

Chapter 57

Respiratory Care Practices Act

58-57-101 Definitions.

As used in this chapter:

- (1) "Board" means the Respiratory Care Licensing Board created in Section 58-57-102.
- (2)
 - (a) "Health care facility" means a facility or institution in which health care services are performed or furnished.
 - (b) "Health care facility" includes a hospital, a clinic, and an emergency care center.
- (3)
 - (a) "Limited practice of respiratory care" means the practice of respiratory care on a non-critical care patient.
 - (b) "Limited practice of respiratory care" does not include:
 - (i) invasive and noninvasive mechanical ventilation;
 - (ii) arterial line placement; or
 - (iii) high-risk procedures the division defines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Non-critical care patient" means a patient who is not receiving a service from an intensive care unit, an emergency department of a hospital, or an ambulance as that term is defined in Section 53-2d-101.
- (5)
 - (a) "Practice of respiratory care" means the treatment, operation of equipment, management, diagnostic testing, and care of a 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) "Practice of respiratory care" 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 in consultation with a licensed nurse, 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 an approved education program for respiratory care.
 - (c) "Practice of respiratory care" does not include:
 - (i) the delivery, installation, or maintenance of respiratory related durable medical equipment; or
 - (ii) giving instructions regarding the use of respiratory related durable medical equipment if the individual giving the instruction does not perform clinical evaluation or treatment of the patient.

- (6) "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.
- (7) "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 the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (8) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-57-110.
- (9)
 - (a) "Unprofessional conduct" means the same as that term is defined in Section 58-1-501 and as the division may define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) "Unprofessional conduct" includes:
 - (i) acting contrary to the instructions of the practitioner responsible for supervising the licensee;
 - (ii) knowingly operating respiratory care equipment that is unsafe or not in compliance with standards of condition or operation consistent with the patient's safety;
 - (iii) permitting an individual to operate respiratory care equipment who is not competent or not allowed to operate the equipment;
 - (iv) revealing to an unauthorized individual confidential or privileged information about a patient;
 - (v) using a controlled substance, unless a practitioner prescribes the controlled substance and the respiratory care practitioner uses the controlled substance in accordance with the practitioner's instructions; and
 - (vi) making a statement that is incorrect due to negligence, willfulness, or intent to provide false information or entry on a patient record or other record that is used for payment of respiratory care services.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-102 Board created -- Membership -- Duties.

- (1) There is created a five-member Respiratory Care Licensing Board consisting of the following individuals:
 - (a) one physician who is a member of either the American Society of Anesthesiologists, the American College of Chest Physicians, the American Thoracic Society, or the American Academy of Pediatrics;

- (b) three licensed respiratory care practitioners who have practiced respiratory care for a period of not less than three years immediately before appointment to the board; and
- (c) one member from the general public.
- (2) The executive director shall appoint the members of the board and the members shall serve in accordance with Section 58-1-201.
- (3) The board shall perform the board's duties and responsibilities as provided in Sections 58-1-202 and 58-1-203.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-103 Qualifications for a license -- Scope of practice.

- (1) The division shall issue to an individual who meets the requirements specified in this section a license in the classification of:
 - (a) respiratory care practitioner; or
 - (b) respiratory care apprentice.
- (2)
 - (a) An applicant seeking licensure as a respiratory care practitioner shall:
 - (i) submit to the division an application on a form the division approves;
 - (ii) pay to the division a fee determined in accordance with Section 63J-1-504;
 - (iii) have a high school education or the equivalent, as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iv) complete a respiratory care practitioner educational program that is accredited by a nationally accredited organization acceptable to the division as defined by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (v) subject to Section 58-57-104, pass an examination the division approves in collaboration with the board.
 - (b) A respiratory care practitioner may engage in the practice of respiratory care.
- (3)
 - (a) An applicant seeking licensure as a respiratory care apprentice shall:
 - (i) submit to the division an application on a form the division approves;
 - (ii) pay to the division a fee determined under Section 63J-1-504;
 - (iii) have a high school education or the equivalent, as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iv) submit to the division evidence that the applicant is:
 - (A) in good standing with an approved education program that the division approves by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (B) in the final year with the approved education program; and
 - (C) has written permission from the education program in which the applicant is enrolled to apply for licensure.
 - (b) A respiratory care apprentice may perform a service in the limited practice of respiratory care if the respiratory care apprentice has documented evidence of training for the service.
 - (c) A respiratory care apprentice shall be under the indirect supervision of a licensed respiratory care practitioner when engaging in the limited practice of respiratory care.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-104 Licensure by endorsement.

Licensure by endorsement shall be in accordance with Section 58-1-302.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-105 Term of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue a respiratory care practitioner license in accordance with a two-year renewal cycle the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The division may extend or shorten a renewal period by as much as one year to maintain established renewal cycles or to change a renewal cycle.
- (2) A respiratory care practitioner license automatically expires on the expiration date shown on the license.
- (3)
 - (a) A respiratory care apprentice license shall expire on the day of the earliest of the following events:
 - (i) the issuance of a respiratory care practitioner license;
 - (ii) the denial of a respiratory care practitioner license application; or
 - (iii) the termination of enrollment at an accredited respiratory care practitioner program.
 - (b) Notwithstanding Subsection (3)(a)(iii), a respiratory care apprentice license is valid for 60 days after the day on which a respiratory care apprentice graduates from an accredited respiratory care practitioner program.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-106 Exemptions from licensure.

- (1)
 - (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
 - (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
 - (i) a practitioner;
 - (ii) a respiratory therapist;
 - (iii) a Diplomate of the American Board of Sleep Medicine; or
 - (iv) a registered polysomnographic technologist.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
 - (a) an individual who provides gratuitous care for an immediate family member without representing that the individual is a licensed respiratory care practitioner;
 - (b) an individual who is a licensed or a qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the individual does not represent that the individual is a respiratory care practitioner;
 - (c) an individual who serves in the Armed Forces of the United States or another agency of the federal government and is performing official duties;

- (d) an individual who acts under a certification issued in accordance with Title 53, Chapter 2d, Emergency Medical Services Act, while providing emergency medical services;
- (e) except as provided in Subsection (3), an individual who delivers, installs, or maintains respiratory related durable medical equipment or who gives instructions regarding the use of that equipment;
- (f) an individual who works in a practitioner's office, acting under supervision; and
- (g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:
 - (i) oxygen titration; and
 - (ii) positive airway pressure that does not include mechanical ventilation.
- (3) Subsection (2)(e) does not allow an individual to engage in clinical evaluation or treatment of a patient.
- (4) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

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58-57-107 Grounds for denial of license -- Disciplinary proceedings.

- (1) The division may:
 - (a) refuse to issue a license to an applicant;
 - (b) refuse to renew a license;
 - (c) revoke, suspend, restrict, or place a license on probation;
 - (d) issue a public or private reprimand to a licensee; or
 - (e) issue a cease and desist order.
- (2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

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58-57-108 Use of title or designation.

- (1) Only a respiratory care practitioner may use the following titles or designations:
 - (a) respiratory care practitioner;
 - (b) respiratory therapist; or
 - (c) respiratory technician.
- (2) Only a respiratory care apprentice may use the following titles or designations:
 - (a) respiratory care apprentice; or
 - (b) respiratory therapy apprentice.
- (3) An individual who violates this section is guilty of a class A misdemeanor.

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58-57-109 Independent practice prohibited.

A respiratory care practitioner may not:

- (1) practice independently of a practitioner or of a health care facility while under the supervision of a practitioner; or
- (2) charge a fee independently of a practitioner or health care facility.

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58-57-110 Unlawful conduct -- Penalty.

(1) As used in this section, "unlawful conduct" includes:

(a) using the following titles or initials for the following titles if the user is not properly licensed:

(i) respiratory care practitioner;

(ii) respiratory therapist;

(iii) respiratory technician;

(iv) respiratory care apprentice; and

(v) respiratory therapy apprentice; and

(b) using a name, title, or initials that would cause a reasonable person to believe the user is licensed under this chapter if the user is not properly licensed under this chapter.

(2) A person that violates Subsection 58-1-501(1)(a) is guilty of a third degree felony.

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