



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0139

Introduced 2/1/2005, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.16
5 ILCS 80/4.26 new
225 ILCS 106/10
225 ILCS 106/15
225 ILCS 106/20
225 ILCS 106/50
225 ILCS 106/55

Amends the Regulatory Sunset Act to extend the repeal of the Respiratory Care Practice Act to January 1, 2016. Amends the Respiratory Care Practice Act. Replaces the definition of "respiratory care" and "cardiorespiratory care". Eliminates certain exemptions concerning the activities of unlicensed persons who do not represent themselves as respiratory care practitioners, qualified members of other professional groups, and organizations or institutions that provide respiratory care. Adds exemptions concerning (i) polysomnographic technologists, technicians, and trainees and (ii) family members providing respiratory care services. Provides that no person shall, without a valid license, (i) hold himself or herself out to the public as a respiratory care practitioner; (ii) use the title "respiratory care practitioner"; or (iii) perform the duties of a respiratory care practitioner, except as provided in the Section of the Act concerning exemptions. Provides that beginning 6 months after December 31, 2005, all individuals who provide satisfactory evidence to the Department of 3 years of experience in the practice of respiratory care during the 5 years immediately preceding December 31, 2005 shall be issued a license. Effective December 31, 2005.

LRB094 06676 RAS 36770 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 ~~The Respiratory Care Practice Act.~~

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following
24 Act is repealed on January 1, 2016:

25 The Respiratory Care Practice Act.

26 Section 10. The Respiratory Care Practice Act is amended by
27 changing Sections 10, 15, 20, 50, 55, and 90 as follows:

28 (225 ILCS 106/10)

29 (Section scheduled to be repealed on January 1, 2006)

1 Sec. 10. Definitions. In this Act:

2 "Board" means the Respiratory Care Board appointed by the
3 Director.

4 "Department" means the Department of Professional
5 Regulation.

6 "Director" means the Director of Professional Regulation.

7 "Licensed" means that which is required to hold oneself out
8 as a respiratory care practitioner as defined in this Act.

9 "Licensed physician" means a physician licensed to
10 practice medicine in all its branches.

11 "Respiratory care" and "cardiorespiratory care" mean
12 preventative services, diagnostic services, therapeutic
13 services, and rehabilitative services under the written,
14 verbal, or telecommunicated order of a physician to an
15 individual with a disorder, disease, or abnormality of the
16 cardiopulmonary system, as diagnosed by a physician. These
17 terms include, but are not limited to, measuring, observing,
18 assessing, and monitoring signs and symptoms, reactions,
19 general behavior, and general physical response of individuals
20 to respiratory care services, including the determination of
21 whether those signs, symptoms, reactions, behaviors, or
22 general physical responses exhibit abnormal characteristics;
23 the administration of pharmacological, diagnostic, and
24 therapeutic agents related to respiratory care services; the
25 collection of blood specimens and other bodily fluids and
26 tissues for, and the performance of, cardiopulmonary
27 diagnostic testing procedures, including, but not limited to,
28 blood gas analysis; development, implementation, and
29 modification of respiratory care treatment plans based on
30 assessed abnormalities of the cardiopulmonary system,
31 respiratory care protocols, clinical pathways, guidelines,
32 referrals, and written, verbal, or telecommunicated orders of a
33 physician; application, operation, and management of
34 mechanical ventilatory support and other means of life support;
35 and the initiation of emergency procedures under the rules
36 promulgated by the Department. ~~include, but are not limited to,~~

1 ~~direct and indirect services in the implementation of~~
2 ~~treatment, management, disease prevention, diagnostic testing,~~
3 ~~monitoring, and care of patients with deficiencies and~~
4 ~~abnormalities associated with the cardiopulmonary system,~~
5 ~~including (i) a determination of whether such signs and~~
6 ~~symptoms, reactions, behavior, and general response exhibit~~
7 ~~abnormal characteristics and (ii) implementation of treatment~~
8 ~~based on the observed abnormalities, of appropriate reporting,~~
9 ~~referral, respiratory care protocols, or changes in treatment~~
10 ~~pursuant to the written, oral, or telephone transmitted orders~~
11 ~~of a licensed physician. "Respiratory care" includes the~~
12 ~~transcription and implementation of written, oral, and~~
13 ~~telephone transmitted orders by a licensed physician~~
14 ~~pertaining to the practice of respiratory care and the~~
15 ~~initiation of emergency procedures under rules promulgated by~~
16 ~~the Board or as otherwise permitted in this Act. The practice~~
17 ~~of respiratory care may be performed in any clinic, hospital,~~
18 ~~skilled nursing facility, private dwelling, or other place~~
19 ~~considered appropriate by the Board in accordance with the~~
20 ~~written, oral, or telephone transmitted order of a physician~~
21 ~~and shall be performed under the direction of a licensed~~
22 ~~physician. "Respiratory care" includes inhalation and~~
23 ~~respiratory therapy.~~

24 "Respiratory care education program" means a course of
25 academic study leading to eligibility for registry or
26 certification in respiratory care. The training is to be
27 approved by an accrediting agency recognized by the Board and
28 shall include an evaluation of competence through a
29 standardized testing mechanism that is determined by the Board
30 to be both valid and reliable.

31 "Respiratory care practitioner" means a person who is
32 licensed by the Department of Professional Regulation and meets
33 all of the following criteria:

- 34 (1) The person is engaged in the practice of
35 cardiorespiratory care and has the knowledge and skill
36 necessary to administer respiratory care.

1 (2) The person is capable of serving as a resource to
2 the licensed physician in relation to the technical aspects
3 of cardiorespiratory care and the safe and effective
4 methods for administering cardiorespiratory care
5 modalities.

6 (3) The person is able to function in situations of
7 unsupervised patient contact requiring great individual
8 judgment.

9 ~~(4) The person is capable of supervising, directing, or~~
10 ~~teaching less skilled personnel in the provision of~~
11 ~~respiratory care services.~~

12 (Source: P.A. 89-33, eff. 1-1-96.)

13 (225 ILCS 106/15)

14 (Section scheduled to be repealed on January 1, 2006)

15 Sec. 15. Exemptions.

16 (a) This Act does not prohibit a person legally regulated
17 in this State by any other Act from engaging in any practice
18 for which he or she is authorized. ~~as long as he or she does not~~
19 ~~represent himself or herself by the title of respiratory care~~
20 ~~practitioner. This Act does not prohibit the practice of~~
21 ~~nonregulated professions whose practitioners are engaged in~~
22 ~~the delivery of respiratory care as long as these practitioners~~
23 ~~do not represent themselves as or use the title of a~~
24 ~~respiratory care practitioner.~~

25 (b) Nothing in this Act shall prohibit the practice of
26 respiratory care by a person who is employed by the United
27 States government or any bureau, division, or agency thereof
28 while in the discharge of the employee's official duties.

29 (c) Nothing in this Act shall be construed to limit the
30 activities and services of a person enrolled in an approved
31 course of study leading to a degree or certificate of registry
32 or certification eligibility in respiratory care if these
33 activities and services constitute a part of a supervised
34 course of study and if the person is designated by a title
35 which clearly indicates his or her status as a student or

1 trainee. Status as a student or trainee shall not exceed 3
2 years from the date of enrollment in an approved course.

3 (d) Nothing in this Act shall prohibit a person from
4 treating ailments by spiritual means through prayer alone in
5 accordance with the tenets and practices of a recognized church
6 or religious denomination.

7 (e) Nothing in this Act shall be construed to prevent a
8 person who is a registered nurse or a certified registered
9 nurse anesthetist or a licensed practical nurse from providing
10 respiratory care procedures for which appropriate competencies
11 have been demonstrated.

12 (f) Nothing in this Act shall limit a person who is
13 credentialed by the National Society for Cardiopulmonary
14 Technology or the National Board for Respiratory Care from
15 performing pulmonary function tests and related respiratory
16 care procedures for which appropriate competencies have been
17 demonstrated.

18 (g) Nothing in this Act shall prohibit the collection and
19 analysis of blood by clinical laboratory personnel meeting the
20 personnel standards of the Illinois Clinical Laboratory Act.

21 (h) Nothing in this Act shall prohibit a polysomnographic
22 technologist, technician, or trainee, as defined by the
23 Association of Polysomnographic Technologists (APT), from
24 performing activities within the scope of practice adopted by
25 the APT, while under the direction of a physician licensed in
26 this State ~~limit the activities of a person who is not licensed~~
27 ~~under this Act from performing respiratory care if he or she~~
28 ~~does not represent himself or herself as a respiratory care~~
29 ~~practitioner.~~

30 (i) Nothing in this Act shall prohibit a family member from
31 providing respiratory care services to an ill person ~~qualified~~
32 ~~members of other professional groups, including but not limited~~
33 ~~to nurses, from performing or advertising that he or she~~
34 ~~performs the work of a respiratory care practitioner in a~~
35 ~~manner consistent with his or her training, or any code of~~
36 ~~ethics of his or her respective professions, but only if he or~~

1 ~~she does not represent himself or herself by any title or~~
2 ~~description as a respiratory care practitioner.~~

3 (j) (Blank). ~~This Act does not prohibit a hospital, nursing~~
4 ~~home, long term care facility, home health agency, health~~
5 ~~system or network, or any other organization or institution~~
6 ~~that provides health or illness care for individuals or~~
7 ~~communities from providing respiratory care through~~
8 ~~practitioners that the organization considers competent. These~~
9 ~~entities shall not be required to utilize licensed respiratory~~
10 ~~care practitioners to practice respiratory care when providing~~
11 ~~respiratory care for their patients or customers.~~
12 ~~Organizations providing respiratory care may decide who is~~
13 ~~competent to deliver that respiratory care. Nothing in this Act~~
14 ~~shall be construed to limit the ability of an employer to~~
15 ~~utilize a respiratory care practitioner within the employment~~
16 ~~setting consistent with the individual's skill and training.~~

17 (Source: P.A. 91-259, eff. 1-1-00.)

18 (225 ILCS 106/20)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 20. Restrictions and limitations.

21 (a) No person shall, without a valid license as a
22 respiratory care practitioner (i) hold himself or herself out
23 to the public as a respiratory care practitioner; ~~or~~ (ii) use
24 the title "respiratory care practitioner"; or (iii) perform the
25 duties of a respiratory care practitioner, except as provided
26 in Section 15 of this Act.

27 (b) Nothing in the Act shall be construed to permit a
28 person licensed as a respiratory care practitioner to engage in
29 any manner in the practice of medicine in all its branches as
30 defined by State law.

31 (Source: P.A. 89-33, eff. 1-1-96.)

32 (225 ILCS 106/50)

33 (Section scheduled to be repealed on January 1, 2006)

34 Sec. 50. Qualifications for a license.

1 (a) A person is qualified to be licensed as a licensed
2 respiratory care practitioner, and the Department may issue a
3 license authorizing the practice of respiratory care to an
4 applicant who:

5 (1) has applied in writing on the prescribed form and
6 has paid the required fee;

7 (2) has successfully completed a respiratory care
8 training program approved by the Department;

9 (3) has successfully passed an examination for the
10 practice of respiratory care authorized by the Department;
11 and

12 (4) has paid the fees required by this Act.

13 Any person who has received certification by any state or
14 national organization whose standards are accepted by the
15 Department as being substantially similar to the standards in
16 this Act may apply for a respiratory care practitioner license
17 without examination.

18 (b) Beginning 6 months after December 31, 2005, all
19 individuals who provide satisfactory evidence to the
20 Department of 3 years of experience in the practice of
21 respiratory care during the 5 years immediately preceding
22 December 31, 2005 shall be issued a license. This experience
23 must have been obtained while under the supervision of a
24 certified respiratory therapist or a registered respiratory
25 practitioner. All applications for a license under this
26 subsection (b) shall be filed within 12 months after December
27 31, 2005.

28 ~~All individuals who, on the effective date of this~~
29 ~~Act, provide satisfactory evidence to the Department of 3~~
30 ~~years experience in the practice of respiratory care during~~
31 ~~the 5 years immediately preceding the effective date of~~
32 ~~this Act shall be issued a license. To qualify for a~~
33 ~~license under subsection (b), all applications for a~~
34 ~~license under this subsection (b) shall be filed within 24~~
35 ~~months after the effective date of this Act.~~

36 (Source: P.A. 89-33, eff. 1-1-96.)

1 (225 ILCS 106/55)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 55. Licensure required. Beginning 6 months after
4 January 1, 1996, and except as provided in Section 15 of this
5 Act, no individual shall practice ~~hold himself or herself out~~
6 as a respiratory care practitioner, unless he or she is
7 licensed under this Act. Individuals who have been licensed
8 respiratory care practitioners in any jurisdiction and who are
9 seeking to practice respiratory care in this State must apply
10 for licensure within 45 days after beginning employment within
11 the State.

12 (Source: P.A. 91-259, eff. 1-1-00.)

13 Section 99. Effective date. This Act takes effect December
14 1, 2005.