

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Chapter Med 20

Relating to: Respiratory Care Practitioners

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

None.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to evaluate and update ch. Med 20 relating to respiratory care practitioners to ensure it is consistent with current examination and licensing practices and applicable Wisconsin statutes.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current administrative rules define and reference the acronym “CRTT” (Certified Respiratory Therapy Technician). The proposed rules will replace “CRTT” with “CRT” (Certified Respiratory Therapist) to reflect current terminology.

Effective January 2015, the National Board for Respiratory Care (NBRC) changed the Certified Respiratory Technician examination from the Entry Level CRT Examination to the Therapist Multiple-Choice Examination (TMC). The proposed rules will update terminology and administrative provisions related to the NBRC examination.

The proposed rules will revise s. Med 20.04 (7) to clarify the requirement for completion of further professional training or education prescribed by the Board before retaking an exam after a third failure does not apply to the NBRC examination.

Section Med 20.05 allows the Board to issue a temporary certificate to practice respiratory care to a candidate who has not received the results of the NBRC examination but is otherwise qualified for certification. This provision was created at a time when results of an examination could take several months. As results of the current NBRC examination are available immediately, the temporary certificate under s. Med 20.05 is no longer necessary. The proposed rules will repeal s. Med 20.05 in its entirety.

The Respiratory Care Practitioners Examining Council will evaluate the provisions of ch. Med 20 and may propose other changes to ensure consistency with current examination and licensing practices and applicable Wisconsin Statutes. The alternative of not evaluating and updating these rules as described above would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.05 (5r), Stats., provides “[a]n 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.”

Section 448.05 (6), Stats., provides “. . . 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.”

Section 448.06 (2), Stats., provides “[t]he 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.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

State employees will spend approximately 80 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule :

Applicants for a certificate to practice respiratory care

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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