

# Massachusetts

## 261 CMR Board of Respiratory Care

### Massachusetts General Law (statutes), Title XVI, Chapter 112, Sections 23R – 23BB

- **Respiratory Care Practice Act contains exemption language**

#### **Chapter 112: Section 23R. Definitions**

Section 23R. The following words as used in sections twenty-three R to twenty-three BB, inclusive, unless the context otherwise requires, shall have the following meanings:—

“Respiratory care”, is a health profession that, under direction of a licensed physician, who has special expertise in respiratory care, utilizes the application of scientific principles for the identification, prevention, remediation, research, and rehabilitation of acute or chronic cardiopulmonary dysfunction thereby promoting optimum health and function. Respiratory care practice includes, but is not limited to, the therapeutic and diagnostic use of the following as ordered by a physician: medical gases, gas administering devices, humidification and aerosols, administration of aerosol medications, support services for mechanically ventilated patients, postural drainage, bronchopulmonary hygiene, breathing exercises, respiratory rehabilitation, cardiopulmonary resuscitation, maintaining natural and artificial airways, the understanding and reporting of tests as aids to diagnosis or the planning of treatment programs. Respiratory care shall also include the measuring ventilatory volumes, pressures and flows, collecting specimens of blood and other materials, pulmonary function testing, hemodynamic and other related physiologic monitoring of the cardiopulmonary system. Respiratory care shall also include teaching both patient and family respiratory care procedures as part of a patient’s ongoing program; consultation services for the health educational and community agencies. Respiratory care shall also include teaching of the knowledge, skills, and attitudes necessary to perform the above mentioned activities.

“Respiratory therapist”, a person who is duly licensed to practice respiratory care in the commonwealth in accordance with section twenty-three S.

“Board”, the board of respiratory care established under the provisions of section eleven B of chapter thirteen.

#### **Chapter 112: Section 23V. Exclusion of other professions or occupations from application of licensing or registration requirements**

Section 23V. Nothing in sections twenty-three R to twenty-three BB, inclusive, shall be construed as preventing or restricting the practice, services, or activities of:

**(a) any person licensed in the commonwealth by any other statute or credentialed by an organization which is a member of the National Commission for Health Certifying Agencies from engaging in the profession for which he is licensed or credentialed, or**

(b) any person employed as a respiratory therapist by the federal government or any agency of it, if such person provides respiratory care solely under the direction or control of the organization by which he is employed, or

(c) any person pursuing a supervised course of study leading to a degree or certificate in respiratory care as part of an accredited and approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee, or otherwise as a student functioning under the supervision of a licensed respiratory therapist, provided however, that such activity does not exceed the student's education and training, or

(d) any person performing respiratory care services in the commonwealth, if these services are performed for no more than two calendar days in a calendar year in association with a respiratory therapist licensed under this section.

## **261 CMR: BOARD OF RESPIRATORY CARE**

### **2.05: Respiratory Care Services Not Requiring a License**

**(11) services performed by a person licensed in this Commonwealth by any other statute or credentialed by an organization which is a member of the National Commission for Health Certifying Agencies or its successor; provided such services are included in scope of practice of the profession or occupation for which such person is licensed or credentialed.**