

PROPOSED AMENDMENT

HB 1254 # 1

DIGEST

Respiratory therapy. Amends the licensure and temporary permit requirements for respiratory care practitioners.

- 1 Page 4, after line 18, begin a new paragraph and insert:
2 "SECTION 6. IC 25-34.5-2-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Each applicant
4 for licensure as a respiratory care practitioner must present satisfactory
5 evidence that the applicant:
6 (1) does not have a conviction for:
7 (A) an act that would constitute a ground for disciplinary
8 sanction under IC 25-1-9; or
9 (B) a crime that has a direct bearing on the practitioner's
10 ability to practice competently;
11 (2) has not been the subject of a disciplinary action initiated by
12 the licensing or certification agency of another state or
13 jurisdiction on the grounds that the applicant was unable to
14 practice as a respiratory care practitioner without endangering the
15 public; and
16 (3) has **either:**
17 (A) **before January 1, 2028,** passed a respiratory care
18 practitioner licensing or certification examination approved by
19 the board; **or**
20 (B) **after December 31, 2027, successfully completed both**
21 **portions of the registered respiratory therapist**
22 **examination, administered by the National Board for**
23 **Respiratory Care or its successor organization.**
24 (b) Each applicant for licensure as a respiratory care practitioner
25 must submit proof to the committee of the applicant's:
26 (1) graduation from a school or program of respiratory care that
27 meets standards set by the board;

(2) completion of a United States military training program in respiratory care; or

(3) completion of sufficient postsecondary education to be credentialed by a national respiratory care practitioner organization approved by the committee.

(c) At the time of making application, each applicant must pay a fee determined by the board after consideration of a recommendation of the committee.

SECTION 7. IC 25-34.5-2-9, AS AMENDED BY P.L.177-2015, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) Except as provided in section 11 of this chapter, the committee shall issue a license to each applicant who

~~(1) successfully passes the examination provided in section 12 of this chapter; and~~

~~(2) meets the requirements of section 8 of this chapter.~~

(b) Subject to IC 25-1-2-6(e), a license issued under this section expires on the last day of the regular renewal cycle established under IC 25-1-5-4.

SECTION 8. IC 25-34.5-2-10.1, AS AMENDED BY P.L.149-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.1. (a) The committee shall issue a temporary permit to a person to practice respiratory care or to profess to be a respiratory care practitioner, not more than thirty (30) days after the application is filed and completed, if the person pays a fee and:

(1) has:

(A) a valid license or certificate to practice from another state; and

(B) applied for a license from the committee;

(2) is practicing in a state that does not license or certify respiratory care practitioners but is credentialed by a national respiratory care practitioner association approved by the committee, and the person has applied for a license from the committee; or

~~(3) has:~~

~~(A) been approved by the committee to take the next examination; and~~

~~(B) graduated from a school or program approved by the committee; is qualified to take the examination by being a graduate of a school or program of respiratory care that meets standards set by the board.~~

(b) A temporary permit expires the earlier of:

- (1) the date the person holding the permit is issued a license under this article; or
- (2) the date the committee disapproves the person's license application.

(c) The committee may renew a temporary permit if the person holding the permit was scheduled to take the ~~next~~ examination and:

- (1) did not take the examination; and
- (2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the person holding the permit receives the results from the ~~next~~ examination given after the permit was issued.

SECTION 9. IC 25-34.5-2-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 12: (a) Examinations of applicants for licensure under this article shall be held at least semiannually on dates set by the board:~~

~~(b) An examination under this section must include a written examination that tests the following:~~

- ~~(1) The applicant's knowledge of the basic and clinical sciences as they relate to the practice of respiratory care:~~
- ~~(2) Other subjects that the committee considers useful to test an applicant's fitness to practice respiratory care:~~

~~(c) An otherwise qualified applicant who fails an examination and is refused licensure may take another scheduled examination upon payment of an additional fee set by the board under rules adopted under section 7 of this chapter.~~

SECTION 10. IC 25-34.5-2-14, AS AMENDED BY P.L.152-2024, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The committee shall issue a student permit to an individual if the individual does the following:

- (1) Submits the appropriate application to the committee.
- (2) Pays the fee established by the board.
- (3) Submits written proof to the committee that the individual is a student in good standing in a respiratory care school or program that: ~~has been:~~
 - (A) ~~has been~~ approved by the committee for purposes of section 8(b)(1) of this chapter;
 - (B) ~~approved by the committee for purposes of section 10.1(a)(3)(B) is described in section 10.1(a)(3)~~ of this chapter; or
 - (C) ~~has been~~ otherwise approved by the committee.

(4) Submits satisfactory evidence that the individual:

(A) does not have a conviction described in section 8(a)(1) of this chapter; and

(B) has not been the subject of a disciplinary action described in section 8(a)(2) of this chapter.

(b) The committee shall issue a student permit as soon as it is reasonably practicable after an individual fulfills the requirements of subsection (a).

(c) An individual who holds a student permit may only perform respiratory care procedures that have been part of a course:

(1) the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the successful completion has been documented and that is available upon request to the committee.

(d) The committee may expand the list of respiratory care procedures that an individual may perform under the individual's student permit to include additional respiratory care procedures that have been part of a course:

(1) that the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the individual's successful completion has been documented.

Upon request by the committee, the individual shall provide documentation of the successful completion of a course described in this subsection.

(e) The procedures permitted under subsections (c) and (d) may be performed only:

(1) on patients who are not critical care patients; and

(2) under the proximate supervision of a practitioner.

(f) A holder of a student permit shall meet in person at least one (1) time each working day with the permit holder's supervising practitioner or a designated respiratory care practitioner to review the permit holder's clinical activities. The supervising practitioner or a designated respiratory care practitioner shall review and countersign the entries that the permit holder makes in a patient's medical record not more than seven (7) calendar days after the permit holder makes the entries.

(g) A supervising practitioner may not supervise at one (1) time more than three (3) holders of student permits issued under this section.

(h) A student permit expires on the earliest of the following:

(1) The date the permit holder is issued a license under this

- 1 article.
- 2 (2) The date the committee disapproves the permit holder's
- 3 application for a license under this article.
- 4 (3) The date the permit holder ceases to be a student in good
- 5 standing in a respiratory care program approved by the
- 6 committee. The graduation of a student permit holder from a
- 7 respiratory care program approved by the committee does not
- 8 cause the student permit to expire under this subdivision.
- 9 (4) Sixty (60) days after the date that the permit holder graduates
- 10 from a respiratory care program approved by the committee.
- 11 (5) The date that the permit holder is notified that the permit
- 12 holder has failed the licensure examination.
- 13 (6) Two (2) years after the date of issuance."
- (Reference is to HB 1254 as introduced.)