

1989 Senate Bill 191

Date of enactment: **April 12, 1990**
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1989 WISCONSIN ACT 229

AN ACT to amend 15.08 (1m) (b), 146.81 (1), 448.02 (2), 448.03 (title), 448.03 (2) (c) and (d) and 632.895 (1) (b) 3; and to create 15.407 (1) (d), 440.05 (3) (n) 7, 448.01 (9g) and (9m), 448.03 (1m), 448.03 (2) (j), 448.04 (1) (i) and 448.05 (5r) of the statutes, relating to: the regulation of respiratory care practitioners by the medical examining board and creating a respiratory care practitioners examining council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing aid dealers and fitters examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council, respiratory care practitioners examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.407 (1) (d) of the statutes is created to read:

15.407 (1) (d) *Respiratory care practitioners.* There is created a respiratory care practitioners examining council consisting of 3 certified respiratory care practitioners, each of whom shall have engaged in the practice of respiratory care for at least 3 years preceding appointment, one physician and one public member. The respiratory care practitioner and physician members shall be appointed by the medical examining board. The members of the examining council shall serve 3-year terms.

SECTION 3. 146.81 (1) of the statutes is amended to read:

146.81 (1) "Health care provider" means a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed or an occupational therapist or occupational therapy assistant or respiratory care practitioner certified under ch. 448, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employes in its own facility, or an inpatient health care facility or community-based residential facility, as defined in s. 140.85 (1) or 140.86.

SECTION 4. 440.05 (3) (n) 7. of the statutes is created to read:

440.05 (3) (n) 7. Respiratory care practitioners, \$82.

SECTION 5. 448.01 (9g) and (9m) of the statutes are created to read:

448.01 (9g) "Respiratory care" means that branch or system of treating the sick which is limited to assisting in the prevention, diagnosis and therapeutic treatment of respiratory disorders by various means, including the administration of medical gases, oxygen therapy, ventilation therapy, artificial airway care, bronchial hygiene therapy, aerosolization of pharmacological agents, respiratory rehabilitation therapy and other treatment, testing,

evaluation and rehabilitation procedures performed under the direction of a physician, but not including the use of general anesthetic agents.

(9m) "Respiratory care practitioner" means an individual who practices respiratory care.

SECTION 6. 448.02 (2) of the statutes is amended to read:

448.02 (2) **CERTIFICATE.** The board may certify physician's assistants, occupational therapists ~~and~~ occupational therapy assistants and respiratory care practitioners.

SECTION 7. 448.03 (title) of the statutes is amended to read:

448.03 (title) License or certificate required to practice; use of titles; civil immunity; practice of Christian Science.

SECTION 8. 448.03 (1m) of the statutes is created to read:

448.03 (1m) **CERTIFICATE REQUIRED TO PRACTICE.** No person may practice respiratory care, or attempt to do so or make a representation as authorized to do so, without a certificate as a respiratory care practitioner granted by the board.

SECTION 9. 448.03 (2) (c) and (d) of the statutes are amended to read:

448.03 (2) (c) The activities of a medical student, podiatry student, physical therapy student, respiratory care student or physician's assistant student required for such student's education and training; or the activities of a medical school graduate required for training as required in s. 448.05 (2).

(d) Actual consultation or demonstration by licensed physicians, podiatrists or physical therapists or certified respiratory care practitioners of other states or countries with licensed physicians, podiatrists or physical therapists or certified respiratory care practitioners of this state.

SECTION 10. 448.03 (2) (j) of the statutes is created to read:

448.03 (2) (j) Any person assisting a respiratory care practitioner in practice under the direct, immediate, on-premises supervision of the respiratory care practitioner.

SECTION 11. 448.04 (1) (i) of the statutes is created to read:

448.04 (1) (i) *Certificate as respiratory care practitioner.* The board may certify as a respiratory care practitioner any individual who meets the qualifications for certification under s. 448.05 (5r) and passes the examination required under s. 448.05 (6). The board may, by rule, provide for a temporary certificate to practice respiratory care to be granted to any individual who meets the requirements of s. 448.05 (5r) but has not passed the examination required by s. 448.05 (6). Temporary certif-

icates may be issued for a period not to exceed one year and may not be renewed.

SECTION 12. 448.05 (5r) of the statutes is created to read:

448.05 (5r) **CERTIFICATE AS RESPIRATORY CARE PRACTITIONER.** An 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 joint review committee for respiratory therapy education of the American medical association.

SECTION 13. 632.895 (1) (b) 3. of the statutes is amended to read:

632.895 (1) (b) 3. Physical, ~~respiratory~~, occupational or speech therapy or respiratory care.

SECTION 14. Nonstatutory provisions. (1) **RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL; INITIAL APPOINTMENTS.** (a) Notwithstanding section 15.407 (1) (d) of the statutes, as created by this act, the initial respiratory care practitioner members of the respiratory care practitioners examining council need not be certified as respiratory care practitioners by the medical examining board to be appointed to and serve as members of the examining council.

(b) Notwithstanding section 15.407 (1) (d) of the statutes, as created by this act, the initial members of the respiratory care practitioners examining council shall be appointed by the first day of the 4th month beginning after the effective date of this paragraph for the following terms:

1. One respiratory care practitioner, for a term expiring on July 1, 1991.
2. One respiratory care practitioner and one public member, for terms expiring on July 1, 1992.
3. One respiratory care practitioner and one physician, for terms expiring on July 1, 1993.

(2) **WAIVER OF EDUCATIONAL REQUIREMENT.** The medical examining board may waive the educational requirement for certification as a respiratory care practitioner under section 448.05 (5r) of the statutes, as created by this act, for any individual who, before January 1, 1992, submits an application for certification that includes evidence of experience or informal training that the board determines is substantially equivalent to the requirements for certification under section 448.05 (5r) of the statutes, as created by this act.

SECTION 15. Effective dates. This act takes effect on the first day of the 13th month beginning after publication, except as follows:

- (1) The treatment of section 15.407 (1) (d) of the statutes and SECTION 14 (1) of this act take effect on the day after publication.