ALABAMA STATE BOARD OF RESPIRATORY THERAPY ADMINISTRATIVE CODE

CHAPTER 798-X-5 LICENSURE

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798-X-5-.01 Qualifications Of Applicants For Licensure.

(1) The applicant for licensure shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, and meet one of the following requirements:

(a) Hold credentials as a registered respiratory therapist (RRT) or a certified respiratory therapist (CRT), as granted by the NBRC or its successor organization;

(b) Hold a temporary license and has passed the examination leading to the CRT or RRT credential within one year of application;

(c) Have a valid respiratory therapist license from another state, the District of Columbia, or a territory of the United States, whose requirements are considered by the Board as substantially similar to those of Alabama and who otherwise meets reciprocity requirements established by the Board;

(d) Has been approved by the Board as being qualified through special training that is equal to, or superior to, standards established for respiratory therapy education programs in Alabama and has passed an examination established by the board; or

(e) Was employed in the administration of respiratory therapy under the direction of a physician on the effective date of the adoption of the rules and regulations of the Board. The opportunity to apply for a respiratory therapy license issued under this rule shall expire 365 days after the implementation of the rules and regulations of the Board. Holders of these licenses shall be eligible to renew their licenses as are any other licensed respiratory therapists.

(2) The applicant shall submit a completed application form and pay all required fees.

(3) Implementation for licensure shall begin on the effective date of the adoption of the rules and regulations. The initial licensure period shall begin on November 1, 2005 with renewal on November 1, biannually thereafter.

(4) Any licenses issued during implementation shall be dated November 1, 2005, the initial date of the licensure period, and shall be subject to renewal on November 1, biannually thereafter. Licenses issued after the initial date of the licensure period shall be dated to begin at the date the license is issued, but set to expire at the next established renewal date.

(5) Persons working as a respiratory therapist, unless otherwise exempt, shall have a valid respiratory therapy license.
Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: New Rule: Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed October 11, 2007; effective November 15, 2007.

798-X-5-.02 Licensure By Credential.

The applicant for licensure by credential shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, hold credentials as a Registered Respiratory Therapist

(RRT) or a Certified Respiratory Therapist (CRT), as granted by NBRC or its successor organization and shall submit:

(1) A complete application

(2) Required fees

(3) And proof of 24 hours of continuing education credit, meeting Board requirements, earned over the previous two years.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed October 11, 2007; effective November 15, 2007.

798-X-5-.03 Licensure By Special Training.

(1) The applicant for licensure by special training shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma, and shall submit to the Board a completed application and the required fee(s).

(2) An official school transcript shall be submitted to the Board and shall indicate the date of completion of the program and/or date degree/certificate was conferred.

(3) The applicant for licensure by special training shall show proof of special training that is equal to, or superior to, standards established for respiratory therapy educational programs in Alabama.

(4) The applicant shall correct any educational deficiencies by taking additional courses, as directed by the Board.

(5) If the Board determines that the applicant is eligible to take a licensing exam, the applicant shall be required to take and pass the licensing exam.

(6) Fees for licensure by special training shall include all fees established for application for an initial license, plus a $100 examination fee, plus the cost of the examination imposed by the NBRC or other examination agency selected for the administration of the licensure examination.

(7) Licenses which are issued by special training shall be dated to begin at the date the license is issued, but set to expire at the next established renewal date.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.04 Graduates Of Foreign Schools.

The applicant educated in a foreign country shall:

(1) Be required to pass the same licensure examination as applicants in Alabama.

(2) Be a graduate of an education program approved by the proper authorities in the country where the program is located.

(3) Meet the requirements for respiratory therapist program content as criteria for approval in Alabama at the time of the applicant's graduation.

(4) Correct any educational deficiencies by taking additional courses, as directed by the Board.

(5) If duly licensed in a foreign country, provide official verification, translated into English, from the authorities in that country.

(6) Submit a completed application and required fee(s).

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.05 Licensure By Reciprocity.

(1) The applicant for licensure by reciprocity shall be at least 18 years old, be a high school graduate or have the equivalent of a high school diploma;

(2) Be duly licensed as a respiratory therapist under the laws of another state or territory and meet reciprocity requirements set by the Board;

(3) Provide for official written verification of a current license from another state or territory; and

(4) Submit a completed application and required fees.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.06 Licensure By Employment Or Work Experience.

Respiratory therapists who were issued licenses during implementation based on employment or work experience shall be eligible to renew their licenses as are any other licensed respiratory therapist.
Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Repealed and New Rule:** Filed October 11, 2007; effective November 15, 2007.

798-X-5-.07 Temporary Licenses.

(1) Recent graduates of a respiratory therapy education program accredited by CoARC under CAAHEP or successor organizations may be issued a temporary license to practice until such time as they achieve the CRT or RRT credential. The temporary license for a recent respiratory therapist graduate is valid for six months. The respiratory therapist graduate shall have completed an application and paid all necessary fees. Application for a temporary license shall be made within 30 days of graduation, except for extenuating circumstances which shall be approved by the Board.

(2) The temporary license shall be renewable only once for an additional six-month period if the applicant fails the NBRC CRT examination. Exceptions may be made at the discretion of the Board based upon an appeal identifying extenuating circumstances.

(3) The temporary license allows the applicant to practice as a respiratory therapist, subject to the following stipulations:

(a) The respiratory therapist with a temporary license shall function under direct clinical supervision of a currently licensed respiratory therapist or physician; and

(b) The respiratory therapist with a temporary license shall not assume nor be assigned charge or supervisory responsibilities.

(4) A temporary license shall expire:

(a) On the date specified on the temporary license;

(b) Once a permanent license is issued; or

(c) If the applicant is denied licensure.

(5) The applicant for licensure shall:

(a) Provide every employer the temporary license for visual inspection;

(b) Provide to an employer validation of a current license upon receipt of the official license card; or

(c) Inform the employer of denial of licensure. The Board shall issue notice of denial of licensure. Receipt of notice is presumed within five calendar days of mailing.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.08 Renewal Of License.

(1) Licensure periods:

(a) The respiratory therapist license shall normally be valid for two years, expiring on November 1 of odd-numbered years; or

(b) The initial licensure period may be abbreviated in order to have the expiration at the established renewal date.

(2) The continuing education earning period is normally a two-year period of time during which at least 24 contact hours shall be accrued. This period is the time period of the current license. In the cases of an abbreviated license period, the applicant for renewal shall validate continuing education prorated to the equivalence of one (1) contact hour for each month of the current licensure period.

(3) The renewal of license shall be accomplished prior to expiration of the current license.

(4) Failure to renew prior to the expiration date of the current license will result in an additional late fee. Licenses may be renewed up to 60 days after expiration date. Respiratory therapists will not be permitted to work as respiratory therapists if their license has expired. Notice of license expiration will be mailed to the licensees address and employer of record.

(5) Renewal notices may be mailed or transmitted electronically. Notice shall be sent to the applicant’s address of record between 60 and 90 days prior to the renewal date.

(6) To be eligible for renewal, the applicant shall:

(a) Hold a valid, active Alabama license;

(b) Submit a completed and signed renewal application and required fee(s); and

(c) Meet continuing education requirements.

(7) 365 days after the effective date of the rules and regulations, a current license is required to practice respiratory therapy.

(8) The applicant is responsible to supply current mailing address records and notification of legal name change to the Board within 30 days of change.

(9) Failure to receive the renewal application or notice shall not relieve the licensee of the responsibility of renewing the license by the expiration date.

(10) Any license not renewed within 90 days following the expiration date shall lapse. Any individual who practices with a lapsed license shall be subject to penalties established under Chapter 798-X-7.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed October 11, 2007; effective November 15, 2007. **Amended:** Filed October 19, 2018; effective December 3, 2018.

798-X-5-.09 Special Renewal Provisions For Actively Deployed Respiratory Therapists.

(1) If a respiratory therapist's license lapses while on active duty for greater than 14 days, the license may be reinstated or renewed without penalty or payment of the reinstatement or late renewal fee(s) under the following conditions:

(a) The license was active at the time of deployment;

(b) The application for reinstatement or renewal is made while still in the armed services or no later than six months after discharge from active service or return to inactive military status;

(c) A copy of the military activation orders or other proof of active military service accompanies the application;

(d) The renewal fee is paid; and

(e) If the required continuing education contact hours were not earned for renewal during the earning period, the respiratory therapist shall be required to complete the required continuing education hours needed for renewal no later than six months after discharge from active service, return to inactive military status, or return to the United States from an active war zone

(f) Continuing education shall not be required for the period of time the respiratory therapist is on active duty. Proration of required continuing education shall be the equivalent of one (1) contact hour for each month of the licensure period in which the licensee was not on active duty.

(2) The continuing education contact hours used for renewal under this provision may not be used for the next license renewal.

(3) A respiratory therapist returning from active deployment shall accrue for renewal one (1) contact hour for each calendar month remaining in the licensure period. The licensure period may be less than two years, in order to have the expiration date fall on the established date of renewal.

(4) In accordance with Alabama Act 2018-540, the board is authorized to waive the initial licensing fee for active-duty military spouses or transitioning service members with proper documentation.
Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Published November 30, 2023; effective January 14, 2024.

798-X-5-.10 Reinstatement Of Lapsed License.

A lapsed license may be reinstated upon submission of a completed application and compliance with the following:

(1) Payment of current renewal and reinstatement fees and any applicable fine(s); and

(2) Evidence of completion of twenty-four (24) contact hours of approved continuing education within the twenty-four months preceding application. A maximum of twelve (12) contact hours earned through independent study may be used for reinstatement of a lapsed license.

(a) Contact hours earned for reinstatement of a lapsed license may not be used toward the continuing education requirement for the next license renewal.

(b) A respiratory therapist whose license is reinstated shall accrue for license renewal one (1) contact hour for each calendar month remaining in the period. The licensing period may be less than two years, in order to have the expiration date fall on the established date of renewal.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.11 Change Of Name Or Address.

(1) The applicant or licensee shall notify the Board of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license card.

(2) The licensee shall notify the Board office of any change in the licensee's address. The address of record is the address provided by the applicant or licensee.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.12 Lost License.

The licensee shall promptly report, in writing, the loss of a license card to the Board. A duplicate license card requires a completed form and appropriate fee(s).

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.13 Verification Of Alabama License.

(1) Verification of licensure will be available by telephone and on a Board maintained web site.

(2) Upon receipt of a written request and payment of the required fee, the Board’s designee shall provide written verification of Alabama license.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: New Rule: Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005.

798-X-5-.14 Student Exemption From Licensure While Employed.

(1) Pursuant to Section 34-27B-11, Code of Ala 1975, respiratory therapy students may perform limited respiratory therapy procedures as an employee of any healthcare facility while enrolled in a respiratory therapy program accredited by CoARC under CAAHEP or successor organization. The student employee shall be designated by title as a student or trainee and shall work under direct clinical supervision.

(2) Student status shall be limited to four years.

(3) To verify student status for employment in respiratory therapy, Directors of accredited respiratory therapy programs shall provide current lists of students enrolled in their programs, or complete "Student Verification Forms" or submit a letter certifying a student's eligibility for employment based on enrollment in a respiratory therapy program.

(4) Directors of respiratory therapy educational programs shall provide notice to the Board when a student's enrollment is terminated within 60 days of such termination.
Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: New Rule: Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed October 11, 2007; effective November 15, 2007.

798-X-5-.15 Fees.

(1) Fees and fines are not refundable.

(2) Fees are payable by certified check, cashier's check, corporate or business check, money order or personal check.

(a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.

(b) Personal checks by third parties are not acceptable.

(c) License verification fee(s) are not payable by personal check.

(d) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.

(e) Statutory charges for returned checks shall be paid by the applicant or licensee within ten business days from receipt of notice to remit full payment pursuant to Code of Ala. 1975, §13A-9-13.1(b)(2) and pay the maximum fee allowed by Code of Ala. 1975, §8-8-15.

(3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.

(4) The Board may allow payment of fees by electronic means.

(5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.

(6) A license may not be issued until funds are received by the Board.

(7) The Board shall set fees and charges annually. At the first meeting of the Board each calendar year, the previous schedule of fees and charges shall be automatically readopted unless the Board proposes a revised schedule.

(8) The current schedule of fees and charges are included in the appendix.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: **New Rule:** Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed October 11, 2007; effective November 15, 2007.

798-X-5-.16 Exemptions From Licensure.

Nothing in these rules shall be construed as preventing or restricting the practice, services, or activities of the following:

(1) Any person who is licensed in Alabama or certified by the organization accredited by the National Commission for Certifying Agencies and acceptable to the state from engaging in the profession or occupation for which the person is licensed or certified.

(2) Any person employed by the United State government who provides respiratory therapy solely under the direction or control of the United States government agency or organization.

(3) Any person receiving clinical training while pursuing a course of study leading to registry or certification in a respiratory therapy educational program accredited by the CAAHEP in collaboration with the CoARC or their successor organizations. This person will be under direct supervision and be designated by a title clearly indicating his or her status as a student or trainee.

(4) Any emergency medical technician licensed by the Alabama State Board of Health who is providing care to a patient at the scene of an emergency, or during transport of the patient in a licensed ground ambulance, provided that such care may not exceed the scope of care permissible under the rules of the Alabama State Board of Health.

(5) The delivery of respiratory therapy of sick or disabled persons by family members or domestic servants, or the care of non-institutionalized persons by a surrogate family member, as long as the persons do not represent themselves as, or hold themselves out to be, respiratory therapists.

(6) Any individual who has demonstrated competency in one or more areas covered by these rules as long as the individual performs only those functions that he or she is qualified by examination to perform. The standards of the National Commission for Certifying Agencies, or its equivalent, shall serve as a standard with which to evaluate those examinations and examining organizations.

(7) Any person performing respiratory services or care not licensed as a respiratory therapist in accordance with these rules who is employed in a diagnostic laboratory, physician’s office, clinic, or outpatient treatment facility and whose function is to administer treatment or perform diagnostic procedures confined to that laboratory, office clinic, or outpatient facility under the direction of a licensed physician.

(8) Any respiratory therapy student who performs limited respiratory therapy procedures as an employee of any health care provider organization while enrolled in a respiratory therapy educational program accredited by the CAAHEP in collaboration with the CoARC or their successor organizations. The employee will be designated by title as a student or trainee and work under direct supervision.

(9) Any individual employed by a durable medical equipment or home medical equipment company who delivers, sets up, or

maintains respiratory equipment but not including assessment or evaluation of the patient.

(10) Any individual employed as a polysomnographic technologist working in a sleep center or diagnostic sleep clinic.

(11) Any licensed respiratory therapist performing advances in the art and techniques of respiratory therapy learned through special training acceptable to the board.

Author: The Alabama State Board of Respiratory Therapy
Statutory Authority: Code of Ala. 1975, §§34-27B-1 thru 34-27B-17.
History: New Rule: Filed May 16, 2005; refilled August 10, 2005; effective September 14, 2005. **Amended:** Filed June 10, 2011; effective July 15, 2011.