

CR 91-99

**CERTIFICATE**

**STATE OF WISCONSIN**

**DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:**

**I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Medical Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Medical Examining Board on the 20th day of November, 1991.**

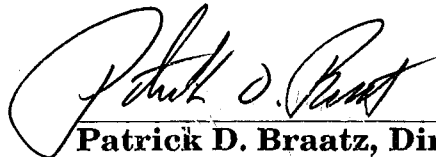
**I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.**

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 20th day of November, 1991.**

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*Heidi P. ...*  
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**Patrick D. Braatz, Director  
Bureau of Health Professions  
Department of Regulation and  
Licensing**

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STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 91-99)

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ORDER

An order of the Medical Examining Board to create chapter Med 20 of the administrative code relating to certification and regulation of respiratory care practitioners.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227. 11 (2) and 448.40 (1), Stats., and SECTION 14 (2) of 1989 Wisconsin Act 229.

Statutes interpreted: ss. 448.01 (9g) and (m), 448.02 (2), 448.04 (1) (i) and 448.05 (5r), Stats.

In this order the Medical Examining Board creates rules relating to the certification of respiratory care practitioners and establishes the fees for certification. These proposed rules also establish the educational and examination requirements for credentialing. These rules are a result of 1989 Wisconsin Act 229 which created the Respiratory Care Practitioners Examining Council as an advisory council to the Wisconsin Medical Examining Board and mandated that the board promulgate rules.

Section Med 20.01 sets forth the statutory authority for the proposed rules. Section Med 20.02 provides definitions of terminology used in the proposed rules.

Section Med 20.03 specifically outlines the application and credentialing process. It addresses those applicants who will apply before January 1, 1992, who have not met the educational or examination requirements. It further explains the national examination that will be used and what the passing score will be.

Section Med 20.04 creates the oral examination procedures to be used by applicants who may be required to take oral examinations before the Respiratory Care Practitioners Examining Council. It further spells out the requirements to take the state board examination. It also discusses the process to be used for examination failure.

Section Med 20.05 creates and spells out the process for temporary certificates and that those certificates expire on the first day of the next national examination and are not renewable.

TEXT OF RULE

SECTION 1. Chapter Med 20 is created to read:

CHAPTER MED 20 (title)

RESPIRATORY CARE PRACTITIONERS

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.

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.

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 (3) (n) 7, 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 joint review committee for respiratory therapy education 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.

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.

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

(a) Has received inpatient or outpatient care for drug or alcohol abuse;

(b) Has received inpatient or outpatient care for mental illness;

(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; or

(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.

(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 both 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 (3) (n) 7, 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.

Med 20.05 TEMPORARY CERTIFICATES. (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 (3) (n) 7, 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).

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated 11-20-91

Agency George A. Rendell

Chair  
Medical Examining Board

RULES-352  
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**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** November 21, 1991

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela Haack, Administrative Assistant  
Department of Regulation and Licensing

**SUBJECT:** Final Rulemaking Order

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**Agency: MEDICAL EXAMINING BOARD**

**Clearinghouse Rule: 91-99**

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code.

Thank you.