

# Arkansas

## Arkansas Statute:

### Arkansas Medical Practice Act – Chapter 17:

#### Medical Professions General Provisions

#### Respiratory Care Act

#### Subchapter 3: Licensing

#### **17-99-301. License required - Exceptions.**

- **Respiratory Care Practice Act contains exemption language**

17-99-301. License required - Exceptions.

(a) It shall be unlawful for any person to practice respiratory care or to profess to be respiratory care practitioner or to use any initials, letters, words, abbreviations, or insignia which indicate that he is a respiratory care practitioner, or to practice or to assume the duties incident to respiratory care without first obtaining from the board a license authorizing the person to practice respiratory care in this state.

(b) (1) Nothing in this chapter shall be deemed to prohibit any person licensed under any act in this state from engaging in the practice for which he is licensed.

(2) A licensed registered nurse or a licensed practical nurse qualified in and engaged in respiratory care under the supervision of a licensed physician shall be exempt from the requirement of obtaining a license to practice respiratory care.

(A) A licensed physician or a licensed advanced practice nurse shall be exempt from the requirement of obtaining a license to practice respiratory care.

(B) A licensed registered nurse or a licensed practical nurse qualified in and engaged in respiratory care under the supervision of a licensed physician or a licensed advanced practice nurse within the terms of their collaborative agreement shall be exempt from the requirement of obtaining a license to practice respiratory care.

(C) A licensed allied health practitioner who passes an examination that included content in one or more of the functions included in the definition of respiratory care shall not be prohibited from performing such procedures as he or she was tested.

(3) Nothing in this chapter shall be construed to prohibit or to require a license hereunder with respect to:

(A) The rendering of services in case of an emergency; and

(B) The administration of oxygen or other resuscitation procedures to participants in or spectators at athletic events;

(C) Any person pursuing a course of study leading to a degree or certificate in respiratory care at an accredited or approved educational program by the Committee, if the activities and services constitute a part of the supervised course of study and the person is designated by a title which clearly indicates the student or trainee status;

(D) Self-care by a patient, or gratuitous care by a friend or family member who does not represent or hold himself out to be a respiratory care practitioner;

(E) The respiratory care practitioner who demonstrates advances in the art and techniques of respiratory care learned through formalized or specialized training;

(F) Any person working in the military service or federal health care facilities when functioning in the course of their assigned duties;

**(G) Any person who has demonstrated his competency in one or more areas covered by this chapter who performs only those functions that he is qualified by examination to perform. The Committee and the Board shall have the authority to evaluate the standards of examinations and examining organizations and to reject qualification by inadequate examinations and examining organizations;**

(H) Medically trained personnel employed in a designated critical access hospital licensed as such by the Department of Health.

(I) The practice of Respiratory Care, when done in connection with the practice of the religious principles or tenets of any well-recognized church or denomination which relies upon prayer or spiritual means of healing.