



What is the Respiratory Care Interstate Compact?

The Respiratory Care Interstate Compact (RCIC) is an interstate occupational licensure compact for respiratory therapists.

There are approximately 130,000 licensed respiratory therapists in the United States. Licensees currently face significant barriers to providing services across state borders, even when they meet the qualifications to practice in another state. The Respiratory Care Interstate Compact will facilitate multistate practice by reducing unnecessary licensure burdens and improve public safety by enhancing state information sharing.

Interstate Compacts in Other Professions

Interstate Compacts are constitutionally authorized, legally binding, legislatively enacted contracts among states. In addition to RCIC, there are currently 17 occupational licensure compacts available for enactment. Occupational licensure compacts are most common in health care professions including nurses, physicians, physical therapists, occupational therapists, and psychologists, among others. The 17 occupational licensure compacts represent over 365 enactments in 51 states and territories.

Compact Benefits

Benefits for Practitioners

- Enables and provides a uniform process to practice in other compact member states
- Expands employment opportunities into new markets.
- Eases the burden of applying for and maintaining multiple licenses.
- Supports relocating military spouses and families.

Benefits for State Respiratory Therapy Licensing Authorities

- Reduces administrative burdens.
- Creates a compact data system that supports the facilitation of licensure and discipline information for respiratory therapists.
- Expands cooperation among state licensure boards on investigations and disputes.
- Allows regulators to retain jurisdiction over licensees practicing in their state.

Benefits for States

- Promotes workforce development and strengthens labor markets.
- Provides greater preparedness for national health emergencies.
- Preserves state sovereignty.

Benefits for Patients

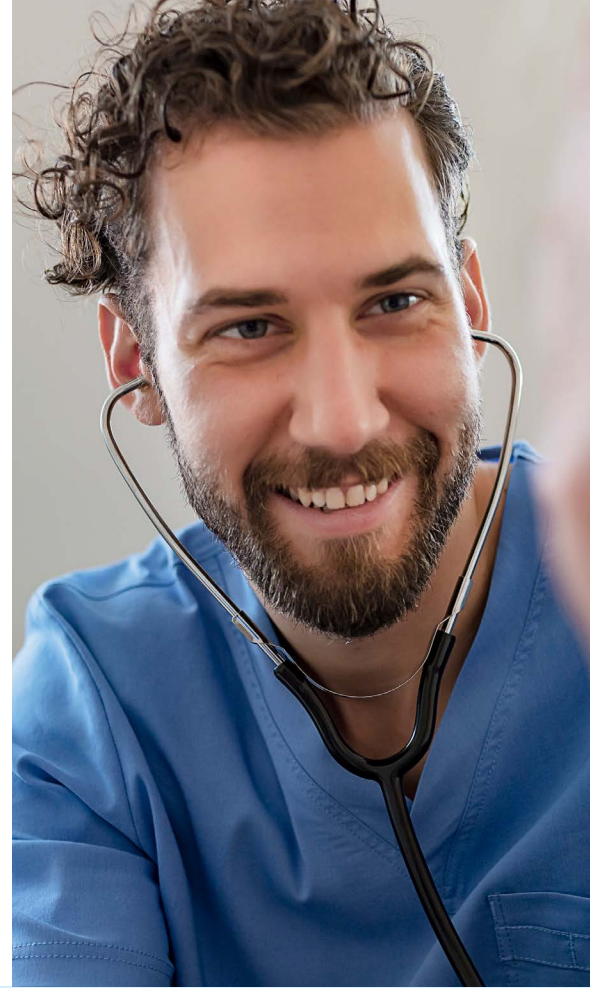
- Provides greater access to care from highly qualified providers.
- Improves continuity of care.
- Enhances availability of telehealth services.



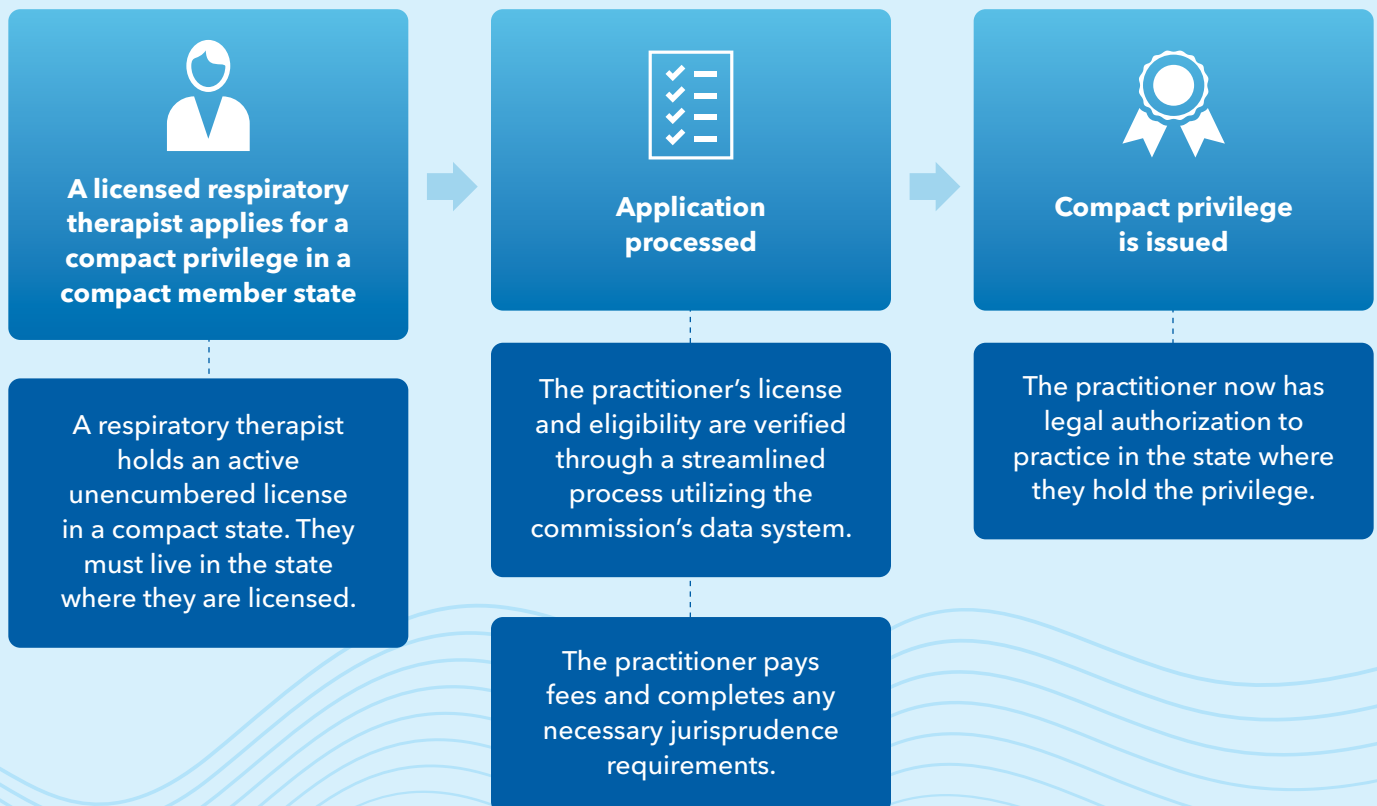
Overview of Compact Privileges

The Respiratory Care Interstate Compact enables licensees to practice in other compact member states through a compact privilege. Compact privileges provide licensees the same benefits of licensure while not requiring duplicative continuing education and differing renewal cycles. To qualify for a compact privilege, licensees must meet the requirements of the compact, such as possessing an unrestricted license.

Because the compact alleviates the duplication of primary source verification, the authorization to practice in another state can be granted much quicker than other licensure pathways. Compact privileges can potentially be issued minutes after an application is received. The process is expedited by the compact's shared data system of licensees amongst compact member states. The privilege model is a similar approach other allied health professions have taken including compacts for counselors, dentists and dental hygienists, occupational therapists, physical therapists, and PA's.



How does the Respiratory Care Interstate Compact work?



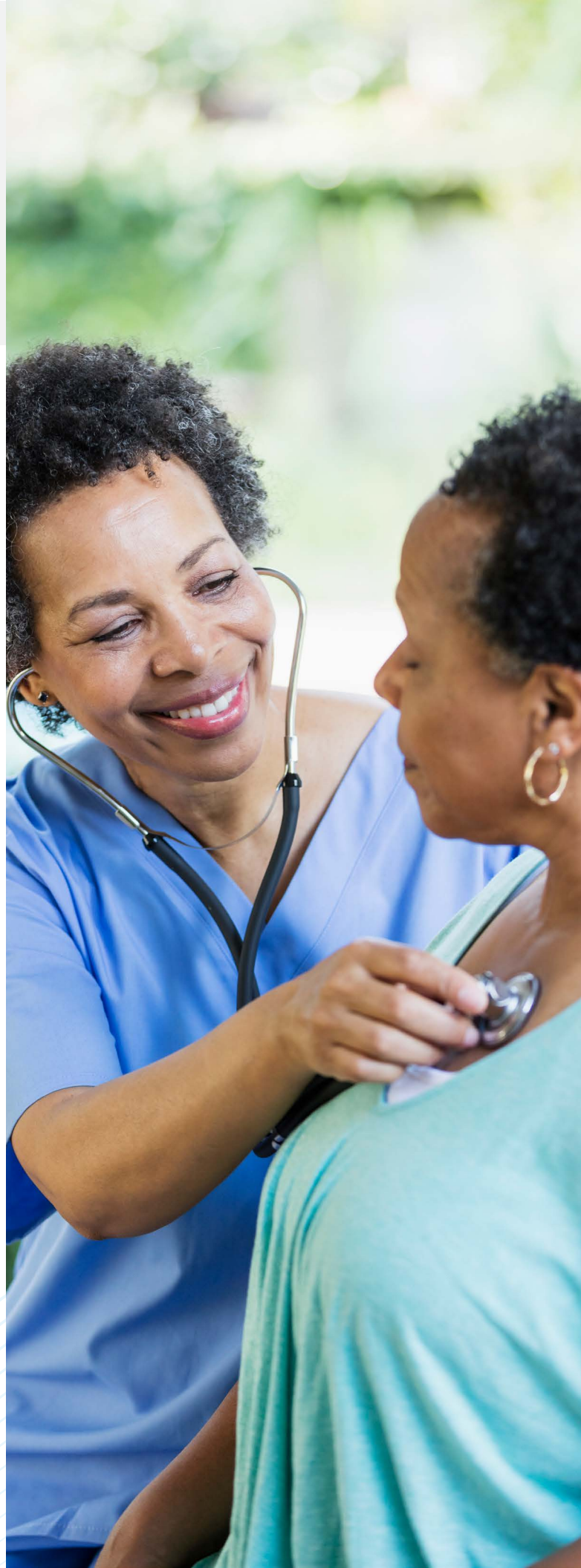
Section by Section Summary

SECTION 1 Purpose

The purpose of this Compact is to facilitate the interstate Practice of Respiratory Therapy with the goal of improving public access to Respiratory Therapy services by providing Respiratory Therapists licensed in a Member State the ability to practice in other Member States. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of State licensure.

The Compact is designed to achieve the following:

1. Increase public access to Respiratory Therapy services by creating a responsible, streamlined pathway for Licensees to practice in Member States with the goal of improving outcomes for patients
2. Enhance States' ability to protect the public's health and safety
3. Promote the cooperation of Member States in regulating the Practice of Respiratory Therapy within those Member States
4. Ease administrative burdens on States by encouraging the cooperation of Member States in regulating multi-state Respiratory Therapy practice
5. Support relocating Active Military Members and their spouses
6. Promote mobility and address workforce shortages



SECTION 2

Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact. Defined terms are capitalized throughout the document. The Respiratory Care Interstate Compact uses the term “Compact Privilege” to describe a licensee’s permission to work in a remote state.

SECTION 3

State Participation in the Compact

This section establishes the requirements for states to be eligible to participate in the compact, and what is required of member states to continue to maintain eligibility.

To be eligible to participate in the compact a participating state must:

- Enact a Compact that is not materially different from the Model Compact
- License Respiratory Therapists
- Participate in the Commission’s Data System
- Have a mechanism in place for receiving and investigating complaints against Licensees and Compact Privilege holder
- Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of any Adverse Action against a Licensee, a Compact Privilege holder, or a license applicant
- Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of the existence of Significant Investigative Information
- Comply with the Rules of the Commission
- Grant the Compact Privilege to a holder of an active Home State License and otherwise meet the applicable requirements of Section 4 in a Member State
- Complete a Criminal Background Check for each new Licensee at the time of initial licensure.

SECTION 4

Compact Privilege

This section describes the requirements for a respiratory therapist to obtain a compact privilege to practice in remote states.

To obtain and exercise a compact privilege under the compact a licensed respiratory therapist must:

- Hold and maintain an active Home State License as a Respiratory Therapist;
- Hold and maintain an active credential from the National Board for Respiratory Care (or its successor) that would qualify them for licensure in the Remote State in which they are seeking the privilege;
- Have not had any Adverse Action against a license within the previous two (2) years;
- Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);
- Pay any applicable fees, including any State and Commission fees and renewal fees, for the Compact Privilege;
- Meet any Jurisprudence Requirements established by the Remote State in which the Licensee is seeking a Compact Privilege;
- Report to the Commission Adverse Action taken by any non-Member State within thirty (30) days from the date the Adverse Action is taken;
- Report to the Commission, when applying for a Compact Privilege, the address of the Licensee’s Domicile and thereafter promptly report to the Commission any change in the address of the Licensee’s Domicile within thirty (30) days of the effective date of the change in address; and
- Consent to accept service of process by mail at the Licensee’s Domicile on record with the Commission with respect to any action brought against the Licensee by the Commission or a Member State, and consent to accept service of a subpoena by mail at the Licensee’s Domicile on record with the Commission with respect any action brought or investigation conducted by the Commission or a Member State.

SECTION 5

Active Military Member or Their Spouse

This section specifies that active-duty military members and their spouse shall not be required to pay the commission fee for a compact privilege. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to active-duty military and their spouses.

This section also allows active-duty military members and their spouse to designate a home state which they may retain during the period the service member is on active duty.

SECTION 6

Adverse Actions

This section establishes a disciplinary framework between the compact participating states. Remote states may take adverse action against a licensee's compact privilege in that state and may issue enforceable subpoenas for witnesses and evidence from other participating states.

Participating states must report any adverse action and the existence of significant investigative information to the compact data system, which then promptly alerts the other participating states of this information. Any participating state may take adverse action based on the factual findings of a remote state. This section also directs the compact participating states to work together on joint investigative activities related to licensees using the compact.

SECTION 7

Establishment of the Respiratory Care Interstate Compact Commission

This section outlines the composition and powers of the compact commission.

- Each participating state is entitled to one Commissioner
- The Commissioner will be a member or designee of the State Licensing Authority

- Each Commissioner has one vote on commission rules and bylaws
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact

SECTION 8

Data System

This section establishes the commission's shared information system. Participating states will submit a uniform dataset to the data system on practitioners as required by the rules of the commission. This data system will allow for the expedited sharing of disciplinary and investigative information.

Adverse action information pertaining to a licensee in any participating state will only be available to other participating states. A participating state may designate information submitted to the data system that may not be shared with the public without the express permission of that participating state.

SECTION 9

Rulemaking

This section establishes the rulemaking authority of the commission to carry out the provisions of the compact.

- Rules carry the force of law in all participating states.
- A simple majority of participating state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

SECTION 10

Oversight, Dispute Resolution, and Enforcement

This section ensures compliance with the compact by member states and details the procedures to be followed in the event a participating state fails to comply with the compact.

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The commission shall attempt to resolve any compact-related disputes that may arise between states.

SECTION 11

Effective Date, Withdrawal, and Amendment

This section establishes the effective date of the compact and includes provisions for states withdrawing from the compact and the member states collectively amending the compact.

- The compact takes effect on the date of enactment by the seventh state.
- States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.
- Participating states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

SECTION 12

Construction and Severability

The compact is to be liberally construed to effectuate its purposes. The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all participating states.
- If a provision is held contrary to a participating state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

SECTION 13

Consistent Effect and Conflict with Other State Laws

Participating states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact. Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.

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THE COUNCIL OF STATE GOVERNMENTS

The Respiratory Care Interstate Compact and RT Credentials

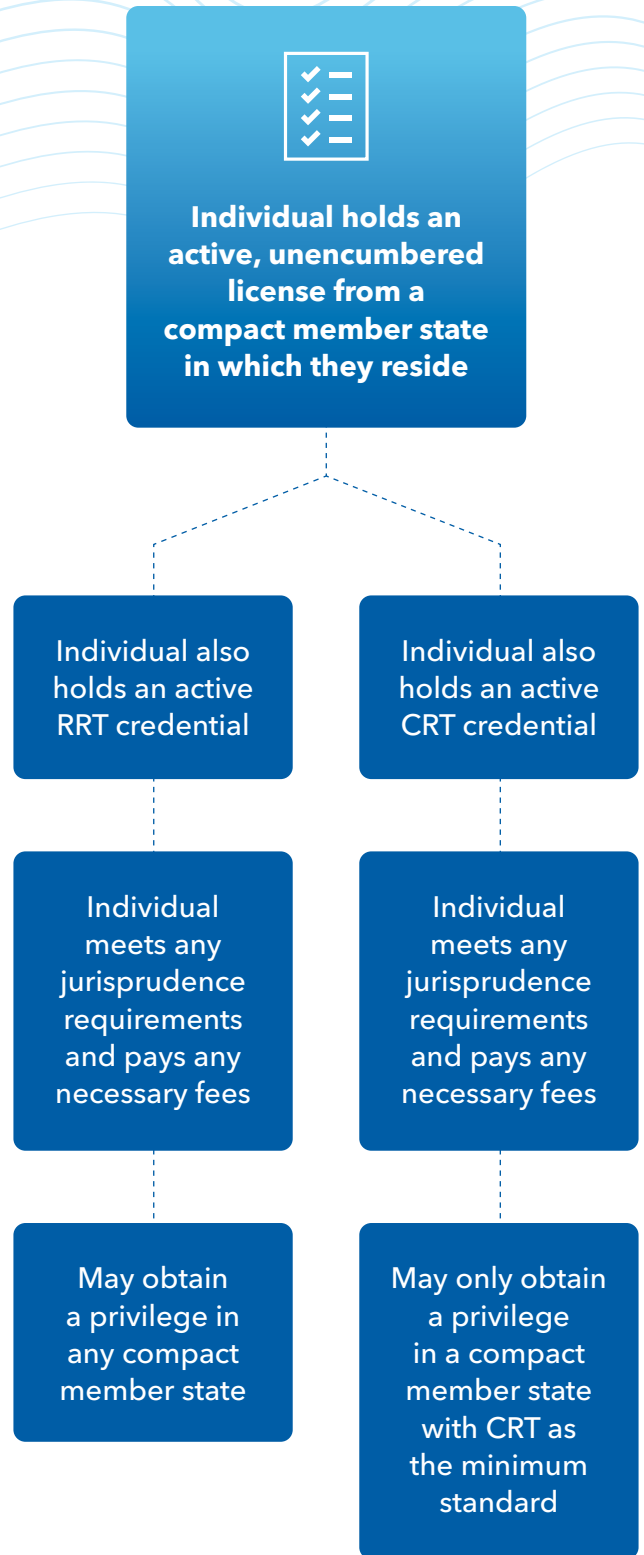
To obtain a compact privilege (authorization to practice) in a compact member state, the Respiratory Care Interstate Compact requires an individual to hold an active credential from the National Board for Respiratory Care that would qualify them for single state licensure in the state they are seeking the privilege. The practitioner’s credential must be active and unencumbered to obtain and maintain a compact privilege in a member state.

While practitioners who hold either a Certified Respiratory Therapist (CRT) or Registered Respiratory Therapist (RRT) credential may both utilize the compact, CRT credential holders can only obtain a privilege in a state where the CRT credential is the minimum standard for licensure. In some states, only RRT credential holders may obtain a compact privilege to practice if that is the minimum standard.

The compact requirement ultimately allows credentialed respiratory therapists to practice in states where they would already be eligible to be licensed while also protecting a state’s minimum standard for licensure.

The compact credentialing standards are for practitioners to obtain a compact privilege and are not requirements for states to maintain membership in the compact. States do not need to require an individual to hold an NBRC credential for single-state licensure to maintain membership in the compact.

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Compact Benefits for Military Families

Military families are highly mobile and on average are re-assigned to a new duty station every two to three years. This level of mobility particularly creates barriers to employment and career development for military spouses in licensed professions due to the time consuming, labor intensive, and costly process to apply for licensure in another state.

The Department of Defense is committed to supporting military spouses as an essential component of supporting military families. To recruit and retain military personnel and maintain readiness, the Department of Defense believes interstate compacts are the best solution for occupational license portability for military spouses.

Interstate compacts like the Respiratory Care Interstate Compact enhance practitioner mobility by facilitating the recognition of an existing license. The reduction in barriers to licensure alleviates much of the time, costs, and effort that would otherwise be needed through a traditional licensure pathway.

In addition to the general benefits interstate compacts provide licensed practitioners, there are also unique benefits provided to military families. As established in section 5 of the Respiratory Care Interstate Compact, active military members and their spouses are not required to pay a fee to the commission for a compact privilege. Compact member states may choose to charge a reduced fee or no fee to active military members and their spouses for a compact privilege.

The compact also provides active military members and their spouses the ability to designate a compact member state as their "home state" through the duration of military service. This provision means that when active military members and their spouses relocate to another state, they will not be required to establish a new "home state", as otherwise required by the compact. The military member and their spouse may continue to use the license from their previous "home state" as their qualifying license to use the compact.

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