

1 Department of Health

2

3 Adopted Permanent Rules Relating to the Registration of

4 Respiratory Care Practitioners

5

6 Rules as Adopted

7 4760.0010 DEFINITIONS.

8 Subpart 1. **Scope.** For the purpose of parts 4760.0010 to
9 4760.0300, the following terms have the meanings given them.

10 Subp. 2. **Advisory council.** "Advisory council" means the
11 Respiratory Care Practitioner Advisory Council established under
12 Minnesota Statutes, section 214.13, subdivision 4.

13 Subp. 3. **Applicant.** "Applicant" means an individual who
14 applies to the board for initial registration as a respiratory
15 care practitioner.

16 Subp. 4. **Approved continuing education program.** "Approved
17 continuing education program" means a continuing education
18 program meeting the continuing education requirements in part
19 4760.0090 and approved by the board.

20 Subp. 5. **Approved education program.** "Approved education
21 program" means a university, college, or other postsecondary
22 education program of respiratory care training that, at the time
23 the student completes the program, is accredited by the
24 Committee on Allied Health Education and Accreditation of the
25 American Medical Association in collaboration with the Joint
26 Review Committee for Respiratory Therapy Education or other
27 national accrediting organization approved by the board.

28 Subp. 6. **Board.** "Board" means the Minnesota Board of
29 Medical Examiners.

30 Subp. 7. **Commissioner.** "Commissioner" means the
31 commissioner of the Minnesota Department of Health.

32 Subp. 8. **Contact hour.** "Contact hour" means an
33 instructional session of 50 consecutive minutes, excluding
34 coffee breaks, registration, meals without a speaker, and social
35 activities.

1 Subp. 9. Continuing education program. "Continuing
2 education program" means a class, seminar, or structured
3 learning process relating to respiratory care practice and
4 offered for the purpose of advancing the knowledge and skills of
5 the respiratory care practitioner.

6 Subp. 10. Credential. "Credential" means a license,
7 permit, certification, registration, or other evidence of
8 qualification or authorization to engage in respiratory care
9 practice in this state or any other state.

10 Subp. 11. Credentialing examination. "Credentialing
11 examination" means an examination administered by the National
12 Board for Respiratory Care for credentialing as a certified
13 respiratory therapy technician or registered respiratory
14 therapist, or an examination for credentialing offered by a
15 national testing service that is approved by the board.

16 Subp. 12. Direct supervision. "Direct supervision" means
17 working under a registered respiratory care practitioner or
18 qualified medical director who is present in the facility or
19 readily available by telephone at the time the respiratory care
20 services are being provided.

21 Subp. 13. Health care facility. "Health care facility"
22 means a hospital as defined in Minnesota Statutes, section
23 144.50, subdivision 2, a medical facility as defined in
24 Minnesota Statutes, section 144.561, subdivision 1, paragraph
25 (b), or a nursing home as defined in Minnesota Statutes, section
26 144A.01, subdivision 5.

27 Subd. 14. Qualified medical director. "Qualified medical
28 director" means a licensed physician who is on the staff of a
29 health care facility and who has a special interest in and
30 knowledge of the diagnosis and treatment of deficiencies,
31 abnormalities, and diseases of the cardiopulmonary system.

32 Subp. 15. Registered status. "Registered status" refers
33 to the status of an individual who meets the requirements of
34 parts 4760.0010 to 4760.0300 and is authorized by the board to
35 use the titles in part 4760.0030, subpart 1.

36 Subp. 16. Registrant. "Registrant" means an individual

1 who meets the requirements of parts 4760.0010 to 4760.0300 and
2 is authorized by the board to use the titles in part 4760.0030,
3 subpart 1.

4 Subp. 17. **Registration.** "Registration" means a system in
5 which practitioners, who will be the only individuals permitted
6 to use the designated titles under part 4760.0030, subpart 1,
7 are listed on an official roster after having met predetermined
8 qualifications.

9 Subp. 18. **Registration by equivalency.** "Registration by
10 equivalency" means a method of registration described in part
11 4760.0060, subpart 1, by which an individual who possesses
12 credentialing from the National Board for Respiratory Care or
13 other national credentialing organization approved by the board
14 may qualify for Minnesota registration.

15 Subp. 19. **Registration by reciprocity.** "Registration by
16 reciprocity" means a method of registration described in part
17 4760.0060, subpart 2, by which an individual who possesses a
18 credential from another jurisdiction may qualify for Minnesota
19 registration.

20 Subp. 20. **Respiratory care.** "Respiratory care" means the
21 provision of services described under part 4760.0040 for the
22 assessment, treatment, management, diagnostic evaluation, and
23 care of patients with deficiencies, abnormalities, and diseases
24 of the cardiopulmonary system, under the guidance of a qualified
25 medical director and pursuant to a referral from a physician who
26 has medical responsibility for the patient.

27 Subp. 21. **Respiratory care practitioner.** "Respiratory
28 care practitioner" means an individual who engages in
29 respiratory care as defined in subpart 20, meets the
30 qualifications of parts 4760.0010 to 4760.0300, and registers
31 with the board.

32 Subp. 22. **Temporary registration.** "Temporary registration"
33 means a method of registration described in part 4760.0060,
34 subpart 3, by which an individual who has completed an approved
35 education program but has not met the examination requirement,
36 may qualify for Minnesota registration pending completion of the

1 required examination.

2 **Subp. 23. Transitional registration.** "Transitional
3 registration" means a method of registration described in part
4 4760.0060, subpart 4, in effect for a limited time, by which an
5 individual who has not completed an approved education program
6 and does not possess a credential from a national credentialing
7 organization approved by the board or from another jurisdiction
8 may qualify for Minnesota registration.

9 4760.0020 PURPOSE.

10 The purpose of parts 4760.0010 to 4760.0300 is to establish
11 the administrative structure, procedures, and requirements for
12 the registration and regulation of individuals seeking to be
13 qualified as respiratory care practitioners in Minnesota.

14 4760.0030 PROTECTED TITLES AND RESTRICTIONS ON USE.

15 **Subpart 1. Protected titles.** No individual may use the
16 titles "Minnesota Registered Respiratory Care Practitioner,"
17 "Registered Respiratory Care Practitioner," "Respiratory Care
18 Practitioner," or use, in connection with the individual's name,
19 the letters "R.C.P." or any other words, letters, abbreviations,
20 or insignia indicating or implying that the individual is
21 registered by the state unless they have been registered as a
22 respiratory care practitioner according to parts 4760.0010 to
23 4760.0300.

24 **Subp. 2. Health care practitioners.** Individuals
25 practicing in a health care occupation are not restricted in the
26 provision of services included in part 4760.0040 as long as they
27 do not hold themselves out as a respiratory care practitioner by
28 or through the use of the titles provided in subpart 1 in
29 association with provision of these services.

30 **Subp. 3. Identification of registered practitioners.**
31 Respiratory care practitioners registered in Minnesota shall
32 wear a name tag that identifies them as a registered respiratory
33 care practitioner.

34 **Subp. 4. Sanctions.** Individuals who hold themselves out
35 as a respiratory care practitioner by or through the use of any

1 title provided in subpart 1 without prior registration according
2 to parts 4760.0010 to 4760.0300 shall be subject to sanctions or
3 action against continuing the activity according to Minnesota
4 Statutes, section 214.11, or other statutory authority.

5 4760.0040 SCOPE OF PRACTICE.

6 Subpart 1. Scope of services. The practice of respiratory
7 care by a registered respiratory care practitioner includes, but
8 is not limited to, the following services:

9 A. obtaining physiological specimens and interpreting
10 physiological data including:

11 (1) analyzing arterial blood gas;

12 (2) analyzing respiratory secretions;

13 (3) measuring ventilatory volumes, pressures, and
14 flows;

15 (4) testing pulmonary function;

16 (5) testing and studying the cardiopulmonary
17 system; and

18 (6) diagnostic testing of breathing patterns
19 related to sleep disorders;

20 B. therapeutic application and monitoring of the
21 administration of medical gases (exclusive of general
22 anesthesia), aerosols, humidification, and pharmacological
23 agents related to respiratory care procedures;

24 C. therapeutic application and monitoring of
25 mechanical ventilatory support;

26 D. cardiopulmonary rehabilitation including postural
27 drainage, chest physiotherapy, and breathing exercises;

28 E. cardiopulmonary resuscitation and maintenance of
29 natural airways and insertion and maintenance of artificial
30 airways;

31 F. assisting in hemodynamic monitoring of the
32 cardiopulmonary system;

33 G. observing and monitoring signs and symptoms,
34 general behavior, and general physical response to respiratory
35 care treatment and diagnostic testing, including determination

1 of whether the signs, symptoms, reactions, behavior, or general
2 response exhibit abnormal characteristics;

3 H. observing and making suggestions for modifications
4 in the treatment regimen based on abnormalities, protocols, or
5 changes in patient response to respiratory care treatment;

6 I. instructing patients and their families in
7 techniques for the prevention, alleviation, and rehabilitation
8 of deficiencies, abnormalities, and diseases of the
9 cardiopulmonary system; and

10 J. transcribing and implementing physician orders for
11 respiratory care services.

12 Subp. 2. **Physician referral required.** Respiratory care
13 services provided by a registered respiratory care practitioner,
14 whether delivered in a health care facility or the patient's
15 place of residence, must not be provided except upon referral
16 from a physician.

17 4760.0050 GENERAL REGISTRATION REQUIREMENTS.

18 Subpart 1. **General requirements.** To be eligible for
19 registration, each applicant for registration must:

20 A. Submit a completed application on forms provided
21 by the board along with all fees required under part 4760.0300.

22 The application must include:

23 (1) the applicant's name, social security number,
24 home address and telephone number, business address and
25 telephone number, and business setting;

26 (2) the name and location of the respiratory care
27 education program the applicant completed for registration;

28 (3) a list of the degrees received from
29 educational institutions;

30 (4) a description of the applicant's professional
31 training beyond first degree received;

32 (5) the applicant's work history for the five
33 years preceding the application, including the average number of
34 hours worked per week;

35 (6) a list of any credentials held in other

1 jurisdictions;

2 (7) a description of any other jurisdiction's
3 refusal to credential the applicant;

4 (8) a description of all professional
5 disciplinary actions initiated against the applicant in any
6 jurisdiction; and

7 (9) any history of drug or alcohol abuse, and any
8 misdemeanor or felony conviction.

9 B. Submit a certificate of completion from an
10 approved education program.

11 C. Within one year prior to application for
12 registration, achieve a qualifying score on a credentialing
13 examination.

14 D. Submit additional information as requested by the
15 board.

16 E. Sign a statement that the information in the
17 application is true and correct to the best of the applicant's
18 knowledge and belief.

19 F. Sign a waiver authorizing the board to obtain
20 access to the applicant's records in this or any other state in
21 which the applicant has completed an approved education program
22 or engaged in the practice of respiratory care.

23 **Subp. 2. Applicant responsibility.** The applicant is
24 responsible for making arrangements to take the credentialing
25 examination, bearing all expenses associated with taking the
26 credentialing examination, and signing a release to have the
27 credentialing examination scores sent directly to the board from
28 the National Board for Respiratory Care or other national
29 testing service approved by the board.

30 **4760.0060 EXCEPTIONS TO GENERAL REGISTRATION REQUIREMENTS.**

31 **Subpart 1. Registration by equivalency.** To be eligible
32 for registration by equivalency, the applicant must:

33 A. submit the application materials and fees as
34 required under part 4760.0050, subpart 1, items A, D, E, and F;
35 and

1 B. provide a verified copy from the National Board
2 for Respiratory Care of a valid and current credential as a
3 registered respiratory therapist or certified respiratory
4 therapy technician.

5 Subp. 2. **Registration by reciprocity.** The board may issue
6 temporary registration to an applicant for registration by
7 reciprocity who satisfies the requirements of item A, while the
8 application for registration by reciprocity is awaiting action
9 by the board under part 4760.0065. To be eligible for
10 registration by reciprocity, the applicant must:

11 A. submit the application materials and fees as
12 required by part 4760.0050, subpart 1, items A, D, E, and F;

13 B. provide a verified copy from the appropriate
14 government body of a current and unrestricted credential for the
15 practice of respiratory care in another jurisdiction that has
16 initial credentialing requirements equivalent to or higher than
17 the requirements in part 4760.0050; and

18 C. provide letters of verification from the
19 appropriate government body in each jurisdiction in which the
20 applicant holds a credential. Each letter must state the
21 applicant's name, date of birth, credential number, date of
22 issuance, a statement regarding disciplinary actions, if any,
23 taken against the applicant, and the terms under which the
24 credential was issued.

25 Subp. 3. **Temporary registration.** The board may issue
26 temporary registration as a respiratory care practitioner to
27 qualified applicants.

28 A. Except as provided in subpart 2, item A, relating
29 to registration by reciprocity, an applicant for temporary
30 registration must submit the application materials and fees as
31 required by part 4760.0050, subpart 1, items A, B, D, E, and F.

32 B. Temporary registration as a respiratory care
33 practitioner is issued for a period of one year. A respiratory
34 care practitioner with temporary registration may qualify for
35 full registered status upon submission of verified documentation
36 that the respiratory care practitioner has achieved a qualifying

1 score on a credentialing examination within one year after
2 receiving temporary registered status.

3 C. A respiratory care practitioner with temporary
4 registration is limited to working under the direct supervision
5 of a registered respiratory care practitioner or qualified
6 medical director as defined in part 4760.0010, subpart 12. A
7 registered respiratory care practitioner may supervise no more
8 than two respiratory care practitioners with temporary
9 registration status.

10 Subp. 4. Transitional registration. For two years after
11 the effective date of parts 4760.0010 to 4760.0300, an applicant
12 may qualify for transitional registration by fulfilling the
13 requirements of items A and B. The board shall notify potential
14 registrants of the date that parts 4760.0010 to 4760.0300 are
15 effective, signifying the beginning of this period and of the
16 final date for submitting an application for transitional
17 registration. Applications for registration under this subpart
18 will not be accepted after the expiration of the two-year
19 period. To be eligible for registration under the transitional
20 requirements, the applicant must meet the requirements of items
21 A and B.

22 A. The individual must submit the application
23 materials and fees as required by part 4760.0050, subpart 1,
24 items A, D, E, and F.

25 B. The individual must:

26 (1) obtain documentation from a qualified medical
27 director verifying employment consisting of the performance of
28 respiratory care ~~procedures~~ services for at least 21 hours per
29 week in respiratory care for four of the five years preceding
30 the application under the supervision of a qualified medical
31 director. ~~This~~ The documentation from the qualified medical
32 director must include identification of employment setting,
33 diagnoses of patients seen for respiratory care, the type and
34 frequency of procedures performed, and the type and frequency of
35 ~~diagnostic~~ evaluations performed; or

36 (2) achieve a qualifying score on the

1 credentialing examination within the two-year transitional
2 registration period.

3 4760.0065 BOARD ACTION ON APPLICATIONS FOR REGISTRATION.

4 The board shall act on each application for registration
5 according to items A to D.

6 A. The board shall determine if the applicant meets
7 the requirements for registration under part 4760.0050, subpart
8 1 or under part 4760.0060, subpart 1, 2, 3, or 4. The board or
9 advisory council may investigate information provided by an
10 applicant to determine whether the information is accurate and
11 complete.

12 B. The board shall ~~determine~~ use the qualifying score
13 on the credentialing examination ~~based-on-guidelines~~ provided by
14 the National Board for Respiratory Care ~~or-the-advisory-council~~.

15 C. The board shall notify each applicant in writing
16 of action taken on the application ~~and-of,~~ the grounds for
17 denying registration if registration is denied, and the
18 applicant's right to review under item D.

19 D. Applicants denied registration may make a written
20 request to the board, within 30 days of the board's notice, to
21 appear before the advisory council and for the advisory council
22 to review the board's decision to deny the applicant's
23 registration. After reviewing the denial, the advisory council
24 shall make a recommendation to the board as to whether the
25 denial shall be affirmed. Each applicant is allowed only one
26 request for review per yearly registration period.

27 4760.0070 REGISTRATION RENEWAL.

28 Subpart 1. Renewal requirements. To be eligible for
29 registration renewal, a registrant must:

30 A. Submit a completed application for registration
31 renewal on forms provided by the board along with the fees
32 required under part 4760.0300. The application must include the
33 registrant's name, Minnesota registration number, home address
34 and telephone number, business address and telephone number,
35 business setting, work history for the past year including the

1 average number of hours worked per week, and a report of any
2 change in status since registration or previous registration
3 renewal.

4 B. Submit proof of having met the continuing
5 education requirements of part 4760.0090 every two years.

6 C. Submit additional information as requested by the
7 board.

8 Subp. 2. **Renewal deadline.** Registration must be renewed
9 annually.

10 A. An application for registration renewal must be
11 received in the board office or postmarked on or before July 1
12 each year. If the postmark is illegible, the application will
13 be considered timely if received by the third working day after
14 July 1.

15 B. An application for registration renewal submitted
16 after the deadline date must be accompanied by a late fee in
17 addition to the fees required under part 4760.0300.

18 Subp. 3. **Registration renewal notice.** No later than June
19 1 of each year, the board shall send out a renewal notice to the
20 registrant's last known address on file with the board. The
21 notice shall include an application for registration renewal and
22 notice of fees required for renewal. The registrant's failure
23 to receive notice shall not relieve the registrant of the
24 obligation to meet the deadline and other requirements for
25 registration renewal.

26 Subp. 4. **Registration following lapse of registered status**
27 **for two years or less.** For any registrant individual whose
28 registered status has lapsed for two years or less, to regain
29 registered status the registrant individual must:

30 A. apply for registration renewal according to
31 subpart 1;

32 B. document compliance with the continuing education
33 requirements of part 4760.0090 since the registrant's initial
34 registration or last renewal; and

35 C. submit the fees required under part 4760.0300 and
36 the fee for late renewal along with the application for

1 registration renewal.

2 Subp. 5. Registration following lapse of registered status
3 of more than two years. ~~Registered-status-expires~~ For any
4 individual who has failed to renew registration for more than
5 two years, to to regain registered status, the individual must
6 meet the requirements of items A and B.

7 A. The individual must submit the completed
8 application required for initial registration along with the
9 required fees.

10 B. The individual must:

11 (1) submit verified documentation of having
12 achieved a qualifying score on a credentialing examination
13 administered within the past year by the National Board for
14 Respiratory Care or other national testing service approved by
15 the board or sign a release to have the credentialing
16 examination results sent directly to the board; or

17 (2) attend continuing education hours equivalent
18 to ~~±2-hours~~ one hour for each year month of lapsed registration
19 before submitting an application to regain registered status.

20 Subp. 6. Notice of expiration of registered status. At
21 least 30 days before the expiration of registered status, the
22 board shall send out a notice to the registrant's last known
23 address on file with the board informing the registrant that
24 registration will expire without further action by the board if
25 an application for registration renewal is not received before
26 the deadline for renewal. The registrant's failure to receive
27 this notice shall not relieve the registrant of the obligation
28 to meet the deadline and other requirements for registration
29 renewal. Failure to receive this notice is not grounds for
30 challenging expiration of registered status.

31 4760.0080 CHANGE OF ADDRESS.

32 A registrant who changes addresses must immediately inform
33 the board, in writing, of the change of address. All notices or
34 other correspondence mailed to or served on a registrant by the
35 board at the registrant's address on file with the board shall

1 be considered as having been received by the registrant.

2 4760.0090 CONTINUING EDUCATION REQUIREMENTS.

3 Subpart 1. Number of contact hours required. Two years
4 after the date of initial registration, and every two years
5 thereafter, a registrant applying for registration renewal must
6 complete a minimum of 24 contact hours of board approved
7 continuing education in the two years preceding registration
8 renewal and attest to completion of continuing education
9 requirements by reporting to the board.

10 Subp. 2. Approved programs. The board shall approve
11 continuing education programs that have been approved for
12 continuing education credit by the American Association of
13 Respiratory Care or the Minnesota Society for Respiratory Care.
14 The board will also approve programs substantially related to
15 respiratory care that are sponsored by an accredited university
16 or college, medical school, state or national medical
17 association, national medical specialty society, or that are
18 approved for continuing education credit by the Minnesota Board
19 of Nursing.

20 Subp. 3. Approval of continuing education programs. The
21 board shall approve continuing education programs that do not
22 meet the requirements of subpart 2 but that meet the criteria in
23 items A to E.

24 A. The program content directly relates to the
25 practice of respiratory care.

26 B. Each member of the program faculty is
27 knowledgeable in the subject matter as demonstrated by a degree
28 from an accredited education program, verifiable experience in
29 the field of respiratory care, special training in the subject
30 matter, or experience teaching in the subject area.

31 C. The program lasts at least one contact hour.

32 D. There are specific, measurable, written
33 objectives, consistent with the program, describing the expected
34 outcomes for the participants.

35 E. The program sponsor has a mechanism to verify

1 participation and maintains attendance records for three years.

2 Subp. 4. Hospital inservices. Hospital inservices may
3 qualify for continuing education credits provided they meet the
4 requirements of subpart 3.

5 Subp. 5. Accumulation of contact hours. A registrant
6 cannot apply contact hours acquired in one two-year reporting
7 period to a future continuing education reporting period.

8 Subp. 6. Verification of continuing education credits.
9 The board shall periodically select a random sample of
10 registrants and require those registrants to supply the board
11 with evidence of having completed the continuing education to
12 which they attested. Documentation may come directly from the
13 registrant or from state or national organizations that maintain
14 continuing education records.

15 Subp. 7. Restriction on continuing education topics. A
16 registrant may apply no more than a combined total of eight
17 hours of continuing education in the areas of management, risk
18 management, personal growth, and educational techniques to a
19 two-year reporting period.

20 Subp. 8. Credit for credentialing examination. A
21 registrant may fulfill the continuing education requirements for
22 a two-year reporting period by ~~completing~~ achieving a qualifying
23 score on one of the credentialing examinations of the National
24 Board for Respiratory Care. A registrant may achieve 12 hours
25 continuing education credit by completing a National Board for
26 Respiratory Care specialty examination.

27 4760.0100 DISCIPLINARY PROCESS.

28 Subpart 1. Investigation of complaints. According to
29 Minnesota Statutes, section 214.13, subdivision 6, upon receipt
30 of a complaint or other communication that alleges or implies a
31 violation of parts 4760.0010 to 4760.0300 by an applicant or
32 registrant, the board shall follow the procedures in Minnesota
33 Statutes, section 214.10.

34 Subp. 2. Grounds for disciplinary action. The board may
35 refuse to register an applicant or may take against a registrant

1 any of the disciplinary actions listed in subpart 3 upon any of
2 the following grounds:

3 A. submission of false or misleading information or
4 credentials in order to obtain or renew registration;

5 B. failure to meet the requirements for registration
6 or renewal of registration;

7 C. provision of respiratory care services in a manner
8 that falls below the community standard of care;

9 D. violation of parts 4760.0010 to 4760.0300;

10 E. demonstration of an inability to practice
11 respiratory care with reasonable skill and safety to patients by
12 reason of illness, or as a result of any mental or physical
13 condition, including deterioration through the aging process or
14 loss of motor skills;

15 F. failure to cooperate with an investigation by the
16 board;

17 G. conviction, including a finding or verdict of
18 guilt, an admission of guilt, or a no contest plea of any
19 offense that is reasonably related to the practice of
20 respiratory care or that bears upon the individual's ability to
21 perform as a respiratory care practitioner as evidenced by a
22 certified copy of conviction;

23 H. aiding or abetting another person in violating any
24 provisions of parts 4760.0010 to 4760.0300;

25 I. subjection to disciplinary action by an agency or
26 board of another state for respiratory care activities;

27 J. engagement in dishonest, unethical, or
28 unprofessional conduct while in the practice of respiratory care
29 that is likely to deceive, defraud, or harm the public;

30 K. violation of any state or federal law, rule, or
31 regulation that reasonably relates to the practice of
32 respiratory care;

33 L. engagement in conduct with a patient that is
34 sexual or may reasonably be interpreted by the patient as
35 sexual, or in any verbal behavior that is seductive or sexually
36 demeaning to a patient;

1 M. misuse of alcohol, drugs, narcotics, chemicals, or
2 any other substance;

3 N. violation of any disciplinary order issued by the
4 board; or

5 O. any other just cause related to the practice of
6 respiratory care.

7 Subp. 3. **Disciplinary actions.** Upon finding that grounds
8 for disciplinary action exist under subpart 2, the board may
9 take any one or more of the following actions or any lesser
10 action:

11 A. refuse to grant or renew registration;

12 B. revoke registration;

13 C. suspend registration;

14 D. administer a reprimand;

15 E. condition, limit, or restrict registration; or

16 F. any other action justified by the facts of the
17 case.

18 4760.0200 RESPIRATORY CARE PRACTITIONER ADVISORY COUNCIL.

19 Subpart 1. **Membership.** Subject to approval by the board,
20 the commissioner shall appoint a seven-member Respiratory Care
21 Practitioner Advisory Council consisting of the following:

22 A. two public members as defined in Minnesota
23 Statutes, section 214.02;

24 B. three members who meet the requirements of parts
25 4760.0010 to 4760.0300 for registration as respiratory care
26 practitioners; and

27 C. two members who are licensed physicians with
28 expertise in the area of respiratory care.

29 Subp. 2. **Organization.** The advisory council shall be
30 organized and administered under Minnesota Statutes, section
31 15.059.

32 Subp. 3. **Duties.** The advisory council shall:

33 A. advise the board regarding standards for
34 respiratory care practitioners;

35 B. provide for distribution of information regarding

- 1 respiratory care practitioner standards;
- 2 C. advise the board on enforcement of parts 4760.0010
- 3 to 4760.0300;
- 4 D. review applications and recommend granting or
- 5 denying registration or registration renewal;
- 6 E. receive and process complaints according to
- 7 Minnesota Statutes, sections 214.10 and 214.13, subdivisions 6
- 8 and 7;
- 9 F. review reports of investigations of complaints and
- 10 recommend to the board whether disciplinary action should be
- 11 taken;
- 12 G. advise the board regarding approval of continuing
- 13 education programs using the criteria in part 4760.0090, subpart
- 14 3; and
- 15 H. perform other duties authorized for advisory
- 16 councils by Minnesota Statutes, chapter 214, as directed by the
- 17 board.

18 4760.0300 FEES.

19 Subpart 1. **Registration fee.** The fee for initial

20 registration and annual registration renewal shall be \$59.

21 Subp. 2. **Proration of fees.** The board shall prorate

22 registration fees for first time registrants as follows:

23 A. first time registrants applying between July 1 and

24 December 31 shall pay the full registration fee;

25 B. first time registrants applying between January 1

26 and June 30 shall pay one-half the registration fee.

27 All registrants are required to pay the full fee upon

28 registration renewal.

29 Subp. 3. **Penalty fee for late renewals.** The penalty fee

30 for late submission of a renewal application shall be \$15.

31 Subp. 4. **Surcharge.** For a period of five years following

32 the effective date of parts 4760.0010 to 4760.0300, each

33 applicant for initial registration and each registrant applying

34 for registration renewal must pay a surcharge fee of \$19.

35 Subp. 5. **Nonrefundable fees.** All of the above fees are

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1 nonrefundable.