

FILED APR 08 1988

SENATE FILE 2332
BY HUTCHINS and HULTMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to respiratory and emergency medical care.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SE 2332

1 Section 1. NEW SECTION. 135F.14 CERTIFICATION REQUIRED -
2 - EXCEPTIONS.

3 1. Except as otherwise provided in this section, a person
4 shall not engage in the practice of respiratory care unless
5 the person has obtained a certificate from the department.

6 2. This chapter does not prohibit the performance of
7 respiratory care procedures by a person who is licensed to
8 practice a health profession covered by chapter 147.

9 3. This chapter does not prohibit the performance of
10 respiratory care procedures by a first responder, emergency
11 rescue technician, emergency medical technician-ambulance,
12 advanced emergency medical care provider or other person
13 functioning as a member of an ambulance, rescue, or first
14 response service.

15 4. A person working in the field of respiratory care on
16 July 1, 1985, may continue to do so without meeting the
17 certification or continuing education requirements of this
18 chapter, but the person shall not claim to be a "respiratory
19 care practitioner" or use the letters R.C.P. after the
20 person's name.

21 Sec. 2. Section 135F.1, subsections 1, 3, and 4, Code
22 1987, are amended to read as follows:

23 1. "Respiratory care practitioner" or "practitioner" means
24 a person who ~~has-qualified~~ qualifies as a respiratory
25 therapist or respiratory therapy technician. ~~Neither-term~~
26 ~~refers-to-a-person-currently-working-in-the-field-of~~
27 ~~respiratory-care-who-does-not-become-certified-under-this~~
28 ~~chapter.~~

29 3. "Respiratory therapist" means a ~~respiratory-care~~
30 ~~practitioner~~ person who has successfully completed a
31 respiratory therapy training program and has passed the
32 registry examination for respiratory therapists administered
33 by the national board for respiratory care ~~and-passed~~ or a
34 respiratory therapy certification examination approved by the
35 department. Two years of supervised clinical experience in an

1 acceptable location for the practice of respiratory care, as
2 described in section 135F.4, may be substituted for the
3 completion of a respiratory therapy training program.

4 4. "Respiratory therapy technician" means a respiratory
5 ~~care-practitioner~~ person who has successfully completed a
6 respiratory therapy training program, and has passed the
7 certification examination for respiratory therapy technicians
8 administered by the national board for respiratory care and
9 passed or a respiratory therapy technicians' certification
10 examination approved by the department. Two years of
11 supervised clinical experience in an acceptable location for
12 the practice of respiratory care, as described in section
13 135F.4, may be substituted for the completion of a respiratory
14 therapy training program.

15 Sec. 3. Section 135F.2, unnumbered paragraph 1, Code 1987,
16 is amended to read as follows:

17 "Respiratory care as a practice" means a health care
18 profession, under ~~medical-direction~~ a medical director,
19 employed in the therapy, management, rehabilitation,
20 diagnostic evaluation, and care of patients with deficiencies
21 and abnormalities which affect the pulmonary system and
22 associated aspects of cardiopulmonary and other systems'
23 functions, and includes all of the following:

24 Sec. 4. Section 135F.6, subsection 2, Code 1987, is
25 amended to read as follows:

26 2. The establishment ~~and-collection-of-fees~~ of a system
27 for the ~~registration~~ certification of respiratory care
28 practitioners and the establishment and collection of
29 certification fees. The fees charged shall be sufficient to
30 defray the costs of administration of this chapter and all
31 fees collected shall be deposited with the treasurer of state
32 who shall deposit them in the general fund of the state.

33 Sec. 5. Section 135F.7, Code 1987, is amended to read as
34 follows:

35 135F.7 REPRESENTATION.

1 A person who is qualified as a respiratory care
2 practitioner and is ~~registered with~~ certified by the
3 department may use the title "respiratory care practitioner"
4 or the letters R.C.P. after the person's name to indicate that
5 the person is a qualified respiratory care practitioner
6 ~~registered with~~ certified by the department. No other person
7 is entitled to use the title or letters or any other title or
8 letters that indicate or imply that the person is a
9 respiratory care practitioner, nor may a person make any
10 representation, orally or in writing, expressly or by
11 implication, that the person is a ~~registered~~ certified
12 respiratory care practitioner. ~~A person working in the field~~
13 ~~of respiratory care on July 17, 1985 shall be permitted to~~
14 ~~continue to do so except that the person shall not be entitled~~
15 ~~to designate or refer to themselves as a "respiratory care~~
16 ~~practitioner" or use the letters R.C.P. after the person's~~
17 ~~name.~~

18 Sec. 6. Section 135F.11, Code 1987, is amended to read as
19 follows:

20 135F.11 CONTINUING EDUCATION.

21 After July 1, 1988 ~~1989~~, a respiratory care practitioner
22 shall submit evidence satisfactory to the department that
23 during the year preceding renewal of certification the
24 practitioner has completed continuing education courses as
25 prescribed by the department. In lieu of the continuing
26 education, a person may successfully complete the most current
27 version of the certification examination.

28 Sec. 7. Section 147A.1, subsection 1, paragraph e, Code
29 1987, is amended to read as follows:

30 e. Any other medical procedure approved by the board, by
31 rule, as appropriate to be performed by advanced first
32 responders, advanced EMTs, and paramedics who have been
33 trained in that procedure.

34 Sec. 8. Section 147A.1, subsection 3, Code 1987, is
35 amended to read as follows:

1 3. "Basic-EMT" "Emergency medical technician-ambulance"
2 means an individual ~~who has satisfactorily completed the~~
3 ~~United States department of transportation's prescribed course~~
4 ~~for basic-EMTs, as modified for this state, and adopted by~~
5 ~~rule by the board~~ certified as provided in section 147.1,
6 subsection 11, but who is not certified to perform any of the
7 procedures listed in subsection 1.

8 Sec. 9. Section 147A.1, Code 1987, is amended by adding
9 the following new subsection after subsection 3 and
10 renumbering the subsequent subsections:

11 NEW SUBSECTION. 4. "Advanced first responder" means an
12 individual certified as provided in section 147.1, subsection
13 9, who is also trained and certified by the board to use an
14 automated external defibrillator.

15 Sec. 10. Section 147A.4, Code 1987, is amended to read as
16 follows:

17 147A.4 RULEMAKING AUTHORITY.

18 1. The department shall adopt rules required or authorized
19 by this chapter pertaining to the operation of ambulance
20 services, and rescue squad services, and first response
21 services which have received authorization under section
22 147A.5 to utilize the services of certified advanced first
23 responders, advanced EMTs, or paramedics. These rules shall
24 include, but need not be limited to, requirements concerning
25 physician supervision, necessary equipment and staffing, and
26 reporting by ambulance services, and rescue squad services,
27 and first response services which have received the
28 authorization pursuant to section 147A.5.

29 2. The board shall adopt rules required or authorized by
30 this chapter pertaining to the examination and certification
31 of advanced first responders, advanced EMTs, and paramedics.
32 These rules shall include, but need not be limited to,
33 requirements concerning prerequisites, training, and
34 experience for advanced first responders, advanced EMTs, and
35 paramedics and procedures for determining when individuals

1 have met these requirements.

2 The board shall establish the fee for the examination of
3 the advanced first responders, advanced EMTs, and paramedics
4 to cover the administrative costs of the examination program.

5 Sec. 11. Section 147A.5, subsections 1 and 3, Code 1987,
6 are amended to read as follows:

7 1. An ambulance service, or rescue squad service, or first
8 response service in this state regularly-engaged-in
9 transporting-patients, that desires to provide advanced
10 emergency medical care before or during the transportation, of
11 a patient shall apply to the department for authorization to
12 establish a program utilizing certified advanced first
13 responders, advanced EMTs, or paramedics for delivery of the
14 care at the scene of an emergency, during transportation to a
15 hospital, or while in the hospital emergency department, and
16 until care is directly assumed by a physician or by authorized
17 hospital personnel.

18 3. The department may deny an application for
19 authorization to establish a program utilizing the services of
20 certified advanced first responders, advanced EMTs, or
21 paramedics, or may place on probation, suspend, or revoke
22 existing authorization if the department finds reason to
23 believe the program has not been or will not be operated in
24 compliance with this chapter and the rules adopted pursuant to
25 this chapter, or that there is insufficient assurance of
26 adequate protection for the public. The denial or period of
27 probation, suspension, or revocation shall be effected and may
28 be appealed as provided by section 17A.12.

29 Sec. 12. Section 147A.6, Code 1987, is amended to read as
30 follows:

31 147A.6 ADVANCED FIRST RESPONDER, ADVANCED EMT, AND
32 PARAMEDIC CERTIFICATES -- RENEWAL.

33 1. The board, upon application and receipt of the
34 prescribed fee, shall issue a certificate attesting to the
35 qualifications of an individual who has met all of the

1 requirements for advanced first responder, advanced EMT, or
2 paramedic certification established by the rules promulgated
3 under section 147A.4, subsection 2.

4 2. An advanced first responder, advanced EMT, or paramedic
5 certificate is valid for the multiyear period determined by
6 the board, unless sooner suspended or revoked. The
7 certificate shall be renewed upon application of the holder
8 and receipt of the prescribed fee if the holder has
9 satisfactorily completed continuing medical education programs
10 as required by rule.

11 Sec. 13. Section 147A.7, subsection 1, unnumbered
12 paragraph 1, Code 1987, is amended to read as follows:

13 The board may deny an application for issuance or renewal
14 of an advanced first responder, advanced EMT, or paramedic
15 certificate, or suspend or revoke the certificate when it
16 finds that the applicant or certificate holder is guilty of
17 any of the following acts or offenses:

18 Sec. 14. Section 147A.7, subsection 1, paragraphs j and k,
19 Code 1987, are amended to read as follows:

20 j. Violating a statute of this state, another state, or
21 the United States, without regard to its designation as either
22 a felony or misdemeanor, which relates to the practice of an
23 advanced first responder, advanced EMT, or paramedic. A copy
24 of the record of conviction or plea of guilty is conclusive
25 evidence of the violation.

26 k. Having certification to practice as an advanced first
27 responder, advanced EMT, or paramedic revoked or suspended, or
28 having other disciplinary action taken by a licensing or
29 certifying authority of another state, territory, or country.
30 A certified copy of the record or order of suspension,
31 revocation, or disciplinary action is conclusive or prima
32 facie evidence.

33 Sec. 15. Section 147A.8, Code 1987, is amended to read as
34 follows:

35 147A.8 AUTHORITY OF CERTIFIED ADVANCED FIRST RESPONDER,

1 ADVANCED EMT, OR PARAMEDIC.

2 An advanced first responder, advanced EMT, or paramedic
3 properly certified under this chapter may:

4 1. Render advanced emergency medical care, rescue, and
5 lifesaving services in those areas for which the advanced
6 first responder, advanced EMT, or paramedic is certified, as
7 defined and approved in accordance with the rules of the
8 board, at the scene of an emergency, during transportation to
9 a hospital or while in the hospital emergency department, and
10 until care is directly assumed by a physician or by authorized
11 hospital personnel.

12 2. Function in any hospital when:

13 a. Enrolled as a student or participating as a preceptor
14 in a training program approved by the board; or

15 b. Fulfilling continuing education requirements as defined
16 by rule; or

17 c. Employed by or assigned to a hospital as a member of an
18 authorized ambulance service, or rescue squad, or first
19 response service, for prehospital care, by rendering
20 lifesaving services in the facility in which employed or
21 assigned pursuant to the advanced first responder's, advanced
22 EMT's, or paramedic's certification and under the direct
23 supervision of a physician or registered nurse. When the
24 physician or registered nurse cannot directly assume emergency
25 care of the patient, the advanced first responder, advanced
26 EMT, or paramedic may perform without direct supervision
27 advanced emergency medical care procedures for which that
28 individual is certified if in the judgment of the physician or
29 registered nurse the life of the patient is in immediate
30 danger and such care is required to preserve the patient's
31 life; or

32 d. Employed by or assigned to a hospital as a member of an
33 authorized ambulance service, or rescue squad, or first
34 response service for prehospital care to perform nonlifesaving
35 procedures for which those individuals have been trained and

1 are designated in a written job description. Such procedures
2 may be performed after the patient is observed by and when the
3 advanced first responder, advanced EMT, or paramedic is under
4 the supervision of the physician or registered nurse and where
5 the procedure may be immediately abandoned without risk to the
6 patient.

7 Sec. 16. Section 147A.10, Code 1987, is amended to read as
8 follows:

9 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN
10 CIRCUMSTANCES.

11 1. A physician or physician's designee who gives orders,
12 either directly or via communications equipment from some
13 other point, to an appropriately certified advanced first
14 responder, advanced EMT, or paramedic at the scene of an
15 emergency, and an appropriately certified advanced first
16 responder, advanced EMT, or paramedic following the orders,
17 are not subject to criminal liability by reason of having
18 issued or executed the orders, and are not liable for civil
19 damages for acts or omissions relating to the issuance or
20 execution of the orders unless the acts or omissions
21 constitute recklessness.

22 2. A physician, physician's designee, advanced first
23 responder, advanced EMT, or paramedic shall not be subject to
24 civil liability solely by reason of failure to obtain consent
25 before rendering emergency medical, surgical, hospital or
26 health services to any individual, regardless of age, when the
27 patient is unable to give consent for any reason and there is
28 no other person reasonably available who is legally authorized
29 to consent to the providing of such care.

30 3. An act of commission or omission of any appropriately
31 certified advanced first responder, advanced EMT, or paramedic
32 while rendering advanced emergency medical care under the
33 responsible supervision and control of a physician to a person
34 who is deemed by them to be in immediate danger of serious
35 injury or loss of life, shall not impose any liability upon

1 the certified advanced first responder, advanced EMT, or
2 paramedic, the supervising physician, or any hospital, or upon
3 the state, or any county, city or other political subdivision,
4 or the employees of any of these entities; provided that this
5 section shall not relieve any person of liability for civil
6 damages for any act of commission or omission which
7 constitutes recklessness.

8 Sec. 17. Section 147A.11, Code 1987, is amended to read as
9 follows:

10 147A.11 PROHIBITED ACTS.

11 1. Any person not certified as required by this chapter
12 who claims to be an advanced first responder, advanced EMT, or
13 a paramedic, or who uses any other term to indicate or imply
14 that the person is an advanced first responder, advanced EMT,
15 or a paramedic, or who acts as an advanced first responder,
16 advanced EMT, or a paramedic without having obtained the
17 appropriate certificate under this chapter, is guilty of a
18 class "D" felony.

19 2. An owner of an unauthorized ambulance service, or
20 rescue squad service, or first response service in this state
21 who operates or purports to operate an authorized ambulance
22 service, or rescue squad services service, or first response
23 service, or who uses any term to indicate or imply such
24 authorization without having obtained the appropriate
25 authorization under this chapter, is guilty of a class "D"
26 felony.

27 3. Any person who imparts or conveys, or causes to be
28 imparted or conveyed, or attempts to impart or convey false
29 information concerning the need for assistance of an ambulance
30 service, or a rescue squad service, or a first response
31 service, or of any personnel or equipment thereof, knowing
32 such information to be false, is guilty of a serious
33 misdemeanor.

34 Sec. 18. Section 147A.12, subsection 1, Code 1987, is
35 amended to read as follows:

1 1. This chapter does not restrict a registered nurse,
2 licensed pursuant to chapter 152, from staffing an authorized
3 ambulance service, or rescue squad service, provided or first
4 response service if the registered nurse can document
5 equivalency through education and additional skills training
6 essential in the delivery of prehospital emergency care. The
7 equivalency shall be accepted when:

8 a. Documentation has been reviewed and approved at the
9 local level by the medical director of the ambulance, or
10 rescue squad service, or first response service in accordance
11 with the rules of the board of nursing developed jointly with
12 the board of medical examiners.

13 b. Authorization has been granted to that ambulance, or
14 rescue squad service, or first response service by the
15 council.

16 Sec. 19. Section 258A.1, subsection 1, Code Supplement
17 1987, is amended by adding the following new paragraph:

18 NEW PARAGRAPH. 2. The Iowa department of public health in
19 certifying respiratory care practitioners pursuant to chapter
20 135F.

21 EXPLANATION

22 This bill revises chapter 135F so that under the new
23 provisions, a person could not engage in the practice of
24 respiratory care unless the person has obtained a certificate
25 from the Iowa department of public health. However,
26 exemptions are provided for persons licensed in another health
27 profession and for persons who were working in the field of
28 respiratory care on July 1, 1985.

29 The bill also changes the examination requirement so that a
30 person need not have passed both a national and a state
31 examination to qualify as a respiratory care practitioner.
32 Passage of either the national or the state examination would
33 be sufficient.

34 Requirements for the submission of evidence of continuing
35 education would be deferred from July 1, 1988 to July 1, 1989.

1 The bill also defines "advanced first responder" and
2 includes advanced first responders under the provisions of
3 Code chapter 147A, which relates to advanced emergency medical
4 care.

5 Further, the bill makes applicable to the certification of
6 respiratory care practitioners the requirements of chapter
7 258A of the Code relating to continuing education and
8 disciplinary and other procedures with respect to professional
9 and occupational licensing, certification, and registration.

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FILED APR 14 1988

STATE OF IOWA

FISCAL NOTE
SENATE FILE 2332

LSB No. 4795s
Staff ID. RRS

In compliance with a written request received April 7, 1988, a fiscal note for SENATE FILE 2332 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2332 requires a person engaged in respiratory care to be certified by the Department of Public Health (DPH), defines continuing education and disciplinary procedures for respiratory care practitioners, and defines advanced first responders as related to the advanced Emergency Medical Care Program.

ASSUMPTION:

- 1. A fee would be charged to those seeking respiratory care licensure. This money would be deposited in the General Fund and expenditures would be appropriated through the DPH. The goal of each board in DPH is to be self-supporting.

	<u>FY 1989</u>	<u>FY 1990</u>
<u>REVENUE</u>		
General Fund	\$12,500	\$12,500
<u>EXPENDITURES</u>		
Administrative Costs	\$ 0	\$ 0
<u>NET EFFECT</u>	<u>\$12,500</u>	<u>\$12,500</u>

Source: Department of Public Health

(LSB 4795s) RRS)
Dennis Prouty
Fiscal Director
Legislative Fiscal Bureau
Date: 4/14/88