

Phase I: Administrative Rule Inventory for Alabama State Board of Respiratory Therapy

Due date: September 15, 2023 | Inventory current as of September 1, 2023

Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-2-.01(17)	Defining Medically approved protocol.	<p>Medically approved protocol - A healthcare facility’s plan for taking specific diagnostic or treatment actions, or both, authorized by the treating physician of the patient, all of which actions shall be:</p> <p>(a) In a hospital or other inpatient healthcare 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.</p> <p>(b) Except in cases of medical emergency, instituted following an evaluation of the patient by the physician or otherwise directed by the supervising physician of the respiratory therapist.</p> <p>(c) Consistent with the definition of the scope of practice of respiratory therapy, as established by this act.</p>	34-27B-2(4)	0
798-X-3-.01	Composition of the Board	The Alabama State Board of Respiratory Therapy 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.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	The list shall include two names for each appointed position to be filled.	34-27B-5	0
798-X-3-.01	Composition of the Board	The respiratory therapist members appointed to the Board shall be registered or certified by the National Board for Respiratory Care or its successor organization.	34-27B-5	0
798-X-3-.01	Composition of the Board	Respiratory therapists selected for subsequent appointments shall be licensed by the state.	34-27B-5	0
798-X-3-.01	Composition of the Board	The hospital member shall be selected from a list of two names submitted by the Alabama Hospital Association.	34-27B-5	0

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798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	Such lists shall include two names for the position.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.01	Composition of the Board	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.	34-27B-5	0
798-X-3-.02	Terms of Office	The term of office of all members shall be four years	34-27B-5	0
798-X-3-.02	Terms of Office	No member shall be appointed for more than three consecutive full terms.	34-27B-5	0
798-X-3-.02	Terms of Office	A vacancy in an unexpired term shall be filled in the manner of the original appointment.	34-27B-5	0
798-X-3-.03	Officers of the Board	The Board shall elect a chair and vice chair annually.	34-27B-5	0
798-X-3-.03	Officers of the Board	The vice chair shall fill any vacancy in the office of the chair.	34-27B-5	0
798-X-3-.03	Defining Officer Duties	The duties of the officers shall be as follows: (a) The chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the rules of order of Board meetings. (b) The vice chair shall preside in the absence of the president and shall assume the duties of the chair when necessary. (c) The secretary shall be responsible for the minutes of the meetings and shall assume other duties at the discretion of the chair.	34-27B-5	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-3-.04	Defining Board Responsibilities	The Board shall be responsible for: (a) Developing the Board meeting agenda. (b) Facilitating evaluation of the Executive Director. (c) Assuring Board representation at legislative hearings, meetings, sunset reviews and requested public presentations. (d) Participation in orientation of newly appointed Board members.	34-27B-4	0
798-X-3-.04	Defining Board Duties	The Board shall perform the following functions: (a) Set respiratory therapy licensure fees, including, but not limited to, application, initial, renewal, and reinstatement fees. (b) Establish standards of continuing education of respiratory therapy in accordance with those standards developed and accepted by the profession. (c) Examine for, approve, deny, suspend, and renew licensure of duly qualified applicants. (d) Promulgate and publish rules in accordance with the Administrative Procedure Act to administer Sections 34-27B-1, et seq., Code of Alabama (1975). (e) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license. (f) Maintain an up-to-date list of every person licensed to practice respiratory therapy pursuant to Section 34-27B-4(6), Code of Ala. 1975. The list shall include the last known place of residence and the state license number of the licensee. This list shall be available for public inspection in the Board office during normal business hours. (g) Maintain an up-to-date list of persons whose license have been suspended, revoked, or denied pursuant to Section 34-27B-4(7), Code of Ala. 1975. 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 Security numbers, shall be available for public inspection during normal business.	34-27B-4	0
798-X-3-.05	Open Meetings Act Provision	The Board shall comply with the Alabama Open Meetings Act.	34-27B-13	0
798-X-3-.05	Two Meeting Minimum	A minimum of two regular meetings shall be held each year.	34-27B-5	

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-3-.05	Annual Meeting	The annual meeting shall be the first meeting of the fiscal year.	34-27B-13	0
798-X-3-.05	Defining Quorum	A majority of the members of the Board shall constitute a quorum for the transaction of business.	34-27B-5	0
798-X-3-.05	Duties of the Chair	The chair shall , in accordance with these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence.	34-27B-13	0
798-X-3-.05	Duties of the Chair	The decision of the chair shall be final.	34-27B-13	0
798-X-3-.05	Voting on matters before the Board.	A majority of those members on the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in 798-X-3-.05(4).	34-27B-13	0
798-X-3-.05	Notice of Meetings	Notice of a meeting shall be given to all Board members at least seven days in advance of the meeting, unless all Board members agree to waive the seven day notice.	34-27B-13	0
798-X-3-.05	Request to present information to the Board	Requests to present information to the Board during a regularly scheduled Board meeting shall be in writing to the Executive Director at least fourteen days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of the Chair.	34-27B-13	1
798-X-3-.05	Record of Meetings	The secretary or designee shall keep a record of all regular meetings.	34-27B-13	0
798-X-3-.05	Minutes	The minutes shall be transcribed and presented for approval or amendment at the next regular meeting.	34-27B-13	0
798-X-3-.05	Public Inspection of Minutes	The minutes or a true copy thereof, approved by the Board, shall be open to public inspection.	34-27B-13	0
798-X-3-.05	Criteria of Minutes	The minutes shall reflect: (a) The time and place of each regular meeting of the Board; (b) Names of the Board members present; (c) Names of guests present; (d) Date meeting notices were sent to the newspapers; (e) All official acts of the Board; (f) The vote of the Board except when the votes are unanimous;	34-27B-13	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
		(g) When requested by a dissenting Board member, specific reasons shall be recorded; and (h) A roll call vote may be taken upon the request of a Board member;		
798-X-3-.05	Minutes open to public	All regular meetings of the Board shall be open and public except for executive sessions as provided by the Alabama Open Meetings Act.	34-27B-13	0
798-X-3-.07	Forms for Applications	Applications shall be made on the prescribed forms approved by the Board.	34-27B-13	1
798-X-3-.08	Records will comply with Open Meetings Act.	The Board shall maintain its records in accordance with the Alabama Open Meetings Act.	34-27B-13	0
798-X-3-.08	Public Records	Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours.	34-27B-13	0
798-X-3-.08	Inspection of Public Records	The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee	34-27B-13	0
798-X-3-.08	Obtaining Public Records	Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling and postage.	34-27B-13	0
798-X-3-.09	Compliance with APA	All rules and regulations of the Board shall be adopted, amended or repealed in accordance with the Sections 41-22-1 et seq., Alabama Administrative Procedures Act, Code of Ala. 1975.	34-27B-13	0
798-X-3-.10	Petition for new rule	The petition shall be in writing and shall include: (a) The name and address of the petitioner; (b) An exact statement of the proposed additional rule or amendment or identification of the rule to be repealed; and (c) The pertinent facts, data, opinions or arguments in support of the petitioner's position.	34-27B-13	0
798-X-3-.110	Petition for new rule	Upon submission of a petition, the Board shall initiate rule-making proceedings or deny the petition in writing on the merits, stating its reasons for the denial at its next regularly scheduled meeting.	34-27B-13	1
798-X-3-.11	Petition for declaratory ruling	(1) The petition shall be in writing and shall include: (a) The name and address of the petitioner;	34-27B-13	1

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		(b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule; and (c) The rule, statute or order and the reasons for the questions.		
798-X-3-.11	Denial of Declaratory Request	Failure of the Board to issue a declaratory ruling at its next regularly scheduled meeting following receipt of request shall constitute a denial of the request.	34-27B-13	0
798-X-3-.11	Written Notification of Decision on Declaratory Request	The Board shall provide the petitioner written notification of its decision to deny the request and shall state therein the reason for denial.	34-27B-13	0
798-X-3-.11	Limitations to Declaratory Requests	Circumstances in which rulings shall not be issued include but are not necessarily limited to: (a) Lack of jurisdiction. (b) Lack of clarity of the issue presented. (c) No clear answer determinable.	34-27B-13	0
798-X-3-.12	Board Payment/Mileage	Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees.	34-27B-5	0
798-X-3-.12	Board Member Per Diem	Board members shall also receive a per diem allowance following the guidelines for state employees.	34-27B-5	0
798-X-3-.12	Funds covering reimbursement	The reimbursement for expenses shall be paid from funds derived from the Alabama State Board of Respiratory Therapy Fund.	34-27B-5	0
798-X-3-.13	Establishment of Fund	All funds received by the Board shall be deposited into the fund and shall be expended only to implement and administer this act.	34-27B-6	0
798-X-3-.13	Fund	No monies shall be withdrawn or expended from this fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to Sections 34-27B-1, et seq., Code of Ala. 1975.	34-27B-6	0
798-X-3-.13	Appropriated Monies	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.	34-27B-6	0
798-X-3-.13	Disbursement of Funds	Funds shall be disbursed only upon a warrant of the State Comptroller upon itemized vouchers approved by the chair.	34-27B-6	0

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798-X-3-.13	Excess Fund Disbursement	After the first three full fiscal years from May 17, 2004, and every three years thereafter, if a surplus of funds exists which is greater than the highest two years' operating expense, the funds shall be distributed to the general fund.	34-27B-6	0
798-X-5-.01	Qualifications for Licensure	<p>The applicant for licensure shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, and meet one of the following requirements:</p> <p>(a) Hold credentials as a registered respiratory therapist (RRT) or a certified respiratory therapist (CRT), as granted by the NBRC or its successor organization;</p> <p>(b) Hold a temporary license and has passed the examination leading to the CRT or RRT credential within one year of application;</p> <p>(c) Have a valid respiratory therapist license from another state, the District of Columbia, or a territory of the United States, whose requirements are considered by the Board as substantially similar to those of Alabama and who otherwise meets reciprocity requirements established by the Board;</p> <p>(d) Has been approved by the Board as being qualified through special training that is equal to, or superior to, standards established for respiratory therapy education programs in Alabama and has passed an examination established by the board; or</p> <p>(e) Was employed in the administration of respiratory therapy under the direction of a physician on the effective date of the adoption of the rules and regulations of the Board. The opportunity to apply for a respiratory therapy license issued under this rule shall expire 365 days after the implementation of the rules and regulations of the Board. Holders of these licenses shall be eligible to renew their licenses as are any other licensed respiratory therapists.</p>	34-27B-3	0
798-X-5-.01	Qualifications for Licensure	The applicant shall submit a completed application form and pay all required fees.	34-27B-3	0

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798-X-5-.01	Implementation of Rules	Implementation for licensure shall begin on the effective date of the adoption of the rules and regulations.	34-27B-13	0
798-X-5-.01	Implementation of Rules	The initial licensure period shall begin on November 1, 2005 with renewal on November 1, biannually thereafter.	34-27B-13	0
798-X-5-.01	Implementation of Rules	Any licenses issued during implementation shall be dated November 1, 2005, the initial date of the licensure period, and shall be subject to renewal on November 1, biannually thereafter. Licenses issued after the initial date of the licensure period shall be dated to begin at the date the license is issued, but set to expire at the next established renewal date.	34-27B-13	0
798-X-5-.01	Implementation of Rules	Persons working as a respiratory therapist, unless otherwise exempt, shall have a valid respiratory therapy license.	34-27B-3	0
798-X-5-.02	Licensure by Credential	The applicant for licensure by credential shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, hold credentials as a Registered Respiratory Therapist (RRT) or a Certified Respiratory Therapist (CRT), as granted by NBRC or its successor organization and shall submit: (1) A complete application (2) Required fees (3) And proof of 24 hours of continuing education credit, meeting Board requirements, earned over the previous two years.	34-27B-3	0
798-X-5-.03	Licensure by Special Training – Basic Requirements	The applicant for licensure by special training shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, and shall submit to the Board a completed application and the required fee(s).	34-27B-3	0
798-X-5-.03	Licensure by Special Training – Transcript required	An official school transcript shall be submitted to the Board and shall indicate the date of completion of the program and/or date degree/certificate was conferred.	34-27B-3	0
798-X-5-.03	Licensure by Special Training - Proof	The applicant for licensure by special training shall show proof of special training that is equal to, or superior to, standards established for respiratory therapy educational programs in Alabama.	34-27B-3	0
798-X-5-.03	Licensure by Special Training – Educational Deficiencies	The applicant shall correct any educational deficiencies by taking additional courses, as directed by the Board.	34-27B-3	0

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798-X-5-.03	Licensure by Special Training - Exam	If the Board determines that the applicant is eligible to take a licensing exam, the applicant shall be required to take and pass the licensing exam.	34-27B-3	0
798-X-5-.03	Licensure by Special Training - Fees	Fees for licensure by special training shall include all fees established for application for an initial license, plus a \$100 examination fee, plus the cost of the examination imposed by the NBRC or other examination agency selected for the administration of the licensure examination.	34-27B-3	0
798-X-5-.03	Licensure by Special Training - Expiration	Licenses which are issued by special training shall be dated to begin at the date the license is issued, but set to expire at the next established renewal date.	34-27B-3	0
798-X-5-.04	Graduates of Foreign Schools	The applicant educated in a foreign country shall : (1) Be required to pass the same licensure examination as applicants in Alabama. (2) Be a graduate of an education program approved by the proper authorities in the country where the program is located. (3) Meet the requirements for respiratory therapist program content as criteria for approval in Alabama at the time of the applicant's graduation. (4) Correct any educational deficiencies by taking additional courses, as directed by the Board. (5) If duly licensed in a foreign country, provide official verification, translated into English, from the authorities in that country. (6) Submit a completed application and required fee(s).	34-27B-13	1
798-X-5-.05	Licensure by Reciprocity	(1) The applicant for licensure by reciprocity shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma; (2) Be duly licensed as a respiratory therapist under the laws of another state or territory and meet reciprocity requirements set by the Board; (3) Provide for official written verification of a current license from another state or territory; and (4) Submit a completed application and required fees.	34-27B-3	0
798-X-5-.06	Licensure by Employment of Work Experience	Respiratory therapists who were issued licenses during implementation based on employment or work experience shall be eligible to renew their licenses as are any other licensed respiratory therapist.	34-27B-7	0
798-X-5-.07	Temporary License - Fees	The respiratory therapist graduate shall have completed an application and paid all necessary fees.	34-27B-7	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-5-.07	Temporary License Requirements	Application for a temporary license shall be made within 30 days of graduation, except for extenuating circumstances which shall be approved by the Board.	34-27B-7	0
798-X-5-.07	Temporary License Requirements - Renewal	The temporary license shall be renewable only once for an additional six-month period if the applicant fails the NBRC CRT examination.	34-27B-7	0
798-X-5-.07	Temporary License Requirements - Supervision	The temporary license allows the applicant to practice as a respiratory therapist, subject to the following stipulations: (a) The respiratory therapist with a temporary license shall function under direct clinical supervision of a currently licensed respiratory therapist or physician; and (b) The respiratory therapist with a temporary license shall not assume nor be assigned charge or supervisory responsibilities.	34-27B-7	0
798-X-5-.07	Temporary License Expiration	A temporary license shall expire: (a) On the date specified on the temporary license; (b) Once a permanent license is issued; or (c) If the applicant is denied licensure.	34-27B-7	0
798-X-5-.07	Temporary License Requirements for Employers	The applicant for licensure shall : (a) Provide every employer the temporary license for visual inspection; (b) Provide to an employer validation of a current license upon receipt of the official license card; or (c) Inform the employer of denial of licensure.	34-27B-7	3
798-X-5-.07	Notice of Denial of Temp License	The Board shall issue notice of denial of licensure.	34-27B-13	0
798-X-5-.08	License Renewal	The respiratory therapist license shall normally be valid for two years, expiring on November 1 of odd-numbered years.	34-27B-7	0
798-X-5-.08	License Renewal	The continuing education earning period is normally a two-year period of time during which at least 24 contact hours shall be accrued.	34-27B-4	1
798-X-5-.08	License Renewal	In the cases of an abbreviated license period, the applicant for renewal shall validate continuing education prorated to the equivalence of one (1) contact hour for each month of the current licensure period.	34-27B-4	1
798-X-5-.08	License Renewal	The renewal of license shall be accomplished prior to expiration of the current license.	34-27B-7	0
798-X-5-.08	License Renewal	Notice shall be sent to the applicant's address of record between 60 and 90 days prior to the renewal date.	34-27B-13	0

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798-X-5-.08	License Renewal	To be eligible for renewal, the applicant shall : (a) Hold a valid, active Alabama license; (b) Submit a completed and signed renewal application and required fee(s); and (c) Meet continuing education requirements.	34-27B-4	0
798-X-5-.08	License Renewal	Failure to receive the renewal application or notice shall not relieve the licensee of the responsibility of renewing the license by the expiration date.	34-27B-13	0
798-X-5-.08	License Renewal	Any license not renewed within 90 days following the expiration date shall lapse.	34-27B-13	0
798-X-5-.08	License Renewal	Any individual who practices with a lapsed license shall be subject to penalties established under Chapter 798-X-7.	34-27B-13	0
798-X-5-.09	License Renewal – Actively Deployed Military	If the required continuing education contact hours were not earned for renewal during the earning period, the respiratory therapist shall be required to complete the required continuing education hours needed for renewal no later than six months after discharge from active service, return to inactive military status, or return to the United States from an active war zone.	34-27B-13	1
798-X-5-.09	License Renewal – Actively Deployed Military	Continuing education shall not be required for the period of time the respiratory therapist is on active duty. Proration of required continuing education shall be the equivalent of one (1) contact hour for each month of the licensure period in which the licensee was not on active duty.	34-27B-13	1
798-X-5-.09	License Renewal – Actively Deployed Military	A respiratory therapist returning from active deployment shall accrue for renewal one (1) contact hour for each calendar month remaining in the licensure period. The licensure period may be less than two years, in order to have the expiration date fall on the established date of renewal.	34-27B-13	1
798-X-5-.10	Reinstatement of Lapsed License	A respiratory therapist whose license is reinstated shall accrue for license renewal one (1) contact hour for each calendar month remaining in the period. The licensing period may be less than two years, in order to have the expiration date fall on the established date of renewal.	34-27B-13	1
798-X-5-.11	Change of Name Requirements	The applicant or licensee shall notify the Board of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license card.	34-27B-13	1
798-X-5-.11	Change of Address Requirements	The licensee shall notify the Board office of any change in the licensee's address.	34-27B-13	1

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798-X-5-.12	Duty to Report Lost Card	The licensee shall promptly report, in writing, the loss of a license card to the Board.	34-27B-13	1
798-X-5-.13	Verification of License	Upon receipt of a written request and payment of the required fee, the Board's designee shall provide written verification of Alabama license.	34-27B-4	1
798-X-5-.14	Student Exemption	The student employee shall be designated by title as a student or trainee and shall work under direct clinical supervision.	34-27B-11	0
798-X-5-.14	Student Exemption Time Limit	Student status shall be limited to four years.	34-27B-13	1
798-X-5-.14	Student Exemption – Verification from Schools	To verify student status for employment in respiratory therapy, Directors of accredited respiratory therapy programs shall provide current lists of students enrolled in their programs, or complete “Student Verification Forms” or submit a letter certifying a student’s eligibility for employment based on enrollment in a respiratory therapy program.	34-27B-13	1
798-X-5-.14	Student Exemption – Notice of Student Enrollment Termination	Directors of respiratory therapy educational programs shall provide notice to the Board when a student’s enrollment is terminated within 60 days of such termination.	34-27B-13	1
798-X-5-.15	Personal Checks	Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.	34-27B-13	1
798-X-5-.15	Personal Checks – Returned Check Fees	Statutory charges for returned checks shall be paid by the applicant or licensee within ten business days from receipt of notice to remit full payment pursuant to Code of Ala. 1975, §13A-9-13.1(b)(2) and pay the maximum fee allowed by Code of Ala. 1975, §8-8-15.	34-27B-13	0
798-X-5-.15	Set Fees Annually	The Board shall set fees and charges annually.	34-27B-4	0
798-X-5-.15	Set Fees Annually	At the first meeting of the Board each calendar year, the previous schedule of fees and charges shall be automatically readopted unless the Board proposes a revised schedule.	34-27B-13	0
798-X-6-.02	Conduct and Accountability of RTs - Knowledge	The licensed respiratory therapist shall : (1) Have knowledge and understanding of the laws and rules regulating respiratory therapy.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Legal Scope of Practice	The licensed respiratory therapist shall : (2) Function within the legal scope of respiratory therapy practice.	34-27B-8	1

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798-X-6-.02	Conduct and Accountability of RTs – Responsible for Quality of Care	The licensed respiratory therapist shall : (3) Be responsible and accountable for the quality of respiratory therapy delivered to patients based on and limited to scope of education, demonstrated competence, and experience.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Responsibility	The licensed respiratory therapist shall : (4) Be responsible and accountable for the quality of respiratory therapy delivered to patients by respiratory therapy personnel under the individual respiratory therapist’s supervision.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Obtain Instruction when Necessary	The licensed respiratory therapist shall : (5) Obtain instruction and supervision as necessary when implementing new or unfamiliar respiratory therapy techniques or practices.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Accept Responsibility	The licensed respiratory therapist shall : (6) Accept individual responsibility and accountability for judgments, actions and respiratory therapy competency.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Collaborate	The licensed respiratory therapist shall : (7) Collaborate with other members of the health care team.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Don’t Discriminate	The licensed respiratory therapist shall : (8) Practice without discrimination on the basis of age, race, religion, gender, national origin, sexual orientation, patient diagnosis or disability	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Rights of Patients	The licensed respiratory therapist shall : (9) Respect the dignity and rights of patients and their significant others including, but not limited to: (a) Privacy; (b) Protection of confidential information, unless disclosure is required by law; (c) Freedom from exploitation of physical, mental, sexual, or financial boundaries; and (d) Protection of real and personal property.	34-27B-8	1
798-X-6-.02	Conduct and Accountability of RTs – Reporting Inappropriate Conduct	The licensed respiratory therapist shall : (10) Accept individual responsibility and accountability for timely reporting of illegal, substandard, unethical, unsafe, or incompetent respiratory therapy practice directly to the Alabama State Board of Respiratory Therapy.	34-27B-8	1

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-7-.03	Grounds for Discipline - Neglect	A certified copy of the record of a state or federal agency that substantiated neglect of a patient shall be conclusive evidence of patient neglect.	34-27B-13	1
798-X-7-.03	Grounds for Discipline - Abuse	A certified copy of the record of a state or federal agency that substantiated patient abuse shall be conclusive evidence of abuse, harassment, or intimidation of a patient.	34-27B-13	1
798-X-7-.03	Grounds for Discipline - Evidence	A certified copy of the record of the agency that took such action shall be conclusive evidence of the grounds for discipline.	34-27B-13	0
798-X-7-.04	Grounds for Investigation	Upon self-disclosure or receipt of a written complaint alleging that a respiratory therapist has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Director shall perform a preliminary review to determine if there is merit and sufficient evidence to warrant formal proceedings as outlined in Chapter 798-X-7-.04 (2).	34-27B-13	0
798-X-7-.04	Investigative Committee	When the Executive Director determines there may be merit and sufficient evidence exists to warrant proceedings, an investigative committee shall be formed consisting of one Board member, one Board counsel, and the Executive Director.	34-27B-13	0
798-X-7-.04	Notice of Investigation	Within 30 days of self-disclosure or receipt of a written complaint, the Executive Director shall provide the respiratory therapist, against whom the complaint was made, written notification of the complaint, allegation(s), and investigation process by certified mail.	34-27B-13	0
798-X-7-.04	Complaint Review	The committee shall review the complaint and other information submitted to determine if further investigation is warranted.	34-27B-13	0
798-X-7-.04	Investigator	If an investigation is warranted, an investigator shall be retained.	34-27B-13	0
798-X-7-.04	Investigator	The investigator shall work under the direction of the Executive Director to conduct further investigation.	34-27B-13	0
798-X-7-.04	Investigator Duties	At the conclusion of the investigation, the investigator shall submit an investigation report to be reviewed by the Investigative Committee who has the authority to act on the report as described in Chapter 798-X-7-.05.	34-27B-13	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-7-.04	Investigator Duties	The investigative committee shall send written notification to the complainant and the respiratory therapist, against whom the complaint was made, of any action it decides to take in response to the investigation report.	34-27B-13	0
798-X-7-.04	Notification of Complaint	The Executive Director shall notify the complainant and the respiratory therapist, against whom the complaint was made.	34-27B-13	0
798-X-7-.05	Actions Following an Investigation	The Board or its authorized designee shall have the power to act on the report of the investigation as follows: (1) Dismiss complaint.	34-27B-13	0
798-X-7-.05	Actions Following an Investigation	The Board or its authorized designee shall have the power to act on the report of the investigation as follows: (2) Commence disciplinary proceedings.	34-27B-13	0
798-X-7-.05	Actions Following an Investigation	The Board or its authorized designee shall have the power to act on the report of the investigation as follows: (3) Accept voluntary surrender of a license.	34-27B-13	0
798-X-7-.07	Disposition of Contested Cases – Notice of Hearing	At least thirty days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or respiratory therapist personally or by registered or certified mail to the last known address shown on the records of the Board.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Amending a Complaint	The Board’s complaint may be amended prior to the hearing but no amendment shall be permitted which is not germane to the charge or charges or which materially alters the nature of any offense charged.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Sufficiency of Complaint	The Board shall have the right to determine the sufficiency of the complaint.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Complaint Withdrawal	The circumstances surrounding the attempt to withdraw the complaint may be explained by the person who is attempting to withdraw the complaint and the explanation shall be considered.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Pleadings	Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board’s designee. Pleadings shall be deemed filed upon actual receipt.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Subpoenas	Requests for subpoenas shall be filed with the Board at least ten days prior to the hearing along with the appropriate subpoena-processing fee.	34-27B-4	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-7-.07	Disposition of Contested Cases – Cost of Subpoenas	Any expense for service by a sheriff, process server or other entity shall be the responsibility of the party requesting the subpoena.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Appointment of Hearing Officer	The hearing shall be conducted by the Board or by a hearing officer appointed by the Board.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Testimony under oath	All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board.	34-27B-4	0
798-X-7-.07	Disposition of Contested Cases – Motions to Continue	No motion for continuance shall be granted unless filed at least five days prior to the hearing.	34-27B-4	0
798-X-7-.08	Disposition of Contested Cases – Informal	Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.	34-27B-4	0
798-X-7-.09	Disposition of Contested Cases – Decisions in Writing	The decisions of the Board shall be in writing in the form of an order, a copy of which shall be mailed or delivered to the respondent or the respondent’s attorney.	34-27B-4	0
798-X-7-.09	Disposition of Contested Cases – Decisions Available to Public	The decisions of the Board shall be subject to public dissemination.	34-27B-4	0
798-X-7-.10	Applications Following a Denial	Application for a license following denial of licensure shall : (a) Include evidence of rehabilitation, or elimination or resolution of the conditions for denial.	34-27B-4	1
798-X-7-.10	Applications Following a Denial	Application for a license following denial of licensure shall : (b) Be made according to Chapter 798-X-5.	34-27B-4	0
798-X-7-.11	Reinstatement of Revoked License	Application for a license following denial of licensure shall : (b) Be made according to Chapter 798-X-5.	34-27B-4	0
798-X-8-.01	Continuing Education - Accountability	A respiratory therapist shall be individually accountable for continued competence to practice respiratory therapy and shall maintain documentation to support all continuing education necessary for renewal.	34-27B-4	1
798-X-8-.01	Continuing Education – Units of Measure	Units of measure for continuing education shall be: (a) 1 contact hour = 50 minutes (b) 0.5 contact hour = 25 minutes	34-27B-4	1

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
		(c) 15 contact hours = 1 academic semester credit hour (d) 10 contact hours = 1 academic quarter credit hour		
798-X-8-.01	Continuing Education - Hours	Each respiratory therapist licensed by the Board shall complete twenty-four (24) contact hours of continuing education over the two-year licensure period.	34-27B-4	1
798-X-8-.01	Continuing Education – Hours Minimum Length of Course	Any course accepted for credit shall be at least 25 minutes in length.	34-27B-4	1
798-X-8-.01	Continuing Education – New Graduate Requirements	For new graduates of respiratory therapy programs, submitting proof of successful completion of a respiratory therapy program accredited by CoARC shall be proof of sufficient preparatory education to receive an initial license up to one year following graduation.	34-27B-4	1
798-X-8-.02	Continuing Education Standards	Any educational program approved for CRCE units by the AARC shall be acceptable with one contact hour assigned for each CRCE unit awarded.	34-27B-4	0
798-X-8-.02	Continuing Education Courses with Prior Approval	The AARC or ASRC continuing education activities, which pertain to the practice of respiratory care, shall be considered prior approved, providing they meet all other requirements for contact hours.	34-27B-4	0
798-X-8-.02	Continuing Education – Appropriate Subject Matter	Appropriate subject matter for continuing education shall include: 1. Respiratory therapy science and practice; 2. Respiratory therapy education; 3. Research in respiratory therapy and healthcare; 4. Management, administration, and supervision in health care delivery; 5. Social, economic, political, and/or legal aspects of health care; 6. Healthcare and consumer education;	34-27B-4	0
798-X-8-.02	Continuing Education – Records Retention by Licensee	Such documentation shall be retained for three (3) years and made available to the Board upon request.	34-27B-4	1
798-X-8-.02	Continuing Education - Recredentialing	Successful completion of a recredentialing examination administered by the NBRC for either CRT or RRT (based on the highest credential held by the licensed respiratory therapist) shall be awarded five (5) contact hours.	34-27B-4	0

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-8-.02	Continuing Education – Advanced Specialty	Successful completion of an advanced specialty examination administered by the NBRC shall be awarded five (5) contact hours for each examination.	34-27B-4	0
798-X-8-.02	Continuing Education - Lectures	Preparation and presentation of a lecture approved for continuing education hours under these rules shall be eligible for four (4) contact hours for each contact hour of presentation for the first presentation.	34-27B-4	0
798-X-8-.02	Continuing Education – Preceptors	A minimum requirement shall be that each hour of credit shall equal 24 hours of clinical instruction/supervision of students enrolled in a respiratory therapy program.	34-27B-4	0
798-X-8-.03	Continuing Education - Reporting	A respiratory therapist shall : (a) Provide a signed statement of affirmation, under penalty, of the degree of compliance with continuing education requirements for license renewal including but not limited to compliance with: (i) Earning the required number of contact hours of Board-approved or Board-recognized continuing education activities; (ii) The designated earning period; (iii) Content and acceptable activities, and (iv) Any other requirements in these rules.	34-27B-4	1
798-X-8-.03	Continuing Education - Reporting	A respiratory therapist shall : (b) Maintain individual continuing education records for two years following the renewal date for which the contact hours were earned including but not limited to certificates, transcripts, or other documentation of attendance at continuing education activities to substantiate earned contact hours.	34-27B-4	1
798-X-8-.03	Continuing Education - Audit	A respiratory therapist shall : (c) Submit documented evidence of meeting continuing education requirements within thirty days of the date a written request is mailed first class to the address of record of the respiratory therapist.	34-27B-4	1
798-X-8-.03	Continuing Education – Disciplinary Action	A respiratory therapist who fails to comply with reporting requirements, requirements of the audit, requests for documents, or submitting false, inaccurate, or incomplete evidence of meeting continuing education requirements shall be subject to disciplinary action by the Board.	34-27B-4	1

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Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
798-X-8-.01	Continuing Education – Failure to Comply	A respiratory therapist who fails to provide evidence meeting continuing education requirements for license renewal shall not have the license renewed.	34-27B-4	1
798-X-1-.01	Purpose	As stated in Sections 34-27B-1, et. seq., Code of Ala. 1975, the law for the regulation of the profession of respiratory therapy and the establishment of the Alabama State Board of Respiratory Therapy (ASBRT), the purpose of this law and the ASBRT is to provide for the competency examination and licensing of persons administering respiratory therapy and provide for waivers for examinations and licensing; create and provide for the membership, terms, meetings, powers, duties, and responsibilities of the Alabama State Board of Respiratory Therapy; require mandatory continuing education for continued renewal of licensure; provide for fees and create a separate fund; provide for causes and procedure for disciplinary action; prohibit certain acts, including false representation of licensure; make an appropriation from the fund to the Board; establish penalties for violations.	34-27B-1	0
798-X-2-.01	Records	Records maintained by the Board that are reasonably necessary to record the business and activities required to be done or carried out by the Board so that the status and conditions of such business and activities can be known by the public.	34-27B-4	0
798-X-8-.01	Continuing Education – Failure to Comply	A respiratory therapist who fails to provide evidence meeting continuing education requirements for license renewal shall not have the license renewed.	34-27B-4	1