demonstrate to the board that he or she is at least 18 years of age, is a high school graduate, or has the equivalent of a high school diploma, and meets one of the following requirements:
- (1) Holds credentials as a registered respiratory therapist (RRT) or a certified respiratory therapist (CRT), as granted by the National Board for Respiratory Care or its successor organization.
  - (2) Holds a temporary license issued under subsection (d) of Section 34-27B-7 and passed the examination leading to the CRT or RRT credential.
  - (3) Has a valid respiratory therapist license from another state, the District of Columbia, or a territory of the United States, whose requirements for licensure are considered by the board as

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substantially similar to those of Alabama and who otherwise meets the reciprocity requirements established by the board.

- (4) Meets the requirements of subdivision (2) of subsection (d) of Section 34-27B-7.
- (5) Has been approved by the board as otherwise qualified by special training and has passed the licensure examination established by the board in subsection (c).
- (6) The board shall arrange for the administration of a licensure examination administered by the state or a national agency approved by the board. The examination shall be validated and nationally recognized as testing respiratory care competencies. The board may enter into agreements or contracts, consistent with state law, with outside organizations for the purpose of developing, administering, grading, and reporting the results of licensure examinations. Such organizations shall be capable of meeting the standards of the National Commission for Health Certifying Agencies, or its equivalent or successor organization. The board shall establish criteria for satisfactory performance on the examination. (Act 2004-518, §3.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004

**§ 34-27B-4. State Board of Respiratory Therapy – Functions.**

The board shall perform the following functions:

- (1) Set respiratory therapy licensure fees, including, but not limited to, application, initial, renewal, and reinstatement fees.
- (2) Establish and publish minimum standards of continuing education of respiratory therapy in accordance with those standards developed and accepted by the profession.
- (3) Examine for, approve, deny, revoke, suspend, and renew licensure of duly qualified applicants.
- (4) Promulgate and publish rules in accordance with the Administrative Procedure Act to administer this chapter.
- (5) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license.
- (6) Maintain an up-to-date list of every person licensed to practice respiratory therapy pursuant to this chapter. The list shall include the last known place of residence and the state license number of the licensee.
- (7) Maintain an up-to-date list of persons whose licenses have been suspended, revoked, or denied. The list shall include the name, Social Security number, type, date, and cause of action, penalty incurred, and the length of the penalty. The information on the list, except for Social

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Security numbers, shall be available for public inspection during reasonable business hours and the information may be shared with others as deemed necessary and acceptable by the board. (Act 2004-518, §4.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004

**§ 34-27B-5. State Board of Respiratory Therapy – Created; composition; liability of members; terms; meetings; expense reimbursement and per diem allowance.**

- (a) The Alabama State Board of Respiratory Therapy is created to implement and administer this chapter and shall be composed of five members appointed by the Governor. Three of the members shall be respiratory therapists, one member shall be the chief executive officer of a hospital, and one member shall be a physician. The respiratory therapist members of the board appointed by the Governor shall be selected from a list of names submitted by the Alabama Society for Respiratory Care. The list shall include two names for each appointed position to be filled. The respiratory therapist members appointed to the board shall be registered or certified by the National Board for Respiratory Care or its successor organization. Respiratory therapists selected for subsequent appointments must be licensed by the state. The hospital member shall be selected from a list of names submitted by the Alabama Hospital Association. The physician member appointed shall be duly licensed to practice medicine in Alabama and shall be a member of at least one of the following: The American Thoracic Society, the American College of Chest Physicians, the American Society of Anesthesiologists, or the American Academy of Pediatrics. The physician member of the board appointed by the Governor shall be selected from a list of names submitted by the Medical Association of the State of Alabama. Such lists shall include two names for the position.
- (b) All board members shall be residents of Alabama and the composition of the board shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.
- (c) The Governor shall make the appointments for all positions for members of the board within 90 days of the date the position becomes available, including initial appointments, vacancies, and replacements at the end of the term of service.
- (d) Members of the board shall have the same immunities from personal liability as state employees for actions taken in the performance of their official duties.
- (e) The term of office of those members first appointed shall be as follows: Two respiratory therapists and the hospital member, as determined by the Governor, shall serve for terms of two years, and one respiratory therapist and the physician member shall serve for terms of four years. Thereafter, the term of all members shall be for four years. No member shall be

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appointed for more than three consecutive full terms. A vacancy in an unexpired term shall be filled in the manner of the original appointment. The board shall elect a chair and vice chair annually.

- (f) The board shall meet at least twice a year at a time and place determined by the chair. A majority of the members of the board shall constitute a quorum for the transaction of business.
- (g) Each member shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the board and any other expenses incurred on business of the board at its discretion. Board members shall also receive a per diem allowance following the guidelines for state employees. The reimbursement for expenses and per diem shall be paid from funds derived from the Alabama State Board of Respiratory Therapy Fund. (Act 2004-518, §5.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-6. Trust fund.**

There is hereby established a separate special trust fund in the State Treasury to be known as the Alabama State Board of Respiratory Therapy Fund. All funds received by the board shall be deposited into the fund and shall be expended only to implement and administer this act. No monies shall be withdrawn or expended only to implement and administer this act. No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this act. Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4, (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. Funds shall be disbursed only upon a warrant of the State Comptroller upon itemized vouchers approved by the chair.

After the first three full fiscal years from the effective date of this act, if a surplus of funds exists which is greater than one year's operating expense, the funds shall be distributed to the general fund. (Act 2004-518, §6.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

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**§ 34-27B-7. Issuance, use, renewal of license; temporary license.**

- (a) The board shall issue a respiratory therapist license to any person who meets the qualifications required by this chapter and who pays the license fee established herein.
- (b) Any person who is issued a license as a respiratory therapist under this chapter may use the words “licensed respiratory therapist” or the letters “LRT” in connection with his or her name to denote his or her license.
- (c) A license issued under this chapter shall be subject to biannual renewal.
- (d) (1) The board may issue a six-month temporary license as a respiratory therapist to persons who have graduated from a respiratory therapy educational program accredited by the Council on Allied Health Education Programs (CAHEP) in collaboration with the Committee on Accreditation for Respiratory Care (CoARC), or their successor organizations, and who have applied for and are awaiting competency examination. The temporary license shall be renewable only once for an additional six-month period if the applicant fails the examination. Exceptions may be made at the discretion of the board based upon an appeal identifying extenuating circumstances. The holder of a temporary license may only provide respiratory therapy or care activities, services, and procedures as defined in Section 34-27B-2 under the direct clinical supervision of a licensed respiratory therapist or physician.
- (2) The board shall grant a license as a respiratory therapist to other persons who do not meet the qualifications for licensure pursuant to Section 34-27B-3, but who, on the effective date of the adoption of the rules and regulations of the board, are currently employed in the administration of respiratory therapy under the direction of a physician in the State of Alabama. The opportunity to apply for a respiratory therapy license issued under this subdivision shall expire 365 days after implementation of the rules of the board. Holders of these licenses shall be eligible to renew their licenses as are any other licensed respiratory therapists under this chapter. (Act 2004-518, §7.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-8. Disciplinary actions for unprofessional conduct; hearings; expiration of suspended license.**

- (a) The board may refuse to renew a license, may suspend or revoke a license, may impose probationary conditions, or may impose an administrative fine not to exceed five hundred dollars (\$500) per violation, as disciplinary actions if a licensee or applicant for licensure has been found guilty of unprofessional conduct that has endangered, or is likely to

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endanger, the health, welfare, or safety of the public. Unprofessional conduct includes, but is not limited to, the following:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
  - (2) Being found guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the American Association for Respiratory Care of its successor organization.
  - (3) Conviction of a crime, other than a minor offense, in any court if the offense has a direct bearing on whether the person should be entrusted to serve the public in the capacity of a respiratory therapist.
- (b) The board, after a hearing, may exercise the disciplinary actions authorized in subsection (a). The board shall adopt policies for the conduct of the hearings. One year after the date of the revocation of a license, application may be made to the board for reinstatement. The board shall hold a hearing to consider any application for reinstatement.
- (c) The board may establish rules regarding the disciplinary actions authorized in subsection (a) in accordance with the Administrative Procedure Act.
- (d) A suspended license is subject to expiration during the suspension period. (Act 2004, 518, §8.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-9. Representation as “respiratory therapist”, etc.**

- (a) A person who does not hold a license or a temporary license as a respiratory therapist or whose license or temporary license has been suspended or revoked may not do any of the following:
- (1) Use in connection with the person’s practice the words “respiratory care professional,” “respiratory therapist,” “respiratory care practitioner,” “certified respiratory care practitioner,” “licensed respiratory therapist,” “inhalation therapist,” or “respiratory therapy technician”; or use the letters “R.C.P.” or “L.R.T.”; or use any other words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory therapist.
  - (2) Directly or by implication represent in any way that the person is a respiratory therapist.
- (b) A person who holds a license or a temporary license to practice respiratory therapy under this chapter may use the title “respiratory therapist” and the abbreviation “L.R.T.” (Act 2004-518, §9)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

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**§ 34-27B-10. Violations**

Any person who violates this act, upon conviction, shall be guilty of a Class B misdemeanor. (Act 2004-518, §10.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-11. Additional activities permitted under chapter.**

Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following:

- (1) Any person who is licensed in Alabama or certified by an organization accredited by the National Commission for Certifying Agencies and acceptable to the state from engaging in the profession or occupation for which the person is licensed or certified.
- (2) Any person employed by the United States government who provides respiratory therapy solely under the direction or control of the United States government agency or organization.
- (3) Any person receiving clinical training while pursuing a course of study leading to registry or certification in a respiratory therapy educational program accredited by the Council on Allied Health Education Programs in collaboration with the Committee on Accreditation for Respiratory Care or their successor organizations. This person will be under direct supervision and be designated by a title clearly indicating his or her status as a student or trainee.
- (4) Any emergency medical technician licensed by the Alabama State Board of Health who is providing care to a patient at the scene of an emergency, or during transport of the patient in a licensed ground ambulance, provided that such care may not exceed the scope of care permissible under the rules of the Alabama State Board of Health.
- (5) The delivery of respiratory therapy of sick or disabled persons by family members or domestic servants or the care of non-institutionalized persons by a surrogate family member as long as the persons do not represent themselves as, or hold themselves out to be, respiratory therapists.
- (6) Any individual who has demonstrated competency in one or more areas covered by this chapter as long as the individual performs only those functions that he or she is qualified by examination to perform. The standards of the National Commission for Certifying Agencies, or its equivalent, shall serve as a standards with which to evaluate those examinations and examining organizations.

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- (7) Any person performing respiratory services or care not licensed as a respiratory therapist in accordance with this chapter who is employed in a diagnostic laboratory, physician's office, clinic, or outpatient treatment facility and whose function is to administer treatment or perform diagnostic procedures confined to that laboratory, office, clinic, or outpatient facility under the direction of a licensed physician.
- (8) Any respiratory therapy student who performs limited respiratory therapy procedures as an employee of any health care provider organization while enrolled in a respiratory therapy educational program accredited by the Council on Allied Health Education Programs in collaboration with the Committee on Accreditation for Respiratory Care or their successor organizations. The employee shall be designated by title as a student or trainee and shall work under direct supervision.
- (9) Any individual employed by a durable medical equipment or home medical equipment company who delivers, sets up, or maintains respiratory equipment, but not including assessment or evaluation of the patient.
- (10) Any individual employed as a polysomnographic technologist working in a sleep center or diagnostic sleep clinic.
- (11) Any licensed respiratory therapist performing advances in the art and techniques of respiratory therapy learned through special training acceptable to the board. (Act 2004-518, §11.)

**HISTORY**

Effective date: The act which added this chapter is effective May 17, 2004

**§ 34-27B-12. Notice provided to respiratory therapists.**

- (a) The board shall provide notification to all respiratory therapists employed as such or practicing respiratory therapy in Alabama on May 17, 2004. The notification shall summarize the requirements of this chapter and provide information on procedures for obtaining a license. Publication of the notification shall be accompanied by complying with all of the following requirements:
  - (1) A letter containing the notice shall be directed to all persons registered or certified by the National Board for Respiratory Care who reside in the State of Alabama, based on the most current mailing list of the National Board for Respiratory Care.
  - (2) Notice shall be published in all major state trade or professional journals relating to respiratory therapy for not less than three consecutive months.
  - (3) Notice shall be published in all daily newspapers in this state at least once per month for three consecutive months.

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- (b) The board shall cause the notices required by this section to commence within 30 days from the effective date of adoption of rules and regulations by the board. (Act 2004-518, §12.)

HISTORY

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-13. Rules and Regulations**

The board shall promulgate rules necessary to implement and administer the provisions of this act. Rules shall be issued pursuant to the Administrative Procedure Act. (Act 2004-518, §13.)

HISTORY

Effective date: The act which added this chapter is effective May 17, 2004.

**§ 34-27B-14. Sunset Provision.**

The board shall be subject to the Alabama Sunset Law, as provided in Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2008, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law. (Act 2004-518, §14.)

HISTORY

Effective date: The act which added this chapter is effective May 17, 2004.