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SENATE
S. No. 3405

REC. VOLUME



Introduced by Senator Ramon "Bong" Revilla, Jr.

EXPLANATORY NOTE

With regard to health, specializations offer different kinds of health care. One of the most important branch of health care yet has not been given its due recognition is the respiratory therapy. Respiratory therapist or respiratory care practitioners are the ones dealing with the evaluation, treatment and support for patients with cardiopulmonary disorders. They administer critical care treatments under the supervision of medical specialists as a result of transfer of responsibility. In this aspect, respiratory therapy is on par with other medical professions, although not given much credit.

With the growing number of medical practitioners entering the global market, the Filipino respiratory therapists lag behind other nationalities in terms of proper accreditation. The absence of respiratory therapy accreditation in the Philippines incites some Filipino respiratory practitioners to undertake accreditation or licensure exams in other countries. The growing number of licensed Indian respiratory therapists now poses a risk to our unlicensed overseas Filipino respiratory therapists in the Middle East. A large drawback of not having the necessary license affects the Filipino respiratory therapists who unquestionably have the skills of the profession but were not able to practice freely.

As the Filipino healthcare workers are being subjected to global competitiveness, the Philippine government must endeavor to make assurance that Filipino workers are equipped with the right credentials and accreditations. Thus this bill seeks to officially recognize the respiratory therapy as a profession through a licensure examination to be administered by the adequate government agency and to provide the international accreditation requirements for aspiring respiratory practitioners. As such, the State will take the vital role of promoting health consciousness among its citizens and legislating for the welfare of its Filipino workers.

We cannot ignore the calls of our countrymen asking for a better legislation to protect their welfare. Let us endeavor to take the step for the betterment of our Filipino workers, thus the urgent approval of this bill is needed.



RAMON "BONG" REVILLA, JR.

SENATE

S.B. No. 3405

RECEIVED BY

5 JUN 25 2 00

Introduced by Senator Ramon Bong Revilla, Jr.

**AN ACT REGULATING THE PRACTICE OF RESPIRATORY THERAPY,
CREATING A PROFESSIONAL REGULATORY BOARD OF
RESPIRATORY THERAPY, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**ARTICLE I
TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS**

SECTION 1. Title. - This Act shall be known and cited as the "Philippine Respiratory Therapy Act of 2009".

SECTION 2. Declaration of Policy. - The State recognizes the importance of respiratory therapists in nation building. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded respiratory therapists whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their professional growth.

SECTION 3. Definition of Terms. -As used in this Act, the following terms shall mean:

- (a) "Respiratory therapy" is an allied health specialty employed with medical direction in the treatment, management, control, diagnostic evaluation and care of patients with deficiencies and abnormalities in the cardiopulmonary system.
- (b) "Respiratory therapist" is a person who is a holder of a valid certificate of registration and professional identification card issued by the Professional Regulatory Board of Respiratory Therapy and the Professional Regulation Commission (PRC), and who is legally qualified to practice respiratory therapy in the Philippines pursuant to this Act.
- (c) "Respiratory therapy technician" is a person who has been registered and issued a valid certificate of registration and professional identification card, and who has undergone a two (2)-year associate or certificate program in respiratory therapy procedures, and whose specific assignments are supervised by a registered respiratory therapist. Such assignments are within the limits of a hospital or an institution of employment.
- (d) "Accredited respiratory training center" is a respiratory therapy unit or pulmonary laboratory, office, center, agency, clinic, hospital or sanitarium duly approved by the Department of Health (DOH) or its authorized agency.

- (e) "Recognized school of respiratory therapy" is any school, college or university that offers a course in respiratory therapy as approved by the Commission on Higher Education (CHED), in accordance with the requirements under this Act, upon the recommendation of the Board of Respiratory Therapy.

ARTICLE II
THE PROFESSIONAL REGULATORY BOARD
OF RESPIRATORY THERAPY

SECTION 4. *Creation and Composition of the Board* - There is hereby created a Professional Regulatory Board of Respiratory Therapy, hereinafter referred to as the Board, under the administrative supervision and control of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a chairperson and two (2) members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position submitted by the Commission from among a list of five (5) nominees for each position submitted by the integrated professional organization of respiratory therapists. The Board shall be organized not later than six (6) months from the effectivity of this Act.

SECTION 5. *Qualifications of the Members of the Board* -The chairperson and members of the Board shall at the time of their appointment, possess the following qualifications:

- (a) Must be a natural-born citizen and a resident of the Philippines;
- (b) Must be at least thirty-five (35) years of age if he/she is the chairperson or at least thirty (30) years old if he/she is a member;
- (c) Must be a duly registered respiratory therapist in the Philippines with a valid certificate of registration and professional identification card. Provided, That in the case of the first members of the Board of Respiratory Therapy, they shall be issued certificates of registration and professional identification card as respiratory therapists without prior examination;
- (d) Must be a holder of a baccalaureate degree in respiratory therapy with at least fifteen (15) years of professional experience and with at least five (5) years of professional experience as director, supervisor or head of said laboratory or unit of a Department of Health (DOH)-recognized hospital prior to his/her appointment;
- (e) Must not be an elected officer of the integrated and accredited national organization of respiratory therapists;
- (f) Must not have been convicted by any competent court of an offense involving moral turpitude; and
- (g) Must not have any pecuniary interest, directly or indirectly, in any school, college, university or institution conferring an academic degree necessary for admission to the practice of respiratory therapy or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he/she be a member of the faculty or of the administration thereof at the time of his/her appointment to the Board.

SECTION 6. *Term of Office of Board Members* - The chairperson and the members of the Board shall hold office for a term of three (3) years or until their successors shall have been appointed and duly qualified: Provided, That members of the first Board to be appointed after the

approval of this Act shall hold office for the following terms: the chairperson for three (3) years, one (1) member for two (2) years, and the other member for one (1) year: Provided further, That the chairperson or any member may be reappointed for another term of three (3) years but in no case shall the whole term exceed six (6) years. The interim vacancies in the Board shall be filled for the unexpired term only. Each member of the first Board shall automatically be registered as respiratory therapist and issued a certificate of registration and professional identification card and shall take the proper oath of office prior to assumption of duty.

SEC. 7. Compensation and Allowances of the Board. – The chairperson and members of the Board shall receive compensation and allowances comparable to that being received by the chairpersons and members of existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SECTION 8. Powers and Functions of the Board. - The Board shall have the following powers and duties:

- (a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act;
- (b) Administer oaths in connection with the administration of this Act;
- (c) Study the conditions affecting the practice of respiratory therapy in the Philippines and adopt measures for the enhancement of the profession, and the maintenance of high professional ethical standards. The Board may conduct ocular inspection at places where registered respiratory therapists are employed or are working, such as hospitals and clinics, to determine and enforce compliance with the professional regulatory laws and the rules and regulations promulgated pursuant thereto, to aid the Board in formulating or revising policies relating to the practice of respiratory therapy;
- (d) Ensure, in coordination with the CHED, that all educational institutions offering respiratory therapy education comply with the policies, standards and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities;
- (e) Supervise and regulate the registration, licensure and practice of respiratory therapy in the Philippines;
- (f) Adopt an official seal of the Board;
- (g) Maintain a roster of respiratory therapists indicating there in the basic information about the registered professionals;
- (h) Issue, reinstate, suspend or revoke the certificate of registration and professional identification card or cancel special permits for the practice of respiratory therapy;
- (i) Prescribe and/or adopt a Code of Ethics and Standards for the practice of respiratory therapy;
- (j) Hear or investigate any violations of this Act, its implementing rules and regulations and the Code of Ethics and Standards for respiratory therapists, and for this purpose, to issue subpoena duces tecum to secure the appearance of the witnesses and the production of documents in connection therewith: Provided, That the decision of the Board shall, unless appealed to the

Commission, become final and executory after fifteen (15) days from receipt of judgment or decision;

- (k) Determine and evaluate the qualifications of applicants for registration with or without licensure examination and applicants for special permits.
- (l) Prescribe the subjects in the licensure examination, determine the syllabi of the subjects and their relative weights, construct test questions in the licensure examination, score and rate the examination papers and submit the examination results to the Commission;
- (m) Grant registration without examination subject to approval by the Commission;
- (n) Issue special permits to persons admitted to the practice of respiratory therapy for a specific duration of time, and certificates of recognition for advanced studies, researches and accomplishments that contribute to the enrichment of the profession;
- (o) Adopt a program for the full computerization of the licensure examination;
- (p) Prescribe guidelines and criteria in the continuing professional education (CPE) program for respiratory therapists; and
- (q) Perform such other powers and functions as it may deem necessary to carry out the objectives of this Act.

The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval of the Commission.

SECTION 9. Suspension and/or Removal of Board Members. -Any member of the Board may, upon the recommendation of the Commission after due process of law and investigation conducted by the Commission, be suspended or removed by the President from office for cause such as gross neglect of duty, incompetence, malpractice, unprofessionalism, immorality, unethical or dishonorable conduct, final judgment of crimes involving moral turpitude, manipulation or rigging of the licensure examination results, disclosure of secret and confidential information in the examination questions prior to the conduct of the said examination, and tampering of grades.

SECTION 10. Supervision of the Board, Custodian of its Records, Secretariat and Support Services. - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications, examination papers and results, minutes of deliberation, administrative cases, and other investigations involving respiratory therapists shall be kept by the Commission.

The Commission shall designate the secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SECTION 11. Annual Report. -The Board shall, at the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted, with the end in

view of upgrading and improving the conditions affecting the practice of respiratory therapy in the Philippines.

ARTICLE III

SEC. 12. Examination Required - All applicants for registration for the practice of respiratory therapy shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate, subject to compliance with the requirements prescribed by the Commission.

SECTION 13. Qualifications Of Applicants. - An applicant for the licensure examination for respiratory therapists shall establish to the satisfaction of the Board, that:

- (a) He/She is a citizen of the Philippines, or if he/she is a foreigner, must prove that the country of which he/she is a subject or citizen thereof permits Filipino respiratory therapists to practice within its territorial jurisdiction on the same basis as the subjects or citizens of such county;
- (b) He/She has completed at least ten (10) months of internship equivalent to a minimum of one thousand five hundred (1,500) hours of respiratory therapy clinical internship under the supervision of a competent, duly qualified and registered respiratory therapist;
- (c) He/She is a graduate of a Bachelor of Science in Respiratory Therapy degree from a school, college or university in the Philippines or abroad, recognized and accredited by the CHED;
- (d) He/She is of good moral character; and
- (e) He/She must not have been convicted of an offense involving moral turpitude by a competent court

SECTION 14. Scope of Examination. - The licensure examination for respiratory therapists shall cover the following subjects:

- (a) Patient Assessment and Electrocardiography;
- (b) Cardiopulmonary Pathophysiology;
- (c) Neonatal and Pediatric Respiratory Therapy;
- (d) Mechanical Ventilation;
- (e) Acid-Base Physiology and Blood Gas Interpretation;
- (f) Airway Care and Management;
- (g) Pulmonary Function Testing;
- (h) Pulmonary Rehabilitation; and
- (i) Oxygen Therapy

The Board, subject to the approval of the Commission, may revise or exclude any of the subjects or add new ones as the need arises.

SECTION 15. Ratings in the Examination. - To be qualified as having passed the licensure examination for respiratory therapists, a candidate must have obtained a general average of seventy-five percent (75%) with no grade lower than sixty percent (60%) in any given subject.

SECTION 16. Registration Without Examination as Respiratory Therapists. -A person who possesses the pertinent qualifications required for admission in the examination for registration as a respiratory therapist pursuant to the provisions of this Act may be registered without examination: Provided, That the applicant files with the Board within two (2) years after its creation an application for registration and issuance of a certificate of registration and professional identification card by submitting credentials showing that the applicant, before the effectivity of this Act, had obtained any of the following:

- (a) A bachelor of science degree in respiratory therapy with at least ten (10) years of full-time work experience in the practice of respiratory therapy in the Philippines;
- (b) A bachelor of science degree in allied health professions with at least ten (10) years of work experience in the practice of respiratory therapy; and
- (c) A holder of non-degree courses such as the certificate in respiratory therapy, certificate in pulmonary therapy, associate in respiratory therapy, associate in pulmonary therapy, with at least fifteen (15) years of work experience in the practice of respiratory therapy.

SECTION 17. Report of Ratings. - The Board shall submit to the Commission the ratings obtained by each candidate within ten (10) calendar days after the examination, unless extended for just cause.

SECTION 18. Oath of Respiratory Therapists. - All successful examinees qualified for registration and all qualified applicants for registration without examination shall be required to take an oath of profession before any member of the Board or any government official authorized by the Commission to administer oaths, prior to entering into the practice of respiratory therapy in the Philippines.

SECTION 19. Issuance of the Certificate of Registration and Professional Identification Card - The Commission, on recommendation of the Board, shall issue a certificate of registration and professional identification card to examinees who passed the licensure examination for respiratory therapists and to qualified applicants for registration without examination subject to payment of fees prescribed by the Commission. The certificate of registration shall bear the signature of the chairperson of the Commission and the members of the Board, stamped with the official seal of the Commission and of the Board, indicating that the person named therein is entitled to practice the profession with all the privileges appurtenant thereto. This certificate of registration shall remain in full force and effect until revoked or suspended in accordance with this Act.

A professional identification card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission shall likewise be issued to every registrant who has paid the prescribed fee and this shall be renewable every three (3) years.

SECTION 20. Refusal to Register. - The Board shall not register any successful examinee who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation by the Board or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

SECTION 21. Indication of Certificate of Registration and Professional Tar Receipt. - The respiratory therapist shall be required to indicate his/her registration number, including the professional tax receipt number on the document he/she signs, uses or issues in connection with the practice of his/her profession.

SECTION 22. Professional Suffix: - The letters "RPRT", which stands for Registered Philippine Respiratory Therapist, shall be added to the name of the respiratory therapist who successfully passes the examination especially when signing documents pertinent to the practice of his/her profession.

SECTION 23. Revocation or Suspension of the Certificate of Registration and Professional Identification Card and Cancellation of Temporary/Special Permit. - The Board may, after giving proper notice of hearing to the party concerned, revoke the practitioner's certificate of registration & professional identification card or suspend him/her from the practice of his/her profession or cancel his/her temporary/special permit for any of the causes or grounds under Section 20 of this Act or for any unprofessional or unethical conduct, malpractice, violation of any of the provisions of this Act, its rules and regulations, the Code of Ethics and Standards for respiratory therapists.

SECTION 24. Reinstatement, Reissuance or Replacement of Certificate of Registration and Professional Identification Card and Temporary/Special Permit. - Two (2) years after the date of the revocation, the Board may, upon application and for reasons deemed proper and sufficient, reinstate any revoked certificate of registration and reissue a professional identification card, and in so doing, may, in its discretion, exempt the applicant & from taking another examination.

A new certificate of registration or temporary/special permit, to replace lost, destroyed or mutilated ones may be issued subject to the rules as implemented by the Board.

SECTION 25. Roster of Respiratory Therapists. - The Board shall prepare, update and maintain a roster of respiratory therapists which shall contain the name of each registered respiratory therapist, his/her residence and office addresses, the date of registration and issuance of certificates, and other data which the Board may deem pertinent. The roster shall be open to the public, copies of which shall be mailed to each person listed therein.

SECTION 26. Issuance of Temporary/Special Permit. - A temporary special permit may be issued by the Board to the following persons, subject to the approval of the Commission and payment of the fees it prescribes for the purpose:

- (a) A foreign respiratory therapist called for consultation or for a specific purpose which, in the judgment of the Board, is essential for the development of the profession: Provided, That his/her practice shall be limited only for the particular work that he/she is being engaged. Provided, further, That there is no Filipino respiratory therapist qualified for such consultation or specific purpose;
- (b) A foreign respiratory therapist engaged as professor, lecturer or critic in fields essential to respiratory therapy education in the Philippines and his/her engagement is confined to teaching only; and
- (c) A foreign respiratory therapist who is an internationally recognized expert or with specialization in any branch of respiratory therapy and his/her service is essential for the advancement of respiratory therapy in the Philippines.

The permit shall, among other things, include these limitations and conditions: a validity period of not more than one (1) year subject to renewal; the branch or specialty of respiratory therapy; and the specific place of practice such as clinic, hospital, center, school/college/university offering the course of respiratory therapy. The Board, subject to the approval by the Commission, shall prescribe rules and regulations on the implementation of this particular section.

ARTICLE IV PRACTICE OF RESPIRATORY THERAPY

SECTION 27. Scope of the Practice of Respiratory Therapy. - A registered respiratory therapist performs, but is not limited to, the following functions under the direction of a physician:

- (a) Performs and recommends tentative interpretation of tests obtained from physiological specimens which will assist in the diagnosis and determination of the degree of impairment of relevant aspects of cardiopulmonary efficiency;
- (b) Implements treatment programs on the basis of test findings within the scope of respiratory therapy;
- (c) Performs pulmonary function testing (PFT) maneuvers;
- (d) Performs cardiopulmonary resuscitation and provide an artificial airway;
- (e) Administers mechanical ventilatory support;
- (f) Administers pharmacologic agents related to respiratory care procedures;
- (g) Offers bronchopulmonary hygiene procedures to improve pulmonary status;
- (h) Participates in the pulmonary rehabilitation of patients with lung disorders;
- (i) Evaluates polysomnography studies;
- (j) Assists in the performance of bronchoscopy procedures;
- (k) Participates in research programs and studies for the advancement of the field of respiratory therapy; and
- (l) Teaches, lectures and reviews subjects given in the licensure examination.

SECTION 28. Prohibition on the Practice of Respiratory Therapy. - No person shall practice or offer to practice respiratory therapy in the Philippines or offer himself/herself as respiratory therapist, or use the title, word, letter, figure, or any sign tending to convey the impression that he/she is a respiratory therapist, or advertise or indicate in any manner whatsoever that he/she is qualified to perform the work of a respiratory therapist unless he/she has satisfactorily passed the licensure examination given by the Board, except as otherwise provided in this Act, and is a holder of a valid certificate of registration and professional identification card or a valid temporary/special permit duly issued to him/her by the Board and the Commission.

SECTION 29. Prohibited Acts. -No person shall:

- (a) Engage in the practice of respiratory therapy by representing himself/herself as a respiratory therapist without a valid certificate of registration and professional identification card or a valid temporary/special permit granted by the Board pursuant to this Act;
- (b) Represent himself/herself as a respiratory therapist during the time that his/her certificate of registration and professional identification card is not valid or has been suspended or revoked, or that his/her temporary/special permit is cancelled;
- (c) Allow anybody to use his/her certificate of registration and professional identification card or temporary/special permit as a respiratory therapist to enable such unqualified individual to engage in the practice of respiratory therapy; and
- (d) Use as his/her own the certificate of registration and professional identification card or temporary/special permit of another.

SECTION 30. *Employment of Respiratory Therapists in Pulmonary Units and Laboratories.* - Hospitals, clinics, home care, medical centers and similar establishments shall be required to employ and station at least three (3) registered respiratory therapists, under the direction of a physician, who shall be on duty for each shift to ensure that the services they offer comply with professional standards.

SECTION 31. *Code of Ethics and Standards for Respiratory Therapists.* - The Board shall adopt and promulgate the Code of Ethics and Standards for respiratory therapists prescribed and issued by the accredited national organization of respiratory therapists.

SECTION 32. *Continuing Professional Education (CPE) Program.* - All respiratory therapists shall abide by the requirements, rules and regulations regarding continuing professional education (CPE) as promulgated by the Board in collaboration with the integrated professional organization of respiratory therapists.

SECTION 33. *Integration of Associations of Respiratory Therapists.* - All associations of respiratory therapists shall be integrated into one (1) and only national organization which shall be recognized by the Board, subject to the approval by the Commission, as the only accredited and integrated professional organization of registered respiratory therapists.

A respiratory therapist duly registered by the Board and the Commission shall automatically become a member of the said organization and shall receive the benefits and privileges appurtenant thereto upon payment of required fees and dues. Membership in the accredited and integrated professional organization of respiratory therapists shall not be a bar to membership in other associations of respiratory therapists.

SECTION 34. *Foreign Reciprocity.* - No foreigner shall be admitted to the examination or be given a certificate of registration or be entitled to any of the privileges under this Act unless the county of which he/she is a subject or citizen specifically permits Filipino respiratory therapists to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

ARTICLE V FINAL PROVISIONS

SECTION 35. Penalties for Violations. - Any person who shall violate any of the provisions of this Act or any of its implementing rules and regulations as promulgated by the Board subject to the approval of the Commission shall, upon conviction, be punished by a fine of not less than Twenty thousand pesos (P20,000.00) or by imprisonment of not less than six (6) months, at the discretion of the court.

SECTION 36. Funding Provision. - The chairperson of the Professional Regulation Commission shall include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 37. Implementing Rules and Regulation. - To implement the provisions of this Act, the Board shall, subject to the approval of the Commission and in coordination with the integrated and accredited professional organization, promulgate the rules and regulations and the Code of Ethics and Standards for respiratory therapists within ninety (90) days after the effectivity of this Act.

SECTION 38. Interpretation of This Act. - Nothing in this Act shall be construed to effect or prevent the practice of any other legally recognized profession

SECTION 39. Separability Clause. - If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SECTION 40. Repealing Clause. - All laws, decrees, orders, issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified or superseded.

SECTION 41. Effectivity Clause. - This Act shall take effect after fifteen (15) days following its publication in two (2) major newspapers of national circulation.

Approved,