

CHAPTER 16**(HB 265)**

AN ACT relating to respiratory care certificate renewal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 314A.220 is amended to read as follows:

- (1) The board shall issue a mandatory certificate to all applicants who meet the requirements of this chapter and who pay to the board the initial mandatory certificate fee.
- (2) The amount of fees prescribed in connection with a mandatory certificate as a respiratory care practitioner shall be prescribed by administrative regulation promulgated by the board in accordance with KRS Chapter 13A.
- (3) Each respiratory care mandatory certificate shall expire on January 30 every two (2) years. ~~[- A thirty (30) day grace period shall be allowed after January 30, during which time mandatory certificates may be renewed on payment of a renewal fee plus a grace period fee, when applicable.]~~ No person who applies for renewal, whose mandatory certificate has expired, shall be required to submit to any examination as a condition to renewal, provided such renewal application is made within five (5) years from the date of such expiration. No person shall practice respiratory care in this state unless the individual holds a valid certificate. All mandatory certificates not renewed by **January 30**~~[March 2]~~ following the date of issuance shall be deemed expired.
- (4) A suspended mandatory certificate is subject to expiration and shall be renewed as provided in this chapter, but such renewal shall not entitle the respiratory care practitioner, while the mandatory certificate remains suspended, and until it is reinstated, to engage in mandatory certification activities, or in any other activity or conduct in violation of the order of judgment by which the mandatory certificate was suspended. A mandatory certificate revoked on disciplinary grounds is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the mandatory certificate holder, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.
- (5) A person who fails to renew his or her mandatory certificate within the five (5) years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but such persons may apply for and obtain a new mandatory certificate if he meets the requirements of this chapter.

Approved March 15, 2006.