



# Legislative Background Brief

for the  
Economic Affairs Interim Committee

June 2013

## Board of Respiratory Care Practitioners

Prepared by Pat Murdo, Legislative Research Analyst, with help from the Business Standards Division

**Board = 5 members** (term expiration in parentheses)

<b>Respiratory care practitioners = 3</b> Leonard Bates, Wolf Creek (1/1/2013) Thomas Fallang, Butte (1/1/2015) Tony Jay Miller, Joplin (1/1/2013)	<b>Respiratory care practitioner specializing in pulmonary functions or sleep studies = 1</b> Rusty Davies, Billings (1/1/2013)
	<b>Public member = 1</b> Maria Clemons, Libby (1/1/2017)

<b>Number of Licensees</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY2012</b>
- Total	542	544	594	555

Licensing Fees (since 2007)

Application fee .....	\$50	License fee .....	\$50
Annual renewal fee .....	\$75	Inactive license fee .....	\$50

### Revenues FY2009-FY2012 and Expenditures for FY 2009-2012

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$48,466		\$28,942	
FY 2010	\$47,042		\$32,600	
FY 2011	\$7,519		\$34,473	
FY 2012	\$47,070		\$48,187	
FY 2015 biennium*	--		\$94,762	

\*Appropriation Authority In House Bill 2

Expenditures, FY 2012	Direct	Indirect			
		Admin	Div. IT/Bureau	Compliance	Bureau
Personal Services, incl. per diem	\$23,251	\$5,240	\$1,078	\$440	\$1,022

Operating Expenses		
Consulting, Printing, IT, Other	\$3,775	\$1,028
Supplies, incl. Computer	\$894	\$282
Postage, mailing, IT network, voice services	\$803	\$389
Travel/Per Diem for Board Members	\$2,701	
Rent and other expenses*	\$2,411	\$3,525
Legal and hearings	\$1,349	
Total (may be affected by rounding)	\$35,184	\$13,004

\*Includes sq. footage rent of \$1,172, computer/office equipment repair of \$41, dues, education & training, and fee collection expense of \$1,197 for direct expenses and pro-rated meeting rooms and computer/office equipment of \$7, DLI OIT expense of \$1,177, and indirect agency of \$2,341 for indirect expenses.

#### Number of Complaints

FY 09	.....	5
FY 10	.....	2
FY 11	.....	3
FY 12	.....	1

#### Disciplinary Action (may be from other years)

Dismissed 2, Investigations 3
Dismissed 5, Investigations 3
Revoked 1, Dismissed 3, Investigations 3
Dismissed 1

#### Scope of Practice

*Respiratory care* is defined in 37-28-102, MCA, as "the care provided by a member of the allied health profession responsible for the treatment, management, diagnostic testing, and control of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes but is not limited to: (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures that are necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a physician; (ii) transcription and implementation of the written or verbal orders of a physician regarding the practice of respiratory care; (iii) observation and monitoring of a patient's signs and symptoms, general behavior, and physical response to respiratory care treatment and diagnostic testing, including determination of abnormal characteristics; (iv) implementation of respiratory care protocols pursuant to a prescription by a physician; and (v) initiation of emergency procedures prescribed by board rules". The statute further states that respiratory care includes inhalation and respiratory therapy, must be performed under a physician's order and qualified medical direction, but is not limited to a hospital setting.

#### 2013 Legislation Impacting Board or Profession

##### Summary of Responses from Survey as made through June 3, 2013:

# of Responses from Board of Respiratory Care Practitioners licensees -- 16  
Comments summarized separately.