

HOUSE BILL NO. 362

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 2/23/26

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of respiratory care; relating to the duties of the
2 Department of Commerce, Community, and Economic Development; relating to
3 telehealth provided by respiratory care practitioners; relating to medical malpractice
4 liability of respiratory care practitioners; relating to immunity from civil liability for a
5 respiratory care practitioner providing free health care services; relating to respiratory
6 care practitioners providing documentation and treatment plans for public school
7 students with asthma or anaphylaxis; prohibiting unfair discrimination under group
8 health insurance against respiratory care practitioners; and providing for an effective
9 date."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 * **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

12 (42) regulation of respiratory care practitioners under AS 08.90.

1 * **Sec. 2.** AS 08.02.110(a) is amended to read:

2 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
 3 language pathologist licensed under AS 08.11, a behavior analyst licensed under
 4 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
 5 professional or associate counselor licensed under AS 08.29, a dentist under AS 08.36,
 6 a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under
 7 AS 08.61, a marital and family therapist licensed under AS 08.63, a medical
 8 practitioner or osteopath under AS 08.64, a direct-entry midwife certified under
 9 AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an
 10 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical
 11 therapist or occupational therapist licensed under AS 08.84, a psychologist under
 12 AS 08.86, a respiratory care practitioner licensed under AS 08.90, or a clinical
 13 social worker licensed under AS 08.95, shall use as professional identification
 14 appropriate letters or a title after that person's name that represents the person's
 15 specific field of practice. The letters or title shall appear on all signs, stationery, or
 16 other advertising in which the person offers or displays personal professional services
 17 to the public. In addition, a person engaged in the practice of medicine or osteopathy
 18 as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who
 19 diagnoses, treats, tests, or counsels other persons in relation to human health or disease
 20 and uses the letters "M.D." or the title "doctor" or "physician" or another title that
 21 tends to show that the person is willing or qualified to diagnose, treat, test, or counsel
 22 another person, shall clarify the letters or title by adding the appropriate specialist
 23 designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath,"
 24 or the like.

25 * **Sec. 3.** AS 08.02.130(j)(1) is amended to read:

26 (1) "health care provider" means

27 (A) an audiologist or speech-language pathologist licensed
 28 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
 29 licensed under AS 08.20; a professional or associate counselor licensed under
 30 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
 31 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath

1 licensed under AS 08.45; a marital and family therapist licensed under
 2 AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or
 3 physician assistant licensed under AS 08.64; a direct-entry midwife certified
 4 under AS 08.65; a nurse licensed under AS 08.68; a dispensing optician
 5 licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist
 6 licensed under AS 08.80; a physical therapist or occupational therapist licensed
 7 under AS 08.84; a psychologist or psychological associate licensed under
 8 AS 08.86; **a respiratory care practitioner licensed under AS 08.90 and**
 9 **authorized under AS 08.90.060(a)(4)(H);** or a social worker licensed under
 10 AS 08.95;

11 (B) a physician licensed in another state; or

12 (C) a member of a multidisciplinary care team who is licensed
 13 in another state;

14 * **Sec. 4.** AS 08 is amended by adding a new chapter to read:

15 **Chapter 90. Respiratory Care Practitioners.**

16 **Sec. 08.90.010. License required.** Unless licensed under this chapter, a person
 17 may not

18 (1) practice respiratory care; or

19 (2) represent that the person is a respiratory care practitioner, including
 20 using the titles "licensed respiratory care practitioner" or "R.C.P." or any other words,
 21 abbreviations, signs, or symbols indicating that the person is a licensee.

22 **Sec. 08.90.020. Licensure.** (a) The department shall issue a license to practice
 23 respiratory care to an applicant who submits to the department written evidence,
 24 verified by oath, that the applicant has

25 (1) obtained a high school diploma or its equivalent;

26 (2) successfully completed an accredited respiratory care educational
 27 program;

28 (3) passed an examination for a registered respiratory therapist
 29 credential that is administered by a nationally recognized organization for respiratory
 30 therapists and approved by the department in regulation;

31 (4) paid the required fees; and

1 (5) met all other requirements established by the department in
2 regulation.

3 (b) The department shall issue a license to practice respiratory care to an
4 applicant who submits to the department, before the date that is one year after the
5 effective date of this Act, the required fees and written evidence, verified by oath, that
6 the applicant was employed in the state to practice respiratory care under the direction
7 of a physician on or before the effective date of this Act. An applicant issued a license
8 under this subsection may renew the license without meeting the initial licensure
9 requirements provided under (a)(2) and (3) of this section, but is otherwise subject to
10 this chapter.

11 **Sec. 08.90.030. Licensure by credentials.** The department shall issue a license
12 by credentials to practice respiratory care to an applicant who submits to the
13 department written evidence, verified by oath, that the applicant

14 (1) is currently licensed to practice respiratory care in another state, a
15 territory of the United States, or a foreign country with requirements for licensure that
16 the department determines are substantially equivalent to those required under this
17 chapter;

18 (2) has current valid credentials as a registered respiratory therapist
19 conferred by a nationally recognized organization for respiratory therapists that is
20 approved by the department in regulation;

21 (3) paid the required fees; and

22 (4) met all other requirements established by the department in
23 regulation.

24 **Sec. 08.90.040. Evidence of licensure in other jurisdictions.** An applicant for
25 a license under AS 08.90.020 or 08.90.030 must submit evidence to the department of
26 all licenses granted to the applicant to practice respiratory care in another state, a
27 territory of the United States, or a foreign country and whether that license is in good
28 standing.

29 **Sec. 08.90.050. License renewal.** The department may renew a license issued
30 under this chapter only if the licensee submits proof to the department that the licensee
31 completed 20 credit hours of continuing respiratory care education during the previous

1 licensing period.

2 **Sec. 08.90.060. Scope of practice of respiratory care; qualified medical**
 3 **directors.** (a) A licensee may, under the supervision of a qualified medical director
 4 and as authorized either under a medically approved protocol or under a written or oral
 5 order from an authorized provider, perform the management, rehabilitation, diagnostic
 6 evaluation, and care of a patient with a deficiency or abnormality of the
 7 cardiopulmonary system and associated aspects of other system functions, including

8 (1) providing pulmonary care services that are safe, aseptic, and
 9 preventive or restorative to the patient;

10 (2) administering to the patient pharmacological, diagnostic, and
 11 therapeutic agents related to respiratory care procedures that are necessary to
 12 implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic
 13 regimen prescribed by an authorized provider;

14 (3) making observations of the patient and monitoring the patient's
 15 signs, symptoms, behavior, and physical responses to respiratory therapy treatment to
 16 determine whether the patient exhibits any abnormal characteristics and, based on
 17 those determinations, refer the patient, implement respiratory therapy protocols, or
 18 change the patient's treatment regimen;

19 (4) employing on the patient the diagnostic or therapeutic use of

20 (A) medical gases, excluding general anesthesia;

21 (B) aerosols;

22 (C) humidification;

23 (D) pharmacological agents related to respiratory care
 24 procedures;

25 (E) mechanical or physiological ventilatory support;

26 (F) bronchopulmonary hygiene procedures;

27 (G) oxygen therapy;

28 (H) telehealth as permitted under AS 08.02.130;

29 (I) cardiopulmonary disease management; and

30 (J) instruction on tobacco cessation;

31 (5) diagnostic or therapeutic techniques that may be medically

1 essential to maintaining the patient's good respiratory health, including

2 (A) maintaining natural airways;

3 (B) inserting, without cutting tissue, and maintaining artificial
4 airways;

5 (C) collecting blood and other body fluids, including specimens
6 from the respiratory tract;

7 (D) collecting inspired and expired gas samples;

8 (E) analyzing blood samples and respiratory secretions;

9 (F) measuring ventilatory volumes, pressures, and flows;

10 (G) measuring hemodynamic and other physiological
11 parameters of the cardiopulmonary system;

12 (H) performing cardiopulmonary resuscitation; and

13 (I) implementing and maintaining environmental control
14 systems and hyperbaric therapy;

15 (6) transcribing the written or oral orders of an authorized provider
16 regarding the patient;

17 (7) providing instruction and education to the patient on the proper
18 methods of providing self-care and preventing cardiopulmonary disease and other
19 conditions requiring the use of respiratory care equipment and techniques;

20 (8) participating in air and ground transport of the patient;

21 (9) inserting and maintaining invasive lines for the patient;

22 (10) managing and maintaining an extracorporeal membrane
23 oxygenation unit for the patient;

24 (11) determining which medically approved respiratory care protocols
25 should be followed for the patient, in the absence of an authorized provider, during an
26 emergency;

27 (12) establishing procedures for administering treatment and testing of
28 the patient ordered by an authorized provider to aid diagnosis, patient health
29 monitoring, or medical research; and

30 (13) providing inhalation and respiratory therapy to the patient.

31 (b) A licensee may practice respiratory care in a clinic, hospital, skilled

1 nursing facility, or private dwelling. A licensee may practice respiratory care in
2 another location if the department determines that the location is appropriate or
3 necessary, the location is authorized by a physician in a written or oral order, and the
4 practices performed at the location are performed under the supervision of a qualified
5 medical director.

6 (c) A licensee may perform advanced techniques not ordinarily in the scope of
7 practice of respiratory care if the licensee has received formal training to perform
8 those techniques from a respiratory care educational program that

9 (1) is accredited, supervised, and structured;

10 (2) evaluated the competence of the licensee through a standardized
11 testing mechanism; and

12 (3) included clinical, didactic, and laboratory activities.

13 (d) A qualified medical director supervising a licensee under (a) of this section
14 shall be readily accessible to the licensee and is responsible for the quality, safety, and
15 appropriateness of the respiratory care services provided by the licensee.

16 (e) In this section,

17 (1) "authorized provider" means a physician or physician assistant
18 licensed under AS 08.64 or advanced practice registered nurse licensed under
19 AS 08.68 acting within the scope of the license;

20 (2) "home health agency" means a public agency or private
21 organization, or a subdivision of a public agency or private organization, that
22 primarily engages in providing skilled nursing services in combination with
23 respiratory therapy, physical therapy, occupational therapy, speech therapy, or services
24 provided by a home health aide to an individual in the individual's home, an assisted
25 living home, or another residential setting;

26 (3) "public agency" means an agency operated by the state or a local
27 government;

28 (4) "qualified medical director" means a physician who

29 (A) is licensed to practice medicine in the state and is legally
30 authorized to direct an inpatient or outpatient health care organization, home
31 health agency, assisted living home, or the health care division or department

1 of a hospital, medical clinic, or other medical health maintenance facility; and

2 (B) has substantial professional training or experience in the
3 management of acute and chronic respiratory disorders;

4 (5) "subdivision" means a component of a multi-function facility or
5 home health agency, such as the home health care division of a hospital or the division
6 of a public agency, that independently meets the requirements for licensure as a home
7 health agency.

8 **Sec. 08.90.070. Disciplinary sanctions.** (a) The department may revoke,
9 suspend, or refuse to issue a license to a person if the department finds that the person

10 (1) secured or attempted to secure a license to practice respiratory care
11 through fraud, deceit, or intentional misrepresentation;

12 (2) is unfit or incompetent to practice respiratory care;

13 (3) uses drugs or alcohol in a manner that affects the person's ability to
14 practice respiratory care competently and safely;

15 (4) engaged in dishonest or unethical conduct in connection with the
16 delivery of respiratory care services to patients;

17 (5) used or attempted to use as valid a license to practice respiratory
18 care that was illegally or fraudulently obtained;

19 (6) practiced respiratory care after the revocation, suspension, or
20 expiration of the person's license;

21 (7) failed to meet the standards of practice for respiratory care,
22 including

23 (A) wilfully and repeatedly ordering and performing laboratory
24 tests or studies that were unnecessary and clinically unjustifiable; or

25 (B) administering treatment that was unnecessary and
26 clinically unjustifiable;

27 (8) violated, or aided or abetted another person in violating, this
28 chapter;

29 (9) has been convicted of

30 (A) a felony that materially affects the ability to safely practice
31 respiratory care; or

1 (B) insurance fraud;

2 (10) failed to disclose that a license to practice respiratory care in
3 another state, a territory of the United States, or a foreign country is not in good
4 standing.

5 (b) When determining whether to refuse to issue a license to an applicant or
6 impose a disciplinary sanction on a licensee under (a)(3) of this section, the
7 department shall consider whether an applicant or licensee is participating in a
8 substance abuse program.

9 **Sec. 08.90.080. Exceptions.** (a) This chapter does not apply to

10 (1) a person licensed in this state under a statute outside this chapter
11 who performs respiratory care within the scope of practice for which the person's
12 license was issued;

13 (2) a student enrolled in an accredited respiratory care educational
14 program who is

15 (A) practicing respiratory care as an integral part of the
16 program; or

17 (B) practicing respiratory care, within limits established by the
18 department, as an employee of a health care provider while a licensee or
19 physician is available to communicate with, consult with, and assist the
20 student;

21 (3) a person who is not a licensee and practices respiratory care as self-
22 care or care for a member of the person's family;

23 (4) a person practicing respiratory care in an emergency;

24 (5) a person practicing respiratory care within the scope of the person's
25 duties while

26 (A) in the armed forces of the United States; or

27 (B) working in a federal facility;

28 (6) a person employed in a diagnostic laboratory, physician's office,
29 clinic, or outpatient treatment facility that is administering treatment or performing
30 diagnostic procedures in that location under the direction of a physician; and

31 (7) a person employed by a durable or home medical equipment

1 company who delivers, calibrates, or maintains respiratory care equipment and does
2 not assess or evaluate patients.

3 (b) A student practicing respiratory care shall use the title

4 (1) "student respiratory care practitioner" or "student R.C.P." if
5 practicing under (a)(2)(A) of this section; and

6 (2) "student respiratory care practitioner," "trainee respiratory care
7 practitioner," "student R.C.P.," or "trainee R.C.P." if practicing under (a)(2)(B) of this
8 section.

9 **Sec. 08.90.090. Criminal penalty.** A person who violates or aids a person in a
10 violation of this chapter is guilty of a class B misdemeanor.

11 **Sec. 08.90.100. Regulations.** The department may adopt regulations to carry
12 out the purposes of this chapter.

13 **Sec. 08.90.990. Definitions.** In this chapter,

14 (1) "accredited respiratory care educational program" means a
15 respiratory care educational program that is

16 (A) accredited by a national health education accrediting body
17 in collaboration with a national respiratory care accrediting body; and

18 (B) approved by the department;

19 (2) "department" means the Department of Commerce, Community,
20 and Economic Development;

21 (3) "licensee" means a person licensed to practice respiratory care
22 under this chapter;

23 (4) "physician" means a person licensed as a physician under
24 AS 08.64.

25 * **Sec. 5.** AS 09.55.560(2) is amended to read:

26 (2) "health care provider" means an acupuncturist licensed under
27 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
28 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
29 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
30 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
31 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; **a**

1 **respiratory care practitioner licensed under AS 08.90;** a physical therapist or
 2 occupational therapist licensed under AS 08.84; a physician or physician assistant
 3 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate
 4 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a
 5 governmentally owned or operated hospital; an employee of a health care provider
 6 acting within the course and scope of employment; an ambulatory surgical facility and
 7 other organizations whose primary purpose is the delivery of health care, including a
 8 health maintenance organization, individual practice association, integrated delivery
 9 system, preferred provider organization or arrangement, and a physical hospital
 10 organization;

11 * **Sec. 6.** AS 09.65.300(c)(1) is amended to read:

12 (1) "health care provider" means a physician, physician assistant,
 13 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
 14 practical nurse, advanced practice registered nurse, naturopath, **respiratory care**
 15 **practitioner,** physical therapist, occupational therapist, marital and family therapist,
 16 psychologist, psychological associate, behavior analyst, assistant behavior analyst,
 17 licensed clinical social worker, athletic trainer, certified direct-entry midwife, licensed
 18 professional counselor, or licensed associate counselor;

19 * **Sec. 7.** AS 14.30.141(e) is amended to read:

20 (e) In this section, "health care provider" means a licensed physician,
 21 advanced practice registered nurse, **respiratory care practitioner,** physician assistant,
 22 village health aide, or pharmacist operating within the scope of the health care
 23 provider's authority.

24 * **Sec. 8.** AS 21.36.090(d) is amended to read:

25 (d) Except to the extent necessary to comply with AS 21.42.365 and
 26 AS 21.56, a person may not practice or permit unfair discrimination against a person
 27 who provides a service covered under a group health insurance policy that extends
 28 coverage on an expense incurred basis, or under a group service or indemnity type
 29 contract issued by a health maintenance organization or a nonprofit corporation, if the
 30 service is within the scope of the provider's occupational license. In this subsection,
 31 "provider" means a state licensed physician, physician assistant, dentist, osteopath,

1 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
2 **respiratory care practitioner**, physical therapist, occupational therapist, marital and
3 family therapist, psychologist, psychological associate, licensed clinical social worker,
4 licensed professional counselor, licensed associate counselor, certified direct-entry
5 midwife, or dental hygienist holding an advanced practice permit.

6 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION: QUALIFICATIONS. Notwithstanding the licensing requirements of
9 AS 08.90.010 and 08.90.020, enacted by sec. 4 of this Act, a person who, on the day before
10 the effective date of this Act, is engaged in the practice of respiratory care and is qualified to
11 perform acts within the scope of practice of respiratory care, may continue to perform those
12 acts without a license issued under AS 08.90 by the Department of Commerce, Community,
13 and Economic Development for a period not to exceed one year after the effective date of this
14 Act.

15 * **Sec. 10.** This Act takes effect January 1, 2027.