

45:14E-1 to 45:14E-15

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 45:14E-1 to 45:14E-15

('Respiratory
Therapist
Licensing Act')

LAWS OF: 1991

CHAPTER: 31

Bill No: A346

Sponsor(s): Deverin

Date Introduced: Pre-filed

Committee: Assembly: Commerce

Senate: Labor, Industry & Professions

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: June 28, 1990 Re-enacted 1-17-91

Senate: November 19, 1990 Re-enacted 2-14-91

Date of Approval: February 21, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman DEVERIN

1 AN ACT concerning the licensing and regulating of respiratory
2 ¹[therapists and respiratory therapy technicians] care
3 practitioners¹, supplementing Title 45 of the Revised Statutes
4 and amending P.L.1971, c.60, P.L.1974, c.46 and P.L.1978, c.73.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. (New section) This act shall be known and may be cited as
9 the "Respiratory ¹[Therapist] Care Practitioner¹ Licensing Act."

10 2. (New section) The ¹[legislature] Legislature¹ finds and
11 declares that the public interest requires the regulation of the
12 practice of respiratory ¹[therapy] care¹ and the establishment of
13 clear licensure standards for respiratory ¹[therapists] care
14 practitioners¹; and that the health and welfare of the citizens of
15 this State will be protected by identifying to the public those
16 individuals who are qualified and legally authorized to practice
17 respiratory ¹[therapy] care¹.

18 3. (New section) As used in this act:

19 a. "Board" means the State Board of Respiratory ¹[Therapy]
20 Care¹ established pursuant to section 4 of this act.

21 ²b. "Director" means the Director of the Division of
22 Consumer Affairs in the Department of Law and Public Safety.²

23 ²[b.] c.² "Respiratory ¹[therapy] care¹" means the health
24 specialty involving the treatment, management, control, and care
25 of patients with deficiencies and abnormalities of the
26 cardio-respiratory system. The ¹[therapy] care¹ shall include the
27 use of medical gases, air and oxygen-administering apparatus,
28 environmental control systems, humidification and aerosols, drugs
29 and medications, apparatus for cardio-respiratory support and
30 control, postural drainage, chest percussion and vibration and
31 breathing exercise, respiratory rehabilitation, assistance with
32 cardio-pulmonary resuscitation, maintenance of natural and
33 mechanical airways, and insertion and maintenance of artificial
34 airways. The ¹[therapy] care¹ shall also include testing
35 techniques to assist in diagnosis, monitoring, treatment and
36 research, including but not necessarily limited to, the
37 measurement of cardio-respiratory volumes, pressure and flow,
38 and the drawing and analyzing of samples of arterial, capillary
39 and venous blood.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 21, 1990.

² Assembly amendments adopted in accordance with Governor's
recommendations January 8, 1991.

1 ²[c.] d.² "Respiratory ¹[therapist] care practitioner¹" means a
2 person licensed by the board to practice respiratory ¹[therapy]
3 care¹ under the direction or supervision of a physician.

4 ¹[d. "Respiratory therapy technician" means a person licensed
5 by the board to assist in providing respiratory therapy services
6 under the direction and supervision of a physician or respiratory
7 therapist.]¹

8 4. (New section) There is created within the Division of
9 Consumer Affairs in the Department of Law and Public Safety
10 the State Board of Respiratory ¹[Therapy] Care¹. The board shall
11 consist of 11 members who are residents of the State, two of
12 whom shall be public members and one of whom shall be a State
13 executive department member appointed pursuant to the
14 provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.) Of the remaining
15 eight members six shall be licensed respiratory ¹[therapists] care
16 practitioners¹ who have been actively engaged in the practice of
17 respiratory ¹[therapy] care¹ in this State for at least five years
18 immediately preceding their appointment, one shall be the
19 administrator of a hospital licensed pursuant to P.L.1971, c.136
20 (C.26:2H-1 et seq.) and one shall be a physician licensed to
21 practice medicine and surgery pursuant to chapter 9 of Title 45
22 of the Revised Statutes. ²The six respiratory care practitioners
23 initially appointed need not be licensed in this State.²

24 The Governor shall appoint members to the board with the
25 advice and consent of the Senate. The Governor shall appoint
26 each member for a term of three years, except that of the
27 respiratory ¹[therapist] care practitioner¹ members first
28 appointed, two shall serve for terms of three years, two shall
29 serve for terms of two years and two shall serve for a term of
30 one year. Each member shall hold office until his successor has
31 been qualified. Any vacancy in the membership of the board shall
32 be filled for the unexpired term in the manner provided for the
33 original appointment. No member of the board shall serve more
34 than two successive terms in addition to any unexpired term to
35 which he has been appointed.

36 5. (New section) Members of the board shall be compensated
37 and reimbursed for expenses and provided with office and
38 meeting facilities pursuant to section 2 of P.L.1977, c.285
39 (C.45:1-2.5).

40 6. (New section) The board shall annually elect from among its
41 members a ²[chairmen,] chairman and a² vice-chairman ²[and a
42 secretary]². The board shall meet twice per year and may hold
43 additional meetings as necessary to discharge its duties.

44 7. (New section) The Board shall:

- 45 a. Review the qualifications of applicants for licensure;
46 b. Insure the proper conduct and standards of examinations;
47 c. Issue and renew licenses to respiratory ¹[therapists and
48 respiratory therapy technicians] care practitioners¹ pursuant to
49 this act;

1 d. Suspend, revoke or fail to renew the license of a respiratory
2 ¹[therapist or respiratory therapy technician] care practitioner¹
3 pursuant to the ¹[provision] provisions¹ of P.L. 1978, c.73
4 (C.45:1-14 et seq.);

5 e. Maintain a record of every respiratory ¹[therapist and
6 respiratory therapy technician] care practitioner¹ licensed in this
7 State, his place of business, his place of residence, and the date
8 and number of his license; ²[and]²

9 f. Promulgate rules and regulations ²[necessary for the
10 performance of its duties and the implementation of this act]
11 pursuant to the "Administrative Procedure Act," P.L. 1968, c.410
12 (C.52:14B-1 et seq.), to carry out the provisions of this act,
13 except that the initial rules and regulations shall be promulgated
14 by the director; and

15 g. Establish fees for applications for licensure, examinations,
16 initial licensure, renewals, late renewals, temporary licenses and
17 for duplication of lost licenses, pursuant to section 2 of P.L.1974,
18 c.46 (C.45:1-3.2)².

19 ²8. (New section) The Executive Director of the board shall
20 be appointed by the director and shall serve at the director's
21 pleasure. The salary of the Executive Director shall be
22 determined by the director within the limits of available funds.
23 The director shall be empowered within the limits of available
24 funds to hire any assistants as are necessary to administer this
25 act.²

26 ²[8.] ^{9.2} (New section) a. No person shall practice, nor present
27 himself as able to practice, respiratory ¹[therapy] care¹ unless he
28 possesses a valid license as a respiratory ¹[therapist] care
29 practitioner¹ in accordance with the provisions of this act.

30 ¹[b. No person shall act, nor present himself as able to act, as
31 a respiratory therapy technician in accordance with the
32 provisions of this act, unless he possesses a valid license as a
33 respiratory therapist technician in accordance with the provisions
34 of this act.]¹

35 ¹[c.] ^{b.1} This section shall not be construed to prohibit a
36 person enrolled in a bona fide respiratory ¹[therapy] care¹
37 training program from performing those duties essential for
38 completion of a trainee's clinical service, provided the duties are
39 performed under the supervision and direction of a physician or
40 licensed respiratory ¹[therapist] care practitioner¹.

41 ¹[d.] ^{c.1} Nothing in this act is intended to limit, preclude or
42 otherwise interfere with the practices of other persons and health
43 providers licensed by appropriate agencies of the State of New
44 Jersey, provided such duties are consistent with the accepted
45 standards of the member's profession and if the member does not
46 present himself as a respiratory ¹[therapist or respiratory therapy
47 technician] care practitioner¹.

48 ²[9.] ^{10.2} (New section) ¹[a.]¹ The board shall license as a
49 respiratory ¹[therapist] care practitioner¹ any applicant whom

1 the board determines to be qualified to perform the duties of a
2 respiratory ¹[therapist] care practitioner¹. In making a
3 determination, the board shall require evidence that the applicant
4 has successfully completed a respiratory ¹[therapy] care¹ training
5 program which meets the board's approval and that he
6 successfully completes an examination prescribed by the board.
7 The fee prescribed by the board shall accompany the application.

8 ¹[b. The board shall license as a respiratory therapy technician
9 any applicant whom the board determines to be qualified to
10 perform the duties of a respiratory therapy technician. In making
11 the determination, the board shall require evidence that the
12 applicant has successfully completed a respiratory therapy
13 training program which meets the board's approval and that he
14 successfully completes an examination prescribed by the board.
15 The fee prescribed by the board shall accompany the
16 application.]¹

17 ²[10.] 11.² (New section) Licenses shall be issued for a period
18 of two years, except in the case of a temporary license issued
19 pursuant to section 14 or 15 of this act, and may be renewed upon
20 submission of a renewal application provided by the board and
21 payment of a fee. If the renewal fee is not paid by the expiration
22 date, the license shall automatically expire, but may be renewed
23 within two years of its expiration date on payment to the board
24 of a sum determined by it for each year or part thereof during
25 which the license was expired and an additional restoration fee.
26 After a two-year period, a license may only be renewed by
27 complying with the provisions of this act regarding initial
28 licensure.

29 ²[11.] 12.² (New section) The written examination provided for
30 in section ²[9] 10² of this act shall test the applicant's knowledge
31 of basic and clinical sciences as they relate to respiratory
32 ¹[therapy] care¹ and respiratory ¹[therapy] care¹ theory and
33 procedures and any other subjects the board may deem useful to
34 test the applicant's fitness to practice respiratory ¹[therapy]
35 care¹ or act as a respiratory ¹[therapy technician] care
36 practitioner¹. Examinations shall be held within the State at
37 least twice per year at a time and place to be determined by the
38 board. The board shall give adequate written notice of the exam
39 to applicants for licensure and examination.

40 ²[If an applicant fails his first examination, he may take a
41 second exam not less than six months or more than two years
42 from the date of his initial exam.]² Additional examinations shall
43 be in accordance with standards set by the board.

44 ²[12. (New section) The board shall issue a license to each
45 applicant for licensure as a respiratory ¹[therapist or respiratory
46 therapy technician] care practitioner¹ who qualifies pursuant to
47 this act and any rules and regulations promulgated by the board
48 and who is not disqualified for licensure pursuant to the
49 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).]²

1 13. (New section) Upon payment to the board of a fee and the
2 submission of a written application on forms provided by it, the
3 board shall issue without examination a license to a respiratory
4 ¹[therapist or respiratory therapy technician] care practitioner¹
5 who holds a valid license issued by another state or possession of
6 the United States or the District of Columbia which has
7 education and experience requirements substantially equivalent
8 to the requirements of this act; provided, that, the applicant has
9 not previously failed the board exam referred to in section 15 of
10 this act, in which case licensing shall be at the discretion of the
11 board.

12 14. (New section) a. Upon submission of a written application
13 on forms provided by it, the board shall issue a temporary license
14 to a person who has applied for licensure pursuant to this act and
15 who, in the judgment of the board, is eligible for examination. A
16 temporary license shall be available to an applicant with his
17 initial application for examination and he may practice only
18 under the direct supervision of a licensed respiratory ¹[therapist]
19 care practitioner¹. A temporary license shall expire
20 automatically upon failure of the licensure exam by the applicant
21 but may be renewed for an additional six-month period until the
22 date of the next exam, at which time it shall automatically
23 expire and be surrendered to the board.

24 b. Upon payment to the board of a fee and the submission of a
25 written application on forms provided by it, the board may issue
26 without examination a temporary license to practice respiratory
27 ¹[therapy] care¹ in this State to a person who provides evidence
28 that he is in the State on a temporary basis to assist in a medical
29 emergency or to engage in a special project or teaching
30 assignment relating to respiratory ¹[therapy] care¹ practice. A
31 temporary license shall expire one year from its date of issue,
32 however, it may be renewed by the board for an additional one
33 year period. A temporary license shall be surrendered to the
34 board upon its expiration.

35 15. (New section) The Board shall issue a license to perform
36 respiratory ¹[therapy] care¹ to an applicant, who, at the time of
37 the effective date of this act, has passed the administered Entry
38 Level or Advanced Practitioner examination offered by the
39 National Board for Respiratory Care, or their equivalent. Other
40 applicants who have not passed either of these examinations or
41 their equivalent at the time of the effective date of the act, and
42 who, through written evidence, verified by oath, demonstrate
43 that they are presently functioning in the capacity of a
44 respiratory ¹[therapist or respiratory therapy technician] care
45 practitioner¹ as defined by this act, shall be given a temporary
46 license to continue their practice as a respiratory ¹[therapist or
47 respiratory therapy technician] care practitioner¹ for a period of
48 ¹[eighteen (18)] 18¹ months from the effective date of the act.
49 Those applicants must pass the licensure examination

1 administered by the Board during the ¹[eighteen (18)] 18-¹ month
2 period in order to be issued a license to practice respiratory
3 ¹[therapy] care¹.

4 16. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
5 as follows:

6 1. The provisions of this act shall apply to the following boards
7 and commissions: the New Jersey State Board of Accountancy,
8 the New Jersey State Board of Architects, the New Jersey State
9 Board of Cosmetology and Hairstyling, the Board of Examiners of
10 Electrical Contractors, the New Jersey State Board of Dentistry,
11 the State Board of Mortuary Science of New Jersey, the State
12 Board of Professional Engineers and Land Surveyors, the State
13 Board of Marriage Counselor Examiners, the State Board of
14 Medical Examiners, the New Jersey Board of Nursing, the New
15 Jersey State Board of Optometrists, the State Board of
16 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
17 the Board of Pharmacy, the State Board of Professional Planners,
18 the State Board of Psychological Examiners, the State Board of
19 Examiners of Master Plumbers, the New Jersey Real Estate
20 Commission, the State Board of Shorthand Reporting, the State
21 Board of Veterinary Medical Examiners, the Radiologic
22 Technology Board of Examiners, the Acupuncture Examining
23 Board, [and] the State Board of Chiropractic Examiners, and the
24 State Board of Respiratory ¹[Therapy] Care¹.

25 (cf: P.L.1989, c.153, s.22)

26 17. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
27 as follows:

28 1. The provisions of this act shall apply to the following boards
29 and commissions: the New Jersey State Board of Accountancy,
30 the New Jersey State Board of Architects, the New Jersey State
31 Board of Cosmetology and Hairstyling, the Board of Examiners of
32 Electrical Contractors, the New Jersey State Board of Dentistry,
33 the State Board of Mortuary Science of New Jersey, the State
34 Board of Professional Engineers and Land Surveyors, the State
35 Board of Marriage Counselor Examiners, the State Board of
36 Medical Examiners, the New Jersey Board of Nursing, the New
37 Jersey State Board of Optometrists, the State Board of
38 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
39 the Board of Pharmacy, the State Board of Professional Planners,
40 the State Board of Psychological Examiners, the State Board of
41 Examiners of Master Plumbers, the State Board of Shorthand
42 Reporting, the State Board of Veterinary Medical Examiners, the
43 Radiologic Technology Board of Examiners, the Acupuncture
44 Examining Board, [and] the State Board of Chiropractic
45 Examiners, and the State Board of Respiratory ¹[Therapy] Care¹.

46 (cf: P.L.1989, c.153, s.23)

47 18. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
48 as follows:

49 2. The provisions of this act shall apply to the following boards

1 and all professions or occupations regulated by or through such
2 boards: the New Jersey State Board of Accountancy, the New
3 Jersey State Board of Architects, the New Jersey State Board of
4 Cosmetology and Hairstyling, the Board of Examiners of
5 Electrical Contractors, the New Jersey State Board of Dentistry,
6 the State Board of Mortuary Science of New Jersey, the State
7 Board of Professional Engineers and Land Surveyors, the State
8 Board of Marriage Counselor Examiners, the State Board of
9 Medical Examiners, the New Jersey Board of Nursing, the New
10 Jersey State Board of Optometrists, the State Board of
11 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
12 the Board of Pharmacy, the State Board of Professional Planners,
13 the State Board of Psychological Examiners, the State Board of
14 Examiners of Master Plumbers, the State Board of Shorthand
15 Reporting, the State Board of Veterinary Medical Examiners, the
16 Acupuncture Examining Board, [and] the State Board of
17 Chiropractic Examiners, and the State Board of Respiratory
18 ¹[Therapy] Care¹.

19 (cf: P.L.1989, c.153, s.24)

20 19. This act shall take effect ²[90] 180² days following
21 enactment, ²[but, on or after the enactment date of this act,
22 membership of the board may be appointed, the board may
23 organize itself and may promulgate rules and regulations to
24 implement the provisions of this act in anticipation of this act
25 taking effect] except that sections 4, 6, and 8 and subsection f. of
26 section 7 of this act shall take effect immediately².

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REGULATED PROFESSIONS

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31 The "Respiratory Care Practitioner Licensing Act."

STATEMENT

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This bill provides for the licensing and regulation of respiratory therapists and respiratory therapy technicians by the State Board of Respiratory Therapy. To be licensed, an applicant must successfully complete a respiratory therapy training program which meets the board's approval and successfully pass an examination prescribed by the board. In addition, a person who is presently working as a respiratory therapist or a respiratory therapy technician but does not meet the criteria for licensure may be licensed for a period of eighteen months, but must pass the licensure examination during that eighteen month period to qualify for license renewal. The bill further provides for licensure without examination for respiratory therapists or respiratory therapist technicians who hold a valid license from another state which has similar licensure requirements or who have passed the Entry Level or Advanced Practitioner examination offered by the National Board of Respiratory Care.

Finally, the bill creates an eleven member State Board of Respiratory Therapy within the Division of Consumer Affairs in the Department of Law and Public Safety. The board is to consist of six licensed respiratory therapists, one hospital administrator, one physician, one executive department head and two public members all of whom are to be appointed by the governor with the advice and consent of the Senate.

REGULATED PROFESSIONS

The "Respiratory Therapist Licensing Act."

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 346

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 1990

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 346 with committee amendments.

As amended, this bill provides for the licensing and regulation of respiratory care practitioners by the State Board of Respiratory Care. As defined in this amended version of the bill, a "respiratory care practitioner" means a person licensed by the State Board of Respiratory Care to practice respiratory care under the direction or supervision of a physician; "respiratory care" means the health specialty involving the treatment, management, control, and care of patients with deficiencies and abnormality of the cardio-respiratory system.

The bill provides for the establishment of an 11 member State Board of Respiratory Care within the Division of Consumer Affairs in the Department of Law and Public Safety. The board is to consist of six licensed respiratory care practitioners, one hospital administrator, one physician, one executive department head and two public members all of whom are to be appointed by the Governor with the advice and consent of the Senate.

The board is required to:

Review the qualifications of applicants for licensure;

Insure the proper conduct and standards of examinations;

Issue and renew licenses to respiratory care practitioners pursuant to this act;

Suspend, revoke or fail to renew the license of a respiratory care practitioner pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

Maintain a record of every respiratory care practitioner licensed in this State, his place of business, his place of residence, and the date and number of license; and

Promulgate rules and regulations necessary for the performance of its duties and the implementation of this act.

To be licensed, an applicant must successfully complete a respiratory care training program which meets the board's approval and successfully pass an examination prescribed by the board. The bill further provides for licensure without examination for respiratory care practitioners who hold a valid license from another state which has similar licensure requirements; in addition, licensure

without examination is available to persons who have passed the Entry Level or Advanced Practitioner examination offered by the National Board of Respiratory Care, or their equivalent at the time of the effective date of this act.

The committee amended the bill by removing all references to "respiratory therapist" and "respiratory technician" and by replacing them with the definition of "respiratory care practitioner," as noted above.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 346

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1990

The Senate Labor, Industry and Professions Committee reports favorably Assembly Bill No. 346 [1R].

This bill provides for the licensing and regulation of respiratory care practitioners by the State Board of Respiratory Care. The bill defines a "respiratory care practitioner" as a person licensed by the State Board of Respiratory Care to practice respiratory care under the direction or supervision of a physician. "Respiratory care" is defined as the health specialty involving the treatment, management, control, and care of patients with deficiencies and abnormalities of the cardio-respiratory system, which includes the use of medical gases, air and oxygen-administering apparatus, environmental control systems, humidification and aerosols, drugs and medications, apparatus for cardio-respiratory support and control, postural drainage, chest percussion and vibration and breathing exercise, respiratory rehabilitation, assistance with cardio-pulmonary resuscitation, maintenance of natural and mechanical airways, and insertion and maintenance of artificial airways as well as testing techniques to assist in diagnosis, monitoring, treatment and research, including but not necessarily limited to, the measurement of cardio-respiratory volumes, pressure and flow, and the drawing and analyzing of samples of arterial, capillary and venous blood.

The bill provides for the establishment of an 11-member State Board of Respiratory Care within the Division of Consumer Affairs in the Department of Law and Public Safety. The board is to consist of six licensed respiratory care practitioners, one hospital administrator, one physician, one executive department representative and two public members all of whom are to be appointed by the Governor with the advice and consent of the Senate.

The board is required to: review the qualifications of applicants for licensure; insure the proper conduct and standards of examinations; issue and renew licenses of respiratory care practitioners; suspend, revoke or fail to renew the license of a respiratory care practitioner pursuant to the provisions of the uniform enforcement act, P.L.1978, c.73 (C.45:1-14 et seq.); maintain a record of every respiratory care practitioner licensed in this State, his place of business, his place of residence, and the date and number of license; and promulgate rules and regulations necessary for the performance of its duties and the implementation of the bill.

To be licensed, an applicant must successfully complete a respiratory care training program which meets the board's approval and successfully pass an examination prescribed by the board. The bill further provides for licensure without examination for respiratory care practitioners who hold a valid license from another state which has similar licensure requirements. In addition, licensure without examination is available to persons who have passed the Entry Level or Advanced Practitioner examination offered by the National Board of Respiratory Care, or their equivalent, at the time of the effective date of this bill. The bill also provides for the issuance of temporary licenses under certain circumstances.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 8, 1991

ASSEMBLY BILL NO. 346

(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 346(1R) with my objections for reconsideration.

This bill would create a new State Board of Respiratory Care within the Division of Consumer Affairs in the Department of Law and Public Safety. This new Board would regulate the practice of respiratory care, and would require that all respiratory therapists be licensed according to uniform State standards.

The two thousand respiratory therapists currently practicing in the State are a valuable component of our health care system. They perform a number of physically invasive procedures which, if not handled with the utmost care, can jeopardize health and life. As such, I recognize the need to insure that these health professionals deliver the quality of care we all expect from our health care providers. The vast majority of these practitioners are voluntarily licensed by the national board, which is a testament to their professionalism and commitment to insuring quality of care. However, I am concerned that a voluntary system of regulation may not be adequate to protect the public health and safety in this health care field.

While I support the idea of licensing respiratory care practitioners, there are technical problems in this bill that may impair the full and efficient operation of a State Board of Respiratory Care.

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EXECUTIVE DEPARTMENT

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Therefore, I herewith return Assembly Bill No. 346(1R) and recommend that it be amended as follows:

- Page 1, Section 3, after Line 20: Insert new subsection as follows: "b. "Director" means the Director of the Division of Consumer Affairs."
- Page 1, Section 3, Line 21: Delete "b" insert "c"
- Page 1, Section 3, Line 38: Delete "c" insert "d"
- Page 2, Section 4, Line 21: After "Statutes." insert new sentence as follows: "The six respiratory care practitioners initially appointed need not be licensed in this State."
- Page 2, Section 6, Line 39: Delete "chairmen," insert "chairman and a"; delete "and a secretary"
- Page 3, Section 7, Line 7: After "license;" delete "and"
- Page 3, Section 7, Lines 8-9: Delete "necessary for the performance of its duties and the implementation of this act" insert "pursuant to the "Administrative Procedure Act", P.L. 1968, c.410 (C.52:14B-1 et seq.), to carry out the provisions of

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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this act, except that the initial rules and regulations shall be promulgated by the director; and"

Page 3, Section 7, after Line 9:

Insert new subsection as follows: "g. Establish fees for applications for licensure, examinations, initial licensure, renewals, late renewals, temporary licenses and for duplication of lost licenses, pursuant to section 2 of P.L. 1974, c.46 (C.45:1-3.2)."

Page 3, Section 8, after Line 9:

Insert new section as follows: "8. The Executive Director of the Board shall be appointed by the director and shall serve at the director's pleasure. The salary of the Executive Director shall be determined by the director within the limits of available funds. The director shall be empowered within the limits of available funds to hire any assistants as are necessary to administer this act."

Page 3, Section 8, Line 10:

Delete "8" insert "9"

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EXECUTIVE DEPARTMENT

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- Page 3, Section 9, Line 32: Delete "9" insert "10"
- Page 4, Section 10, Line 2: Delete "10" insert "11"
- Page 4, Section 11, Lines 14-15: Delete "11" insert "12"
After "section" delete "9"
insert "10"
- Page 4, Section 11, Lines 25-27: Delete "If the applicant
fails his first examination,
he may take a second exam not
less than six months or more
than two years from the date
of his initial exam."
- Page 4, Section 12, Lines 29-34: Delete in entirety
- Page 7, Section 19, Line 8: Delete "90" insert "180"
- Page 7, Section 19, Lines 9-12: Delete in entirety insert
"except that sections 4,
6, 7f and 8 shall take
effect immediately."

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Chief Counsel to the Governor