

Rules of
Department of Economic Development
Division 255—Missouri Board for Respiratory Care
Chapter 1—General Rules

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 1—General Rules

4 CSR 255-1.010 Board Information— General Organization

PURPOSE: This rule describes the organization and general method of administration and communication concerning the Missouri Board for Respiratory Care.

(1) The purpose of the board is to regulate the practice of respiratory care concerning the health, safety and welfare of the inhabitants of this state; to protect the inhabitants of this state from harm through the dangerous, dishonest, incompetent, or the unlawful practice of respiratory care and to implement and sustain a system for the regulation of respiratory care practitioners and temporary permit holders.

(2) The board shall meet at least twice a year and as frequently as the chairperson, board or Division of Professional Registration requires. Annually, the board shall elect a chairperson, vice chairperson and secretary by a majority of board member votes and in the absence of the chairperson, the vice chairperson shall preside. In even-numbered years the chairperson shall be elected from the respiratory members and the vice chairperson shall be elected from the non-respiratory members. In odd-numbered years the chairperson shall be elected from the non-respiratory members and the vice chairperson shall be elected from the respiratory members. All notices of meetings shall be posted in compliance with Chapter 610, RSMo.

(3) The director of the Division of Professional Registration or a designated representative of the division shall be responsible for keeping the minutes of board proceedings and perform other duties as requested by the division or board.

(4) Board meetings will generally consist of establishing requirements for issuance and renewal of licenses, reviewing applications, interviewing applicants, investigating complaints and inquiries, review and approval of continuing education programs and determining disciplinary actions regarding licensed respiratory care practitioners or temporary permit holders.

(5) Unless otherwise provided by the statutes or regulations, all meetings of the board may

be conducted according to *Robert's Rules of Order*.

AUTHORITY: sections 334.800, 334.830, 334.840 and 334.850, RSMo Supp. 1997.* Original rule filed June 25, 1998 effective Jan. 30, 1999.

*Original authority: 334.800, RSMo 1996; 334.830, RSMo 1996; 334.840, RSMo 1996; and 334.850, RSMo 1996.

4 CSR 255-1.020 Policy for Release of Public Records

PURPOSE: This rule establishes the policy in compliance with sections 610.010–610.030, RSMo, regarding the release of information on any meeting, record or vote of the board.

(1) The Missouri Board for Respiratory Care is a public governmental body as defined in Chapter 610, RSMo, and adopts the following as its policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements Chapter 610, RSMo, provisions regarding the release of information of any meeting, record, or vote of the board which is not closed under this chapter or any other state statute or federal regulation.

(2) All public records of the Missouri Board for Respiratory Care shall be open for inspection and copying by any member of the general public during normal business hours except for those records closed under sections 610.021 or 620.010.14(7), RSMo, or any other federal or state statute or regulation that require the records to remain closed. All public meetings of the Missouri Board for Respiratory Care not closed under the aforementioned sections of this rule or applicable sections of state or federal laws or rules will be open to the public.

(3) The director of the Division of Professional Registration or a designated representative of the division shall be the custodian of records as required by section 610.023, RSMo. The division is responsible for maintaining board records and responding to requests for access to public records.

(4) The division may charge a reasonable fee pursuant to rules promulgated by the board for the cost for researching, inspecting and copying the records. Charges and payments of the fees shall be based on the following:

(A) The division may require payment of fees prior to making copies and the fee for copying records shall not exceed the actual cost of the document search and duplication; and

(B) All fees collected shall be remitted to the director of revenue for deposit to the credit of the Respiratory Care Practitioners Fund.

(5) If the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before deciding whether to deny access to the records. If contact with that office is not practicable or is impossible, the custodian may decide whether to deny access. However, in that case, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision. When access is denied, the custodian will comply with the requirements in section 610.023, RSMo, concerning informing the individual requesting access to the records and shall supply to members of the board copies of the written denial.

(6) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the board for inspection by any member of the general public during regular business hours.

AUTHORITY: sections 334.800, 334.840.2 and 334.850, RSMo Supp. 1997 and 610.010–610.200, RSMo 1994 and Supp. 1997.* Original rule filed June 25, 1998 effective Jan. 30, 1999.

*Original authority: 334.800, RSMo 1996; 334.840, RSMo 1996; 334.850, RSMo 1996; and 610.010–610.200, RSMo. (see Revised Statutes of Missouri 1994 and Supp. 1997.

4 CSR 255-1.030 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration, in coordination with the Missouri Board for Respiratory Care, will receive and process each complaint made against any licensed respiratory care practitioner, temporary permit holder, individual or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of provisions of sections 334.800–334.930, RSMo, or the administrative rules. No member of the Missouri Board for Respiratory Care may file a complaint with the division or board while holding that office, unless that member is excused from further board deliberation or activity concerning the matters



alleged within that complaint. Any division staff member or the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Missouri Board for Respiratory Care, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communication will not be considered or processed as complaints, however, the person making such communication will be asked to supplement the communication with written complaint. Individuals with special needs as addressed by the Americans with Disabilities Act may notify the board office at (573) 522-5864 for assistance. The text telephone for the hearing impaired is (800) 735-2966.

(4) Each complaint received under this rule will be logged and maintained by the board. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement concerning the alleged acts or practices; a notation indicating the complaint was dismissed by the board or a disciplinary action was filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and licensee or permit holder shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority to file a complaint with the Administrative Hearing Commission charging the board's licensee or permit holder with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board.

(7) The division interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board. This rule is not deemed to protect, or inure to the benefit of

those licensees, permit holders, or other persons against whom the board had instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 334.800-334.930, RSMo.

AUTHORITY: sections 334.800, 334.840.2, 334.850 and 620.010.15(6), RSMo Supp. 1997. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999.*

**Original authority: 334.800, RSMo 1996; 334.840, RSMo 1996; 334.850, RSMo 1996; and 620.010, RSMo 1973, amended 1981, 1983, 1986, 1987, 1990, 1993, 1994, 1995.*

4 CSR 255-1.040 Fees

PURPOSE: This rule establishes the fees for the Division of Professional Registration and the Missouri Board for Respiratory Care.

(1) The following fees are established by the Division of Professional Registration and are payable in the form of a cashier's check, personal check, or money order:

(A) Application for Licensure as a Respiratory Care Practitioner (Including Reciprocity Applications)	\$65.00
(B) Application for Temporary Permit	\$50.00
(C) Application for Temporary Educational Permit	\$25.00
(D) Extension of Temporary Educational Permit	\$25.00
(E) Endorsement to Another Jurisdiction	\$15.00
(F) Duplicate License/Permit Fee	\$10.00
(G) Replacement Wall-Hanging (Ornamental Certificate)	\$15.00
(H) Copy Cost (per page)	\$ 0.50
(I) Insufficient Funds Check Fee Charge	\$50.00
(J) Research Fee (per hour)	\$35.00
(K) Fingerprint Card Check—Amount Determined by the Missouri State Highway Patrol	
(L) Annual License Renewal Fee	\$50.00
(M) Late Renewal Penalty Fee	\$50.00
(N) Annual Inactive License Renewal Fee	\$15.00.

(2) All fees are nonrefundable.

AUTHORITY: sections 334.800, 334.840.2 and 334.850, RSMo Supp. 1997 and 610.026, RSMo 1994. Emergency rule filed June 25,*

1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999.

**Original authority: 334.800, RSMo 1996; 334.840, RSMo 1996; 334.850, RSMo 1996; and 610.026, RSMo 1987.*

4 CSR 255-1.050 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the board of name and address changes.

(1) A licensed respiratory care practitioner or a temporary permit holder shall ensure the board has the current legal name and address of the licensee or permit holder.

(2) A licensed respiratory care practitioner or temporary permit holder whose name is changed by marriage or court order shall notify the board within thirty (30) days of the name change and provide a copy of the appropriate document verifying the name change.

(3) A licensed respiratory care practitioner or temporary permit holder whose address or phone number has changed shall inform the board in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 334.800, 334.840.2 and 334.850, RSMo Supp. 1997. Original rule filed June 25, 1998, effective Jan. 30, 1999.*

**Original authority: 334.800, RSMo 1996; 334.840, RSMo 1996; and 334.850, RSMo 1996.*