

**HOUSE BILL NO. 1280**

Introduced by

Representatives Porter, Grande, Keiser

Senators Andrist, Brown, Kilzer

1 A BILL for an Act to amend and reenact section 43-42-05 of the North Dakota Century Code,  
2 relating to the exemption of the practice of sleep therapy from the regulation of respiratory  
3 therapy.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-42-05 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-42-05. Application of chapter.**

- 8 1. This chapter does not prohibit ~~a person~~ an individual enrolled in a bona fide  
9 respiratory care training program from performing those duties essential for  
10 completion of a student's clinical service; provided, that the duties are performed  
11 under the supervision or direction of a physician or registered respiratory therapist  
12 and the ~~person~~ student is identified as a "student respiratory therapist".
- 13 2. A graduate of a bona fide respiratory care training program, who has applied for  
14 licensure under this chapter may practice respiratory care under the supervision or  
15 direction of a physician or a registered or certified respiratory therapist; provided,  
16 that the graduate holds a temporary respiratory therapist's license and is identified  
17 as a "graduate respiratory therapist". An applicant shall take the entry level  
18 certification examination within six months following eligibility. Failure to pass any  
19 examination that is taken results in termination of the privileges provided under this  
20 subsection.
- 21 3. If examinations prepared by the national board for respiratory care are no longer  
22 available or become unacceptable to the board, the board may develop, approve,  
23 and use examinations for the licensure of registered respiratory therapists and  
24 certified respiratory therapists.

- 1           4. This chapter does not prevent a licensed and qualified member of another health  
2           care profession from performing any of the duties of a registered respiratory  
3           therapist or a certified respiratory therapist ~~that~~ which are consistent with the  
4           accepted standards of that ~~person's~~ individual's profession, provided the ~~person~~  
5           individual is not represented as a registered respiratory therapist or certified  
6           respiratory therapist.
- 7           5. This chapter does not prohibit self-care by a patient or the gratuitous care by a  
8           friend or member of the family who does not represent or hold out to be a  
9           registered or certified respiratory therapist.
- 10          6. This chapter does not prohibit a respiratory therapist from performing advances in  
11          the art or techniques of respiratory care learned through formal or specialized  
12          training.
- 13          7. This chapter does not prevent a polysomnographic technologist, technician, or  
14          trainee from performing activities within the scope of practice adopted by the  
15          association of polysomnographic technologists or the association's successor  
16          organization, if the activities are performed under the direction of a physician who  
17          has training in sleep medicine and if the technologist, technician, or trainee meets  
18          the requirements of this subsection.
- 19           a. A polysomnographic technologist must be certified by the board of registered  
20           polysomnographic technologists or its successor organization.
- 21           b. A polysomnographic technician must have successfully completed a  
22           polysomnography program of not less than one year duration or must have a  
23           minimum of six months of experience as a polysomnographic trainee with  
24           documented proficiency in polysomnographic skills.
- 25           c. A polysomnographic trainee must possess a high school diploma or a general  
26           educational development certificate, have completed one year of  
27           postsecondary education, or be currently enrolled in a program leading to an  
28           associate degree or certificate with an emphasis in polysomnography.
- 29           d. A technologist, technician, or trainee performing activities under this  
30           subsection may not use any title, degree, letters, symbol, or words that would  
31           tend to lead the public to believe that the individual is a registered or certified

- 1 respiratory therapist or that the individual is authorized to practice or assume
- 2 duties incident to the practice of respiratory therapy.