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**SUBSTITUTE HOUSE BILL 1383**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**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; and  
3 providing an effective date.

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

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

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

1       **Sec. 2.** RCW 18.89.020 and 2020 c 80 s 20 are each amended to  
2 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, or a physician  
18 assistant licensed under chapter 18.71A RCW.

19       ~~((3))~~ (4) "Respiratory care practitioner" means an individual  
20 licensed under this chapter.

21       ~~((4))~~ (5) "Secretary" means the secretary of health or the  
22 secretary's designee.

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

25       (1) A respiratory care practitioner licensed under this chapter  
26 is employed in the treatment, management, diagnostic testing,  
27 rehabilitation, disease prevention, and care of patients with  
28 deficiencies and abnormalities which affect the cardiopulmonary  
29 system and associated aspects of other systems, and is under the  
30 direct written, verbal, or telephonic order and under the qualified  
31 medical direction of a health care practitioner. The practice of  
32 respiratory care includes:

33       (a) The use and administration of prescribed medical gases,  
34 exclusive of general anesthesia, including the administration of  
35 nitrous oxide for analgesia under the direct supervision of a health  
36 care practitioner;

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

38       (c) The use of humidification and aerosols;

1 (d) The administration, to the extent of training, as determined  
2 by the secretary, of prescribed pharmacologic agents, including any  
3 medications administered via a nebulizer, related to ((~~respiratory~~))  
4 cardiopulmonary care;

5 (e) The use of mechanical ventilatory, hyperbaric, and  
6 physiological support;

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

8 (g) Bronchopulmonary hygiene;

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

11 (i) The maintenance of natural and artificial airways and  
12 insertion, without cutting tissues, of artificial airways, as  
13 prescribed by a health care practitioner;

14 (j) Diagnostic and monitoring techniques such as the collection  
15 and measurement of cardiorespiratory specimens, volumes, pressures,  
16 and flows;

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

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

26 (m) Acting as an extracorporeal membrane oxygenation specialist  
27 for the purposes of extracorporeal life support and extracorporeal  
28 membrane oxygenation in all critical areas, including the operating  
29 room, only if a respiratory therapist has obtained specialized  
30 education and training as determined by the secretary. Programs  
31 meeting the extracorporeal life support organization guidelines for  
32 training and continuing education of extracorporeal membrane  
33 oxygenation specialists shall be considered sufficient to meet the  
34 specialized education requirement. For the purposes of this  
35 subsection, extracorporeal membrane oxygenation specialist duties do  
36 not include the conduct and management of cardiopulmonary bypass, the  
37 incorporation of venous reservoirs, or cardiotomy suction during  
38 extracorporeal membrane oxygenation therapy; and

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

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

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

6 (b) The practice of respiratory care by an individual employed by  
7 the government of the United States while the individual is engaged  
8 in the performance of duties prescribed for him or her by the laws  
9 and rules of the United States;

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

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

19 (e) The practice without compensation of respiratory care of a  
20 family member.

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

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

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

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

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

34 (c) Establish forms and procedures necessary to administer this  
35 chapter;

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

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

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

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

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

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

19 (j) Define and approve any experience requirement for licensure;  
20 ((and))

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

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

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

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

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

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

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

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

17 (c) Successful completion of any experience requirement  
18 established by the secretary;

19 (d) Good moral character.

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

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

30 ~~(3) A person certified as a respiratory care practitioner in good~~  
31 ~~standing on July 1, 1998, who applies within one year of July 1,~~  
32 ~~1998, may be licensed without having completed the two-year~~  
33 ~~curriculum set forth in RCW 18.89.050(1)(f), and without having to~~  
34 ~~retake an examination under subsection (1)(b) of this section.~~

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

37 NEW SECTION. Sec. 6. This act takes effect July 1, 2022.

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