

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESPIRATORY CARE - GENERAL RULES

Filed with the Secretary of State on

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of **the Administrative Procedures Act of 1969**, 1969 PA 306, **MCL 24.233, 24.244 or 24.245a(6)**. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16148, **16174**, and 18709 of **the public health code**, 1978 PA 368, MCL 333.16148, **333.16174**, and MCL 333.18709, and Executive Reorganization Order Nos. ~~1996-1~~ **1991-9**, 1996-2, and 2003-1, **and 2011-4**, MCL ~~330.3101~~ **338.3501**, 445.2001, ~~and 445.2011~~, **and 445.2030**)

R 338.2201, R 338.2201a, R 338.2202, R 338.2205, R 338.2206, and R 338.2207 of the Michigan Administrative Code are amended, R 338.2203 and R 338.2204 are rescinded, and R 338.2202a and R 338.2202b are added, as follows:

PART 1. GENERAL PROVISIONS

R 338.2201 Definitions.

Rule 2201. As used in these rules:

- (a) "Board" means the board of respiratory care
- (b) "Code" means **the public health code**, 1978 PA 368, MCL 333.1101 to **333.25211**.
- (c) "Department" means the department of ~~community health licensing and regulatory affairs~~ **licensing and regulatory affairs**.
- (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, **MCL 333.16186**.

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 **department in consultation with 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)~~ **subdivision (1)(a)** of this ~~rule~~ **subrule** 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 shall apply to license renewals beginning ~~with the first renewal cycle after promulgation of this rule~~ **December 2018** and for initial licenses issued ~~5 or more years after the promulgation of this rule~~ **after March 16, 2021**.

PART 2. LICENSURE

R 338.2202 Application for respiratory therapist license; requirements.

Rule 2202. An applicant for a respiratory therapist license, in addition to meeting the **requirements of 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 **successfully completed** ~~graduated from~~ a respiratory therapist educational program that is ~~acceptable to the board under~~ **satisfies the requirements of R 338.2206.**

(c) Have earned at least a 2-year associate's degree from an accredited college or university ~~approved by the department~~ **that satisfies the requirements of R 338.2206.**

(d) ~~Possess~~ **Have earned a** the entry-level credential for respiratory therapists that was conferred by the ~~national board~~ **National Board** of respiratory care **Respiratory Care** (~~nbrc~~**NBRC**) or by its predecessor organization.

R 338.2202a. Applicant trained outside the United States; education evaluated.

Rule 2202a. Pursuant to section 16174(1)(c) of the code, MCL 333.16174(1)(c), an applicant who was trained outside the United States or Canada shall have his or her education evaluated by an organization accredited by the National Association of Credential Evaluation Services (NACES) to determine if the applicant satisfies the requirements of R 338.2202.

R 338.2202b. Working knowledge of English language; demonstrate.

Rule 2202b. Pursuant to section 16174(1)(d) of the code, MCL 333.16174(1)(d), except as otherwise provided by the code or by another rule, an applicant shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she obtained a total score of not less than 80 on the Test of English as a Foreign Language internet-based test (TOEFL-IBT) administered by the Educational Testing Service.

~~R 338.2203 Application for temporary respiratory therapist license; requirements.~~
Rescinded.

~~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.~~

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

~~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.~~

R 338.2205 Licensure by endorsement; respiratory therapist.

Rule 2205. (1) An applicant for a respiratory therapist license by endorsement, **in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with all of the following:**

~~(a) shall submit~~ **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.~~

(b) Provide verification of his or her license or registration by the licensing agency of any state of the United States and any province of Canada in which the applicant has ever held a license or registration to practice respiratory care. Verification includes submitting documentation of each disciplinary action initiated against the applicant.

(2) If the applicant has been licensed for less than 5 years immediately preceding the date of the application, he or she shall comply with all of the following:

(a) Submit educational information that satisfies the requirements of R 338.2202.

(b) Submit NBRC examination and certification information that satisfies the requirements of R 338.2202.

(c) Be of good moral character.

~~(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 nbre certification examination.~~
~~(c) Verify that the registration or license from the other jurisdiction, whether current or expired, is in good standing.~~
~~(2) An applicant that is a Canadian registered respiratory therapist may apply for licensure by endorsement if the applicant holds a current certification by the NBRC.~~

PART 3. EDUCATION

R 338.2206 ~~Educational program Accreditation~~ standards; adoption by reference.

Rule 2206. (1) The ~~department in consultation with the board approves, and adopts by reference, the following standards for accrediting respiratory therapist educational programs adopted by from the Committee Commission~~ **Commission** 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 cost from CoARC, 1248 Harwood Rd., Bedford, Texas 76021-4244, at cost, or at no cost from the eoare CoARC website, www.coarc.com. Copies may be obtained at no cost or from the Michigan Board of Respiratory Care, Bureau of Health Professions, Department of Community Health, Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. A Any respiratory therapist educational program that is accredited by the committee on accreditation for respiratory care CoARC is a respiratory therapist educational program that is acceptable to approved by department in consultation with the board.~~

- (a) **"Accreditation Policies and Procedures Manual," January 1, 2018.**
 (b) **Accreditation Standards for Entry into Respiratory Care Professional Practice," effective June 1, 2015 and revised November 12, 2016.**
 (c) **"Accreditation Standards for Degree Advancement Programs in Respiratory Care," effective January 1, 2018.**

~~(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 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.~~

(2) The department in consultation with the board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective June 28, 2010, and the

procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602. The CHEA recognition standards may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at www.chea.org at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: www.ed.gov. Copies of the standards and criteria recognizing accrediting agencies used by CHEA and the Department of Education are available for inspection and distribution at cost from the Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(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.nease.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.neahigherlearningcommission.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.nwecu.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.saescoc.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.waseweb.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 documents entitled "Accreditation Reference Book " July 2003 which is available free of charge on the commission's website at <http://www.waseweb.org>.

PART 4. RELICENSURE

R 338.2207 Relicensure.

Rule 2207. ~~(1) An applicant for relicensure whose license has lapsed, under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), as applicable, may be relicensed by complying with the following requirements as noted by (√): 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.~~

(1) For an applicant who has let his or her license lapse and who does not hold a current and valid respiratory care license, registration, or certification in another state of the United States or province of Canada:	Lapsed 3 Years or less	Lapsed more than 3 Years
(a) Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).		√
(d) Provide to the department documentation that the applicant passed the NBRC certification examination within the 2		√

years immediately preceding the application for relicensure.		
(e) If applicable, proof of respiratory care license, registration, or certification previously held: An applicant's respiratory care license, registration, or certification must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant ever held a respiratory care license, registration, or certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(2) For an applicant who has let his or her license lapse and holds a current and valid respiratory care license, registration, or certificate within another state of the United States or province of Canada:		
(a) Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).		√
(d) Proof of current and valid respiratory care license, registration, or certification: An applicant's respiratory care license, registration, or certification must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant holds or has ever held a respiratory care license, registration, or certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√