

BOARD OF RESPIRATORY CARE

Discipline Policy 15-01

Title	Board Staff Disposition of Selected Complaints
Purpose	The Board of Respiratory Care (“Board”) adopts this policy to authorize and allow for the timely review and disposition of staff assignments and complaints pertaining to unlicensed practice by respiratory therapists.
Date Adopted/ Revised	January 19, 2016
General Statement of Policy	<p>The Board authorizes the Executive Director to open a complaint if an investigation demonstrates unauthorized practice by a respiratory therapist. Where these criteria are not met, the complaint will be brought before the Board for its review and disposition. The Executive Director (or designee) will notify the Board quarterly of those complaints of unauthorized practice that have been resolved through this staff action policy.</p> <p>In addition, when the Board Executive Director and Board Counsel determine that a complaint meets the criteria for staff action as outlined in this Policy, the Board authorizes the Executive Director to take such action in resolution of the complaint.</p>
Reprimand Agreement	<p>The Executive Director may offer and execute a Consent Agreement for Reprimand in final resolution of a complaint where the Executive Director concludes that all of the following Board-approved criteria exist:</p> <ol style="list-style-type: none">1. The individual is a licensed respiratory therapist who failed to renew his/her respiratory therapist license pursuant to 261 CMR 2.03; and continued to practice as a respiratory therapist in violation of M.G.L. c. 112, §§ 23S, 23Y and 261CMR 2.03 and who meets the following conditions:<ol style="list-style-type: none">a. there is no history of previous Board discipline against the respiratory therapist;b. there are no unrelated pending staff assignments, investigations or complaints against the respiratory

<p>Dismissal with advisory</p>	<p>therapist;</p> <ul style="list-style-type: none"> c. the respiratory therapist acknowledges the conduct and after being made aware of the unauthorized practice, promptly seeks to renew his/her license; d. the period of unauthorized practice was more than 30 days and no greater than one renewal cycle, and; and e. there are no continuing education deficiencies. <p>The Executive Director shall offer a dismissal with an advisory letter pursuant to in final resolution of a complaint where the Executive Director concludes all of the following Board-approved criteria exist:</p> <ul style="list-style-type: none"> 1. The individual is a licensed respiratory therapist who failed to renew his/her respiratory therapist license pursuant to CMR; and continued to practice as a respiratory therapist in violation of M.G.L.c. 112, §§ 23S, 23Y and 261 CMR 2.03 and who meets the following conditions: <ul style="list-style-type: none"> a) there is no history of previous Board discipline against the respiratory therapist; b) there are no pending staff assignments, investigations or complaints against the respiratory therapist; c) the respiratory therapist acknowledges the conduct and after being made aware of the unauthorized practice, promptly seeks to renew his/her license within 30 days of its expiration; d) there are no continuing education deficiencies.
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