

SHB 1383 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED AS AMENDED 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 2011 c 235 s 1 are each reenacted and
20 amended to 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;

1 (b) An osteopathic physician or surgeon licensed under chapter
2 18.57 RCW; or

3 (c) Acting within the scope of their respective licensure, a
4 podiatric physician and surgeon licensed under chapter 18.22 RCW, an
5 advanced registered nurse practitioner licensed under chapter 18.79
6 RCW, a naturopath licensed under chapter 18.36A RCW, a physician
7 assistant licensed under chapter 18.71A RCW, or an osteopathic
8 physician assistant licensed under chapter 18.57A RCW.

9 ~~((3))~~ (4) "Respiratory care practitioner" means an individual
10 licensed under this chapter.

11 ~~((4))~~ (5) "Secretary" means the secretary of health or the
12 secretary's designee.

13 **Sec. 3.** RCW 18.89.020 and 2020 c 80 s 20 are each amended to
14 read as follows:

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

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

18 (2) "Direct supervision" means a health care practitioner is
19 continuously on-site and physically present in the treatment
20 operatory while the procedures are performed by the respiratory care
21 practitioner.

22 (3) "Health care practitioner" means:

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

24 (b) An osteopathic physician or surgeon licensed under chapter
25 18.57 RCW; or

26 (c) Acting within the scope of their respective licensure, a
27 podiatric physician and surgeon licensed under chapter 18.22 RCW, an
28 advanced registered nurse practitioner licensed under chapter 18.79
29 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician
30 assistant licensed under chapter 18.71A RCW.

31 ~~((3))~~ (4) "Respiratory care practitioner" means an individual
32 licensed under this chapter.

33 ~~((4))~~ (5) "Secretary" means the secretary of health or the
34 secretary's designee.

35 **Sec. 4.** RCW 18.89.040 and 2011 c 235 s 2 are each amended to
36 read as follows:

37 (1) A respiratory care practitioner licensed under this chapter
38 is employed in the treatment, management, diagnostic testing,

1 rehabilitation, disease prevention, and care of patients with
2 deficiencies and abnormalities which affect the cardiopulmonary
3 system and associated aspects of other systems, and is under the
4 direct written, verbal, or telephonic order and under the qualified
5 medical direction of a health care practitioner. The practice of
6 respiratory care includes:

7 (a) The use and administration of prescribed medical gases,
8 exclusive of general anesthesia, including the administration of
9 nitrous oxide for analgesia under the direct supervision of a health
10 care practitioner;

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

12 (c) The use of humidification and aerosols;

13 (d) The administration, to the extent of training, as determined
14 by the secretary, of prescribed pharmacologic agents, including any
15 medications administered via a nebulizer, related to ((~~respiratory~~))
16 cardiopulmonary care;

17 (e) The use of mechanical ventilatory, hyperbaric, and
18 physiological support;

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

20 (g) Bronchopulmonary hygiene;

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

23 (i) The maintenance of natural and artificial airways and
24 insertion, without cutting tissues, of artificial airways, as
25 prescribed by a health care practitioner;

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

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

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

38 (m) Acting as an extracorporeal membrane oxygenation specialist
39 for the purposes of extracorporeal life support and extracorporeal
40 membrane oxygenation in all critical areas, including the operating

1 room, only if a respiratory therapist has obtained specialized
2 education and training as determined by the secretary. Programs
3 meeting the extracorporeal life support organization guidelines for
4 training and continuing education of extracorporeal membrane
5 oxygenation specialists shall be considered sufficient to meet the
6 specialized education requirement. For the purposes of this
7 subsection, extracorporeal membrane oxygenation specialist duties do
8 not include the conduct and management of cardiopulmonary bypass, the
9 incorporation of venous reservoirs, or cardiotomy suction during
10 extracorporeal membrane oxygenation therapy; and

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

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

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

18 (b) The practice of respiratory care by an individual employed by
19 the government of the United States while the individual is engaged
20 in the performance of duties prescribed for him or her by the laws
21 and rules of the United States;

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

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

31 (e) The practice without compensation of respiratory care of a
32 family member.

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

38 **Sec. 5.** RCW 18.89.050 and 2004 c 262 s 13 are each amended to
39 read as follows:

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

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

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

7 (c) Establish forms and procedures necessary to administer this
8 chapter;

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

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

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

19 (g) Prepare, grade, and administer, or determine the nature of,
20 and supervise the grading and administration of, examinations for
21 applicants for licensure;

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

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

29 (j) Define and approve any experience requirement for licensure;
30 ((and))

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

37 (l) Define training requirements and hospital protocols for
38 respiratory care therapists to administer nitrous oxide.

39 (2) The provisions of chapter 18.130 RCW shall govern the
40 issuance and denial of licenses, unlicensed practice, and the

1 disciplining of persons licensed under this chapter. The secretary
2 shall be the disciplining authority under this chapter.

3 **Sec. 6.** RCW 18.89.090 and 1997 c 334 s 8 are each amended to
4 read as follows:

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

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

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

14 (ii) For licenses issued on or after the effective date of this
15 section, successful completion of both an examination administered or
16 approved by the secretary and a clinical simulation examination
17 administered or approved by the secretary. The secretary may deem an
18 applicant in compliance with this subsection (1)(b)(ii) if the
19 applicant possesses an active credential in good standing as a
20 registered respiratory therapist issued by a national organization
21 such as the national board for respiratory care, if one of the
22 requirements for the issuance of the credential is passage of the
23 examinations required by this subsection (1)(b)(ii);

24 (c) Successful completion of any experience requirement
25 established by the secretary;

26 (d) Good moral character.

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

29 ~~(2) ((A person who meets the qualifications to be admitted to the~~
30 ~~examination for licensure as a respiratory care practitioner may~~
31 ~~practice as a respiratory care practitioner under the supervision of~~
32 ~~a respiratory care practitioner licensed under this chapter between~~
33 ~~the date of filing an application for licensure and the announcement~~
34 ~~of the results of the next succeeding examination for licensure if~~
35 ~~that person applies for and takes the first examination for which he~~
36 ~~or she is eligible.~~

37 ~~(3) A person certified as a respiratory care practitioner in good~~
38 ~~standing on July 1, 1998, who applies within one year of July 1,~~
39 ~~1998, may be licensed without having completed the two-year~~

1 ~~curriculum set forth in RCW 18.89.050(1)(f), and without having to~~
2 ~~retake an examination under subsection (1)(b) of this section.~~

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

5 NEW SECTION. **Sec. 7.** Section 2 of this act expires July 1,
6 2022.

7 NEW SECTION. **Sec. 8.** Section 3 of this act takes effect July 1,
8 2022.

9 NEW SECTION. **Sec. 9.** Sections 1, 2, and 4 through 6 of this act
10 take effect January 1, 2022."

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11 On page 1, line 1 of the title after "practitioners;" strike the
12 remainder of the title and insert "amending RCW 18.89.010, 18.89.020,
13 18.89.040, 18.89.050, and 18.89.090; reenacting and amending RCW
14 18.89.020; providing effective dates; and providing an expiration
15 date."

EFFECT: Clarifies what training requirements a respiratory therapist must obtain before acting as an extracorporeal membrane oxygenation specialist. Allows programs meeting the extracorporeal life support organization guidelines to meet the training requirements of this section. Clarifies that a respiratory care therapist may not provide treatment that includes Cardiopulmonary Bypass, the incorporation of venous reservoirs, or cardiotomy suction during extracorporeal membrane oxygenation therapy.

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