



GENERAL GOVERNMENT  
AND AGENCY REVIEW  
COMMITTEE

Witness Form

Today's Date 2.12.2020

Name: David COREY

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Organization Representing: Ohio Society for Respiratory Care

Testifying on Bill Number: SB 246

Testimony:  Verbal  Written  Both

Testifying As:  Proponent  Opponent  Interested Party

Are you a Registered Lobbyist?  Yes  No

Special Requests: Written testimony only.  
Thank you.

February 12, 2020



Honorable Kirk Schuring, Chair  
General Government & Agency Review Committee  
Ohio Senate  
Senate Building  
Columbus, OH 43215

Dear Chairman Schuring:

The Ohio Society for Respiratory Care (OSRC) supports the spirit of SB246 – the Occupational License Reciprocity bill currently being heard in the Senate General Government and Agency Review Committee. This bill allows an applicant, with 1) an out-of-state occupational license or 2) a government certification, private certification or satisfactory work experience in a state which does not issue a license, to meet the qualifications for an Ohio occupational license. Most qualified applicants can be issued an Ohio license after passing a criminal background check and paying the required fee. Those who have a license or government certification which is currently the subject of an investigation, allegations or complaints, will be issued a written decision for issuance or rejection within 60 days. Reducing undue delays in obtaining an Ohio occupational license is beneficial to both the out-of-state applicant and Ohio employers. This bill will establish Ohio as a worker-friendly State.

The practice of respiratory care is licensed to protect the public. All states within the United States have licensure for respiratory care, except for Alaska, which is currently making efforts toward state licensure.

**Respiratory Care is defined in ORC 4761.01, as:**

(A) "Respiratory care" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the evaluation of cardiopulmonary function, the treatment of cardiopulmonary impairment, the assessment of treatment effectiveness, and the care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The practice of respiratory care includes:

(1) Obtaining, analyzing, testing, measuring, and monitoring blood and gas samples in the determination of cardiopulmonary parameters and related physiologic data, including flows, pressures, and volumes, and the use of equipment employed for this purpose;

- (2) Administering, monitoring, recording the results of, and instructing in the use of medical gases, aerosols, and bronchopulmonary hygiene techniques, including drainage, aspiration, and sampling, and applying, maintaining, and instructing in the use of artificial airways, ventilators, and other life support equipment employed in the treatment of cardiopulmonary impairment and provided in collaboration with other licensed health care professionals responsible for providing care;
- (3) Performing cardiopulmonary resuscitation and respiratory rehabilitation techniques;
- (4) Administering medications for the testing or treatment of cardiopulmonary impairment.

**In the State of Ohio under ORC 4761, currently there are two options under which to practice respiratory care:**

**Option 1. License: Under 4761.04 (A)**, eligibility for license includes (1) the person is of good moral character, (2) the person has successfully completed an educational program approved by the board..., and (3) the person has passed an examination approved under rules adopted by the board. Currently, an educational program must be a minimum of an associate degree in respiratory care approved by the Commission for the Accreditation of Respiratory Care (CoARC); this has been a national requirement since 2001. The examination required is the Registered Respiratory Therapist (RRT) examination offered by the National Board for Respiratory Care (NBRC); this has been the requirement in Ohio since January 2015.

**Option 2: Limited Permit: Under 4761.05 (B) (1) (a)**, eligibility for a limited permit to practice respiratory care requires that the applicant is enrolled and in good standing in an educational program approved by the board leading to a degree or is a graduate of the program or was employed as a provider of respiratory care in this state prior to March 14, 1989. This limited permit authorizes the holder to provide respiratory care under the supervision of a licensed respiratory care professional. This permit must be renewed annually and is renewable up to three years while in school; the limited permit is only good for one year post-graduation. The OSRC does not know of any government certification for respiratory care; the military trains respiratory or cardiopulmonary therapists in CoARC accredited programs and expects them to take NBRC examinations. Work experience alone would not satisfy the requirements for applicants from states (Alaska) which does not issue a license. Alaskan respiratory therapists do obtain private NBRC credentials recognized by the State Medical Board of Ohio.

**Our recommended changes to the language proposed in ORC 4761.04 (C) would be as follows (on page 691 of SB246):**

- (C) The board shall issue a license to act as a respiratory care professional in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:
- (1) The applicant holds a license in another state which requires a credentialing examination equivalent to the examination adopted by the board.

(2) The applicant has satisfactory work experience, ~~a government certification, or~~ and a private certification- credential equivalent to the credentialing requirement adopted by the board as described in that section as a respiratory care professional in a state which does not issue that license.

**Our recommended changes to the language proposed in the ORC 4761.05 (D) would be as follows (on page 693 of SB246):**

The board shall issue a ~~license~~ limited permit to practice respiratory care in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

- (1) The applicant hold a license or permit in another state with a required credentialing examination that does not meet the credentialing requirements adopted by the board.
- (2) The applicant has satisfactory work experience, ~~a government certification or~~ and a private certification- credential which does not meet the credentialing requirement adopted by the board as described in that section as a provider of respiratory care in a state that does not issue that license.

This would allow all applicants to begin work without delay. Those who would work under a limited permit would be given one year to pass the Registered Respiratory Therapist examination required for Ohio licensed RCPs. According to a December 2019 ORSC Workforce Survey, Ohio's respiratory care workforce is 88.5% RRT.

When the Ohio Respiratory Care Board implemented rules to increase the examination requirement of licensure to the NBRC's registered respiratory therapist exam in 2015, it grandfathered all certified respiratory therapists who were credentialed before 2015 in OAC 4761-5-01 (A) (1) (a). This has just recently been rescinded under the State Medical Board of Ohio. Restoring this rule language makes this proposal more "out-of-state worker friendly" as then the limited permit would only apply to applicants who graduated since 2015, all who would meet the NBRC education requirements for the registered respiratory therapist examination.

Thank you for the opportunity to provide input regarding the specific issues as they pertain to the profession of Respiratory Care and to ensure the safety of Ohioans. Please contact OSRC's Executive Director, David Corey (614.784.9772 or [dpc@pacainc.com](mailto:dpc@pacainc.com)) if you have questions. We look forward to working with you to enhance this important piece of legislation.

  
Shereen Bailey  
OSRC President

Sincerely,

  
Sue Ciarlariello  
OSRC Legislative Chair