

Chapter Med 20

RESPIRATORY CARE PRACTITIONERS

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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.