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SENATE BILL 6666

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State of Washington

58th Legislature

2004 Regular Session

By Senator Morton

Read first time 01/28/2004. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to requirements for licensure of respiratory care  
2 practitioners; amending RCW 18.89.050 and 18.89.110; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.89.050 and 1997 c 334 s 5 are each amended to read  
6 as follows:

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

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

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

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

15 (d) Issue a license to any applicant who has met the education,  
16 training, and examination requirements for licensure;

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

1 (f) Approve those schools from which graduation will be accepted as  
2 proof of an applicant's eligibility to take the licensure examination,  
3 specifically requiring that applicants must have completed ((~~programs~~))  
4 an accredited respiratory program with two-year curriculum;

5 (g) Prepare, grade, and administer, or determine the nature of, and  
6 supervise the grading and administration of, examinations for  
7 applicants for licensure;

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

12 (i) Determine which states have legal credentialing requirements  
13 equivalent to those of this state and issue licenses to individuals  
14 legally credentialed in those states without examination;

15 (j) Define and approve any experience requirement for licensure;  
16 and

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

23 (2) The provisions of chapter 18.130 RCW shall govern the issuance  
24 and denial of licenses, unlicensed practice, and the disciplining of  
25 persons licensed under this chapter. The secretary shall be the  
26 disciplining authority under this chapter.

27 **Sec. 2.** RCW 18.89.110 and 1997 c 334 s 9 are each amended to read  
28 as follows:

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

35 (2) The secretary shall examine each applicant, by means determined  
36 most effective, on subjects appropriate to the scope of practice. Such  
37 examinations shall be limited to the purpose of determining whether the

1 applicant possesses the minimum skill and knowledge necessary to  
2 practice competently, and shall meet generally accepted standards of  
3 fairness and validity for licensure examinations.

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

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

12 (5) Applicants who meet the educational criteria as established by  
13 the national board for respiratory care to sit for the national board  
14 for respiratory care's advanced practitioner exams, or who have been  
15 issued the registered respiratory therapist credential by the national  
16 board for respiratory care, shall be considered to have met the  
17 educational criteria of this chapter. Applicants must have  
18 verification submitted directly from the national board for respiratory  
19 care to the department.

20 (6) The secretary may approve an examination prepared and  
21 administered by a private testing agency or association of  
22 credentialing boards for use by an applicant in meeting the licensure  
23 requirement.

24 NEW SECTION. Sec. 3. This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

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