

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 1254

Short Title: Respiratory Care Bd/Background Checks/Fees. (Public)

Sponsors: Senators Purcell; Bingham, Dannelly, and Lucas.

Referred to: Finance.

May 24, 2004

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE  
3 CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR  
4 APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR  
5 CONDUCTING THE CHECKS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 90-652 reads as rewritten:

8 "§ 90-652. Powers and duties of the Board.

9 The Board shall have the power and duty to:

- 10 (1) Determine the qualifications and fitness of applicants for licensure,  
11 renewal of licensure, and reciprocal licensure. The Board shall, in its  
12 discretion, investigate the background of an applicant to determine the  
13 applicant's qualifications with due regard given to the applicant's  
14 competency, honesty, truthfulness, and integrity. The Department of  
15 Justice may provide a criminal record check to the Board for a person  
16 who has applied for a license through the Board. The Board shall  
17 provide to the Department of Justice, along with the request, the  
18 fingerprints of the applicant, any additional information required by  
19 the Department of Justice, and a form signed by the applicant  
20 consenting to the check of the criminal record and to the use of the  
21 fingerprints and other identifying information required by the State or  
22 national repositories. The applicant's fingerprints shall be forwarded to  
23 the State Bureau of Investigation for a search of the State's criminal  
24 history record file, and the State Bureau of Investigation shall forward  
25 a set of the fingerprints to the Federal Bureau of Investigation for a  
26 national criminal history check. The Board shall keep all information  
27 pursuant to this subdivision privileged, in accordance with applicable  
28 State law and federal guidelines, and the information shall be  
29 confidential and shall not be a public record under Chapter 132 of the

1                    General Statutes. The Department of Justice may charge each  
2                    applicant a fee for conducting the checks of criminal history records  
3                    authorized by this subdivision.

- 4                    (2) Establish and adopt rules necessary to conduct its business, carry out  
5                    its duties, and administer this Article.
- 6                    (3) Adopt and publish a code of ethics.
- 7                    (4) Deny, issue, suspend, revoke, and renew licenses in accordance with  
8                    this Article.
- 9                    (5) Conduct investigations, subpoena individuals and records, and do all  
10                   other things necessary and proper to discipline persons licensed under  
11                   this Article and to enforce this Article.
- 12                   (6) Employ professional, clerical, investigative, or special personnel  
13                   necessary to carry out the provisions of this Article and purchase or  
14                   rent office space, equipment, and supplies.
- 15                   (7) Adopt a seal by which it shall authenticate its proceedings, official  
16                   records, and licenses.
- 17                   (8) Conduct administrative hearings in accordance with Article 3A of  
18                   Chapter 150B of the General Statutes.
- 19                   (9) Establish certain reasonable fees as authorized by this Article for  
20                   applications for examination, licensure, provisional licensure, renewal  
21                   of licensure, and other services provided by the Board.
- 22                   (10) Submit an annual report to the North Carolina Medical Board, the  
23                   North Carolina Hospital Association, the North Carolina Society of  
24                   Respiratory Care, the Governor, and the General Assembly of all the  
25                   Board's official actions during the preceding year, together with any  
26                   recommendations and findings regarding improvements of the practice  
27                   of respiratory care.
- 28                   (11) Publish and make available upon request the licensure standards  
29                   prescribed under this Article and all rules adopted pursuant to this  
30                   Article.
- 31                   (12) Request and receive the assistance of State educational institutions or  
32                   other State agencies.
- 33                   (13) Establish and approve continuing education requirements for persons  
34                   seeking licensure under this Article."

35                   **SECTION 2.** This act is effective when it becomes law.