

Dear Senator Ken Levine

June 16, 2014

I live in Texas and am a licensed Respiratory Care Practitioner (RCP). There are presently 14,614 licensed respiratory care practitioners in Texas. I have thirty years of experience in this field.

In May 2014, the Sunset Advisory Commission Staff Report recommended to discontinue 19 regulatory programs currently housed at the Department of State Health Services (DSHS) which includes Respiratory Care Practitioners (RCPs) Program (Page 4, Issue 3 and Pages 106-108, Appendix E).

The Commission's reasons for eliminating this licensing program consist of the following summation:

1. That deregulation would have little impact on public health or safety
2. That RCPs operate in a highly regulated environment
3. That regulation is provided by another state or local regulatory program or private sector accreditation agency
4. That the current licensure division generates very little regulatory activity

As an outside Commission looking "in" on our profession, these may seem accurate. However, they are very flawed. Making the decision to repeal this licensing regulation on these conclusions will place the people of Texas at risk for the following reasons:

RCPs work in many different and varied environments – not just in the hospital. They work in hospice, home care, doctor's offices, schools, insurance companies and medical equipment companies. None of these environments have any regulations regarding how the specific Respiratory Therapy activities are regulated. The regulations in these locales speak to the operations of that locale's distinct function but do not regulate respiratory therapy activities. A RCP working in a school district or home health agency could very easily commit a crime, be charged and continue working in those environments if the Texas licensure law does not continue to screen, review, and protect the Texas citizens by assuring license review includes criminal activity. No other national, state or federal agency reviews RCPs for criminal activity or charges. The repeal of the Tx RCP Act will eliminate the protection from criminals in the profession.

Regarding #3 above, the "other state or local regulatory program or private sector agency" that is over the profession of Respiratory Therapy is the National Board for Respiratory Care (NBRC). This agency's solo reason for existence is to provide national credential testing to award / designate various credentials upon those who have demonstrated degrees and competency. The NBRC does **NOT** complete any background checks; therefore it does not assure a "safe" RCP is credentialed. It does not regulate the scope of practice for any given credential – which the Tx RCP Act does. RCPs that have garnered a national credential – without a state enforced license and scope of practice—could perform any medical task that a physician would ask of them, even if outside of their scope of training and competency. The NBRC would not know about it, act on it nor be able to take actions. The NBRC has no authority across the nation to intervene, take action or file charges against any RCP who is not practicing at an acceptable standard. **The TX RCP Act does have this authority.** The Texas Sunset Commission relying on the NBRC to regulate the safety, competency, compliance and scope of practice in TEXAS of our RT field is compromising the safety of every patient, client, customer and citizen of Texas as this is not what the NBRC does.

Regarding item #4—the current RCP act generates little activity? This is a good thing for Texas! How can the idea that few charges, few claims or few state required activities against practitioners be used to demonstrate need for repeal? This demonstrates that the licensing act works! **That the current activities, rules and compliance requirements under this Act are in fact—keeping Texans safe!** If your Commission repeals this Act, there will no longer be a need for RCPs to remain compliant; there will be no judicial ability to act against continued practice of a non-compliant practitioner and there will be an increased risk to our citizens.

As mandated by the Tx RCP Act, the scope of practice for a licensed RCP is complex. The following are just a few procedures in an RCP's scope of practice:

- Unique focused decision making, critical skills taught through approved college programs and honed over years of experience which are focused on overall outcomes for Respiratory and Cardiac wellness
- Directly manages highly technical mechanical ventilators providing necessary life support for patients who are unable to sustain life on their own.
- Routinely administers prescription medications, including bronchodilators, antibiotics, analgesics, steroids, and opioids.
- Assists the physician in diagnosing cardio-pulmonary disease by performing diagnostic procedures and patient assessment
- Performs CPR in all types of health care facilities and on patients of all ages
- Administers medical gases such as oxygen, nitric oxide and helium and assures the safe delivery of those compressed gases meets federal, state and NFPA requirements
- Provides counseling and rehabilitation to patients with cardio-pulmonary diseases
- Functions as members of the Extracorporeal Life Support team
- Works with critically ill patients in all intensive care units (ICUs)
- Works with nurses at the bedside collaboratively to resolve patient care plans
- Serves as an invaluable member of land and air transport teams.
- Provides home health services to people in their private homes, in nursing facilities, and in schools—with access to private information, personal belongings and vulnerable clients.

Without a Texas law governing these actions, any person could subsequently provide these skills and tasks in any setting without proper training (or ANY training) if that locale would accept them. And, in these tough economic times, there will be locales that will hire a lower paid--less skilled, incompetent, unlicensed and un-credentialed person to provide the task elements of the RT job. Your repeal of this Act would allow this to happen in Texas.

The lack of a formal state licensure process in Texas would mean that RCPs' whom are incompetent, engaged in criminal activity, or have lost their license to practice in another state can work in Texas without any review or screening to protect the citizens of Texas.

In an uncertain era of healthcare, where the Public increasingly demands transparency, is knowledgeable about requirements and expects the field to competently provide the safest care through the safest practitioners--the de-licensing of any hands-on critical care provider is a safety hazard Texas cannot afford.

I ask that you consider were you, your spouse or your child to be in an emergent situation requiring transport to a hospital emergency room and life support, would you feel comfortable looking at the person running the respirator, dispensing your pulmonary medications, developing care plans to mechanically assist your ventilatory drive knowing he/she does not have a Texas License to practice that specific scope of care?

Please do not repeal the Respiratory Care Practitioners Certification Program Title 25, Texas Administrative Code Subchapter E, Chapter 140. Doing so will put every Texan at risk for unsafe care.

Respectfully submitted,

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