

**SHB 1383** - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED AND ENGROSSED 03/29/2021

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 18.89.010 and 1997 c 334 s 1 are each amended to  
4 read as follows:

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

19 **Sec. 2.** RCW 18.89.020 and 2020 c 80 s 20 are each amended to  
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

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

24 (2) "Direct supervision" means a health care practitioner is  
25 continuously on-site and physically present in the treatment  
26 operatory while the procedures are performed by the respiratory care  
27 practitioner.

28 (3) "Health care practitioner" means:

29 (a) A physician licensed under chapter 18.71 RCW;

30 (b) An osteopathic physician or surgeon licensed under chapter  
31 18.57 RCW; or

1 (c) Acting within the scope of their respective licensure, a  
2 podiatric physician and surgeon licensed under chapter 18.22 RCW, an  
3 advanced registered nurse practitioner licensed under chapter 18.79  
4 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician  
5 assistant licensed under chapter 18.71A RCW.

6 ~~((3))~~ (4) "Respiratory care practitioner" means an individual  
7 licensed under this chapter.

8 ~~((4))~~ (5) "Secretary" means the secretary of health or the  
9 secretary's designee.

10 **Sec. 3.** RCW 18.89.040 and 2011 c 235 s 2 are each amended to  
11 read as follows:

12 (1) A respiratory care practitioner licensed under this chapter  
13 is employed in the treatment, management, diagnostic testing,  
14 rehabilitation, disease prevention, and care of patients with  
15 deficiencies and abnormalities which affect the cardiopulmonary  
16 system and associated aspects of other systems, and is under the  
17 direct written, verbal, or telephonic order and under the qualified  
18 medical direction of a health care practitioner. The practice of  
19 respiratory care includes:

20 (a) The use and administration of prescribed medical gases,  
21 exclusive of general anesthesia, including the administration of  
22 nitrous oxide for analgesia under the direct supervision of a health  
23 care practitioner;

24 (b) The use of air and oxygen administering apparatus;

25 (c) The use of humidification and aerosols;

26 (d) The administration, to the extent of training, as determined  
27 by the secretary, of prescribed pharmacologic agents, including any  
28 medications administered via a nebulizer, related to ~~((respiratory))~~  
29 cardiopulmonary care;

30 (e) The use of mechanical ventilatory, hyperbaric, and  
31 physiological support;

32 (f) Postural drainage, chest percussion, and vibration;

33 (g) Bronchopulmonary hygiene;

34 (h) Cardiopulmonary resuscitation as it pertains to advanced  
35 cardiac life support or pediatric advanced life support guidelines;

36 (i) The maintenance of natural and artificial airways and  
37 insertion, without cutting tissues, of artificial airways, as  
38 prescribed by a health care practitioner;

1 (j) Diagnostic and monitoring techniques such as the collection  
2 and measurement of cardiorespiratory specimens, volumes, pressures,  
3 and flows;

4 (k) The insertion of devices to draw, analyze, infuse, or monitor  
5 pressure in arterial, capillary, or venous blood as prescribed by a  
6 health care practitioner; ((and))

7 (l) Diagnostic monitoring of and therapeutic interventions for  
8 desaturation, ventilatory patterns, and related sleep abnormalities  
9 to aid the health care practitioner in diagnosis. This subsection  
10 does not prohibit any person from performing sleep monitoring tasks  
11 as set forth in this subsection under the supervision or direction of  
12 a licensed health care provider;

13 (m) Acting as an extracorporeal membrane oxygenation specialist  
14 for the purposes of extracorporeal life support and extracorporeal  
15 membrane oxygenation in all critical areas, including the operating  
16 room, only if a respiratory therapist has obtained specialized  
17 education and training as determined by the secretary. Programs  
18 meeting the extracorporeal life support organization guidelines for  
19 training and continuing education of extracorporeal membrane  
20 oxygenation specialists shall be considered sufficient to meet the  
21 specialized education requirement. For the purposes of this  
22 subsection, extracorporeal membrane oxygenation specialist duties do  
23 not include the conduct and management of cardiopulmonary bypass, the  
24 incorporation of venous reservoirs, or cardiotomy suction during  
25 extracorporeal membrane oxygenation therapy; and

26 (n) Cardiopulmonary stress testing, including the administration  
27 of medications used during cardiopulmonary stress testing.

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

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

33 (b) The practice of respiratory care by an individual employed by  
34 the government of the United States while the individual is engaged  
35 in the performance of duties prescribed for him or her by the laws  
36 and rules of the United States;

37 (c) The practice of respiratory care by a person pursuing a  
38 supervised course of study leading to a degree or certificate in  
39 respiratory care as a part of an accredited and approved educational  
40 program, if the person is designated by a title that clearly

1 indicates his or her status as a student or trainee and limited to  
2 the extent of demonstrated proficiency of completed curriculum, and  
3 under direct supervision;

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

6 (e) The practice without compensation of respiratory care of a  
7 family member.

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

13 **Sec. 4.** RCW 18.89.050 and 2004 c 262 s 13 are each amended to  
14 read as follows:

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

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

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

21 (c) Establish forms and procedures necessary to administer this  
22 chapter;

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

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

28 (f) Approve those schools from which graduation will be accepted  
29 as proof of an applicant's eligibility to take the licensure  
30 examination, specifically requiring that applicants must have  
31 completed an accredited respiratory program with at least a two-year  
32 curriculum;

33 (g) Prepare, grade, and administer, or determine the nature of,  
34 and supervise the grading and administration of, examinations for  
35 applicants for licensure;

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

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

4 (j) Define and approve any experience requirement for licensure;  
5 (~~and~~)

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

12 (1) Define training requirements and hospital protocols for  
13 respiratory care therapists to administer nitrous oxide.

14 (2) The provisions of chapter 18.130 RCW shall govern the  
15 issuance and denial of licenses, unlicensed practice, and the  
16 disciplining of persons licensed under this chapter. The secretary  
17 shall be the disciplining authority under this chapter.

18 **Sec. 5.** RCW 18.89.090 and 1997 c 334 s 8 are each amended to  
19 read as follows:

20 (1) The secretary shall issue a license to any applicant who  
21 demonstrates to the secretary's satisfaction that the following  
22 requirements have been met:

23 (a) Graduation from a school approved by the secretary or  
24 successful completion of alternate training which meets the criteria  
25 established by the secretary;

26 (b) (~~Successful~~) (i) For licenses issued prior to the effective  
27 date of this section, successful completion of an examination  
28 administered or approved by the secretary.

29 (ii) For licenses issued on or after the effective date of this  
30 section, successful completion of both an examination administered or  
31 approved by the secretary and a clinical simulation examination  
32 administered or approved by the secretary. The secretary may deem an  
33 applicant in compliance with this subsection (1)(b)(ii) if the  
34 applicant possesses an active credential in good standing as a  
35 registered respiratory therapist issued by a national organization  
36 such as the national board for respiratory care, if one of the  
37 requirements for the issuance of the credential is passage of the  
38 examinations required by this subsection (1)(b)(ii);

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

3 (d) Good moral character.

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

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

14 ~~(3) A person certified as a respiratory care practitioner in good  
15 standing on July 1, 1998, who applies within one year of July 1,  
16 1998, may be licensed without having completed the two-year  
17 curriculum set forth in RCW 18.89.050(1)(f), and without having to  
18 retake an examination under subsection (1)(b) of this section.~~

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

21 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2022."

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22 On page 1, line 1 of the title after "practitioners;" strike the  
23 remainder of the title and insert "amending RCW 18.89.010, 18.89.020,  
24 18.89.040, 18.89.050, and 18.89.090; and providing an effective  
25 date."

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