

**58-57-2 Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Respiratory Care Licensing Board created in Section 58-57-3.
- (2) "Health care facility" means any facility or institution in which health care services are performed or furnished and includes a hospital, clinic, or emergency care center.
- (3) "Practice of respiratory care":
  - (a) means the treatment, operation of equipment, management, diagnostic testing, and care of any human disease, deficiency, pain, injury, or other physical condition associated with the cardiopulmonary system under the qualified medical direction or supervision of a practitioner who has training and knowledge in the diagnosis, treatment, and assessment of respiratory problems;
  - (b) includes:
    - (i) accepting and carrying out a practitioner's written, verbal, or telephonic prescription or order specifically relating to respiratory care in a hospital or other health care setting and includes consultation with licensed nurses, as appropriate;
    - (ii) administering respiratory care during transportation of a patient and under other circumstances where an emergency requires immediate respiratory care;
    - (iii) serving as a resource to other health care professionals and hospital administrators in relation to the technical aspects of, and the safe and effective methods for, administering respiratory care;
    - (iv) functioning in situations of patient contact requiring individual judgment in administering respiratory care under the general supervision of a qualified practitioner; and
    - (v) supervising, directing, or teaching personnel in the performance of respiratory care modalities as part of a respiratory care education program; and
  - (c) does not include a person who delivers, installs, or maintains respiratory related durable medical equipment and who gives instructions regarding the use of that equipment as long as that person does not perform clinical evaluation or treatment of the patient.
- (4) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs and order respiratory care in the course of professional practice.
- (5) "Respiratory care practitioner" means any person licensed to practice respiratory care under this chapter.
- (6) "Respiratory related durable medical equipment" means:
  - (a) medical grade oxygen;
  - (b) equipment and supplies related to medical gases;
  - (c) apnea monitors;
  - (d) oximeters;
  - (e) noninvasive positive pressure generators, except those with back-up respiratory rate or when used invasively;
  - (f) bilirubin lights;
  - (g) suctioning equipment;
  - (h) large volume nebulizers with compressors, except when used invasively in conjunction with an artificial airway;
  - (i) medication nebulizers;
  - (j) enteral nutrition equipment; and
  - (k) other respiratory related equipment intended for use in the home as defined by the division by rule.
- (7) "Unlawful conduct" is defined in Sections 58-1-501 and 58-57-14.

- (8) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
- (a) acting contrary to the instructions of the practitioner responsible for supervising the licensee;
  - (b) knowingly operating any respiratory care equipment that is unsafe or not in compliance with standards of condition or operation consistent with the patient's safety;
  - (c) permitting any person to operate respiratory care equipment who is not competent or not allowed to operate the equipment;
  - (d) revealing to any unauthorized person confidential or privileged information about a patient;
  - (e) using any controlled substance, unless the controlled substance is prescribed by a practitioner and used in accordance with the practitioner's instructions; and
  - (f) making any statement that is incorrect due to negligence, willfulness, or intent to provide false information or entry on any patient record or other record that is used for payment of respiratory care services.

Amended by Chapter 106, 2006 General Session