

Vermont
Title 26: Professions and Occupations
Chapter 91: Respiratory Care

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

§ 4712. Exemptions from licensure

(a) No person shall practice respiratory care or represent himself or herself to be a respiratory care practitioner unless he or she is licensed under this chapter, except that this chapter shall not prohibit:

(1) A person matriculated in an education program approved by the board who is pursuing a degree in respiratory care or respiratory therapy from satisfying supervised clinical education requirements related to the person's respiratory care education while under direct supervision of a respiratory care practitioner or physician.

(2) A respiratory care practitioner from practicing in the United States Armed Services, United States Public Health Services, or the Department of Veterans' Affairs, pursuant to federal regulations of health care providers.

(3) A respiratory care practitioner who is licensed in another jurisdiction of the United States from providing consultation by telecommunications.

(4) A respiratory care practitioner who is licensed in another jurisdiction of the United States, or foreign educated respiratory care practitioner credentialed in another country, from practicing respiratory care in conjunction with teaching or participating in an educational seminar of no more than 60 days in a calendar year.

(5) Those individuals meeting the aide/assistant classification or those working under medical supervision in a pulmonary function testing or research facility.

(6) Respiratory care rendered in an emergency.

(7) Self care by a patient or gratuitous care by family members or friends who do not represent themselves as respiratory care practitioners.

(8) A respiratory care practitioner who is licensed in another jurisdiction of the United States or a foreign educated respiratory care practitioner credentialed in another country from practicing respiratory care in conjunction with the interfacility transport of a critically ill patient.

(9) A home care medical equipment dealer from performing services related to delivery, setup, instruction, or maintenance of durable medical equipment, including home

respiratory equipment. This exemption does not include therapeutic evaluation or assessment.

Subdivision (a)(10) effective until July 1, 2007; see note set out below.

(10) An assistant or aide working under the direct or indirect supervision of a supervisor of record. Practice under this exemption is limited in scope and shall not include the exercising of independent clinical judgment. The assistant or aide shall follow well-defined and supervised procedures for nonacute patient care. The scope of practice shall be limited to equipment processing, oxygen delivery setup and monitoring, and pulse oximetry and shall be preassessed by a supervisor of record. Treatments are limited to: small volume medication nebulizers, metered dose inhalers, chest physiology with or without postural drainage, and incentive spirometry or peak flow monitoring.

(11) A polysomnographic technologist, technician, or trainee from performing activities within the scope of practice adopted by the association of polysomnographic technologists, while under the direction of a Vermont licensed physician who has training in sleep medicine.

(12) A perfusionist from performing those activities contained within the perfusion scope of practice adopted by the American Society of Extracorporeal Technologists, or its successor organization, while under the supervision of a licensed physician.

(b) This chapter does not restrict a person licensed or certified under any other law of this state from engaging in the profession or practice for which that person is licensed or certified if that person does not represent, imply, or claim that he or she is a respiratory care practitioner or a provider of respiratory care. This chapter does not expand the scope of practice of any other profession or occupation referred to in this chapter. (Added 2003, No. 139 (Adj. Sess.), § 2.)