
HOUSE BILL 2015

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Dellwo and Thibaudeau

Read first time 02/22/93. Referred to Committee on Health Care.

1 AN ACT Relating to respiratory care; amending RCW 18.89.010,
2 18.89.020, 18.89.040, 18.89.050, 18.89.060, 18.89.070, 18.89.080,
3 18.89.090, 18.89.110, 18.89.120, 18.89.130, 18.89.140, 18.120.020, and
4 18.130.040; adding a new section to chapter 18.89 RCW; repealing RCW
5 18.89.900; providing an effective date; and declaring an emergency.

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

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. The respiratory care practitioner is directly
19 accountable and responsible to the individual consumer for the quality

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

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

8 After the effective date of this act, it shall be unlawful for a
9 person to practice or to offer to practice as a respiratory care
10 practitioner in this state or to use a title, sign, or device to
11 indicate that such a person is practicing as a respiratory care
12 practitioner unless the person has been duly licensed and registered
13 under the provisions of this chapter.

14 **Sec. 3.** RCW 18.89.020 and 1991 c 3 s 227 are each amended to read
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

18 (1) "Advisory committee" means the Washington state advisory
19 respiratory care committee.

20 (2) "Department" means the department of health.

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

23 (4) "Respiratory care practitioner" means an individual
24 ((certified)) licensed under this chapter.

25 (5) "Physician" means an individual licensed under chapter 18.57 or
26 18.71 RCW.

27 ~~((6) "Rural hospital" means a hospital located anywhere in the
28 state except the following areas:~~

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

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

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

1 **Sec. 4.** RCW 18.89.040 and 1987 c 415 s 5 are each amended to read
2 as follows:

3 A respiratory care practitioner (~~certified~~) licensed under this
4 chapter is employed in the treatment, management, diagnostic testing,
5 rehabilitation, and care of patients with deficiencies and
6 abnormalities which affect the cardiopulmonary system and associated
7 aspects of other systems, and is under the direct order and under the
8 qualified medical direction of a physician. The practice of
9 respiratory care includes, but is not limited to:

10 (1) The use and administration of prescribed medical gases (~~(
11 exclusive of general anesthesia~~));

12 (2) The use of air and oxygen administering apparatus;

13 (3) The use of humidification and aerosols;

14 (4) The administration, to the extent of training, of prescribed
15 pharmacologic agents (~~(related to respiratory care)~~);

16 (5) The use of mechanical (~~(or)~~) ventilatory, hyperbaric, and
17 physiological (~~(ventilatory)~~) support;

18 (6) Postural drainage, chest percussion, and vibration;

19 (7) Bronchopulmonary hygiene;

20 (8) Cardiopulmonary resuscitation as it pertains to (~~(establishing~~
21 ~~airways and external cardiac compression)~~) advanced cardiac life
22 support or pediatric advanced life support guidelines;

23 (9) The maintenance of natural and artificial airways, and
24 insertion, (~~(without cutting tissues, of artificial airways,~~) as
25 (~~(ordered)~~) prescribed by (~~(the attending)~~) a physician;

26 (10) Diagnostic and monitoring techniques such as the collection
27 and measurement of cardiorespiratory specimens, volumes, pressures, and
28 flows; (~~(and)~~)

29 (11) (~~(The drawing and analyzing of)~~) The insertion of devices to
30 draw, analyze, infuse, or monitor pressure in arterial, capillary,
31 (~~(and mixed)~~) or venous blood (~~(specimens)~~) as (~~(ordered)~~) prescribed
32 by (~~(the attending)~~) a physician or an advanced registered nurse
33 practitioner as authorized by the board of nursing under chapter 18.88
34 RCW;

35 (12) Diagnostic monitoring of and therapeutic interventions for
36 desaturation, ventilatory patterns, and related sleep abnormalities;
37 and

38 (13) The performance of such additional acts requiring education
39 and training and which are jointly recognized by the medical and

1 respiratory professions as proper to be performed by respiratory care
2 practitioners licensed under this chapter and which shall be authorized
3 by the advisory committee for respiratory care through its rules and
4 regulations.

5 Nothing in this chapter prohibits or restricts:

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

10 (b) The practice of respiratory care by an individual employed by
11 the government of the United States while the individual is engaged in
12 the performance of duties prescribed for him or her by the laws and
13 rules of the United States;

14 (c) The practice of respiratory care by a person pursuing a
15 supervised course of study leading to a degree or certificate in
16 respiratory care as a part of an accredited and approved educational
17 program, if the person is designated by a title that clearly indicates
18 his or her status as a student or trainee and limited to the extent of
19 demonstrated proficiency of completed curriculum, and under direct
20 supervision; or

21 (d) The use of the title "respiratory care practitioner" by
22 registered nurses authorized under chapter 18.88 RCW.

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

28 **Sec. 5.** RCW 18.89.050 and 1991 c 3 s 228 are each amended to read
29 as follows:

30 (1) In addition to any other authority provided by law, the
31 secretary, in consultation with the advisory committee, may:

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

34 (b) Set all ((certification)) license, examination, and renewal
35 fees in accordance with RCW 43.70.250;

36 (c) Establish forms and procedures necessary to administer this
37 chapter;

1 (d) Issue a ((certificate)) license to any applicant who has met
2 the education, training, and examination requirements for
3 ((certification)) licensure;

4 (e) Hire clerical, administrative, and investigative staff as
5 needed to implement this chapter and hire individuals ((certified))
6 licensed under this chapter to serve as examiners for any practical
7 examinations;

8 (f) Approve those schools from which graduation will be accepted as
9 proof of an applicant's eligibility to take the ((certification))
10 licensure examination;

11 (g) Prepare, grade, and administer, or determine the nature of, and
12 supervise the grading and administration of, examinations for
13 applicants for ((certification)) licensure;

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

18 (i) Determine which states have legal credentialing requirements
19 equivalent to those of this state and issue ((certificates)) licenses
20 to individuals legally credentialed in those states without
21 examination; and

22 (j) Define and approve any experience requirement for
23 ((certification)) licensure.

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

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

31 The secretary shall keep an official record of all proceedings, a
32 part of which record shall consist of a register of all applicants for
33 ((certification)) licensure under this chapter, with the result of each
34 application.

35 **Sec. 7.** RCW 18.89.070 and 1991 c 3 s 230 are each amended to read
36 as follows:

1 (1) There is created a state respiratory care advisory committee
2 consisting of five members appointed by the secretary. Three members
3 of the advisory committee shall be respiratory care practitioners who
4 are (~~certified~~) licensed under this chapter. The initial members,
5 however, may be appointed to the advisory committee if they meet all
6 the requirements for (~~certification~~) licensure under this chapter and
7 have been engaged in the practice of respiratory care for at least five
8 years. One member of the advisory committee shall be an individual
9 representing the public who is unaffiliated with the profession. One
10 member of the advisory committee shall be a physician, who is a
11 pulmonary specialist. Each member shall hold office for a term of four
12 years, except that any member appointed to fill a vacancy occurring
13 prior to the expiration of the term for which his or her predecessor
14 was appointed shall be appointed for the remainder of such term and the
15 terms of office of the members first taking office shall expire, as
16 designated at the time of appointment, one at the end of the first
17 year, one at the end of the second year, one at the end of the third
18 year, and two at the end of the fourth year after the date of
19 appointment. Thereafter all appointments shall be for four years. Any
20 advisory committee member may be removed for just cause. The secretary
21 may appoint a new member to fill any vacancy on the advisory committee
22 for the remainder of the unexpired term. No advisory committee member
23 may serve more than two consecutive terms, whether full or partial.

24 (2) Advisory committee members shall be entitled to be compensated
25 in accordance with RCW 43.03.240, and to be reimbursed for travel
26 expenses under RCW 43.03.050 and 43.03.060.

27 (3) The advisory committee shall have the authority to elect
28 annually a chairperson and vice-chairperson to direct the meetings of
29 the advisory committee. The advisory committee shall meet at least
30 once each year, and may hold additional meetings as called by the
31 secretary or the chairperson. Three members of the advisory committee
32 constitute a quorum.

33 **Sec. 8.** RCW 18.89.080 and 1991 c 3 s 231 are each amended to read
34 as follows:

35 The secretary, members of the advisory committee, or individuals
36 acting on their behalf are immune from suit in any civil action based
37 on any (~~certification~~) licensure or disciplinary proceedings, or
38 other official acts performed in the course of their duties.

1 **Sec. 9.** RCW 18.89.090 and 1991 c 3 s 232 are each amended to read
2 as follows:

3 The secretary shall issue a (~~certificate~~) license to any
4 applicant who demonstrates to the secretary's satisfaction that the
5 following requirements have been met:

6 (1) Graduation from a school approved by the secretary or
7 successful completion of alternate training which meets the criteria
8 established by the secretary;

9 (2) Successful completion of an examination administered or
10 approved by the secretary;

11 (3) Successful completion of any experience requirement established
12 by the secretary;

13 (4) Good moral character.

14 In addition, applicants shall be subject to the grounds for denial
15 or issuance of a conditional (~~certificate~~) license under chapter
16 18.130 RCW.

17 A person who meets the qualifications to be admitted to the
18 examination for (~~certification~~) licensure as a respiratory care
19 practitioner may practice as a respiratory care practitioner under the
20 supervision of a respiratory care practitioner (~~certified~~) licensed
21 under this chapter between the date of filing an application for
22 (~~certification~~) licensure and the announcement of the results of the
23 next succeeding examination for (~~certification~~) licensure if that
24 person applies for and takes the first examination for which he or she
25 is eligible.

26 The secretary shall establish by rule what constitutes adequate
27 proof of meeting the criteria.

28 **Sec. 10.** RCW 18.89.110 and 1991 c 3 s 234 are each amended to read
29 as follows:

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

37 (2) The secretary shall examine each applicant, by means determined
38 most effective, on subjects appropriate to the scope of practice. Such

1 examinations shall be limited to the purpose of determining whether the
2 applicant possesses the minimum skill and knowledge necessary to
3 practice competently, and shall meet generally accepted standards of
4 fairness and validity for ((~~certification~~)) licensure examinations.

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

8 (4) Any applicant who fails to make the required grade in the first
9 examination is entitled to take up to three subsequent examinations,
10 upon the prepayment of a fee determined by the secretary as provided in
11 RCW 43.70.250 for each subsequent examination. Upon failure of four
12 examinations, the secretary may invalidate the original application and
13 require such remedial education as is deemed necessary.

14 (5) The secretary may approve an examination prepared and
15 administered by a private testing agency or association of
16 credentialing boards for use by an applicant in meeting the
17 ((~~certification~~)) licensure requirement.

18 **Sec. 11.** RCW 18.89.120 and 1991 c 3 s 235 are each amended to read
19 as follows:

20 Applications for ((~~certification~~)) licensure shall be submitted on
21 forms provided by the secretary. The secretary may require any
22 information and documentation which reasonably relates to the need to
23 determine whether the applicant meets the criteria for
24 ((~~certification~~)) licensure provided in this chapter and chapter 18.130
25 RCW. All applications shall be accompanied by a fee determined by the
26 secretary under RCW 43.70.250.

27 **Sec. 12.** RCW 18.89.130 and 1991 c 3 s 236 are each amended to read
28 as follows:

29 (1) The secretary shall waive the examination and grant a
30 ((~~certificate~~)) license to a person engaged in the profession of
31 respiratory care in this state on July 26, 1987, if the secretary
32 determines the person meets commonly accepted standards of education
33 and experience for the profession and has previously achieved an
34 acceptable grade on an approved examination administered by a private
35 testing agency or respiratory care association as established by rule
36 of the secretary.

1 (2) If an individual is engaged in the practice of respiratory care
2 on July 26, 1987, but has not achieved an acceptable grade on an
3 approved examination administered by a private testing agency, the
4 individual may apply to the secretary for examination. This section
5 shall only apply to those individuals who file an application within
6 one year of July 26, 1987.

7 **Sec. 13.** RCW 18.89.140 and 1991 c 3 s 237 are each amended to read
8 as follows:

9 The secretary shall establish by rule the requirements for
10 continuing education and fees for renewal of ((certificates)) licenses.
11 Failure to renew shall invalidate the ((certificate)) license and all
12 privileges granted by the ((certificate)) license. In the event a
13 ((certificate)) license has lapsed for a period longer than three
14 years, the ((certified)) licensed respiratory care practitioner shall
15 demonstrate competence to the satisfaction of the secretary by
16 continuing education or under the other standards determined by the
17 secretary.

18 **Sec. 14.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
19 read as follows:

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

22 (1) "Applicant group" includes any health professional group or
23 organization, any individual, or any other interested party which
24 proposes that any health professional group not presently regulated be
25 regulated or which proposes to substantially increase the scope of
26 practice of the profession.

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

32 (3) "Grandfather clause" means a provision in a regulatory statute
33 applicable to practitioners actively engaged in the regulated health
34 profession prior to the effective date of the regulatory statute which
35 exempts the practitioners from meeting the prerequisite qualifications
36 set forth in the regulatory statute to perform prescribed occupational
37 tasks.

1 (4) "Health professions" means and includes the following health
2 and health-related licensed or regulated professions and occupations:
3 ((Podiatry)) Podiatric medicine and surgery under chapter 18.22 RCW;
4 chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under
5 chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing
6 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35
7 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
8 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
9 nursing home administration under chapter 18.52 RCW; optometry under
10 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
11 osteopathy and osteopathic medicine and surgery under chapters 18.57
12 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
13 under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under
14 chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical
15 nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW;
16 registered nurses under chapter 18.88 RCW; occupational therapists
17 licensed pursuant to chapter 18.59 RCW; respiratory care practitioners
18 ((certified)) licensed under chapter 18.89 RCW; veterinarians and
19 animal technicians under chapter 18.92 RCW; health care assistants
20 under chapter 18.135 RCW; massage practitioners under chapter 18.108
21 RCW; acupuncturists certified under chapter 18.06 RCW; persons
22 registered or certified under chapter 18.19 RCW; dietitians and
23 nutritionists certified by chapter 18.138 RCW; radiologic technicians
24 under chapter 18.84 RCW; and nursing assistants registered or certified
25 under chapter 18.88A RCW.

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

30 (6) "Legislative committees of reference" means the standing
31 legislative committees designated by the respective rules committees of
32 the senate and house of representatives to consider proposed
33 legislation to regulate health professions not previously regulated.

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

1 (8) "Professional license" means an individual, nontransferable
2 authorization to carry on a health activity based on qualifications
3 which include: (a) Graduation from an accredited or approved program,
4 and (b) acceptable performance on a qualifying examination or series of
5 examinations.

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

9 (10) "Public member" means an individual who is not, and never was,
10 a member of the health profession being regulated or the spouse of a
11 member, or an individual who does not have and never has had a material
12 financial interest in either the rendering of the health professional
13 service being regulated or an activity directly related to the
14 profession being regulated.

15 (11) "Registration" means the formal notification which, prior to
16 rendering services, a practitioner shall submit to a state agency
17 setting forth the name and address of the practitioner; the location,
18 nature and operation of the health activity to be practiced; and, if
19 required by the regulatory entity, a description of the service to be
20 provided.

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

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

29 **Sec. 15.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to
30 read as follows:

31 (1) This chapter applies only to the secretary and the boards
32 having jurisdiction in relation to the professions licensed under the
33 chapters specified in this section. This chapter does not apply to any
34 business or profession not licensed under the chapters specified in
35 this section.

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

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

1 (ii) Naturopaths licensed under chapter 18.36A RCW;
2 (iii) Midwives licensed under chapter 18.50 RCW;
3 (iv) Ocularists licensed under chapter 18.55 RCW;
4 (v) Massage operators and businesses licensed under chapter 18.108
5 RCW;
6 (vi) Dental hygienists licensed under chapter 18.29 RCW;
7 (vii) Acupuncturists certified under chapter 18.06 RCW;
8 (viii) Radiologic technologists certified under chapter 18.84 RCW;
9 (ix) Respiratory care practitioners (~~certified~~) licensed under
10 chapter 18.89 RCW;
11 (x) Persons registered or certified under chapter 18.19 RCW;
12 (xi) Persons registered as nursing pool operators;
13 (xii) Nursing assistants registered or certified under chapter
14 (~~18.52B~~) 18.88A RCW;
15 (xiii) Dietitians and nutritionists certified under chapter 18.138
16 RCW;
17 (xiv) Sex offender treatment providers certified under chapter
18 18.155 RCW; and
19 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW
20 18.71.205.
21 (b) The boards having authority under this chapter are as follows:
22 (i) The podiatric medical board as established in chapter 18.22
23 RCW;
24 (ii) The chiropractic disciplinary board as established in chapter
25 18.26 RCW governing licenses issued under chapter 18.25 RCW;
26 (iii) The dental disciplinary board as established in chapter 18.32
27 RCW;
28 (iv) The council on hearing aids as established in chapter 18.35
29 RCW;
30 (v) The board of funeral directors and embalmers as established in
31 chapter 18.39 RCW;
32 (vi) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;
34 (vii) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;
36 (viii) The board of osteopathic medicine and surgery as established
37 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
38 18.57A RCW;

1 (ix) The medical disciplinary board as established in chapter 18.72
2 RCW governing licenses and registrations issued under chapters 18.71
3 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

8 (xii) The board of practical nursing as established in chapter
9 18.78 RCW;

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

12 (xiv) The board of nursing as established in chapter 18.88 RCW; and

13 (xv) The veterinary board of governors as established in chapter
14 18.92 RCW.

15 (3) In addition to the authority to discipline license holders, the
16 disciplining authority has the authority to grant or deny licenses
17 based on the conditions and criteria established in this chapter and
18 the chapters specified in subsection (2) of this section. However, the
19 board of chiropractic examiners has authority over issuance and denial
20 of licenses provided for in chapter 18.25 RCW, the board of dental
21 examiners has authority over issuance and denial of licenses provided
22 for in RCW 18.32.040, and the board of medical examiners has authority
23 over issuance and denial of licenses and registrations provided for in
24 chapters 18.71 and 18.71A RCW. This chapter also governs any
25 investigation, hearing, or proceeding relating to denial of licensure
26 or issuance of a license conditioned on the applicant's compliance with
27 an order entered pursuant to RCW 18.130.160 by the disciplining
28 authority.

29 NEW SECTION. **Sec. 16.** RCW 18.89.900 and 1987 c 415 s 20 are each
30 repealed.

31 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and shall take
34 effect July 1, 1993.

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