

**2019 DRAFTING REQUEST**

**Bill**

For: **Patrick Testin (608) 266-3123** Drafter: **mduchek**  
 By: **Matt** Secondary Drafters:  
 Date: **7/26/2019** May Contact:  
 Same as LRB: **-4480**

Submit via email: **YES**  
 Requester's email: **Sen.Testin@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Respiratory care practitioners

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 7/29/2019				
/P1	mduchek 9/26/2019	aernsttr 9/26/2019	mbarman 7/31/2019		
/1			lparisi 9/26/2019	dwalker 10/3/2019	

FE Sent For: *Not Needed* <END>

## Duchek, Michael

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**From:** Dodge, Tamara  
**Sent:** Friday, July 26, 2019 1:51 PM  
**To:** Duchek, Michael; Paczuski, Konrad  
**Subject:** FW: Chapter 448 Changes  
**Attachments:** 20190726090251104.pdf; Suggested Revisions to 448.docx

I believe this is in your area. If you could let Matt know who has it, that would be great.

Tami

**Tamara J. Dodge**  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
**(608) 504 - 5808**  
tamara.dodge@legis.wisconsin.gov

*Please note my new direct phone number (as of June 13, 2018).*

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**From:** Wimmer, Matt <Matt.Wimmer@legis.wisconsin.gov>  
**Sent:** Friday, July 26, 2019 9:44 AM  
**To:** Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>  
**Cc:** Emerson, James <James.Emerson@legis.wisconsin.gov>  
**Subject:** Chapter 448 Changes

Good Morning Tami,

We are wondering if you could put together a bill draft with the changes in the "suggested revisions" document? For changes 2 and 3, the intent is to delete everything in red and insert the suggested green language.

Thank you,

Matt

***Matt Wimmer***  
*Office of Senator Patrick Testin*  
*24th Senate District*  
*608-266-3123*

or on the date following the examination on which the board grants or denies such applicant a license, whichever occurs first; but the temporary license shall automatically expire on the first day the board begins its examination of applicants after granting such license, unless its holder submits to examination on such date. The board may require an applicant for temporary licensure under this subdivision to appear before a member of the board for an interview and oral examination. A temporary license shall be granted under this subsection only once to the same person.

Cross-reference: See also ch. Med 2, Wis. adm. code.

3. The board may grant a temporary license to practice medicine and surgery for a period not to exceed 90 days to a nonresident physician who is serving on a full-time or temporary basis in a camp or other recreational facility, or to a physician temporarily maintaining the practice of another physician. In either case, the applicant for such temporary license must satisfy the board that the applicant is needed in the area in which the applicant wishes to serve and that the applicant holds a license granted upon written examination in another licensing jurisdiction of the United States or Canada. The board may renew such temporary license for additional periods of 90 days each but may not renew such license more than 3 consecutive times. The board may require an applicant for such temporary license to appear before a member of the board for interview.

Cross-reference: See also ch. Med 4, Wis. adm. code.

(bg) *Restricted license to practice medicine and surgery as a visiting physician.* 1. The board may grant a restricted license to practice medicine and surgery as a visiting physician to an applicant who satisfies the requirements under s. 448.05 (2) (e).

2. The holder of a license issued under this paragraph may engage in the practice of medicine and surgery only at the medical education facility, medical research facility, or medical college where the license holder is teaching, researching, or practicing, and only in accordance with the terms and restrictions established by the board.

3. Subject to subd. 4., a license issued under this paragraph is valid for one year and may be renewed at the discretion of the board.

4. A license issued under this paragraph remains valid only while the license holder is actively engaged in teaching, researching, or practicing medicine and surgery and is lawfully entitled to work in the United States.

(bm) *Resident educational license to practice medicine and surgery.* 1. The board may grant a resident educational license to practice medicine and surgery to an applicant who satisfies the requirements under s. 448.05 (2) (d).

2. Subject to subd. 3., a license issued under this paragraph is valid for one year and may be renewed for additional one-year terms while the license holder is enrolled in the postgraduate training program under s. 448.05 (2) (d).

3. A license issued under this paragraph remains valid only while the license holder is actively engaged in the practice of medicine and surgery in the postgraduate training program under s. 448.05 (2) (d) 1. and is lawfully entitled to work in the United States.

4. The holder of a license issued under this paragraph may engage in the practice of medicine and surgery only in connection with his or her duties under the postgraduate training program under s. 448.05 (2) (d) 1.

(d) *License to practice perfusion.* A person holding a license to practice perfusion may practice perfusion under the orders and supervision of a physician.

Cross-reference: See also ch. Med 22, Wis. adm. code.

(e) *Temporary license to practice perfusion.* The board may, by rule, provide for a temporary license to practice perfusion for a person who satisfies the requirements of s. 448.05 (3) but who has not passed an examination under s. 448.05 (6). The board may issue a temporary license for a period not to exceed one year and may renew a temporary license annually for not more than 5 years. A person who holds a temporary license may not practice perfu-

sion unless the person is under the supervision and direction of a licensed perfusionist at all times while the person is performing perfusion. The board may promulgate rules governing supervision by licensed perfusionists, except that those rules may not require the immediate physical presence of the supervising, licensed perfusionist.

Cross-reference: See also ch. Med 22, Wis. adm. code.

(f) *Physician assistant license.* The board shall license as a physician assistant an individual who meets the requirements for licensure under s. 448.05 (5). The board may, by rule, provide for various classes of temporary licenses to practice as physician assistants.

Cross-reference: See also ch. Med 8, Wis. adm. code.

(g) *Anesthesiologist assistant license.* The board shall license as an anesthesiologist assistant an individual who meets the requirements for licensure under s. 448.05 (5w). The board may, by rule, provide for a temporary license to practice as an anesthesiologist assistant. The board may issue a temporary license to a person who meets the requirements under s. 448.05 (5w) and who is eligible to take, but has not passed, the examination under s. 448.05 (6). A temporary license expires on the date on which the board grants or denies an applicant permanent licensure or on the date of the next regularly scheduled examination required under s. 448.05 (6) if the applicant is required to take, but has failed to apply for, the examination. An applicant who continues to meet the requirements for a temporary license may request that the board renew the temporary license, but an anesthesiologist assistant may not practice under a temporary license for a period of more than 18 months.

(i) *Certificate as respiratory care practitioner.* 1. The board may certify as a respiratory care practitioner any individual who completes an application, meets the qualifications for certification under s. 448.05 (5r), and passes the examination required under s. 448.05 (6).

2. The board may, by rule, provide for a temporary certificate to practice respiratory care to be granted to any individual who completes an application and meets the requirements of s. 448.05 (5r) but has not passed the examination required by s. 448.05 (6). Temporary certificates under this subdivision may be issued for a period not to exceed one year and may not be renewed.

3. The board may issue a temporary certificate to practice respiratory care to an individual who submits to the board an application, the fee specified in s. 440.05 (1) (a), (written verification that the applicant has passed the national board for respiratory care's certified respiratory technician examination) evidence satisfactory to the board that the applicant meets the requirements of s. 448.05 (5r), and evidence satisfactory to the board that the applicant is certified to practice respiratory care in another state. The board may not issue a temporary certificate under this subdivision to an individual who has previously been issued a temporary certificate under this subdivision. If an applicant for a temporary certificate under this subdivision has been subjected to professional discipline as a result of the applicant's practice of respiratory care, the applicant shall submit to the board a description of the circumstances of the discipline. A temporary certificate under this subdivision may be issued for a period not to exceed 3 months and may not be renewed.

Cross-reference: See also ch. Med 20, Wis. adm. code.

(2) **CERTIFICATE OF LICENSURE.** Each license granted by the board shall be attested by a certificate of licensure.

(3) **DUPLICATE.** Any person holding a license or certificate granted under this subchapter, which is lost, stolen or destroyed, may apply to the board for a duplicate thereof. Such application shall be made in such manner as the board may designate and shall be accompanied by an affidavit setting out the circumstances of loss. The board shall then issue a duplicate bearing on its face the word "duplicate".

History: 1975 c. 383, 421; 1979 c. 162 s. 38 (10); 1979 c. 337; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 290; 1987 n. 399; 1989 n. 31, 229; 1991 a. 39, 180; 1993 n. 105, 107; 1997 n. 67, 175; 1999 n. 180; 2001 a. 89; 2007 n. 54; 2009 a. 280, 382; 2011 a. 160; 2013 a. 240; 2015 a. 116; 2017 n. 331; 2017 a. 365, s. 111.

(5) **PHYSICIAN ASSISTANT LICENSE.** (a) Except as provided in s. 448.695 (4), the board shall promulgate rules establishing licensing standards and practice standards for physician assistants and shall license persons under those rules.

(b) The board may not grant a license as a physician assistant to an applicant unless the applicant submits evidence satisfactory to the board of all of the following:

1. That the applicant has passed the certifying examination administered by the National Commission on Certification of Physician Assistants.

2. That the applicant has satisfactorily completed a physician assistant training program that is accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or its successor.

(c) In promulgating rules under par. (a), the board shall recognize the objective under s. 448.20 (4).

Cross-reference: See also ch. Med 8, Wis. adm. code.

(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 commission on accreditation of allied health education programs of the American Medical Association.

Cross-reference: See also ch. Med 20, Wis. adm. code.

(5w) **ANESTHESIOLOGIST ASSISTANT LICENSE.** An applicant for a license to practice as an anesthesiologist assistant shall submit evidence satisfactory to board that the applicant has done all of the following:

(a) Obtained a bachelor's degree.

(b) Satisfactorily completed an anesthesiologist assistant program that is accredited by the Commission on Accreditation of Allied Health Education Programs, or by a predecessor or successor entity.

(c) Passed the certifying examination administered by, and obtained active certification from, the National Commission on Certification of Anesthesiologist Assistants or a successor entity.

(6) **EXAMINATIONS.** (a) Except as provided in pars. (am) and (ar), 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. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared, administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

(am) When examining an applicant for a license to practice perfusion under par. (a), the board shall use an examination at least as stringent and comprehensive as the certification examination used by the American Board of Cardiovascular Perfusion or its successor.

Cross-reference: See also ch. Med 22, Wis. adm. code.

(ar) When examining an applicant for a license to practice as an anesthesiologist assistant under par. (a), the board shall use the certification examination administered by the National Commission on Certification of Anesthesiologist Assistants or a successor entity. The board may license without additional examination any qualified applicant who is licensed in any state or territory of the United States or the District of Columbia and whose license authorizes the applicant to practice in the same manner and to the same extent as an anesthesiologist assistant is authorized to practice under s. 448.22 (2).

(b) The board may require an applicant who fails to appear for or to complete the required examinations to reapply for licensure or certification before being admitted to subsequent examinations.

(c) An applicant who fails to achieve a passing grade in the required examinations may request reexamination, and may be reexamined not more than twice at not less than 4-month intervals, and shall pay a reexamination fee for each such reexamination. An applicant who fails to achieve a passing grade on the 2nd such reexamination may not be admitted to further examination until the applicant reapplies for licensure or certification and also presents to the board evidence of further professional training or education as the board may deem appropriate.

(7) **APPLICATION.** Application for any class of license or certificate shall be made as a verified statement in a form provided by the department and at such time and place as the board may designate, and shall be accompanied by satisfactory evidence setting out the qualifications imposed by this section. Application for any class of license to practice medicine and surgery also shall be accompanied by a verified statement that the applicant is familiar with the state health laws and the rules of the department of health services as related to communicable diseases.

History: 1975 c. 383, 421; 1979 s. 221; 1981 s. 330; 1981 s. 331; 1987 s. 339; 1989 s. 229; 1991 s. 180; 1993 s. 105, 107; 1995 s. 27 s. 2126 (10); 1997 s. 171, 172, 243; 1997 s. 27, 67, 174; 1999 s. 180; 2001 s. 39; 2007 s. 20 s. 9121 (6) (d); 2011 s. 160; 2013 s. 240; 2015 s. 116, 259; 2017 s. 227.

Cross-reference: See also ch. Med 1, 2, 3, and 4, Wis. adm. code.

An unlicensed 1st-year resident should be held to the standard of care applicable to an unlicensed 1st-year resident based on the unique restrictions applicable, in this case that he had no authority or privileges to provide primary obstetrical care and was not supposed to act as the primary attending physician, but was to assess and report findings and differential diagnoses to an upper level senior resident or to the attending obstetrician. *Phelps v. Physicians Insurance Company of Wisconsin, Inc.* 2005 WI 85, 282 Wis. 2d 69, 698 N.W.2d 643, 03-0530

#### 448.06 License or certificate granted, denied.

(1) **GRANT OF LICENSE OR CERTIFICATE.** Subject to s. 448.05 (1) (d), if three-fourths of the members of the board find that an applicant who has passed the required examinations is qualified, the board shall so notify the applicant and shall grant the license or certificate.

(1m) **GRANT OF LIMITED LICENSE OR CERTIFICATE.** If the board finds, based upon considerations of public health and safety, that the applicant has not demonstrated adequate education, training or performance on examinations or in past practice, if any, to qualify for full licensure or certification under sub. (1), the board may grant the applicant a limited license or certificate and shall so notify the applicant.

(2) **DENIAL OF LICENSE OR CERTIFICATE.** The 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.

History: 1975 c. 383, 421; 1985 s. 340; 1987 s. 399; 1999 s. 180; 2013 s. 240.

Cross-reference: See also chs. Med 9 and SPS 1, Wis. adm. code.

448.063 Notification requirements for certain licenses. (1) If the holder of a license granted under the authority of s. 448.05 (2) (a) 2. b. or (b) 4. b. subsequently discontinues his or her postgraduate training program at any time prior to the completion of the program, the program director shall notify the board, providing full details of the cause of the discontinuance and the holder's plans, if any, for completion of the postgraduate training program. The board shall review the matter and may take any appropriate action.

(2) If the holder of a license granted under s. 448.04 (1) (bg) ceases to teach, research, or practice medicine and surgery at the medical education facility, medical research facility, or medical college where he or she is visiting, the medical education facility, medical research facility, or medical college shall notify the board. The board shall review the matter and may take any appropriate action.

History: 2013 s. 240.

### **Change 1**

#### **Current - 448.04 (1) (1)2.**

2. The board may, by rule, provide for a temporary certificate to practice respiratory care to be granted to any individual who completes an application and meets the requirements of s. 448.05 (5r) but has not passed the examination required by s. 448.05 (6). Temporary certificates under this subdivision may be issued for a period not to exceed one year and may not be renewed.

#### **Revised - 448.04 (1) (1)2.**

Delete full text

Reason – outdated language

### **Change 2**

#### **Current - 448.04 (1) (1)3.**

3. The board may issue a temporary certificate to practice respiratory care to an individual who submits to the board an application, the fee specified in s. 440.05 (1) (a), written verification that the applicant has passed the national board for respiratory care's certified respiratory technician examination, evidence satisfactory to the board that the applicant meets the requirements of s. 448.05 (5r), and evidence satisfactory to the board that the applicant is certified to practice respiratory care in another state. The board may not issue a temporary certificate under this subdivision to an individual who has previously been issued a temporary certificate under this subdivision. If an applicant for a temporary certificate under this subdivision has been subjected to professional discipline as a result of the applicant's practice of respiratory care, the applicant shall submit to the board a description of the circumstances of the discipline. A temporary certificate under this subdivision may be issued for a period not to exceed 3 months and may not be renewed.

#### **Revised - 448.04 (1) (1)3.**

3. The board may issue a temporary certificate to practice respiratory care to an individual who submits to the board an application, the fee specified in s. 440.05 (1) (a), written verification that the applicant has passed the national board for respiratory care's certified respiratory technician examination, "Evidence the applicant has passed the Therapist Multiple-Choice Examination by the National Board for Respiratory Care", evidence satisfactory to the board that the applicant meets the requirements of s. 448.05 (5r), and evidence satisfactory to the board that the applicant is certified to practice respiratory care in another state. The board may not issue a temporary certificate under this subdivision to an individual who has previously been issued a temporary certificate under this subdivision. If an applicant for a temporary certificate under this subdivision has been subjected to professional discipline as a result of the applicant's practice of respiratory care, the applicant shall submit to the board a description of the circumstances of the discipline. A temporary certificate under this subdivision may be issued for a period not to exceed 3 months and may not be renewed.

Reason – outdated language

**Change 3**

**Current 448.05 (5r)**

(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 commission on accreditation of allied health education programs of the American Medical Association.

**Revised - 448.05 (5r)**

(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 commission on accreditation of allied health education programs of the American Medical Association. Commission on Accreditation for Respiratory Care or the Joint Review Committee for Respiratory Care.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3800/P1

MED:...

ahc

In 7-29  
out 7-31 no rush

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

sa✓

gen✓

1 AN ACT ...; relating to: certificates to practice respiratory care.

*Analysis by the Legislative Reference Bureau*

This bill repeals a provision concerning temporary certificates to practice respiratory care issued by the Medical Examining Board and changes, for purposes of eligibility for a certificate to practice respiratory care, the names of a required examination and the accrediting bodies for respiratory care courses of instruction.

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

2 ✦ SECTION 1. 448.04 (1) (i) 2. of the statutes is repealed.

3 ✦ SECTION 2. 448.04 (1) (i) 3. of the statutes is amended to read:

4 448.04 (1) (i) 3. The board may issue a temporary certificate to practice  
5 respiratory care to an individual who submits to the board an application, the fee  
6 specified in s. 440.05 (1) (a), ~~written verification that the applicant has passed the~~  
7 ~~national board for respiratory care's certified respiratory technician examination,~~  
8 evidence the applicant has passed the Therapist Multiple-Choice Examination by

1 the National Board for Respiratory Care, evidence satisfactory to the board that the  
2 applicant meets the requirements of s. 448.05 (5r), and evidence satisfactory to the  
3 board that the applicant is certified to practice respiratory care in another state. The  
4 board may not issue a temporary certificate under this subdivision to an individual  
5 who has previously been issued a temporary certificate under this subdivision. If an  
6 applicant for a temporary certificate under this subdivision has been subjected to  
7 professional discipline as a result of the applicant's practice of respiratory care, the  
8 applicant shall submit to the board a description of the circumstances of the  
9 discipline. A temporary certificate under this subdivision may be issued for a period  
10 not to exceed 3 months and may not be renewed.

**Cross-reference:** See also ch. Med 20, Wis. adm. code.

**History:** 1975 c. 383, 421; 1979 c. 162 s. 38 (10); 1979 c. 337; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 290; 1987 a. 399; 1989 a. 31, 229; 1991 a. 39, 180; 1993 a. 105, 107; 1997 a. 67, 175; 1999 a. 180; 2001 a. 89; 2007 a. 54; 2009 a. 280, 382; 2011 a. 160; 2013 a. 240; 2015 a. 116; 2017 a. 331; 2017 a. 365. s. 111.

11 **SECTION 3.** 448.05 (5r) of the statutes is amended to read:

12 448.05 (5r) CERTIFICATE AS RESPIRATORY CARE PRACTITIONER. An applicant for a  
13 certificate or a temporary certificate to practice respiratory care shall submit  
14 evidence satisfactory to the board that the applicant is a graduate of a school with  
15 a course of instruction in respiratory care approved by the ~~commission on~~  
16 ~~accreditation of allied health education programs of the American Medical~~  
17 Association Joint Review Committee on Education in Respiratory Care or the  
18 Commission on Accreditation for Respiratory Care or the successor organization of  
19 any of the foregoing.

**Cross-reference:** See also ch. Med 20, Wis. adm. code.

**History:** 1975 c. 383, 421; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 399; 1989 a. 229; 1991 a. 180; 1993 a. 105, 107; 1995 a. 27 s. 9126 (19); 1995 a. 171, 172, 245; 1997 a. 27, 67, 175; 1999 a. 180; 2001 a. 89; 2007 a. 20 s. 9121 (6) (a); 2011 a. 160; 2013 a. 240; 2015 a. 116, 269; 2017 a. 227.

**Cross-reference:** See also ch. Med 1, 2, 3, and 4, Wis. adm. code.

\*\*\*\*NOTE: I could not find many references online to a "Joint Review Committee for Respiratory Care" and found many variations with similar names. The two we found that seem to reflect the correct titles are 1) the Joint Review Committee for Respiratory Therapy Education, which is now the Commission on Accreditation for Respiratory Care, and 2) the Joint Review Committee on Education in Respiratory Care, which is under the Commission on Accreditation of Allied Health Education Programs. I was not sure which one you meant, but I went with the two that appear to exist currently. Please let me know



if that was not correct as again there is a lot of inconsistency in how the various organizations have been referred to.

1

**(END)**

## Duchek, Michael

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**From:** Wimmer, Matt  
**Sent:** Thursday, September 26, 2019 9:22 AM  
**To:** Duchek, Michael  
**Cc:** Bentz, Nick  
**Subject:** RE: Chapter 448 Changes

Hi Mike,

Can we get a /1 for LRB 3800/P1? I have copied Nick from Rep. Rodriguez's office on this email. Can we get an Assembly companion for their office as well?

Thanks,

Matt

*Matt Wimmer*  
*Office of Senator Patrick Testin*  
*24th Senate District*  
*608-266-3123*

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**From:** Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>  
**Sent:** Wednesday, August 07, 2019 3:34 PM  
**To:** Wimmer, Matt <Matt.Wimmer@legis.wisconsin.gov>  
**Subject:** RE: Chapter 448 Changes

Sounds good. In that case it appears no change is required at this point, so let me know if you have other changes you want to make.

---

**From:** Wimmer, Matt <Matt.Wimmer@legis.wisconsin.gov>  
**Sent:** Tuesday, August 06, 2019 4:49 PM  
**To:** Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>  
**Subject:** RE: Chapter 448 Changes

Mike,

We received some additional feedback from stakeholders on the drafting notes for LRB-3800/P1. The official title, as outlined in the link you sent, is the Joint Review Committee on Education in Respiratory Care. That's the name we would like to work off of.

Thanks,

Matt

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**From:** Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>  
**Sent:** Wednesday, July 31, 2019 4:07 PM  
**To:** Wimmer, Matt <Matt.Wimmer@legis.wisconsin.gov>  
**Subject:** Re: Chapter 448 Changes

This is their web site which I think is what we were working off of. I can change it if you want though:

<https://www.caahep.org/About-CAAHEP/Committees-on-Accreditation/Respiratory-Care.aspx>

Get [Outlook for Android](#)

On Wed, Jul 31, 2019 at 3:41 PM -0500, "Wimmer, Matt" <[Matt.Wimmer@legis.wisconsin.gov](mailto:Matt.Wimmer@legis.wisconsin.gov)> wrote:

Mike,

Just an FYI - per your notes on LRB-3800/P1, I have attached the report on official actions by the Commission on Accreditation of Allied Health Education Programs of their official approval of the Joint Review Committee for Respiratory Care. I will let you know if there are any edits moving forward to the draft.

Matt



State of Wisconsin  
2019 - 2020 LEGISLATURE

In 9-26-19  
TODAY

LRB-3800/Pf  
MED:ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to repeal** 448.04 (1) (i) 2.; and **to amend** 448.04 (1) (i) 3. and 448.05 (5r)  
2 of the statutes; **relating to:** certificates to practice respiratory care.

---

***Analysis by the Legislative Reference Bureau***

This bill repeals a provision concerning temporary certificates to practice respiratory care issued by the Medical Examining Board and changes, for purposes of eligibility for a certificate to practice respiratory care, the names of a required examination and the accrediting bodies for respiratory care courses of instruction.

---

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

3 **SECTION 1.** 448.04 (1) (i) 2. of the statutes is repealed.

4 **SECTION 2.** 448.04 (1) (i) 3. of the statutes is amended to read:

5 448.04 (1) (i) 3. The board may issue a temporary certificate to practice  
6 respiratory care to an individual who submits to the board an application, the fee  
7 specified in s. 440.05 (1) (a), ~~written verification that the applicant has passed the~~  
8 ~~national board for respiratory care's certified respiratory technician examination,~~

1 evidence the applicant has passed the Therapist Multiple-Choice Examination by  
2 the National Board for Respiratory Care, evidence satisfactory to the board that the  
3 applicant meets the requirements of s. 448.05 (5r), and evidence satisfactory to the  
4 board that the applicant is certified to practice respiratory care in another state. The  
5 board may not issue a temporary certificate under this subdivision to an individual  
6 who has previously been issued a temporary certificate under this subdivision. If an  
7 applicant for a temporary certificate under this subdivision has been subjected to  
8 professional discipline as a result of the applicant's practice of respiratory care, the  
9 applicant shall submit to the board a description of the circumstances of the  
10 discipline. A temporary certificate under this subdivision may be issued for a period  
11 not to exceed 3 months and may not be renewed.

12 **SECTION 3.** 448.05 (5r) of the statutes is amended to read:

13 **448.05 (5r) CERTIFICATE AS RESPIRATORY CARE PRACTITIONER.** An applicant for a  
14 certificate or a temporary certificate to practice respiratory care shall submit  
15 evidence satisfactory to the board that the applicant is a graduate of a school with  
16 a course of instruction in respiratory care approved by the ~~commission on~~  
17 ~~accreditation of allied health education programs of the American Medical~~  
18 Association Joint Review Committee on Education in Respiratory Care or the  
19 Commission on Accreditation for Respiratory Care or the successor organization of  
20 any of the foregoing.

\*\*\*\*NOTE: I could not find many references online to a "Joint Review Committee for Respiratory Care" and found many variations with similar names. The two we found that seem to reflect the correct titles are 1) the Joint Review Committee for Respiratory Therapy Education, which is now the Commission on Accreditation for Respiratory Care, and 2) the Joint Review Committee on Education in Respiratory Care, which is under the Commission on Accreditation of Allied Health Education Programs. I was not sure which one you meant, but I went with the two that appear to exist currently. Please let me know

if that was not correct as again there is a lot of inconsistency in how the various organizations have been referred to.

1

**(END)**

**Walker, Dan**

---

**From:** Wimmer, Matt  
**Sent:** Thursday, October 03, 2019 12:59 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3800/1

Please Jacket LRB -3800/1 for the SENATE.