



HOUSE BILL 316: Respiratory Care Modernization Act.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 2, 2023
Introduced by:	Reps. Moss, Sasser, Potts	Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *House Bill 316 would create regulations for advance respiratory care practitioners, update names for entities required to sit on the Board, update names of entities permitted to accredit respiratory care licensure exams, and establish the Board investigations are not public records.*

BILL ANALYSIS: House Bill 316 would amend the Respiratory Care Practice Act (Article 38 of Chapter 90) in the following ways:

- Definitions would be added for "advanced respiratory care practitioner," "advanced respiratory care procedures," "endorsement," "practice of advance practice respiratory therapy," "prescriptive and dispensing authority," and "supervising physician."
- The statutes governing the membership of the North Carolina Respiratory Care Board would be amended to reflect the name of the North Carolina Association of Medical Equipment Services being changed to the Atlantic Coast Medical Equipment Services Association.
- The required exam for licensure would have to be approved by the Commission on Accreditation for Respiratory Therapy or its successor agency. Current law recognizes exams accredited by the Accreditation of Allied Health Educational programs or the Canadian Council on Accreditation for Respiratory Therapy. The current statutory requirement that the exam be offered three times a year would be repealed.
- Requirements for licensure as an advanced respiratory care practitioner would be established. These requirements would include submission of a completed application, required fees, proof of education, compliance with the requirements of a Basic Cardiac Life Support program, and proof of a passing score on an exam.
- The statutory provisions requiring a \$200 fee for an exam and a \$50 fee for a provisional license would be repealed.
- Investigative records of the Board would not be public records under Chapter 132, but notices of statement of charges and notices of hearing would be public records. The Board would be required to turn all evidence it wishes to use in a disciplinary hearing over to the licensee or applicant who is the subject of the hearing. The Board could release confidential disciplinary information to licensing boards in other jurisdictions, and licensees would be required to report arrests on felony, DUI, or controlled substance possession, use, or sale charges.
- Technical and conforming changes would be made throughout Article 38.
- The Board would be directed to adopt rules to administer the new statutory provisions.

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EFFECTIVE DATE: The rule-making provisions would be effective when the bill becomes law. The remainder of the bill would become effective October 1, 2024.

*Jason Moran-Bates, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.