

2 **SHB 1536** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 4/10/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 18.89.010 and 1987 c 415 s 1 are each amended to read
8 as follows:

9 The legislature finds that ~~((it is necessary to regulate the
10 practice of respiratory care at the level of certification))~~ in order
11 to ~~((protect the public health and safety))~~ safeguard life, health, and
12 to promote public welfare, a person practicing or offering to practice
13 respiratory care as a respiratory care practitioner in this state shall
14 be required to submit evidence that he or she is qualified to practice,
15 and shall be licensed as provided. The settings for these services may
16 include, health facilities licensed in this state, clinics, home care,
17 home health agencies, physicians' offices, and public or community
18 health services. Nothing in this chapter shall be construed to require
19 that individual or group policies or contracts of an insurance carrier,
20 health care service contractor, or health maintenance organization
21 provide benefits or coverage for services and supplies provided by a
22 person certified under this chapter.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.89 RCW
24 to read as follows:

25 After the effective date of this act, it shall be unlawful for a
26 person to practice or to offer to practice as a respiratory care
27 practitioner in this state or to use a title, sign, or device to
28 indicate that such a person is practicing as a respiratory care
29 practitioner unless the person has been duly licensed and registered
30 under the provisions of this chapter.

31 **Sec. 3.** RCW 18.89.020 and 1994 sp.s. c 9 s 511 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

1 (1) "Department" means the department of health.

2 (2) "Secretary" means the secretary of health or the secretary's
3 designee.

4 (3) "Respiratory care practitioner" means an individual
5 (~~certified~~) licensed under this chapter.

6 (4) "Physician" means an individual licensed under chapter 18.57 or
7 18.71 RCW.

8 (~~(5) "Rural hospital" means a hospital located anywhere in the
9 state except the following areas:~~

10 (~~(a) The entire counties of Snohomish (including Camano Island),
11 King, Kitsap, Pierce, Thurston, Clark, and Spokane;~~

12 (~~(b) Areas within a twenty mile radius of an urban area with a
13 population exceeding thirty thousand persons; and~~

14 (~~(c) Those cities or city clusters located in rural counties but
15 which for all practical purposes are urban. These areas are
16 Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima,
17 Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.~~)

18 **Sec. 4.** RCW 18.89.040 and 1994 sp.s. c 9 s 716 are each amended to
19 read as follows:

20 (1) A respiratory care practitioner (~~certified~~) licensed under
21 this chapter is employed in the treatment, management, diagnostic
22 testing, rehabilitation, and care of patients with deficiencies and
23 abnormalities which affect the cardiopulmonary system and associated
24 aspects of other systems, and is under the direct order and under the
25 qualified medical direction of a physician. The practice of
26 respiratory care includes(~~(, but is not limited to)~~):

27 (~~(1)~~) (a) The use and administration of prescribed medical gases,
28 exclusive of general anesthesia;

29 (~~(2)~~) (b) The use of air and oxygen administering apparatus;

30 (~~(3)~~) (c) The use of humidification and aerosols;

31 (~~(4)~~) (d) The administration, to the extent of training, as
32 determined by the secretary, of prescribed pharmacologic agents related
33 to respiratory care;

34 (~~(5)~~) (e) The use of mechanical (~~or~~) ventilatory, hyperbaric,
35 and physiological (~~ventilatory~~) support;

36 (~~(6)~~) (f) Postural drainage, chest percussion, and vibration;

37 (~~(7)~~) (g) Bronchopulmonary hygiene;

1 ~~((8))~~ (h) Cardiopulmonary resuscitation as it pertains to
2 ~~((establishing airways and external cardiac compression)) advanced~~
3 cardiac life support or pediatric advanced life support guidelines;

4 ~~((9))~~ (i) The maintenance of natural and artificial airways and
5 insertion, without cutting tissues, of artificial airways, as
6 ~~((ordered)) prescribed by ((the attending)) a physician;~~

7 ~~((10))~~ (j) Diagnostic and monitoring techniques such as the
8 collection and measurement of cardiorespiratory specimens, volumes,
9 pressures, and flows; ((and

10 ~~((11) The drawing and analyzing of))~~ (k) The insertion of devices to
11 draw, analyze, infuse, or monitor pressure in arterial, capillary,
12 ~~((and mixed)) or venous blood ((specimens)) as ((ordered)) prescribed~~
13 by ((the attending)) a physician or an advanced registered nurse
14 practitioner as authorized by the nursing care quality assurance
15 commission under chapter 18.79 RCW; and

16 (1) Diagnostic monitoring of and therapeutic interventions for
17 desaturation, ventilatory patterns, and related sleep abnormalities to
18 aid the physician in diagnosis.

19 (2) Nothing in this chapter prohibits or restricts:

20 (a) The practice of a profession by individuals who are licensed
21 under other laws of this state who are performing services within their
22 authorized scope of practice, that may overlap the services provided by
23 respiratory care practitioners;

24 (b) The practice of respiratory care by an individual employed by
25 the government of the United States while the individual is engaged in
26 the performance of duties prescribed for him or her by the laws and
27 rules of the United States;

28 (c) The practice of respiratory care by a person pursuing a
29 supervised course of study leading to a degree or certificate in
30 respiratory care as a part of an accredited and approved educational
31 program, if the person is designated by a title that clearly indicates
32 his or her status as a student or trainee and limited to the extent of
33 demonstrated proficiency of completed curriculum, and under direct
34 supervision;

35 (d) The use of the title "respiratory care practitioner" by
36 registered nurses authorized under chapter 18.79 RCW; or

37 (e) The practice without compensation of respiratory care of a
38 family member.

1 Nothing in this chapter shall be construed to require that
2 individual or group policies or contracts of an insurance carrier,
3 health care service contractor, or health maintenance organization
4 provide benefits or coverage for services and supplies provided by a
5 person licensed under this chapter.

6 **Sec. 5.** RCW 18.89.050 and 1994 sp.s. c 9 s 512 are each amended to
7 read as follows:

8 (1) In addition to any other authority provided by law, the
9 secretary may:

10 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
11 implement this chapter;

12 (b) Set all (~~certification~~) license, examination, and renewal
13 fees in accordance with RCW 43.70.250;

14 (c) Establish forms and procedures necessary to administer this
15 chapter;

16 (d) Issue a (~~certificate~~) license to any applicant who has met
17 the education, training, and examination requirements for
18 (~~certification~~) licensure;

19 (e) Hire clerical, administrative, and investigative staff as
20 needed to implement this chapter and hire individuals (~~certified~~)
21 licensed under this chapter to serve as examiners for any practical
22 examinations;

23 (f) Approve those schools from which graduation will be accepted as
24 proof of an applicant's eligibility to take the (~~certification~~)
25 licensure examination, specifically requiring that applicants must have
26 completed programs with two-year curriculum;

27 (g) Prepare, grade, and administer, or determine the nature of, and
28 supervise the grading and administration of, examinations for
29 applicants for (~~certification~~) licensure;

30 (h) Determine whether alternative methods of training are
31 equivalent to formal education and establish forms, procedures, and
32 criteria for evaluation of an applicant's alternative training to
33 determine the applicant's eligibility to take the examination;

34 (i) Determine which states have legal credentialing requirements
35 equivalent to those of this state and issue (~~certificates~~) licenses
36 to individuals legally credentialed in those states without
37 examination;

1 (j) Define and approve any experience requirement for
2 ((certification)) licensure; and

3 (k) Appoint members of the profession to serve in an ad hoc
4 advisory capacity to the secretary in carrying out this chapter. The
5 members will serve for designated times and provide advice on matters
6 specifically identified and requested by the secretary. The members
7 shall be compensated in accordance with RCW 43.03.220 and reimbursed
8 for travel expenses under RCW 43.03.040 and 43.03.060.

9 (2) The provisions of chapter 18.130 RCW shall govern the issuance
10 and denial of ((certificates, —uncertified)) licenses, unlicensed
11 practice, and the disciplining of persons ((certified)) licensed
12 under this chapter. The secretary shall be the disciplining authority under
13 this chapter.

14 **Sec. 6.** RCW 18.89.060 and 1991 c 3 s 229 are each amended to read
15 as follows:

16 The secretary shall keep an official record of all proceedings, a
17 part of which record shall consist of a register of all applicants for
18 ((certification)) licensure under this chapter, with the result of each
19 application.

20 **Sec. 7.** RCW 18.89.080 and 1994 sp.s. c 9 s 513 are each amended to
21 read as follows:

22 The secretary, ad hoc committee members, or individuals acting on
23 their behalf are immune from suit in any civil action based on any
24 ((certification)) licensure or disciplinary proceedings, or other
25 official acts performed in the course of their duties.

26 **Sec. 8.** RCW 18.89.090 and 1991 c 3 s 232 are each amended to read
27 as follows:

28 (1) The secretary shall issue a ((certificate)) license to any
29 applicant who demonstrates to the secretary's satisfaction that the
30 following requirements have been met:

31 ((+1)) (a) Graduation from a school approved by the secretary or
32 successful completion of alternate training which meets the criteria
33 established by the secretary;

34 ((+2)) (b) Successful completion of an examination administered or
35 approved by the secretary;

1 (~~(3)~~) (c) Successful completion of any experience requirement
2 established by the secretary;

3 (~~(4)~~) (d) Good moral character.

4 In addition, applicants shall be subject to the grounds for denial
5 or issuance of a conditional (~~(certificate)~~) license under chapter
6 18.130 RCW.

7 (2) A person who meets the qualifications to be admitted to the
8 examination for (~~(certification)~~) licensure as a respiratory care
9 practitioner may practice as a respiratory care practitioner under the
10 supervision of a respiratory care practitioner (~~(certified)~~) licensed
11 under this chapter between the date of filing an application for
12 (~~(certification)~~) licensure and the announcement of the results of the
13 next succeeding examination for (~~(certification)~~) licensure if that
14 person applies for and takes the first examination for which he or she
15 is eligible.

16 (3) A person certified as a respiratory care practitioner in good
17 standing on the effective date of this act, who applies within one year
18 of the effective date of this act, may be licensed without having
19 completed the two-year curriculum set forth in RCW 18.89.050(1)(f), and
20 without having to retake an examination under subsection (1)(b) of this
21 section.

22 (4) The secretary shall establish by rule what constitutes adequate
23 proof of meeting the criteria.

24 **Sec. 9.** RCW 18.89.110 and 1996 c 191 s 76 are each amended to read
25 as follows:

26 (1) The date and location of the examination shall be established
27 by the secretary. Applicants who have been found by the secretary to
28 meet the other requirements for (~~(certification)~~) licensure shall be
29 scheduled for the next examination following the filing of the
30 application. However, the applicant shall not be scheduled for any
31 examination taking place sooner than sixty days after the application
32 is filed.

33 (2) The secretary shall examine each applicant, by means determined
34 most effective, on subjects appropriate to the scope of practice. Such
35 examinations shall be limited to the purpose of determining whether the
36 applicant possesses the minimum skill and knowledge necessary to
37 practice competently, and shall meet generally accepted standards of
38 fairness and validity for (~~(certification)~~) licensure examinations.

1 (3) All examinations shall be conducted by the secretary, and all
2 grading of the examinations shall be under fair and wholly impartial
3 methods.

4 (4) Any applicant who fails to make the required grade in the first
5 examination is entitled to take up to three subsequent examinations,
6 upon compliance with administrative procedures, administrative
7 requirements, and fees determined by the secretary under RCW 43.70.250
8 and 43.70.280 and such remedial education as is deemed necessary.

9 (5) The secretary may approve an examination prepared and
10 administered by a private testing agency or association of
11 credentialing boards for use by an applicant in meeting the
12 ((certification)) licensure requirement.

13 **Sec. 10.** RCW 18.89.120 and 1996 c 191 s 77 are each amended to
14 read as follows:

15 Applications for ((certification)) licensure shall be submitted on
16 forms provided by the secretary. The secretary may require any
17 information and documentation which reasonably relates to the need to
18 determine whether the applicant meets the criteria for
19 ((certification)) licensure provided in this chapter and chapter 18.130
20 RCW. All applicants shall comply with administrative procedures,
21 administrative requirements, and fees determined by the secretary under
22 RCW 43.70.250 and 43.70.280.

23 **Sec. 11.** RCW 18.89.140 and 1996 c 191 s 78 are each amended to
24 read as follows:

25 ((Certificates)) Licenses shall be renewed according to
26 administrative procedures, administrative requirements, continuing
27 education requirements, and fees determined by the secretary under RCW
28 43.70.250 and 43.70.280.

29 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.89 RCW
30 to read as follows:

31 An applicant holding a license in another state may be licensed to
32 practice in this state without examination if the secretary determines
33 that the other state's licensing standards are substantially equivalent
34 to the standards in this state.

1 **Sec. 13.** RCW 18.120.020 and 1996 c 178 s 9 are each amended to
2 read as follows:

3 The definitions contained in this section shall apply throughout
4 this chapter unless the context clearly requires otherwise.

5 (1) "Applicant group" includes any health professional group or
6 organization, any individual, or any other interested party which
7 proposes that any health professional group not presently regulated be
8 regulated or which proposes to substantially increase the scope of
9 practice of the profession.

10 (2) "Certificate" and "certification" mean a voluntary process by
11 which a statutory regulatory entity grants recognition to an individual
12 who (a) has met certain prerequisite qualifications specified by that
13 regulatory entity, and (b) may assume or use "certified" in the title
14 or designation to perform prescribed health professional tasks.

15 (3) "Grandfather clause" means a provision in a regulatory statute
16 applicable to practitioners actively engaged in the regulated health
17 profession prior to the effective date of the regulatory statute which
18 exempts the practitioners from meeting the prerequisite qualifications
19 set forth in the regulatory statute to perform prescribed occupational
20 tasks.

21 (4) "Health professions" means and includes the following health
22 and health-related licensed or regulated professions and occupations:
23 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
24 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
25 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
26 dispensing opticians under chapter 18.34 RCW; hearing ~~((aids))~~
27 instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A
28 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery
29 under chapter 18.50 RCW; nursing home administration under chapter
30 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists
31 under chapter 18.55 RCW; osteopathic medicine and surgery under
32 chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A
33 RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine
34 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
35 practical nurses under chapter 18.79 RCW; psychologists under chapter
36 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
37 therapists licensed under chapter 18.59 RCW; respiratory care
38 practitioners ~~((certified))~~ licensed under chapter 18.89 RCW;
39 veterinarians and animal technicians under chapter 18.92 RCW; health

1 care assistants under chapter 18.135 RCW; massage practitioners under
2 chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW;
3 persons registered or certified under chapter 18.19 RCW; dietitians and
4 nutritionists certified by chapter 18.138 RCW; radiologic technicians
5 under chapter 18.84 RCW; and nursing assistants registered or certified
6 under chapter 18.88A RCW.

7 (5) "Inspection" means the periodic examination of practitioners by
8 a state agency in order to ascertain whether the practitioners'
9 occupation is being carried out in a fashion consistent with the public
10 health, safety, and welfare.

11 (6) "Legislative committees of reference" means the standing
12 legislative committees designated by the respective rules committees of
13 the senate and house of representatives to consider proposed
14 legislation to regulate health professions not previously regulated.

15 (7) "License," "licensing," and "licensure" mean permission to
16 engage in a health profession which would otherwise be unlawful in the
17 state in the absence of the permission. A license is granted to those
18 individuals who meet prerequisite qualifications to perform prescribed
19 health professional tasks and for the use of a particular title.

20 (8) "Professional license" means an individual, nontransferable
21 authorization to carry on a health activity based on qualifications
22 which include: (a) Graduation from an accredited or approved program,
23 and (b) acceptable performance on a qualifying examination or series of
24 examinations.

25 (9) "Practitioner" means an individual who (a) has achieved
26 knowledge and skill by practice, and (b) is actively engaged in a
27 specified health profession.

28 (10) "Public member" means an individual who is not, and never was,
29 a member of the health profession being regulated or the spouse of a
30 member, or an individual who does not have and never has had a material
31 financial interest in either the rendering of the health professional
32 service being regulated or an activity directly related to the
33 profession being regulated.

34 (11) "Registration" means the formal notification which, prior to
35 rendering services, a practitioner shall submit to a state agency
36 setting forth the name and address of the practitioner; the location,
37 nature and operation of the health activity to be practiced; and, if
38 required by the regulatory entity, a description of the service to be
39 provided.

1 (12) "Regulatory entity" means any board, commission, agency,
2 division, or other unit or subunit of state government which regulates
3 one or more professions, occupations, industries, businesses, or other
4 endeavors in this state.

5 (13) "State agency" includes every state office, department, board,
6 commission, regulatory entity, and agency of the state, and, where
7 provided by law, programs and activities involving less than the full
8 responsibility of a state agency.

9 **Sec. 14.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
10 each reenacted and amended to read as follows:

11 (1) This chapter applies only to the secretary and the boards and
12 commissions having jurisdiction in relation to the professions licensed
13 under the chapters specified in this section. This chapter does not
14 apply to any business or profession not licensed under the chapters
15 specified in this section.

16 (2)(a) The secretary has authority under this chapter in relation
17 to the following professions:

18 (i) Dispensing opticians licensed under chapter 18.34 RCW;

19 (ii) Naturopaths licensed under chapter 18.36A RCW;

20 (iii) Midwives licensed under chapter 18.50 RCW;

21 (iv) Ocularists licensed under chapter 18.55 RCW;

22 (v) Massage operators and businesses licensed under chapter 18.108
23 RCW;

24 (vi) Dental hygienists licensed under chapter 18.29 RCW;

25 (vii) Acupuncturists licensed under chapter 18.06 RCW;

26 (viii) Radiologic technologists certified and X-ray technicians
27 registered under chapter 18.84 RCW;

28 (ix) Respiratory care practitioners (~~certified~~) licensed under
29 chapter 18.89 RCW;

30 (x) Persons registered or certified under chapter 18.19 RCW;

31 (xi) Persons registered as nursing pool operators under chapter
32 18.52C RCW;

33 (xii) Nursing assistants registered or certified under chapter
34 18.79 RCW;

35 (xiii) Health care assistants certified under chapter 18.135 RCW;

36 (xiv) Dietitians and nutritionists certified under chapter 18.138
37 RCW;

1 (xv) Sex offender treatment providers certified under chapter
2 18.155 RCW;

3 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
4 18.71.205;

5 (xvii) Persons registered as adult family home providers and
6 resident managers under RCW 18.48.020; and

7 (xviii) Denturists licensed under chapter 18.30 RCW.

8 (b) The boards and commissions having authority under this chapter
9 are as follows:

10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;

12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;

14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW;

16 (iv) The board of hearing and speech as established in chapter
17 18.35 RCW;

18 (v) The board of examiners for nursing home administrators as
19 established in chapter 18.52 RCW;

20 (vi) The optometry board as established in chapter 18.54 RCW
21 governing licenses issued under chapter 18.53 RCW;

22 (vii) The board of osteopathic medicine and surgery as established
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
24 18.57A RCW;

25 (viii) The board of pharmacy as established in chapter 18.64 RCW
26 governing licenses issued under chapters 18.64 and 18.64A RCW;

27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;

30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;

32 (xi) The board of occupational therapy practice as established in
33 chapter 18.59 RCW;

34 (xii) The nursing care quality assurance commission as established
35 in chapter 18.79 RCW governing licenses issued under that chapter;

36 (xiii) The examining board of psychology and its disciplinary
37 committee as established in chapter 18.83 RCW; and

38 (xiv) The veterinary board of governors as established in chapter
39 18.92 RCW.

1 (3) In addition to the authority to discipline license holders, the
2 disciplining authority has the authority to grant or deny licenses
3 based on the conditions and criteria established in this chapter and
4 the chapters specified in subsection (2) of this section. This chapter
5 also governs any investigation, hearing, or proceeding relating to
6 denial of licensure or issuance of a license conditioned on the
7 applicant's compliance with an order entered pursuant to RCW 18.130.160
8 by the disciplining authority.

9 (4) All disciplining authorities shall adopt procedures to ensure
10 substantially consistent application of this chapter, the Uniform
11 Disciplinary Act, among the disciplining authorities listed in
12 subsection (2) of this section.

13 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 18.89.130 and 1991 c 3 s 236 & 1987 c 415 s 14; and

16 (2) RCW 18.89.900 and 1987 c 415 s 20.

17 NEW SECTION. **Sec. 16.** (1) Sections 5, 9, and 10 of this act are
18 necessary for the immediate preservation of the public peace, health,
19 or safety, or support of the state government and its existing public
20 institutions, and take effect July 1, 1997.

21 (2) Sections 1 through 4, 6 through 8, and 11 through 15 of this
22 act take effect July 1, 1998."

23 **SHB 1536** - S COMM AMD

24 By Committee on Health & Long-Term Care

25 ADOPTED 4/10/97

26 On page 1, line 1 of the title, after "care;" strike the remainder
27 of the title and insert "amending RCW 18.89.010, 18.89.020, 18.89.040,
28 18.89.050, 18.89.060, 18.89.080, 18.89.090, 18.89.110, 18.89.120,
29 18.89.140, and 18.120.020; reenacting and amending RCW 18.130.040;
30 adding new sections to chapter 18.89 RCW; repealing RCW 18.89.130 and
31 18.89.900; providing effective dates; and declaring an emergency."

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