

**New Hampshire**  
**Respiratory Care Practice Act defines qualifications for sleep technologists**

**Title XXX: Occupations and Professions**  
**Chapter 326-E: Respiratory Care Practice**

**326-E:2 Rulemaking. – The board shall adopt rules pursuant to RSA 541-A:**

- I. Specifying the limited scopes of practice permitted to certified pulmonary function technicians, registered pulmonary function technologists and registered polysomnographic technologists.**
- II. Relating to materiel management.
- III. Specifying the application procedures and eligibility requirements to be met by persons or entities seeking approval as providers of continuing education programs.
- IV. Specifying the standards to be met by continuing education programs.
- V. Specifying the professional organizations, or the standards to be met by professional organizations, whose approval of education programs qualifies the programs as board-approved continuing education.

**326-E:6 Exemptions From Licensure. –**

I. This chapter shall not prohibit:

- (a) A person matriculated in an education program approved by the board who is pursuing a degree in respiratory care or respiratory therapy from satisfying supervised clinical education requirements related to the person's respiratory care education while under direct supervision of a respiratory care practitioner or physician.
- (b) A respiratory care practitioner from practicing in the Armed Forces, federal public health services, or the Department of Veterans Affairs, pursuant to federal regulations of health care providers.
- (c) A respiratory care practitioner who is licensed in another jurisdiction of the United States from providing consultation by telecommunication.
- (d) A respiratory care practitioner who is licensed in another jurisdiction of the United States or foreign educated respiratory care practitioner credentialed in another country from practicing respiratory care in conjunction with teaching or participating in an educational seminar of no more than 60 days in a calendar year.
- (e) Respiratory care performed as part of a limited scope of practice, as defined by the board, by certified pulmonary function technicians (CPFT), registered pulmonary function technologists (RPFT) or registered polysomnographic technologists (RPSGT) in a diagnostic laboratory or research setting.**
- (f) Respiratory care rendered in an emergency.
- (g) Self care by a patient or gratuitous care by family members or friends who do not represent themselves as respiratory care practitioners.
- (h) A respiratory care practitioner who is licensed in another jurisdiction of the United States or foreign educated respiratory care practitioner credentialed in

another country from practicing respiratory care in conjunction with the interfacility transport of a critically ill patient.

- (i) **A polysomnography trainee from fulfilling the training and experiential clinical requirements established by the Board of Polysomnographic Technologists for eligibility for the RPSGT examination, while working under the indirect supervision of a physician, a respiratory care practitioner, or a RPSGT.**

II. This chapter shall not restrict a person licensed under any other law of this state from engaging in the profession or practice for which that person is licensed if that person does not represent, imply, or claim that he or she is a respiratory care practitioner or a provider of respiratory care.