

## **BOARDS AND COMMISSIONS**

### **Board of Respiratory Care**

#### **(Amendment)**

#### **201 KAR 29:020. Code of ethics; unprofessional conduct.**

RELATES TO: KRS 314A.200(5), 314A.205(4), 314A.225

STATUTORY AUTHORITY: KRS 314A.200(5), 314A.205(3), 314A.225

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this administrative regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.225 requires the board to promulgate administrative regulations defining unprofessional conduct, establishing a code of ethics, and grounds for removal of board members. This administrative regulation sets forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

Section 1. The following code of ethics consists of general guidelines which embody certain standards of practice for the respiratory care practitioner. The respiratory care practitioner shall practice within the parameters of this code of ethics. The respiratory care practitioner shall:

- (1) Continually strive to increase and improve their knowledge and skill and render to each patient the full measure of their ability;
- (2) Provide services with respect for the dignity of the patient, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems;
- (3) Be responsible for the competent and efficient performance of their assigned duties and shall expose incompetence and illegal or unethical conduct of members of the profession;
- (4) Hold in strict confidence all privileged information concerning any patient, except as authorized or required by law, and refer all inquiries to the physician in charge of the patient's medical care;
- (5) Uphold the dignity and honor of the profession and abide by its ethical principles;
- (6) Be familiar with existing state and federal laws governing the practice of respiratory care and comply with those laws;
- (7) Cooperate with other health care professionals and participate in activities to promote community, state, and national efforts to meet the health needs of the public.

Section 2. Unprofessional conduct in the practice of respiratory care shall include the following acts by a person credentialed by this board, and these acts may be grounds for the denial of an application seeking issuance of a credential by the board:

- (1) Violating any of the provisions of KRS Chapter 314A or the administrative regulations adopted thereunder;
- (2) Committing any unfair, false, misleading, or deceptive act or practice;
- (3) Being unfit or incompetent to practice respiratory care by reason of negligence or other causes, including but not limited to, being unable to practice respiratory care with reasonable skill or safety;
- (4) Practicing respiratory care while under the suspension, revocation, or restriction of the individual's certification by competent authority in any state, federal, or foreign jurisdiction;
- (5) Unlawfully failing to cooperate with the board by:
  - (a) Not furnishing any papers or documents requested by the board;

- (b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;
- (c) Not appearing before the board at the time and place designated; or
- (d) Not properly responding to subpoenas issued by the board.
- (6) Failing to comply with an order issued by the board or an agreed order established with the board;
- (7) Aiding or abetting an uncertified person to practice respiratory care when a certificate is required;
- (8) Practicing beyond the scope of practice set forth in KRS 314A.100;
- (9) Failing to provide adequate supervision to persons holding a limited or temporary certification;
- (10) Being convicted of any misdemeanor or felony relating to the practice of respiratory care, if in accordance with KRS Chapter 334B. For purposes of this subsection, conviction includes all instances in which a plea of nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;
- (11) Physically abusing or having sexual contact with a patient or client;
- (12) Accepting by any means, a valuable consideration or gratuity of any kind in return for preferential consideration or treatment of a patient;
- (13) Practicing respiratory care while intoxicated or under the influence of alcohol or other mind-altering or mood-altering drugs not prescribed by a licensed physician;
- (14) Engaging in any immoral conduct in the practice of respiratory care;
- (15) Not informing the board in writing of any changes to the certificate holder's permanent mailing address, e-mail address, or place of employment within twenty (20) days;
- (16) Failing to inform the board in writing within thirty (30) days of facts:
  - (a) supported by observation or direct knowledge, indicating that another certificate holder has violated any provision of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070; or
  - (b) of one's own violations of any provision of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070;
- (17) Failing to inform the board in writing, within thirty (30) days of the conviction, of any felony, misdemeanor or DUI conviction, including dispositions arising from a plea of "no contest" or nolo contendere, by providing the record of conviction and a letter of explanation; Violating the code of ethics adopted by the board.
- (18) Abusing controlled substances, prescription medications, illegal substances, or alcohol;
- (19) Having a license, privilege, or credential to practice as a respiratory care practitioner denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including nonpayment of child support;
- (20) Using or possessing a Schedule I controlled substance, except when in accordance with KRS Chapter 218B; and
- (21) Violating the code of ethics adopted by the board.

### Section 3. Reasons for Removal of Board Member.

- (1) A board member may be removed by the board by majority vote of the board if the member has:
  - (a) Been convicted of felony;
  - (b) Had their certification to practice respiratory care or license to practice medicine suspended or revoked; or

- (c) Missed three (3) or more consecutive board meetings and those absences are deemed unexcused by a majority vote of the board.
- (2) Upon an affirmative vote by the board to remove a member, the board shall notify the Governor of the action.

*MARLENE MCKINLEY, RRT, Board Chair*

APPROVED BY AGENCY: April 17, 2025

FILED WITH LRC: August 15, 2025 at 9:45 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 a.m. at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email [Morgan.Ransdell@ky.gov](mailto:Morgan.Ransdell@ky.gov).