

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

Policy No. RC-10-01

[Adopted March 3, 2010]

LICENSE REINSTATEMENT FOLLOWING LICENSE SURRENDER, LICENSE
SUSPENSION, OR LICENSE REVOCATION

I. PURPOSE

Policy No. RC-10-01 sets forth the requirements for reinstatement of a Respiratory Therapist license or Limited Permit ("license") issued by the Board of Respiratory Care ("Board") following license surrender, suspension, or revocation by operation of a consent agreement entered into with the Board or by final decision and order issued by the Board in an adjudicatory proceeding ("loss of license").

II. PETITION FOR LICENSE REINSTATEMENT

A person who has met all of the conditions for license reinstatement contained in a consent agreement entered into with the Board or in a Board final decision and order may petition the Board in writing for license reinstatement ("reinstatement petition") in accordance with Policy No. RC-10-01. The reinstatement petition shall consist of an original, dated letter addressed to the Board and signed by the reinstatement applicant ("applicant") that incorporates all of the applicant statements and the supporting documentation described below.

Each reinstatement applicant is responsible for submitting his or her reinstatement petition and supporting documentation to the Board in accordance with Policy No. RC-10-01. All documentation submitted in connection with a reinstatement petition shall become part of such petition, which may not be withdrawn once received by the Board. A reinstatement petition shall become a permanent part of the records maintained by the Board.

Each applicant for license reinstatement shall incorporate all of the following applicant statements into his or her reinstatement petition:

- 1) A statement describing how the applicant has been affected by the loss of license.
- 2) A statement describing the applicant's activities, professional and personal, from the date of the loss of license to the present.
- 3) A statement describing any remedial activities the applicant has engaged in since the loss of license that shall include, but not be limited to, the following:
 - (a) The type of activity the applicant engaged in;

- (b) if the activity involved an organization or other entity, the name and address of such organization or entity;
- (c) the dates on which the applicant engaged in such activity;
- (d) the location at which the applicant engaged in such activity;
- (c) the name and title of, and contact information for, a person who can verify the applicant's involvement in the remedial activity; and
- (d) why the applicant considers such activity relevant to his or her resuming the practice of respiratory care.

4) A statement, signed under the pains and penalties of perjury, as to whether or not the applicant has engaged in any practice of respiratory care in Massachusetts requiring a license or has represented himself or herself as a Respiratory Therapist in Massachusetts since the date of loss of license to the present.

5) A personal statement explaining why favorable action by the Board on the applicant's reinstatement petition is warranted.

6) A statement describing the applicant's plans with regard to resuming his or her practice of respiratory care and the steps the applicant will take to ensure compliance with all laws and regulations governing such practice.

7) A statement identifying any other state or jurisdiction in which the applicant holds a license to practice respiratory care and the license number.

8) A statement identifying any other state or jurisdiction in which the applicant holds any *other* occupational or professional license(s) and the license number(s).

9) Above the applicant's signature on the reinstatement petition, the following statement:
"I, [applicant's name], do hereby attest, under the pains and penalties of perjury, that the information I have provided in connection with this petition for license reinstatement is accurate and true. I understand that any failure on my part to provide accurate and true information shall constitute grounds for the Board denial of my reinstatement petition."

III. REQUIRED DOCUMENTATION

Each applicant for license reinstatement is responsible for submitting to the Board the documentation and applicable fees set forth below.

1) Documentation satisfactory to the Board establishing that the applicant has successfully completed any and all conditions for license reinstatement contained in a consent agreement entered into with the Board or in a Board final decision and order.

2) Where the applicant's loss of license was based on discipline of a license by a licensing entity in another state or jurisdiction, documentation sent directly to the Board by such licensing entity establishing that the applicant has completed any and all conditions for license reinstatement in that

state or jurisdiction and that the applicant's license is in good standing or is eligible for renewal without conditions.

- 3) Written verification of license status from each state or jurisdiction in which the applicant holds, or has held, *any* professional license, sent directly to the Board by the licensing entity in the other state or jurisdiction;
- 4) A resumé that identifies, at a minimum, the applicant's employment and other activities from the date of loss of license to the present. With respect to employment, the resumé must identify:
 - (a) All the applicant's employers by name and address;
 - (b) date(s) of the applicant's employment;
 - (c) position(s) held by the applicant;
 - (d) the applicant's immediate supervisors by name and position;
 - (e) the applicant's employment duties and responsibilities; and
 - (f) the applicant's reason(s) for leaving each employment.

With respect to other activities, the resumé may identify and describe any professional activities engaged in, educational programs completed, and academic degrees earned. Documentation of any education programs completed or academic degrees earned, or both, must be sent directly to the Board by the educational institution with oversight of the program.

- 5) The license reinstatement fee, by check or money order made payable to the "Commonwealth of Massachusetts".
- 6) If an applicant's license expired while suspended, surrendered, or revoked:
 - (a) a fully completed, signed, and dated License Renewal Questionnaire; and
 - (b) the license renewal fee, by check or money order made payable to the "Commonwealth of Massachusetts".
- 7) If an applicant's license did *not* expire while suspended, surrendered, or revoked, a fully completed, signed, and dated License Reinstatement Questionnaire.
- 8) Documentation satisfactory to the Board of any professional continuing education the applicant has completed since the loss of license to the present.
- 9) Notarized statements sent directly to the Board by at least three people, one of whom must be a licensed Respiratory Therapist whose license is in good standing and without encumbrance, who:
 - (a) acknowledge having read the consent agreement or Board final decision and order memorializing the applicant's loss of license;
 - (b) have known the applicant since the loss of license; and
 - (c) recommend reinstatement of the applicant's license and state the reasons for such recommendation.
- 10) An *Attestation as to Criminal Record in Another State or Jurisdiction*, fully completed, signed, and dated by the applicant. Where an applicant identifies the existence of a criminal history in

another state or jurisdiction, the Board may require the applicant to assist the Board in obtaining documentation of, and other information related to, such history.

NOTE: The Board shall *not* accept the following documentation or any other documentation the veracity of which the Board may reasonably question:

- 1) A copy of any document where the original document is reasonably available, except for a copy of a document that has been certified by the appropriate authority to be a true copy of the original document;
- 2) any document that is not dated;
- 3) any document that is not signed where a signature should appear; and
- 4) any letter or other document in which the salutation is "To Whom It May Concern", "Dear Sir or Madam" or any similar salutation that does not indicate that the letter or other document is addressed to the Board.

IV. CURRENT EXPERIENCE IN RESPIRATORY CARE FIELD

Where the Board determines that the documentation submitted by an applicant for license reinstatement does not demonstrate that the applicant has relevant, current experience in the field of respiratory care, the Board may require as a condition of license reinstatement that the applicant submit documentation satisfactory to the Board of the applicant's:

- (a) successful completion of additional continuing education in areas identified by the Board; or
- (b) having retaken and passed the National Board of Respiratory Care's (NBRC) Entry Level CRT Examination; or
- (c) both (a) and (b).

V. PRACTICE SUPERVISION AFTER LICENSE REINSTATEMENT

The Board may require as a condition of license reinstatement that an applicant engage in a period of supervised respiratory care practice under the terms of a probation agreement between the applicant and the Board, the terms of which shall be determined by the Board at the time of any license reinstatement.

VI. APPLICANT'S APPEARANCE BEFORE THE BOARD

The Board may require an applicant for license reinstatement to appear before the Board in connection with the applicant's reinstatement petition.

VII. VALIDITY OF PETITION FOR LICENSE REINSTATEMENT

A fully completed, signed, and dated petition for reinstatement accompanied by all applicable fees shall be valid for 60 days from the date of its receipt by the Board. If all required documentation is not received by the Board within *60 days* of receipt of the reinstatement petition and applicable fees, such petition shall no longer be valid. An applicant whose petition for reinstatement is no longer valid may submit to the Board a new reinstatement petition and all applicable fees.

VIII. STANDARD FOR LICENSE REINSTATEMENT

The Board may grant an applicant's petition for license reinstatement where the Board determines that such reinstatement would advance the public interest.

IX. BOARD DECISION ON PETITION FOR LICENSE REINSTATEMENT; NEW PETITION FOLLOWING DENIAL OF REINSTATEMENT PETITION

The Board shall notify an applicant in writing of its approval or denial of the applicant's petition for license reinstatement. In the case of a denial of such petition, the Board shall state the reasons for such denial. An applicant whose reinstatement petition has been denied may submit a new petition to the Board, accompanied by all required documentation and applicable fees, no sooner than one (1) year from the date of initial petition denial, unless the Board directs otherwise.

AUTHORITY: M.G.L. c. 112, § 23S; 261 CMR 2.09; 261 CMR 4.06; 261 CMR 5.00