

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

**IN RE: REQUEST FOR DECLARATORY)
RULING BY NEW HANOVER HEALTH) **DECLARATORY RULING**
NETWORK)**

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(4); and 21 NCAC 61 .0202(3), as they affect the employment of Respiratory Care Support Staff (Support Technicians) in the Hospital Setting. For the reasons set out below, the Board concludes that the employment of Respiratory Care Support Staff by hospitals to provide certain limited tasks and that are carried out by the staff in accord with appropriate protocols for the conduct and scope of their activities does fall within the exemption for support activities that is granted by the statute and recognized in 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, which are contained in this ruling.

This ruling is issued in response to a petition submitted by Mr. Ronnie Reynolds, RRT, RCP of New Hanover Health Network, who has provided the statement of facts on which this ruling is based.

FACTUAL BASIS FOR THE RULING

Based on information submitted by Mr. Reynolds New Hanover Health Network employs Support Technicians to provide certain support functions to the Respiratory Care Department. While employed, these individuals work under the direct supervision of one or more licensed respiratory care practitioners (RCP). We also understand that in all such cases, the Support Technicians will have detailed training and a documented orientation that details the tasks that a Support Technician is competent to perform, and that emphasizes the need for ongoing, direct RCP supervision. There will also be regular competency evaluations from the institution to measure each Support Technician’s performance and adherence to the training.

The Support Technicians at New Hanover Health Network perform the following functions:

- Clean Respiratory Care Equipment
- Set Up and change the following oxygen delivery devices:
 - Oxygen Tanks and regulars/flowmeters
 - Wall mounted flowmeters
 - Humidifer bottles
 - Oxygen cannulas

- Change out the following oxygen delivery devices:
 - Jet Nebulizers and Aerosol Tubing
- Record the hours of oxygen usage

Under no circumstances do any of these personnel ever represent themselves as Respiratory Care Practitioners.

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 Support Technicians in the hospital setting under these circumstances does fall within the statutory exemption provided in N.C. Gen. Stat. § 90-664(4), that is codified in the Board's rules at 21 NCAC 61 .0202 (3). All of the activities described will be under the direct supervision of one or more licensed RCP's.

CONCLUSION

For the foregoing reasons, and based upon the limitations expressed, the North Carolina Respiratory Care Board concludes that employment of Support Technicians in the hospital setting to provide services as described does qualify for an exemption from licensure under N.C. Gen. Stat. § 90-664(4); and 21 NCAC 61 .0202 (3). Therefore, and subject to following the procedures described in this Declaratory Ruling, the Support Technicians in the New Hanover Health Network may continue to provide the services described in this ruling without being licensed by this Board.

This the 2nd day of January 2003.

Joseph Coyle, MD
Chair
North Carolina Respiratory Care Board