



Practice Clarification

OREGON HEALTH LICENSING AGENCY

Respiratory Therapy

November 7, 2013

On October 31, 2013, the Oregon Health Licensing Agency (Agency) received the following question regarding respiratory therapy licensure from Stony Douglas. Based on previous legal advice and board approval received for similar questions, the agency responded to the inquiry prior to specific board approval.

Question:

Do I need an RT License or any other license to perform pulmonary function tests in a hospital setting if I'm trained by an RT to perform the tests?

Short Answer:

Yes, unless the person is exempt from licensure under ORS 688.805 (see exemptions below).

Long Answer:

ORS 688.802(1) reads "A person may not practice respiratory care or claim to be a respiratory care practitioner unless the person is licensed under ORS 688.815." ORS 688.800(5) then defines "Respiratory Care" as "the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system in accordance with a prescription of a licensed physician and under a qualified medical director." Also included in this definition is "direct and indirect respiratory care services." ORS 688.800(7) defines "respiratory care services" as in pertinent part:

Cardiopulmonary care services rendered in accordance with a prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of "Specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures and flows, collection of specimens of blood and blood gases, expired and inspired gas samples, respiratory secretions and *pulmonary function testing*."

Therefore, as pulmonary function testing is specifically defined by statute as a respiratory care service and, as a respiratory care services are specifically included in the statute that defines respiratory therapists' scope of practice, respiratory therapists are statutorily permitted to perform pulmonary function testing.

Exemptions:

688.805 Exceptions to license requirements; practice requirements. (1) Nothing in ORS 688.800 to 688.840 is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of this state.

(2) Nothing in ORS 688.800 to 688.840 prohibits:

(a) The practice of respiratory care by a student enrolled in a respiratory care education program approved by the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education or their successors or equivalent organizations, as approved by the Respiratory Therapist and Polysomnographic Technologist Licensing Board.

(b) The practice of polysomnography by a student who is:

(A) Enrolled in an educational program for polysomnography approved by the board; and

(B) In the physical presence of a supervisor approved by the board.

(c) Self-care by a patient, or gratuitous care by a friend or family member who does not claim to be a respiratory care practitioner.

(d) Respiratory care services rendered in the course of an emergency.

(3) Persons in the military services or working in federal facilities are exempt from the provisions of ORS 688.800 to 688.840 when functioning in the course of assigned duties.

Important Note: The Agency does not provide personal legal advice to licensees or members of the public. The responses below are specific to only those questions asked. Even slight changes in the scope or content of the question may change the applicability of these responses in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.