



June 4, 2014

Senator Jane Nelson  
Chair, The Texas Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711

Dear Senator Nelson,

The NBRC is in receipt of the Sunset Advisory Commission - Department of State Health Services Staff Report which recommends to discontinue the regulation of respiratory care practitioners in Texas. We are shocked that the Report recommends deregulation of the life sustaining profession of respiratory therapy, and it is the opinion of the NBRC that deregulation of respiratory care practitioners would place the citizenry of the State of Texas at severe risks for great harm.

We assume that part of your decision to deregulate this group is based on the perception that the National Board for Respiratory Care already provides the functions served by state licensure. As a voluntary credentialing agency, the NBRC lacks the legal authority of state licensure boards, and while we work in partnership with state licensure agencies, the NBRC cannot check criminal and abuse backgrounds of individuals applying for its voluntary credentials. We have no legal power to regulate and monitor the ongoing competence of respiratory care practitioners in any patient care setting. Our powers are limited to taking action only when examination policies or trademark violations have occurred, or following final actions taken by state licensure boards that are subsequently referred to our Judicial and Ethics Committee. Further, the NBRC has no investigative or subpoena powers to investigate practice related offenses committed by respiratory care practitioners.

The Board's position on the difference between state licensure and voluntary credentialing is outlined in the attached position statement. The NBRC encourages the Sunset Advisory Commission to reconsider its position concerning the deregulation of respiratory care practitioners. Removal of the licensure process for respiratory care practitioners in Texas would most certainly endanger the health, safety and welfare of the citizens of your state. Deregulation of these health professionals would certainly be a step backwards for any jurisdiction that has properly installed mechanisms to license and regulate respiratory care practitioners.

Respectfully submitted,

Carl F. Haas, MLS, RRT, RRT-ACCS, CPFT, FAARC  
President

Gary A. Smith, RRT (HON), FAARC  
Executive Director and CEO

Enclosure