



Date: November 21, 2022

To: Legislative Council Study Committee on Occupational Licenses

From: Sarah Brundidge, Past-President, WSRC

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RE: Request for Legislative Draft to Remove Respiratory Care Practitioner (RCP) License Hurdles/Delays

First, we would like to thank the Legislative Council Study Committee on Occupational Licensing and the Department of Safety and Professional Services (DSPS) for hearing our concerns and addressing/removing unnecessary and nongermane respiratory care licensure requirements. The WSRC is grateful for the historically collaborative relationship we have had with the DSPS and hope the Leg Council Study Committee will work with the DSPS to address unnecessary and harmful delays affecting licensing and credentialing in Wisconsin's respiratory care workforce.

It is historically evident there are issues and delays with professional license applications being processed in a timely manner. We, as representatives of the WSRC and all those seeking to practice respiratory care in Wisconsin, have specific requests that would improve and streamline the licensure process:

- 1. Draft a Study Committee LRB amending Chapter 448 of the state statutes to eliminate/address the Rules and Statutes Exam requirement found in Med 20.04 (2) that requires Respiratory Care Practitioners (RCP) to complete and pass the Rules and Statutes Exam.**

It is evident to RCPs and Wisconsin employers of RCPs, the rules and statutes exam is NOT a direct indicator of one's aptitude or proficiency in providing respiratory care in a healthcare setting.

According to the DSPS, *"The purpose of the exam is to familiarize yourself with locating and interpreting the statutes and administrative code that regulate the practice of the profession in which you seek licensure,"* and *"While this exam is open book it is still designed to determine your fitness for a credential."*

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An exam administered by the DSPS covering “rules & statutes” does not determine an individual’s “fitness” or ability to provide quality and highly technical healthcare. There are a number of healthcare professions that are NOT required to complete a Rules and Statutes Exam - nursing, clinical dieticians, and anesthesiology assistants to name a few. However, healthcare practitioners like RCP, physical therapists, and occupational therapists are required to successfully pass a rules and statutes exam. The requirement to successfully complete a Rules and Statutes Exam is patchwork regulation that discriminates against specific healthcare professionals in Wisconsin.

- 2. Remove the additional licensing hurdle that requires RCP candidates to complete and submit an “Honesty Expectations” agreement BEFORE they can receive the rules and statutes exam.**

As part of the DSPS RCP licensing application process; an RCP candidate must receive, review, sign and submit an “Honesty Expectations” agreement (attached) to be eligible to receive and complete the rules and statutes exam. Upon receipt of completed honesty expectations, the DSPS only then provides the rules and statutes exam to the RCP candidate. This additional/unnecessary and discriminatory step alone can add an additional 2-4 weeks to licensure.

- 3. Study Committee requests WI Legislative Council to evaluate the necessity and impact of a Rules and Statutes Exam for all healthcare professionals on patient outcomes and the quality of care provided.**

As previously mentioned, the healthcare professions not required to take a rules and statutes exam do not provide more comprehensive care than those of the professions required to take it. We ask; Is the exam truly to ensure only highly qualified people enter the workforce, or is it just a tool for the regulator (DSPS) to conveniently enforce administrative code on the regulated community (RCP)?

The key take-away for all Study Committee members should be – The licensing and licensing process for RCPs in Wisconsin is overregulated and DSPS licensing regulation of RCPs (specifically Med 20.04 (2) are an outlier when compared to other healthcare fields in Wisconsin and the licensing requirements of RCPs in neighboring states. The WSRC is hopeful the committee will endorse and draft legislation that is consistent with the proposed solutions identified above.

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Comparing Neighboring States' Processes

Minnesota	Illinois	Iowa	Michigan	Wisconsin
<ol style="list-style-type: none"> 1. Verification of successful completion of an approved accredited education program. 2. Verification of successful completion of the NBRC or CSRT exam 	<ol style="list-style-type: none"> 1. Verification of approved RT program 2. Verification of successful completion NBRC exam 	<ol style="list-style-type: none"> 1. Verification of successful completion of NBRC exam 2. Background check including fingerprint card 	<ol style="list-style-type: none"> 1. Verification of successful completion of an approved RT program 2. Verification of successful completion NBRC exam 3. Complete Human Trafficking training 	<ol style="list-style-type: none"> 1. Verification of successful completion of an approved RT program 2. Verification of successful completion NBRC exam 3. Completion & submission of Honesty Expectations Agreement 4. Completion & passage of Rules and Statutes Examination
Cost \$223.25	Cost \$100	Cost \$75 + \$55 for background check	Cost \$183.30	Cost \$60 + \$75 examination fee
CE 24 credits every 24 months	CE 24 credits every 24 months	CE 24 credits; 12 of which must be with live instructor	CE None managed by the state	CE None managed by the state

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Honesty Expectations

The exam content is drawn from applicable state statutes and administrative code chapters specific to the Respiratory Care Practitioners profession. The purpose of the exam is to familiarize yourself with locating and interpreting the statutes and administrative code that regulate the practice of the profession in which you seek licensure.

A list of the Wisconsin Statutes and Administrative Code chapters covered in the exam can be found in the Exam Information section located under Additional Resources on the left-hand side of the Respiratory Care Practitioners Professions page.

While this exam is open book it is still designed to determine your fitness for a credential. Any effort to obtain assistance from any source other than the content contained in the administrative code chapters related to this exam will result in your exam being voided. Additionally, your exam may be invalidated for any other conduct which undermines the validity or security of the examination process, including taking digital images of the test and/or test materials or retaining/copying the exam for future reference, use, or distribution.

Please print, sign, and date this agreement IN INK ONLY. Your signature indicates that you understand the above policies, that you agree to comply, and that you will not/have not obtain(ed) any outside assistance in completing your examination(s). Once complete, please scan and email to: DSpscMedBdAffiliates@wisconsin.gov. When this form is received and processed the exam will be sent to the email address on file in your application for completion and return to DPS.

Name (printed)

Application ID#

Date

Signature

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 20.055 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; CR 18-101: am. Register October 2019 No. 766, eff. 11-1-19.

Med 20.02 Definitions. In this chapter:

- (1) "Board" means the medical examining board.
- (2) "Council" means the respiratory care practitioners examining council.
- (3) "CRT" means certified respiratory therapist.
- (4) "RRT" means registered respiratory therapist.
- (5) "TMC" means the Therapist Multiple Choice Examination administered by the National Board for Respiratory Care.

Note: "CRT" and "RRT" are registered trademarks of the National Board for Respiratory Care.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; CR 18-101: am. (intro.), (3), (4), cr. (5) Register October 2019 No. 766, eff. 11-1-19.

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

- (a) A completed application on a form provided by the board.
- (b) The fee specified in s. 440.05, Stats.
- (d) Evidence the applicant has passed the examinations required under s. Med 20.04.
- (f) Evidence the applicant is a graduate of a school with a course of instruction in respiratory care approved by the Commission on Accreditation for Respiratory Care or the Joint Review Committee for Respiratory Care.

(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 from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

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; CR 18-101: am. (1) (intro.), (a), r. (1) (c), am. (1) (d), r. (1) (e), (f) (intro.), renum. (1) (f) 1. to (1) (f) and am., r. (1) (f) 2., 3., (2), am. (3) Register October 2019 No. 766, eff. 11-1-19.

Med 20.04 Examinations; panel review of applications. (1) An applicant for certification as a respiratory care practitioner shall pass the TMC. The passing score for the TMC is 88 on the 2-digit scale.

(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. The passing score for the examination under this subsection is 85 percent.

(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 practiced respiratory care for 1,200 hours or less during the last 3 years.

(f) Has practiced respiratory care 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 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.

(L) Has violated s. Med 20.06 (5m).

(4m) 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 assist in evaluating applicants examined under sub. (4) (a) and (b). The passing score for an oral examination is 75 percent.

(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 score on all examinations to qualify for a certificate.

(7) An applicant who fails to receive a passing score on an examination under sub. (2) or (4) may reapply by payment of the fee specified in s. 440.05, Stats. If an applicant fails the examination under sub. (2) 3 times, the applicant may not retake the examination unless the applicant submits evidence of having completed further professional training or education as the board may prescribe. An applicant may reapply for an oral examination twice at not less than 4-month intervals.

(8) An oral examination concerning the circumstances described in sub. (4) (a) or (b) shall be limited to a determination whether, at the time of application, risk to the health, safety, or welfare of patient or public arises 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., Regis-