

**NORTH CAROLINA RESPIRATORY CARE BOARD  
RALEIGH, NORTH CAROLINA**

<b>IN RE: REQUEST FOR DECLARATORY</b>	)	
<b>RULING BY THE NORTH CAROLINA</b>	)	
<b>ASSOCIATION OF RESPIRATORY</b>	)	<b>DECLARATORY RULING</b>
<b>EDUCATORS CONCERNING EMPLOYMENT)</b>		<b>(Revised)</b>
<b>OF RESPIRATORY CARE STUDENTS</b>	)	

I, Joseph Coyle, MD, as Chair of the North Carolina Respiratory Care Board (the “Board”), and based on a resolution by the Board of this date, duly adopted pursuant to N.C. Gen. Stat. § 150B-4, do hereby issue this declaratory ruling. This declaratory ruling will interpret N.C. Gen. Stat. § 90-664(2); and 21 NCAC 61 .0202, as they affect the employment of Respiratory Care Students. For the reasons set out below, the Board concludes that Employment of Respiratory Care Students by hospitals or other health care organizations that have a direct affiliation with the institution that is providing respiratory care training to a respiratory care student, and based upon appropriate protocols for the conduct and scope of activities of the student, does fall within the exemption granted by the statute and the rule.

The basis for the Board’s conclusion is set forth below in the Analysis section of this declaratory ruling. This ruling is binding upon the Board so long as the material facts stated herein are accurate, but the ruling only pertains to this request. The Board also reserves the right, prospectively; to change the conclusions contained in this ruling. A ruling on this matter was originally issued on September 30, 2002 in response to a petition submitted jointly by Mr. Stewart Hayes, RRT, RCP of Wake Forest University Baptist Medical Center and the North Carolina Association of Respiratory Educators, who provided the statement of facts on which this ruling is based. As it indicated in the original ruling, the Board has reviewed the status of the issues raised by this matter and has determined to issue this ruling, which in large measure carries on the policy adopted in the original ruling.

**FACTUAL BASIS FOR THE RULING**

Based on information submitted by Mr. Hayes and the North Carolina Association of Respiratory Educators, hospitals that are affiliated with respiratory care training programs sometimes employ respiratory care students on a part-time basis during the time when the students are in the later stages of their training program. These students would be enrolled in recognized Respiratory Care Programs that have been approved by the Committee on Accreditation for Respiratory Care. While employed in these settings, they would work under the direct supervision of a licensed respiratory care practitioner(s) (RCP); and the Board understands that any such supervising RCP will be a graduate of a Respiratory Care Program that has been approved by the Committee on Accreditation for Respiratory Care. We also understand that in all such cases, the employing facility and the supervising RCP will have a competency evaluation from the institution training the student which details the appropriate scope and level

of activities that the student may engage in and emphasizes the need for ongoing, direct supervision by the RCP.

The educational institution will verify to the employing facility that a student is in good standing. To remain in good standing with the Board and to continue as a Respiratory Care Assistant, a minimum grade of at least 2.0 in all RCP courses and an overall average of 2.0 must be maintained. The educational institution also will verify that the student has successfully completed a competency evaluation, **which includes laboratory and clinical evaluations** that certifies the student to be competent in the following Respiratory Care Procedures:

- Oxygen Supply Systems
- Equipment Processing
- Manual Resuscitation
- Oxygen Administration
- Humidity And Aerosol Therapy
- Small Volume Nebulizer Therapy
- MDI Administration
- Incentive Spirometry
- Devices designed to augment airway clearance, e.g. Ezpap, flutter, etc
- Chest Physiotherapy
- Arterial Puncture
- Electrocardiogram (if performed by the hiring institute)
- Patient Reporting

In the event that the academic status of the student changes (failure, removal, or withdrawal from the program) the educational institution must notify the employing facility and the Board as soon as possible, and no later than 5 business days after the change in the student's status.

The Student RCP must register with the Board on a form provided by the Board before providing Respiratory Care procedures as a Respiratory Care Assistant. After approval, the Board will acknowledge the registration by a letter from the Board office approving the RCP Student to provide the listed procedures under the conditions noted in this ruling as a Respiratory Care Assistant. The Student RCP must provide a copy of the approval letter to both the educational institute and the employing facility. The student is required to notify the Board within 15 days of any change in address, telephone number, and/or employing facility.

The employing facility will have students complete competency evaluations for the non-critical care duties, which that person would be allowed to perform, just as they would any new staff member. After successful completion of the competency evaluations, the employing facility may allow the registrant to perform the respiratory care procedures enumerated on page two of this ruling. The job classification for this position will be Respiratory Care Assistant. The Respiratory Care Assistant must wear a name tag at all times while providing any approved respiratory care procedure which includes the name of the person, the name of the employing facility and the title "Respiratory Care Assistant".

RCP Students, while performing the **clinical education** part of their Respiratory Care Education program, may not be compensated for their training.

Finally, we also understand that these activities only would occur while a student is actively enrolled as a regular student in a respiratory care program, the student is in good

standing; and that effective on the date of graduation from that program the employment as a Respiratory Care Assistant would end. This constitutes the complete and exclusive statement of facts upon which this ruling is based.

### **ANALYSIS**

Based on the facts presented above, the Board has determined that employment of respiratory care students under these circumstances does fall within the statutory exemption provided in N.C. Gen. Stat. § 90-664(2), and codified in the Board's rules at 21 NCAC 61 .0202. All of the activities described will be under the direct supervision of a licensed RCP. In addition, under the facts described, the work will occur while the student pursues a course of study to meet licensure requirements, and there will be coordination between the training program and the work site. After successful completion of the competency evaluations, the employing facility may allow the Respiratory Care Assistant to perform the respiratory care procedures enumerated on page two of this ruling. Performance of any other respiratory care procedures would be exceeding the scope of practice for Respiratory Care Assistants. Also, the Respiratory Care Assistant must maintain, at a minimum, Certification in Basic Life Support which includes Adult, Child and Infant Cardiopulmonary Resuscitation (CPR), the Heimlich Maneuver, and Automatic External Defibrillator (AED) use by the American Heart Association, the American Red Cross or the American Safety and Health Institute.

Finally, the Board has determined that no RCP Student may remain in this status more than a total of 24 months.

### **CONCLUSION**

For the foregoing reasons, and based upon the limitations expressed, the North Carolina Respiratory Care Board concludes that employment of respiratory care students to provide services as described does qualify for an exemption from licensure under N.C. Gen. Stat. § 90-664(2); and 21 NCAC 61 .0202.

This the 13<sup>th</sup> day of July, 2006

---

Joseph Coyle, MD  
Chair  
North Carolina Respiratory Care Board