

Senate Engrossed

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 156

SENATE BILL 1215

AN ACT

AMENDING SECTIONS 32-3506 AND 32-3521, ARIZONA REVISED STATUTES; RELATING TO
THE BOARD OF RESPIRATORY CARE EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3506, Arizona Revised Statutes, is amended to
3 read:

4 32-3506. Executive director; duties; compensation

5 A. Subject to title 41, chapter 4, article 4, the board shall appoint
6 an executive director who serves at the pleasure of the board. The executive
7 director shall not be a board member.

8 B. The executive director and other board employees are eligible to
9 receive compensation as determined pursuant to section 38-611.

10 C. The executive director shall:

11 1. Perform the board's administrative duties.

12 2. Subject to title 41, chapter 4, article 4 and, as applicable,
13 articles 5 and 6, employ, evaluate, dismiss, discipline and direct personnel
14 as necessary to carry out board functions.

15 ~~3. Issue temporary license certificates and temporary license renewal~~
16 ~~certificates pursuant to section 32-3521 and board rules.~~

17 ~~4.~~ 3. Initiate an investigation if there is reason to believe that a
18 licensee is incompetent, mentally or physically unable to safely practice
19 respiratory care or engaged in unprofessional conduct.

20 ~~5.~~ 4. Issue subpoenas if necessary to compel the attendance and
21 testimony of witnesses and the production of books, records, documents and
22 evidence.

23 ~~6.~~ 5. As directed by the board, sign and execute disciplinary orders,
24 rehabilitative orders and notices of hearings.

25 ~~7.~~ 6. On behalf of the board, enter into stipulated agreements with
26 licensees for the treatment, rehabilitation and monitoring of chemical
27 substance abuse or misuse.

28 ~~8.~~ 7. Perform all other duties required by the board.

29 Sec. 2. Section 32-3521, Arizona Revised Statutes, is amended to read:

30 32-3521. Allowable respiratory care services; transactions by
31 medical equipment dealers

32 ~~A. An applicant who has filed an application for licensure may perform~~
33 ~~respiratory care services without a license if the services are performed~~
34 ~~under the direct supervision of a licensed respiratory care practitioner or a~~
35 ~~physician licensed pursuant to chapter 13 or 17 of this title from the date~~
36 ~~that he receives notice that his application is on file to the date that he~~
37 ~~receives his license. This period shall not exceed one year. During this~~
38 ~~period the board shall grant the applicant a temporary license. After that~~
39 ~~time period, the board shall review the applicant's excepted status and may~~
40 ~~renew the temporary license for an additional one hundred twenty days.~~

41 ~~B.~~ A. This chapter does not prohibit:

42 1. The performance of respiratory care services ~~which~~ THAT are an
43 integral part of a program of study by students enrolled in respiratory
44 therapy training programs if the services are rendered under the supervision

1 of a licensed respiratory care practitioner or a physician licensed pursuant
2 to chapter 13 or 17 of this title.

3 2. Self-care by a patient or the gratuitous care by a friend or
4 relative who does not purport to be a licensed respiratory care practitioner.

5 3. The performance of respiratory care services in case of an
6 emergency, including an epidemic or public disaster.

7 4. The performance of respiratory care services by registered,
8 certified or licensed individuals as provided pursuant to chapters 7, 8, 11,
9 13, 14, 15, 17, 18, 19, 21, 25, 28 and 29 of this title and title 36, chapter
10 21.1.

11 5. The performance of specific diagnostic testing techniques relating
12 to respiratory care by a person under medical direction in a clinical
13 laboratory that is regulated pursuant to title 36, chapter 4.1.

14 6. The performance of respiratory care services by a person employed
15 as a respiratory therapist or respiratory therapy technician by the United
16 States government or any of its agencies if that person provides respiratory
17 therapy only under the direction or control of the federal government or an
18 agency of the federal government.

19 7. Medical equipment dealers who comply with subsection ~~6~~ B OF THIS
20 SECTION from taking a prescription for respiratory equipment, as long as that
21 prescription is verified by a licensed respiratory therapist or respiratory
22 therapy technician, and delivering oxygen equipment to or demonstrating the
23 operation, safety and maintenance of oxygen equipment at a patient's home.

24 ~~6~~ B. In a sale or lease of respiratory equipment by a medical
25 equipment dealer to a patient, the terms of the sale or lease shall be in
26 writing and signed by the parties describing the date of the sale or lease,
27 the equipment to be sold or leased and the cost and method of payment for the
28 equipment and shall include verification by a licensed respiratory therapist
29 or respiratory therapy technician attesting that purchase or lease of the
30 equipment is consistent with the prescription and the needs of the
31 patient. The patient shall be provided a copy of all documents pertaining to
32 the sale or lease at the time the documents are signed by the parties.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 23, 2015,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 16, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
26th day of March, 2015,

at 3:28 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April, 2015,

at 3:20 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 2 day of April, 2015,

at 9:00 o'clock A M.

[Signature]
Secretary of State

S.B. 1215