
SUBSTITUTE HOUSE BILL 1383

State of Washington

67th Legislature

2021 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri, and Morgan)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to respiratory care practitioners; amending RCW
2 18.89.010, 18.89.020, 18.89.040, 18.89.050, and 18.89.090; reenacting
3 and amending RCW 18.89.020; providing effective dates; and providing
4 an expiration date.

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

6 **Sec. 1.** RCW 18.89.010 and 1997 c 334 s 1 are each amended to
7 read as follows:

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

1 **Sec. 2.** RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

6 (2) "Direct supervision" means a health care practitioner is
7 continuously on-site and physically present in the treatment
8 operatory while the procedures are performed by the respiratory care
9 practitioner.

10 (3) "Health care practitioner" means:

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

12 (b) An osteopathic physician or surgeon licensed under chapter
13 18.57 RCW; or

14 (c) Acting within the scope of their respective licensure, a
15 podiatric physician and surgeon licensed under chapter 18.22 RCW, an
16 advanced registered nurse practitioner licensed under chapter 18.79
17 RCW, a naturopath licensed under chapter 18.36A RCW, a physician
18 assistant licensed under chapter 18.71A RCW, or an osteopathic
19 physician assistant licensed under chapter 18.57A RCW.

20 ~~((3))~~ (4) "Respiratory care practitioner" means an individual
21 licensed under this chapter.

22 ~~((4))~~ (5) "Secretary" means the secretary of health or the
23 secretary's designee.

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

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

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

29 (2) "Direct supervision" means a health care practitioner is
30 continuously on-site and physically present in the treatment
31 operatory while the procedures are performed by the respiratory care
32 practitioner.

33 (3) "Health care practitioner" means:

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

35 (b) An osteopathic physician or surgeon licensed under chapter
36 18.57 RCW; or

37 (c) Acting within the scope of their respective licensure, a
38 podiatric physician and surgeon licensed under chapter 18.22 RCW, an
39 advanced registered nurse practitioner licensed under chapter 18.79

1 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician
2 assistant licensed under chapter 18.71A RCW.

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

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

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

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

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

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

22 (c) The use of humidification and aerosols;

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

27 (e) The use of mechanical ventilatory, hyperbaric, and
28 physiological support;

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

30 (g) Bronchopulmonary hygiene;

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

33 (i) The maintenance of natural and artificial airways and
34 insertion, without cutting tissues, of artificial airways, as
35 prescribed by a health care practitioner;

36 (j) Diagnostic and monitoring techniques such as the collection
37 and measurement of cardiorespiratory specimens, volumes, pressures,
38 and flows;

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

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

10 (m) Extracorporeal life support and extracorporeal membrane
11 oxygenation; and

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) Establish forms and procedures necessary to administer this
10 chapter;

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

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

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

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

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

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

31 (j) Define and approve any experience requirement for licensure;
32 (~~and~~)

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

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

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

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

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

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

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

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

26 (c) Successful completion of any experience requirement
27 established by the secretary;

28 (d) Good moral character.

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

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

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

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

8 NEW SECTION. **Sec. 7.** Section 2 of this act expires July 1,
9 2022.

10 NEW SECTION. **Sec. 8.** Section 3 of this act takes effect July 1,
11 2022.

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

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