§ 8510-a. Mandatory continuing education for respiratory therapy technicians. 1. (a) Each licensed respiratory therapy technician required under this article to register triennially with the department to practice in the state shall comply with provisions of the mandatory continuing education requirements prescribed in subdivision two of this section except as set forth in paragraphs (b) and (c) of this subdivision. Respiratory therapy technicians who do not satisfy the mandatory continuing education requirement shall not practice until they have met such requirements, and have been issued a registration certificate, except that a respiratory therapy technician may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section.

(b) Respiratory therapy technicians shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accord with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health, certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

(c) A licensed respiratory therapy technician not engaged in practice as determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to their respective practice as a respiratory therapy technician during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner.

2. During each triennial registration period an applicant for registration as a respiratory therapy technician shall complete a minimum of twenty-four hours of acceptable formal continuing education, as specified in subdivision four of this section, provided that no more than twelve hours of such continuing education shall consist of self-study courses. Any respiratory therapy technician whose first registration date following the effective date of this section occurs

less than three years from such effective date, but on or after January first, two thousand one, shall complete continuing education hours on a prorated basis at the rate of two-thirds of one hour per month for the period beginning January first, two thousand up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision three of this section. With the exception of continuing education hours taken during the registration period immediately preceding the effective date of this section, continuing education hours completed during one triennium may not be transferred to a subsequent triennium.

3. The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and complete any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices as a respiratory therapy technician without such registration, may be subject to the disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

4. As used in subdivision two of this section, "acceptable formal continuing education" for respiratory therapy technicians shall mean formal courses of learning which contribute to professional practice as a respiratory therapy technician and which meet the standards prescribed by regulations of the commissioner. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects.

5. Respiratory therapy technicians shall maintain adequate documentation of completion of acceptable formal continuing education and shall provide such documentation at the request of the department.

6. The mandatory continuing education fee for respiratory therapy technicians shall be twenty-five dollars, shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fee required by section eighty-five hundred ten of this article.