



**TELECONFERENCE/VIRTUAL MEETING
RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 20, 2018**

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Council.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of June 2, 2017 (4-7)**
- C) Administrative Updates (8-10)**
 - 1) Election of Officers
 - 2) Appointment of Liaisons and Alternates
 - 3) Delegation of Authorities
 - 4) Council Member Recusal
 - 5) Staff Updates
 - 6) Council Members – Term Expiration Dates
 - a) Ann Bonner – 07/01/2017
 - b) William Rosandick – 07/01/2016
 - c) Lynn Waldera – 07/01/2017
- D) Legislative and Administrative Rule Matters – Discussion and Consideration (11-15)**
 - 1) Scope Statement for MED 20, Relating to Respiratory Care Practitioners
 - 2) Update on Other Legislation and Pending or Possible Rulemaking Projects
- E) Occupational License Study (16-18)**
 - 1) 2017 Wisconsin Act 59 (enacted in State Budget Bill)
- F) Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) Report on 2017 State Licensure Liaison Group Meeting Invitation from William Rosandick
- G) Informational Items**
- H) Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Future Agenda Items
- 8) Legislation/Administrative Rule Matters
- 9) Liaison Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Motions
- 13) Petitions
- 14) Appearances from Requests Received or Renewed
- 15) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

I) Future Items

J) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

K) Deliberation of Items Added After Preparation of the Agenda

- 1) Council Liaison Training
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Disciplinary Matters
- 5) Petitions for Assessments and Evaluations
- 6) Remedial Education Cases
- 7) Motions
- 8) Petitions for Re-Hearing
- 9) Appearances from Requests Received or Renewed

L) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N) Open Session Items Noticed Above not Completed in the Initial Open Session

O) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL
MEETING MINUTES
June 2, 2017**

PRESENT: Ann Bonner, William Rosandick, Lynn Waldera

STAFF: Tom Ryan, Executive Director; Dale Kleven, Administrative Rules Coordinator; Nifty Lynn Dio, Bureau Assistant; and other Department Staff

CALL TO ORDER

William Rosandick, Chair, called the meeting to order at 9:00 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Correct: D.1 from Licensure to License
- Correct: D.2 from Licensure to License

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to approve the minutes of April 14, 2016 as published. Motion carried unanimously.

ELECTION OF OFFICERS AND LIAISON APPOINTMENTS

SLATE OF OFFICERS

NOMINATION: Lynn Waldera nominated the 2016 slate of officers to continue in 2017.

Tom Ryan called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2016 Slate of Officers was reelected to continue in 2017.

2017 ELECTION RESULTS	
Council Chair	William Rosandick
Vice Chair	Lynn Waldera
Secretary	Ann Bonner

LIAISON APPOINTMENTS

2017 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	William Rosandick Alternate – Lynn Waldera
PAP Liaison	Ann Bonner
DLSC Liaison	Lynn Waldera
Legislative Liaison	William Rosandick
Office of Education and Examinations Liaison	Ann Bonner Alternate – William Rosandick
Travel Liaison	William Rosandick Alternate – Lynn Waldera

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Ann Bonner moved, seconded by Lynn Waldera, that, in order to facilitate the completion of assignments between meetings, the Council delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Council, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Council in accordance with the law. Motion carried unanimously.

Document Signature Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Council, by order of succession, to sign documents on behalf of the Council. In order to carry out duties of the Council, the Chair, chief presiding officer, or longest serving member of the Council, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Council delegates the authority to Executive Director or designee to sign the name of any Council member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full

Council or the Medical Examining Board for final determination. Motion carried unanimously.

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate credentialing authority to DSPTS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Council or Council liaison review. Motion carried unanimously.

MEB Council Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to Council liaison(s) authority to advise the Department and the Board on all issues related to credentialing matters. Licenses that meet the criteria of Rule and Statute may be issued by DSPTS under the delegated authority outlined by the Medical Examining Board regarding the Council's credentialing advisory authority. Potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

Travel Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to authorize the travel liaison to approve all Council travel. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

Review and Discussion of Med 20

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to request DSPTS staff draft a Scope Statement for Med 20 relating to respiratory care practitioners and designate the Chair or alternate designated by the administrative rule coordinator, to advise DSPTS staff and approve the Scope Statement for presentation to the Medical Examining Board. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

2017 State Licensure Liaison Group Meeting Invitation – August 25-26, 2017 in Overland Park, Kansas

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to designate William Rosandick or alternate as designated by DSPTS staff, to attend the 2017 State Licensure Liaison Group Meeting on August 25-26, 2017 in Overland Park, Kansas and authorize travel. Motion carried unanimously.

COUNCIL TRAINING REVIEW – PUBLIC RECORDS AND ETHICS OF LOBBYING – DISCUSSION AND CONSIDERATION

The Council reviewed training information relating to Public Records and Ethics and Lobbying requirements at this meeting.

ADJOURNMENT

MOTION: Lynn Waldera moved, seconded by Ann Bonner, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 10:03 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 11/22/17 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting									
3) Name of Board, Committee, Council, Sections: Respiratory Care Practitioners Examining Council											
4) Meeting Date: 2/20/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: 1) The Council should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Council should review and then consider continuation or modification of previously delegated authorities											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Laura Smith</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;"><i>11/22/2017</i></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Laura Smith</i>	<i>11/22/2017</i>	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
<i>Laura Smith</i>	<i>11/22/2017</i>										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date											
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

Respiratory Care Practitioners Examining Board 2017 Election and Delegation Results

2017 ELECTION RESULTS	
Council Chair	William Rosandick
Vice Chair	Lynn Waldera
Secretary	Ann Bonner
2017 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	William Rosandick Alternate – Lynn Waldera
PAP Liaison	Ann Bonner
DLSC Liaison	Lynn Waldera
Legislative Liaison	William Rosandick
Office of Education and Examinations Liaison	Ann Bonner Alternate – William Rosandick
Travel Liaison	William Rosandick Alternate – Lynn Waldera

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Ann Bonner moved, seconded by Lynn Waldera, that, in order to facilitate the completion of assignments between meetings, the Council delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Council, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Council in accordance with the law. Motion carried unanimously.

Document Signature Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Council, by order of succession, to sign documents on behalf of the Council. In order to carry out duties of the Council, the Chair, chief presiding officer, or longest serving member of the Council, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Council delegates the authority to Executive Director or designee to sign the name of any Council member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Council or the Medical Examining Board for final determination. Motion carried unanimously.

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Council or Council liaison review. Motion carried unanimously.

MEB Council Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to delegate authority to Council liaison(s) authority to advise the Department and the Board on all issues related to credentialing matters. Licenses that meet the criteria of Rule and Statute may be issued by DSPS under the delegated authority outlined by the Medical Examining Board regarding the Council's credentialing advisory authority. Potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

Travel Delegation

MOTION: Ann Bonner moved, seconded by Lynn Waldera, to authorize the travel liaison to approve all Council travel. Motion carried unanimously.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 2/8/18 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Respiratory Care Practitioners Examining Council			
4) Meeting Date: 2/20/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Scope Statement for Med 20 Relating to Respiratory Care Practitioners 2. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <div style="height: 100px;"></div>			
11) Authorization			
<i>Dale Kleven</i>		<i>February 8, 2018</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Chapter Med 20

Relating to: Respiratory care practitioners

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

None.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to evaluate and update ch. Med 20 relating to respiratory care practitioners to ensure it is consistent with current examination and licensing practices and applicable Wisconsin statutes.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current administrative rules define and reference the acronym “CRTT” (Certified Respiratory Therapy Technician). The proposed rules will replace “CRTT” with “CRT” (Certified Respiratory Therapist) to reflect current terminology.

Effective June 2015, the National Board for Respiratory Care (NBRC) changed the Certified Respiratory Technician examination from the Entry Level CRT Examination to the Therapist Multiple-Choice Examination (TMC). The proposed rules will update terminology and administrative provisions related to the NBRC examination.

The proposed rules will revise s. Med 20.04 (7) to clarify the requirement for completion of further professional training or education prescribed by the Board before retaking an exam after a third failure does not apply to the NBRC examination.

Section Med 20.05 allows the Board to issue a temporary certificate to practice respiratory care to a candidate who has not received the results of the NBRC examination but is otherwise qualified for certification. This provision was created at a time when results of an examination could take several months. As results of the current NBRC examination are available immediately, the temporary certificate under s. Med 20.05 is no longer necessary. The proposed rules will repeal s. Med 20.05 in its entirety.

The Respiratory Care Practitioners Examining Council will evaluate the provisions of ch. Med 20 and may propose other changes to ensure consistency with current examination and licensing practices and applicable Wisconsin Statutes. The alternative of not evaluating and updating these rules as described above would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.05 (5r), Stats., provides “[a]n applicant for a certificate or a temporary certificate to practice respiratory care shall submit evidence satisfactory to the board that the applicant is a graduate of a school with a course of instruction in respiratory care approved by the commission on accreditation of allied health education programs of the American Medical Association.”

Section 448.05 (6), Stats., provides “. . . the board shall examine each applicant it finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted. Examinations may be both written and oral.”

Section 448.06 (2), Stats., provides “[t]he board may deny an application for any class of license or certificate and refuse to grant such license or certificate on the basis of unprofessional conduct on the part of the applicant, failure to possess the education and training required for that class of license or certificate for which application is made, or failure to achieve a passing grade in the required examinations.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 80 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Applicants for a certificate to practice respiratory care

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

Contact Person: Dale Kleven, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

Chapter Med 20

RESPIRATORY CARE PRACTITIONERS

Med 20.01	Authority and purpose.
Med 20.02	Definitions.
Med 20.03	Applications and credentials.
Med 20.04	Examinations; panel review of applications.

Med 20.05	Temporary certificates for graduate respiratory care practitioners.
Med 20.055	Temporary certificates for certified practitioners.
Med 20.06	Examination review by applicant.
Med 20.07	Board review of examination error claim.

Med 20.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board under the authority of ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats., to govern the certification and regulation of respiratory care practitioners.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92

Med 20.02 Definitions. As used in this chapter:

(1) "Board" means the medical examining board.

(2) "Council" means the respiratory care practitioners examining council.

(3) "CRTT" means a certified respiratory therapy technician.

(4) "RRT" means a registered respiratory therapist.

Note: "CRTT" and "RRT" are registered trademarks of the national board for respiratory care.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92.

Med 20.03 Applications and credentials. (1) Every applicant for initial certification as a respiratory care practitioner shall submit:

(a) A completed application form.

(b) The fee specified in s. 440.05, Stats.

(c) A recent passport type photograph of the applicant.

(d) Written verification that the applicant has passed the national board for respiratory care certification examination required in s. Med 20.04 (1).

(e) Evidence of successful completion of the state board statutes and rules examination and oral examination if required.

(f) One of the following:

1. Satisfactory evidence that the applicant is a graduate of a school with a course of instruction in respiratory care approved by the commission on accreditation of allied health education programs of the American medical association.

2. Prior to January 1, 1992, evidence of experience or informal training that the board determines is substantially equivalent to the requirements for certification under s. 448.05 (5r), Stats., and evidence of having passed the national board for respiratory care CRTT or RRT examination.

3. Prior to January 1, 1992, evidence of over 3,000 hours of work experience as a respiratory care practitioner within the last 3 years, and informal training, where the applicant does not meet the national board for respiratory care CRTT examination admission requirements.

(2) A scaled score of 75 or above on the national board for respiratory care CRTT examination is required for certification.

(3) An application for certification is not complete until the board has received both the completed application form and written verification of a passing grade directly from the national board for respiratory care.

Note: Application forms are available on request to the board office, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (1) (f) 1., Register, August, 1994, No. 464, eff. 9-1-94; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528.

Med 20.04 Examinations; panel review of applications. (1) An applicant for certification as a respiratory care practitioner shall pass the national board for respiratory care CRTT examination.

(2) An applicant for certification as a respiratory care practitioner shall pass a state board statutes and rules examination conducted by the council as evidenced by documents submitted directly to the council by the department's office of examinations.

(3) The board designates the council as its agent for conducting oral examinations. At the request of the council, the board shall provide a medical consultant to the council to provide assistance in evaluating applicants examined under sub. (4) (a) and (b).

(4) An applicant may be required to complete an oral examination if the applicant:

(a) Has a medical condition which in any way impairs or limits the applicant's ability to practice respiratory care with reasonable skill and safety.

(b) Uses chemical substances so as to impair in any way the applicant's ability to practice respiratory care with reasonable skill and safety.

(c) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

(d) Has been convicted of a crime the circumstances of which substantially relate to the practice of respiratory care.

(e) Has not practiced respiratory care for more than 1,200 hours during the last 3 years.

(f) Has practiced over 1,200 hours in the last 3 years but practice was limited.

(g) Has been found negligent in the practice of respiratory care or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of respiratory care.

(h) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(i) Has within the past 2 years engaged in the illegal use of controlled substances.

(j) Has been subject to adverse formal action during the course of respiratory care education, postgraduate training, hospital practice, or other respiratory care employment.

(k) Has been graduated from a respiratory care school not approved by the board.

(5) All examinations shall be conducted in English.

(6) Where both written and oral examinations are required, they shall be scored separately and the applicant shall achieve a passing grade on all examinations to qualify for a certificate.

(7) An applicant who fails to receive a passing score on an examination may reapply by payment of the fee specified in s. 440.05, Stats. If an applicant fails an examination 3 times, the applicant may not retake that state board examination unless the applicant submits proof of having completed further professional training or education as the board may prescribe. An applicant for an oral examination may reapply twice at not less than 4 month intervals.

(8) If after receipt of additional information from applicants who have been treated for alcohol or drug abuse or impairment or from applicants who have been treated for an acute or chronic psychological impairment the council decides that an oral examination shall be administered, the examination shall be limited to a determination whether at the time of application the applicant's disability appears to pose an actual risk to the health, safety or welfare of patient or public arising from the applicant's demonstrated inability to safely carry out necessary duties and responsibilities inherent to the practice of respiratory care.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (3), (4) (c) to (f) and (6), r. and recr. (4) (a) and (b), cr. (4) (h) to (k) and (8), Register, February, 1997, No. 494, eff. 3-1-97; correction in (7) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528.

Med 20.05 Temporary certificates for graduate respiratory care practitioners. (1) An applicant for certification may apply to the board for a temporary certificate to practice respiratory care prior to certification if the applicant has submitted to the board the application and documents required under s. Med 20.03 and if the applicant:

- (a) Submits a completed application form;
- (b) Remits the fee specified in s. 440.05, Stats.;
- (c) Is a graduate of an approved school as defined in s. Med 20.03 (1) (f) and is scheduled to take the CRTT examination for respiratory care practitioners or is awaiting the results;
- (d) Has not previously failed the examination as required in s. Med 20.04 (1); and
- (e) Has passed the state board statutes and rules examination; and
- (f) Is not required to take an oral examination.

(2) Practice during the period of a temporary certificate shall be in consultation, at least monthly, with a respiratory care practitioner or a physician who shall at least once a month endorse the activities of the person holding the temporary certificate.

(3) A temporary certificate expires on the first day of the next regularly scheduled CRTT examination for permanent certification if the applicant is required to take but failed to apply for the examination. If the applicant is required to take, and applies for, the examination, a temporary certificate expires when the applicant is notified of having failed the examination required by s. Med 20.04 (1).

(4) A temporary certificate may be issued for a period not to exceed one year and may not be renewed.

(5) The application and required documents for regular certification and the application for temporary certification prior to regular certification will be reviewed by 2 members of the council to determine eligibility. The board, acting through the council, may issue a temporary certificate prior to regular certification as a respiratory care practitioner to an applicant who meets the requirements of sub. (1).

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528; CR 09-005; am. (title) Register August 2009 No. 644, eff. 9-1-09.

Med 20.055 Temporary certificates for certified practitioners. (1) An applicant for certification who is certified to practice respiratory care in another state may apply to the board for a temporary certificate to practice respiratory care if the applicant submits all of the following:

- (a) A completed application form.
- (b) The fee specified in s. 440.05 (1) (a), Stats.
- (c) Written verification that the applicant has passed the national board for respiratory care certified therapy technician examination.
- (d) Evidence satisfactory to the board that the applicant meets the requirements of s. 448.05 (5r), Stats.

(e) Evidence satisfactory to the board that the applicant is certified to practice respiratory care in another state.

(2) If an applicant for a temporary certificate has been subjected to professional discipline as a result of the applicant's practice of respiratory care in another state, the applicant shall submit to the board a description of the circumstances of the discipline and a copy of the disciplinary order.

(3) The board may not issue a temporary certificate to an individual who has been previously issued a temporary certificate under this section.

(4) A temporary certificate under this section may be issued for a period not to exceed 3 months and may not be renewed.

Note: Application forms are available from the Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708, or from the department's website at <http://dps.wi.gov>.

History: CR 09-005; cr. Register August 2009 No. 644, eff. 9-1-09.

Med 20.06 Examination review by applicant. (1) An applicant who fails the oral or statutes and rules examination may request a review of that examination by filing a written request and required fee with the board within 30 days of the date on which examination results were mailed.

- (2) Examination reviews are by appointment only.
- (3) An applicant may review the statutes and rules examination for not more than one hour.
- (4) An applicant may review the oral examination for not more than 2 hours.

(5) The applicant may not be accompanied during the review by any person other than the proctor.

(6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral tape and a copy of the master answer sheet.

(7) The applicant may review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any item in the examination. Bound reference books shall be permitted. Applicants shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

(8) An applicant may not review the examination more than once.

History: Cr. Register, February, 1997, No. 494, eff. 3-1-97.

Med 20.07 Board review of examination error claim.

(1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

- (a) The applicant's name and address.
- (b) The type of license for which the applicant applied.
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error.
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the board issues a notice of denial following its review, the applicant may request a hearing under s. SPS 1.05.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, February, 1997, No. 494, eff. 3-1-97; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Emily Handel, Bureau Assistant On behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 02/08/2018 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Respiratory Care Practitioners Examining Council			
4) Meeting Date: 02/20/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2017 Wisconsin Act 59 (enacted in State Budget Bill) - Discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Emily Handel		02/08/2018	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Chapter Med 20

RESPIRATORY CARE PRACTITIONERS

Med 20.01	Authority and purpose.
Med 20.02	Definitions.
Med 20.03	Applications and credentials.
Med 20.04	Examinations; panel review of applications.

Med 20.05	Temporary certificates for graduate respiratory care practitioners.
Med 20.055	Temporary certificates for certified practitioners.
Med 20.06	Examination review by applicant.
Med 20.07	Board review of examination error claim.

Med 20.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board under the authority of ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats., to govern the certification and regulation of respiratory care practitioners.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92

Med 20.02 Definitions. As used in this chapter:

(1) "Board" means the medical examining board.

(2) "Council" means the respiratory care practitioners examining council.

(3) "CRTT" means a certified respiratory therapy technician.

(4) "RRT" means a registered respiratory therapist.

Note: "CRTT" and "RRT" are registered trademarks of the national board for respiratory care.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92.

Med 20.03 Applications and credentials. (1) Every applicant for initial certification as a respiratory care practitioner shall submit:

(a) A completed application form.

(b) The fee specified in s. 440.05, Stats.

(c) A recent passport type photograph of the applicant.

(d) Written verification that the applicant has passed the national board for respiratory care certification examination required in s. Med 20.04 (1).

(e) Evidence of successful completion of the state board statutes and rules examination and oral examination if required.

(f) One of the following:

1. Satisfactory evidence that the applicant is a graduate of a school with a course of instruction in respiratory care approved by the commission on accreditation of allied health education programs of the American medical association.

2. Prior to January 1, 1992, evidence of experience or informal training that the board determines is substantially equivalent to the requirements for certification under s. 448.05 (5r), Stats., and evidence of having passed the national board for respiratory care CRTT or RRT examination.

3. Prior to January 1, 1992, evidence of over 3,000 hours of work experience as a respiratory care practitioner within the last 3 years, and informal training, where the applicant does not meet the national board for respiratory care CRTT examination admission requirements.

(2) A scaled score of 75 or above on the national board for respiratory care CRTT examination is required for certification.

(3) An application for certification is not complete until the board has received both the completed application form and written verification of a passing grade directly from the national board for respiratory care.

Note: Application forms are available on request to the board office, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (1) (f) 1., Register, August, 1994, No. 464, eff. 9-1-94; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528.

Med 20.04 Examinations; panel review of applications. (1) An applicant for certification as a respiratory care practitioner shall pass the national board for respiratory care CRTT examination.

(2) An applicant for certification as a respiratory care practitioner shall pass a state board statutes and rules examination conducted by the council as evidenced by documents submitted directly to the council by the department's office of examinations.

(3) The board designates the council as its agent for conducting oral examinations. At the request of the council, the board shall provide a medical consultant to the council to provide assistance in evaluating applicants examined under sub. (4) (a) and (b).

(4) An applicant may be required to complete an oral examination if the applicant:

(a) Has a medical condition which in any way impairs or limits the applicant's ability to practice respiratory care with reasonable skill and safety.

(b) Uses chemical substances so as to impair in any way the applicant's ability to practice respiratory care with reasonable skill and safety.

(c) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

(d) Has been convicted of a crime the circumstances of which substantially relate to the practice of respiratory care.

(e) Has not practiced respiratory care for more than 1,200 hours during the last 3 years.

(f) Has practiced over 1,200 hours in the last 3 years but practice was limited.

(g) Has been found negligent in the practice of respiratory care or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of respiratory care.

(h) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(i) Has within the past 2 years engaged in the illegal use of controlled substances.

(j) Has been subject to adverse formal action during the course of respiratory care education, postgraduate training, hospital practice, or other respiratory care employment.

(k) Has been graduated from a respiratory care school not approved by the board.

(5) All examinations shall be conducted in English.

(6) Where both written and oral examinations are required, they shall be scored separately and the applicant shall achieve a passing grade on all examinations to qualify for a certificate.

(7) An applicant who fails to receive a passing score on an examination may reapply by payment of the fee specified in s. 440.05, Stats. If an applicant fails an examination 3 times, the applicant may not retake that state board examination unless the applicant submits proof of having completed further professional training or education as the board may prescribe. An applicant for an oral examination may reapply twice at not less than 4 month intervals.

(8) If after receipt of additional information from applicants who have been treated for alcohol or drug abuse or impairment or from applicants who have been treated for an acute or chronic psychological impairment the council decides that an oral examination shall be administered, the examination shall be limited to a determination whether at the time of application the applicant's disability appears to pose an actual risk to the health, safety or welfare of patient or public arising from the applicant's demonstrated inability to safely carry out necessary duties and responsibilities inherent to the practice of respiratory care.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (3), (4) (c) to (f) and (6), r. and recr. (4) (a) and (b), cr. (4) (h) to (k) and (8), Register, February, 1997, No. 494, eff. 3-1-97; correction in (7) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528.

Med 20.05 Temporary certificates for graduate respiratory care practitioners. (1) An applicant for certification may apply to the board for a temporary certificate to practice respiratory care prior to certification if the applicant has submitted to the board the application and documents required under s. Med 20.03 and if the applicant:

- (a) Submits a completed application form;
- (b) Remits the fee specified in s. 440.05, Stats.;
- (c) Is a graduate of an approved school as defined in s. Med 20.03 (1) (f) and is scheduled to take the CRTT examination for respiratory care practitioners or is awaiting the results;
- (d) Has not previously failed the examination as required in s. Med 20.04 (1); and
- (e) Has passed the state board statutes and rules examination; and
- (f) Is not required to take an oral examination.

(2) Practice during the period of a temporary certificate shall be in consultation, at least monthly, with a respiratory care practitioner or a physician who shall at least once a month endorse the activities of the person holding the temporary certificate.

(3) A temporary certificate expires on the first day of the next regularly scheduled CRTT examination for permanent certification if the applicant is required to take but failed to apply for the examination. If the applicant is required to take, and applies for, the examination, a temporary certificate expires when the applicant is notified of having failed the examination required by s. Med 20.04 (1).

(4) A temporary certificate may be issued for a period not to exceed one year and may not be renewed.

(5) The application and required documents for regular certification and the application for temporary certification prior to regular certification will be reviewed by 2 members of the council to determine eligibility. The board, acting through the council, may issue a temporary certificate prior to regular certification as a respiratory care practitioner to an applicant who meets the requirements of sub. (1).

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528; CR 09-005; am. (title) Register August 2009 No. 644, eff. 9-1-09.

Med 20.055 Temporary certificates for certified practitioners. (1) An applicant for certification who is certified to practice respiratory care in another state may apply to the board for a temporary certificate to practice respiratory care if the applicant submits all of the following:

- (a) A completed application form.
- (b) The fee specified in s. 440.05 (1) (a), Stats.
- (c) Written verification that the applicant has passed the national board for respiratory care certified therapy technician examination.
- (d) Evidence satisfactory to the board that the applicant meets the requirements of s. 448.05 (5r), Stats.

(e) Evidence satisfactory to the board that the applicant is certified to practice respiratory care in another state.

(2) If an applicant for a temporary certificate has been subjected to professional discipline as a result of the applicant's practice of respiratory care in another state, the applicant shall submit to the board a description of the circumstances of the discipline and a copy of the disciplinary order.

(3) The board may not issue a temporary certificate to an individual who has been previously issued a temporary certificate under this section.

(4) A temporary certificate under this section may be issued for a period not to exceed 3 months and may not be renewed.

Note: Application forms are available from the Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708, or from the department's website at <http://dps.wi.gov>.

History: CR 09-005; cr. Register August 2009 No. 644, eff. 9-1-09.

Med 20.06 Examination review by applicant. (1) An applicant who fails the oral or statutes and rules examination may request a review of that examination by filing a written request and required fee with the board within 30 days of the date on which examination results were mailed.

- (2) Examination reviews are by appointment only.
- (3) An applicant may review the statutes and rules examination for not more than one hour.
- (4) An applicant may review the oral examination for not more than 2 hours.

(5) The applicant may not be accompanied during the review by any person other than the proctor.

(6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral tape and a copy of the master answer sheet.

(7) The applicant may review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any item in the examination. Bound reference books shall be permitted. Applicants shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

(8) An applicant may not review the examination more than once.

History: Cr. Register, February, 1997, No. 494, eff. 3-1-97.

Med 20.07 Board review of examination error claim.

(1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

- (a) The applicant's name and address.
- (b) The type of license for which the applicant applied.
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error.
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the board issues a notice of denial following its review, the applicant may request a hearing under s. SPS 1.05.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, February, 1997, No. 494, eff. 3-1-97; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.