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SENATE

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S. No. **3499**

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(In Substitution of Senate Bill Nos. 2372, 3139, 3372 and taking into consideration HBN 6410)

Prepared by the Committees on Civil Service and Government Reorganization and Finance with Senators Trillanes IV, Angara, Roxas and Lacson as authors thereof

Rexilla 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 the 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”.

SEC. 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.

SEC. 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,

1 diagnostic evaluation and care of patients with deficiencies and
2 abnormalities in the cardiopulmonary system;

3 (b) *Respiratory Therapist* is a person who is a holder of a valid
4 certificate of registration and a professional identification card
5 issued by the Professional Regulatory Board of Respiratory
6 Therapy and the Professional Regulation Commission and who
7 is legally qualified to practice respiratory therapy in the
8 Philippines pursuant to this Act;

9 (c) *Respiratory Therapy Technician* is a person who has been
10 registered and issued a valid certificate of registration and
11 professional identification card and who has undergone a two-
12 year associate or certificate program in respiratory therapy
13 procedures and whose specific assignments are supervised by a
14 registered respiratory therapist. Such assignments are within
15 the limits of a hospital or an institution of employment;

16 (d) *Accredited Respiratory Training Center* is a respiratory therapy
17 unit or pulmonary laboratory, office, center, agency, clinic,
18 hospital or sanitarium duly approved by the Department of
19 Health or its authorized agency;

20 (e) *Recognized School of Respiratory Therapy* is any school, college,
21 or university that offers a course in Respiratory Therapy as
22 approved by the Commission on Higher Education in
23 accordance with the requirements under this Act, upon
24 recommendation of the Board of Respiratory Therapy.

25 26 **ARTICLE II**

27 **THE PROFESSIONAL REGULATORY BOARD** 28 **OF RESPIRATORY THERAPY**

29
30 **SEC. 4. Creation and Composition of the Board.** – There is
31 hereby created a Professional Regulatory Board of Respiratory Therapy
32 hereinafter called the Board, under the administrative supervision and
33 control of the Professional Regulation Commission, hereinafter referred to
34 as the Commission, to be composed of a Chairperson and two (2)
35 members who shall be appointed by the President of the Philippines from
36 three recommendees submitted by the Commission from among a list of

1 five nominees for each position submitted by the integrated professional
2 organization of respiratory therapists. The Board shall be organized not
3 later than six (6) months from the effectivity of this Act.

4
5 **SEC. 5. Qualifications of the Members of the Board.** – The
6 Chairperson and members of the Board shall, at the time of their
7 appointment, possess the following qualifications:

- 8 (a) Must be a natural born citizen and resident of the Philippines;
- 9 (b) Must be at least thirty-five (35) years of age if he/she is the
10 chairperson or at least thirty (30) years old if he/she is a
11 member;
- 12 (c) Must be a duly registered respiratory therapist in the Philippines
13 with a valid certificate of registration and professional
14 identification card: *Provided*, That in case of the first members
15 of the Board of Respiratory Therapy, they shall be issued
16 certificates of registration and professional identification card as
17 respiratory therapists without prior examination: *Provided*
18 *further*, That in case a Masteral Degree course for respiratory
19 therapy is developed, future members of the Board must
20 henceforth be holders of a Masteral Degree in Respiratory
21 Therapy;
- 22 (d) Must be a holder of a baccalaureate degree in respiratory
23 therapy with at least fifteen (15) years of professional experience
24 and with at least five (5) years of professional experience as
25 director, supervisor or head of said laboratory or unit of a
26 Department of Health recognized hospital prior to his/her
27 appointment;
- 28 (e) Must not be an elected officer of the integrated and accredited
29 national organization of respiratory therapists;
- 30 (f) Must not have been convicted by any competent court of an
31 offense involving moral turpitude; and
- 32 (g) Must not have any pecuniary interest, directly or indirectly, in
33 any school, college, university or institution conferring an
34 academic degree necessary for admission to the practice of
35 respiratory therapy or where review classes in preparation for
36 the licensure examination are being offered or conducted, nor

1 shall he/she be a member of the faculty or of the administration
2 thereof at the time of his/her appointment to the Board.

3
4 **SEC. 6. Term of Office of Board Members.** – The Chairperson
5 and the members of the Board shall hold office for a term of three (3)
6 years or until their successors shall have been appointed and duly
7 qualified: *Provided*, That members of the first Board to be appointed after
8 the approval of this Act shall hold office for the following terms:
9 chairperson for three years, one member for two years, and the other
10 member for one year: *Provided, further*, That the chairperson or any
11 member may be reappointed for another term of three years but in no
12 case shall the whole term exceed six years. Interim vacancies in the
13 Board shall be filled for the unexpired term only. Each member of the
14 first Board shall automatically be registered as respiratory therapist and
15 issued a certificate of registration and professional identification card and
16 shall take the proper oath of office prior to assumption of duty.

17
18 **SEC. 7. Compensation and Allowances of the Board.** – The
19 Chairperson and members of the Board shall receive compensation and
20 allowances comparable to that being received by the chairpersons and
21 members of existing regulatory boards under the Commission as provided
22 for in the General Appropriations Act.

23
24 **SEC. 8. Powers and Functions of the Board.** – The Board shall
25 have the following powers and duties:

- 26 (a) Promulgate, administer and enforce rules and regulations
27 necessary for carrying out the provisions of this Act;
28 (b) Administer oaths in connection with the administration of this
29 Act;
30 (c) Study the conditions affecting the practice of respiratory
31 therapy in the Philippines and adopt measures for the
32 enhancement of the profession, and the maintenance of high
33 professional ethical standards. The Board may conduct ocular
34 inspection at places where registered respiratory therapists are
35 employed or are working, such as hospitals and clinics, to
36 determine and enforce compliance with the professional

- 1 regulatory laws and the rules and regulations promulgated
2 pursuant thereto, to aid the Board in formulating or revising
3 policies relating to the practice of respiratory therapy;
- 4 (d) Ensure, in coordination with the Commission on Higher
5 Education (CHED), that all educational institutions offering
6 respiratory therapy education comply with the policies,
7 standards and requirements of the course prescribed by CHED
8 in the areas of curriculum, faculty, library, and facilities;
- 9 (e) Supervise and regulate the registration, licensure and practice
10 of respiratory therapy in the Philippines;
- 11 (f) Adopt an official seal of the Board;
- 12 (g) Maintain a roster of respiratory therapists indicating therein
13 the basic information about the registered professionals;
- 14 (h) Issue, reinstate, suspend or revoke the certificate of registration
15 and professional identification card or cancel special permits
16 for the practice of respiratory therapy;
- 17 (i) Prescribe and/or adopt a Code of Ethics and Standards for the
18 practice of respiratory therapy;
- 19 (j) Hear or investigate any violations of this Act, its implementing
20 rules and regulations and the Code of Ethics for respiratory
21 therapists, and for this purpose, to issue *subpoena duces tecum*
22 to secure the appearance of the witnesses and the production of
23 documents in connection therewith: *Provided*, That the
24 decision of the Board shall, unless appealed to the Commission,
25 become final and executory after fifteen (15) days from receipt
26 of judgment or decision;
- 27 (k) Determine and evaluate the qualifications of applicants for
28 registration with or without licensure examination and
29 applicants for special permits;
- 30 (l) Prescribe the subjects in the licensure examination, determine
31 the syllabi of the subjects and their relative weights, construct
32 test questions in the licensure examination, score and rate the
33 examination papers and submit the examination results to the
34 Commission;
- 35 (m) Grant registration without examination subject to approval by
36 the Commission;

1 (n) Issue special permits to persons admitted to the practice of
2 respiratory therapy for a specific duration of time, and
3 certificates of recognition for advanced studies, researches and
4 accomplishments that contribute to the enrichment of the
5 profession;

6 (o) Adopt a program for the full computerization of the licensure
7 examination;

8 (p) Prescribe guidelines and criteria in the Continuing Professional
9 Education (CPE) program for respiratory therapists; and

10 (q) Perform such other powers and functions as it may deem
11 necessary to carry out the objectives of this Act.

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

15
16 **SEC. 9. Suspension and/or Removal of Board Members.** – Any
17 member of the Board may, upon the recommendation of the Commission
18 after due process of law and investigation conducted by the Commission,
19 be suspended or removed by the President from office for cause such as
20 gross neglect of duty, incompetence, malpractice, unprofessionalism,
21 immorality, unethical or dishonorable conduct, final judgment of crimes
22 involving moral turpitude, manipulation or rigging of the licensure
23 examination results, disclosure of secret and confidential information in
24 the examination questions prior to the conduct of the said examination,
25 and tampering of grades.

26
27 **SEC. 10. Supervision of the Board, Custodian of its Records,**
28 **Secretariat and Support Services.** – The Board shall be under the
29 administrative supervision of the Commission. All records of the Board,
30 including applications, examination papers and results, minutes of
31 deliberation, administrative cases, and other investigations involving
32 respiratory therapists shall be kept by the Commission.

33 The Commission shall designate the Secretary of the Board and
34 shall provide the secretariat and other support services to implement the
35 provisions of this Act.

1
2 **SEC. 14. Scope of Examination.** – The licensure examination for
3 respiratory therapists shall cover the following subjects:

- 4 (a) Patient Assessment and Electrocardiography
5 (b) Cardiopulmonary Pathophysiology
6 (c) Neonatal and Pediatric Respiratory Therapy
7 (d) Mechanical Ventilation
8 (e) Acid-Base Physiology and Blood Gas Interpretation
9 (f) Airway Care and Management
10 (g) Pulmonary Function Testing
11 (h) Pulmonary Rehabilitation
12 (i) Oxygen Therapy

13 The Board, subject to the approval of the Commission, may revise
14 or exclude any of the subjects or add new ones as the need arises.
15

16 **SEC. 15. Ratings in the Examination.** – To be qualified as
17 having passed the licensure examination for respiratory therapists, a
18 candidate must have obtained a general average of seventy-five percent
19 (75%) with no grade lower than sixty percent (60%) in any given subject.
20

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

- 30 (a) a Bachelor of Science degree in Respiratory Therapy with at
31 least ten (10) years of work experience in the practice of
32 respiratory therapy;
33 (b) a Bachelor of Science degree in allied health professions with at
34 least ten (10) years of work experience in the practice of
35 respiratory therapy;

1 (c) holder of non-degree courses such as the Certificate in
2 Respiratory Therapy, Certificate in Pulmonary Therapy,
3 Associate in Respiratory Therapy, Associate in Pulmonary
4 Therapy, with at least fifteen (15) years of work experience in the
5 practice of respiratory of therapy.

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

9
10 **SEC. 18. Oath of Respiratory Therapists.** – All successful
11 examinees qualified for registration and all qualified applicants for
12 registration without examination shall be required to take an oath of
13 profession before any member of the Board or any government official
14 authorized by the Commission to administer oaths, prior to entering into
15 the practice of respiratory therapy in the Philippines.

16
17 **SEC. 19. Issuance of the Certificate of Registration and**
18 **Professional Identification Card.** – The Commission, on
19 recommendation of the Board, shall issue a certificate of registration and
20 professional identification card to examinees who passed the licensure
21 examination for respiratory therapists and to qualified applicants for
22 registration without examination subject to payment of fees prescribed by
23 the Commission. The certificate of registration shall bear the signature of
24 the Chairperson of the Commission and the members of the Board,
25 stamped with the official seal of the Commission and of the Board,
26 indicating that the person named therein is entitled to practice the
27 profession with all the privileges appurtenant thereto. This certificate of
28 registration shall remain in full force and effect until revoked or
29 suspended in accordance with this Act.

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

34
35 **SEC. 20. Refusal to Register.** – The Board shall not register any
36 successful examinee who has been convicted by a court of competent

1 jurisdiction of any criminal offense involving moral turpitude or has been
2 found guilty of immoral or dishonorable conduct after investigation by the
3 Board, or has been declared to be of unsound mind. The reason for the
4 refusal shall be set forth in writing.

5 **SEC. 21. Indication of Certificate of Registration and**
6 **Professional Tax Receipt.** – The respiratory therapist shall be required
7 to indicate his/her registration number, including the professional tax
8 receipt number on the document he/she signs, uses or issues in
9 connection with the practice of his/her profession.

10
11 **SEC. 22. Professional Suffix.** – The letters “RTRP,” which stands
12 for Respiratory Therapy Registered Philippines, shall be added to the
13 name of the respiratory therapist who successfully passes the
14 examination especially when signing documents pertinent to the practice
15 of his/her profession.

16
17 **SEC. 23. Revocation or Suspension of the Certificate of**
18 **Registration and Professional Identification Card and Cancellation**
19 **of Special Permit.** – The Board may, after giving proper notice of hearing
20 to the party concerned, revoke the practitioner’s certificate of registration
21 and professional identification card or suspend him/her from the practice
22 of his/her profession or cancel his/her special permit for any of the
23 causes or grounds under Section 20 of this Act or for any unprofessional
24 or unethical conduct, malpractice, violation of any of the provisions of
25 this Act, its rules and regulations, the Code of Ethics and Standards for
26 respiratory therapists.

27
28 **SEC. 24. Reinstatement, Reissuance or Replacement of**
29 **Certificate of Registration and Professional Identification Card and**
30 **Temporary/Special Permit.** – Two years after the date of revocation, the
31 Board may, upon application and for reasons deemed proper and
32 sufficient, reinstate any revoked certificate of registration and reissue a
33 professional identification card, and in so doing, may, in its discretion,
34 exempt the applicant from taking another examination.

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

4
5 **SEC. 25. Roster of Respiratory Therapists.** – The Board shall
6 prepare, update and maintain a roster of respiratory therapists which
7 shall contain the name of each registered respiratory therapist, his/her
8 residence and office addresses, the date of registration and issuance of
9 certificates, and other data which the Board may deem pertinent. The
10 roster shall be open to the public, copies of which shall be mailed to each
11 person listed therein.

12
13 **SEC. 26. Issuance of Special/Temporary Permit.** – A
14 special/temporary permit may be issued by the Board to the following
15 persons, subject to the approval of the Commission and payment of the
16 fees it prescribes for the purpose:

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

32
33 The permit shall, among other things, include these limitations and
34 conditions: a validity period of not more than one (1) year subject to
35 renewal; the branch or specialty of respiratory therapy; and the specific
36 place of practice such as clinic, hospital, center, school/college/university

1 offering the course of respiratory therapy. The Board, subject to the
2 approval by the Commission, shall prescribe rules and regulations on the
3 implementation of this particular section.

4 5 **ARTICLE IV**

6 **PRACTICE OF RESPIRATORY THERAPY**

7 **SEC. 27. *Scope of the Practice of Respiratory Therapy.*** – A
8 registered respiratory therapist performs, but is not limited to, the
9 following functions under the direction of a physician:

- 10 (a) Performs and recommends tentative interpretation of tests
11 obtained from physiological specimens which will assist in the
12 diagnosis and determination of the degree of impairment of
13 relevant aspects of cardio-pulmonary efficiency;
- 14 (b) Implements treatment programs on the basis of test findings
15 within the scope of respiratory therapy;
- 16 (c) Performs pulmonary function testing (PFT) maneuvers;
- 17 (d) Performs cardio-pulmonary resuscitation and provide an
18 artificial airway;
- 19 (e) Administers mechanical ventilatory support;
- 20 (f) Administers pharmacologic agents related to respiratory care
21 procedures;
- 22 (g) Offers bronchopulmonary hygiene procedures to improve
23 pulmonary status;
- 24 (h) Participates in the pulmonary rehabilitation of patients with
25 lung disorders;
- 26 (i) Assist in the technical and initial evaluation of
27 polysomnography studies;
- 28 (j) Assists in the performance of bronchoscopy procedures;
- 29 (k) Participates in research programs and studies for the
30 advancement of the field of respiratory therapy; and
- 31 (l) Teaches, lectures, and reviews subjects given in the licensure
32 examination.

33
34 **SEC. 28. *Prohibition on the Practice of Respiratory Therapy.***
35 – No person shall practice or offer to practice respiratory therapy in the
36 Philippines or offer himself/herself as respiratory therapist, or use the

1 title, word, letter, figure, or any sign tending to convey the impression
2 that he/she is a respiratory therapist, or advertise or indicate in any
3 manner whatsoever that he/she is qualified to perform the work of a
4 respiratory therapist unless he/she has satisfactorily passed the
5 licensure examination given by the Board, except as otherwise provided in
6 this Act, and is a holder of a valid certificate of registration and
7 professional identification card or a valid temporary/special permit duly
8 issued to him/her by the Board and the Commission.

9
10 **SEC. 29. Prohibited Acts.** – No person shall:

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

27
28 **SEC. 30. Employment of Respiratory Therapists in Pulmonary**
29 **Units and Laboratories.** – Hospitals, clinics, home care, medical
30 centers and similar establishments shall be required to employ and
31 station at least three (3) registered respiratory therapists, under the
32 direction of a physician, who shall be on duty for each shift to ensure that
33 the services they offer comply with professional standards.

34
35 **SEC. 31. Code of Ethics and Standards for Respiratory**
36 **Therapists.** – The Board shall adopt and promulgate the Code of Ethics

1 and Standards for Respiratory Therapists prescribed and issued by the
2 accredited national organization of respiratory therapists.

3
4 **SEC. 32. Continuing Professional Education (CPE) Program.** -

5 All respiratory therapists shall abide by the requirements, rules and
6 regulations regarding continuing professional education as promulgated
7 by the Board in collaboration with the integrated professional
8 organization of respiratory therapists.

9
10 **SEC. 33. Integration of Associations of Respiratory**

11 **Therapists.** - All associations of respiratory therapists shall be integrated
12 into one (1) and only national organization which shall be recognized by
13 the Board, subject to the approval by the Commission, as the only
14 accredited and integrated professional organization of registered
15 respiratory therapists.

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

23
24 **SEC. 34. Foreign Reciprocity.** - No foreigner shall be admitted to

25 the examination or be given a certificate of registration or be entitled to
26 any of the privileges under this Act unless the country of which he/she is
27 a subject or citizen specifically permits Filipino respiratory therapists to
28 practice within its territorial limits on the same basis as the subjects or
29 citizens of such foreign state or country.

30
31 **ARTICLE V**

32 **FINAL PROVISIONS**

33
34 **SEC. 35. Penalties for Violations.** - Any person who shall

35 violate any of the provisions of this Act or any of its implementing rules
36 and regulations as promulgated by the Board subject to the approval of

1 the Commission shall, upon conviction, be punished by a fine of not less
2 than Twenty Thousand Pesos (P 20,000.00) or by imprisonment of not
3 less than six (6) months, at the discretion of the court.

4
5 **SEC. 36. Funding.** – The Chairperson of the Professional
6 Regulation Commission shall include in the Commission’s programs the
7 implementation of this Act, the funding of which shall be included in the
8 Annual General Appropriations Act.

9
10 **SEC. 37. Implementing Rules and Regulations.** – To implement
11 the provisions of this Act, the Board shall, subject to the approval of the
12 Commission and in coordination with the integrated and accredited
13 professional organization, promulgate the rules and regulations and the
14 Code of Ethics for respiratory therapists within ninety (90) days after the
15 effectivity of this Act.

16
17 **SEC. 38. Interpretation of this Act.** - Nothing in this Act shall
18 be construed to effect or prevent the practice of any other legally
19 recognized profession.

20
21 **SEC. 39. Separability Clause.** – If any section or provision of
22 this Act shall be declared invalid or unconstitutional, such shall not
23 invalidate any other section or provision of this Act.

24
25 **SEC. 40. Repealing Clause.** – All laws, decrees, orders,
26 issuances, or parts thereof, which are inconsistent with the provisions of
27 this Act are hereby repealed, modified or superseded.

28
29 **SEC. 41. Effectivity Clause.** – This Act shall take effect after
30 fifteen (15) days following its publication in two (2) major newspapers of
31 national circulation.

32 Approved,