

NURSING BOARD[655]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby gives Notice of Intended Action to amend Chapter 3, “License to Practice—Registered Nurse/Licensed Practical Nurse,” Iowa Administrative Code.

The proposed amendments:

1. Clarify the definition of “Applicant.”
2. Update advanced registered nurse practitioner (ARNP) language to:
 - Remove the reference to registration and replace it with renewal or licensure.
 - Include ARNP reactivation fees.
 - Include ARNP verification.
3. Update mandatory licensure language.
4. Revise the applicant requirements and the application and examination processes to:
 - Clarify documents required for the determination of applicant eligibility.
 - Replace “sentencing order” with “court documents.”
 - Replace “criminal conviction” with “criminal history.”
 - Clarify that the passing standard of the NCLEX® examinations is established by the National Council of State Boards of Nursing (NCSBN).
 - Clarify time lines when applicants may take the examination and when fees will be imposed.
 - Revise language concerning foreign applicants to:
 - Clarify eligibility documents.
 - Update TOEFL passing scores.
 - Clarify that practice is not allowed without successful completion of the examination.
 - Clarify the process for testing modification requests.
 - Clarify the reexamination process.
 - Clarify the process to sit for an examination when an applicant previously applied but did not sit for the examination.
5. Clarify the licensure by endorsement process, forms required and timing.
6. Clarify licensee obligation to report name and address changes.
7. Clarify renewal process requirements and timing.
8. Clarify mandatory reporter training requirements for renewal.
9. Clarify reactivation requirements and timing.
10. Update license denial processes.

Any interested person may make written comments or suggestions on or before September 23, 2014. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685; or e-mail comments to rules.comments@iowa.gov. Persons who wish to convey their views orally should contact the Executive Director at (515)281-3256, or in the Board office at 400 S.W. 8th Street, by appointment.

After analysis and review of this rule making, no fiscal impact has been found.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 17A, 147, 152, and 272C.

The following amendment is proposed.

Amend 655—Chapter 3 as follows:

CHAPTER 3

LICENSURE TO PRACTICE—REGISTERED NURSE/LICENSED PRACTICAL NURSE

655—3.1(17A,147,152,272C) Definitions.

“Accredited or approved nursing program” means a nursing education program whose status has been recognized by the board or by a similar board in another jurisdiction that prepares individuals for licensure as a licensed practical nurse, registered nurse, or ~~registration as an~~ advanced registered nurse practitioner; or grants a baccalaureate, master’s or doctorate degree with a major in nursing.

“Address” means a street address in any state when a street address is available or a rural route address when a street address is not available.

“Applicant” means a person who is qualified to take the examination or apply for licensure by endorsement.

“Endorsement” means the process by which a registered nurse/licensed practical nurse licensed in another jurisdiction becomes licensed in Iowa.

“Examination” means ~~any of~~ the tests used to determine minimum competency prior to the issuance of a registered nurse/licensed practical nurse license.

“Fees” means those fees collected which are based upon the cost of sustaining the board’s mission to protect the public health, safety and welfare. The nonrefundable fees set by the board are as follows:

1. Application for original license based on the registered nurse examination, \$93 (plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI)).

2. Application for original license based on the practical nurse examination, \$93 (plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks by the DCI and the FBI).

3. Application for registered nurse/licensed practical nurse license by endorsement, \$119 (plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks by the DCI and the FBI).

4. Application for ~~registration~~ original license or renewal as an advanced registered nurse practitioner, \$81 for any ~~length of registration period of licensure~~ up to three years.

5. For a certified statement that a registered nurse/licensed practical nurse is licensed in this state or registered as an advanced registered nurse practitioner, \$25.

6. For written verification of licensure status, not requiring certified statements, \$3 per license.

7. For reactivation of a license to practice as a registered nurse/licensed practical nurse, \$175 for a license lasting more than 24 months up to 36 months (plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks by the DCI and the FBI).

8. For reactivation of a license to practice as an advanced registered nurse practitioner, \$81 for any period of licensure up to three years.

~~8.~~ 9. For the renewal of a license to practice as a registered nurse/licensed practical nurse, \$99 for a three-year period.

~~9.~~ 10. For a duplicate or reissued wallet card or original certificate to practice as a registered nurse/₂ licensed practical nurse, or ~~registration card or original certification to practice as an~~ advanced registered nurse practitioner, \$20.

~~10.~~ 11. For late renewal of a registered nurse/licensed practical nurse license, \$50, plus the renewal fee as specified in paragraph “8 9” of this rule definition.

~~11.~~ 12. For a check returned for any reason, \$15. If licensure/registration has been issued by the board office based on a check for the payment of fees and the check is later returned by the bank, the board shall request payment by certified check or money order.

~~12.~~ 13. For a certified copy of an original document, \$20.

~~13.~~ 14. For special licensure, \$62.

~~14.~~ 15. ~~Fee for~~ For the evaluation of the fingerprint ~~packet~~ cards and the DCI and FBI criminal history background checks, \$50.

“Inactive license” means a registered nurse or licensed practical nurse license that has been placed on inactive status because it was not renewed by the fifteenth day of the month following the expiration date, or the board has received notification that a licensee has declared another compact state as primary state of residency. Pursuant to 655—subrule ~~16.2(4)~~ 16.2(8), the former home state license shall no longer be valid upon the issuance of a new home state license.

“Late license” means a registered nurse or licensed practical nurse license that has not been renewed by the expiration date on the wallet card. The time between the expiration date and the fifteenth day of the month following the expiration date is considered a grace period.

“Licensee” means a person who has been issued a ~~certificate~~ license to practice as a registered nurse, ~~or licensed practical nurse or advanced registered nurse practitioner~~ under the laws of this state.

“NCLEX®” means National Council Licensure Examination for registered nurse/licensed practical nurse licensure.

“Overpayment” means payment in excess of the required fee. Overpayment less than \$10 received by the board shall not be refunded.

“Reactivation” means the process whereby an inactive licensee obtains a current license.

“Reinstatement,” pursuant to rule 655—4.11(17A,147,152,272C), means the process by which any person whose license to practice nursing has been suspended, revoked or voluntarily surrendered by order of the board may apply for license consideration.

“Temporary license” means a license issued on a short-term basis for a specified time pursuant to subrule ~~3.5(3)~~ 3.5(4).

“Unlicensed student” means a person enrolled in a nursing education program who has never been licensed as a registered nurse or licensed practical/vocational nurse in any U.S. jurisdiction.

“Verification” means the process whereby the board provides a certified statement that the license of a registered nurse/licensed practical nurse/~~advanced registered nurse practitioner~~ is active, inactive, or encumbered/disciplined ~~or an advanced registered nurse practitioner is registered in this state.~~

This rule is intended to implement Iowa Code ~~section~~ sections 147.80 and 147.82.

655—3.2(17A,147,152,272C) Mandatory licensure.

3.2(1) A person who practices nursing in the state of Iowa as defined in Iowa Code section 152.1, outside of one’s immediate family, shall have a current Iowa license, whether or not the employer is in Iowa and whether or not the person receives compensation. Any nurse who participates in the care of a patient situated in Iowa, whether that care is provided through telephonic, electronic or in-person means, and regardless of the location of the nurse, must obtain Iowa licensure unless specifically exempted by the licensure compact agreement. The nurse shall maintain ~~a copy of the license~~ verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa.

3.2(2) Current Iowa licensure is not mandatory when:

a. A nurse who resides in another party state is recognized for licensure in this state pursuant to the nurse licensure compact contained in Iowa Code chapter 152E. The nurse shall maintain ~~a copy of the license~~ verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa.

b. A nurse who holds an active license in another state provides services to patients in Iowa only during interstate transit.

c. A nurse who holds an active license in another state provides emergency services in an area in which the governor of Iowa has declared a state of emergency.

3.2(3) A nurse who is enrolled in an approved nursing program shall hold an active license in the U.S. jurisdiction(s) in which the nurse provides patient care. ~~An individual from another country who is enrolled in a course of study for registered nurses or licensed practical nurses shall hold an active license in the U.S. jurisdiction(s) in which the individual provides patient care.~~

This rule is intended to implement Iowa Code section 147.2.

655—3.3(17A,147,152,272C) ~~Qualifications for licensure~~ Licensure qualifications for registered nurse and licensed practical nurse.

3.3(1) Applicants shall meet the requirements set forth in Iowa Code sections 147.3 and 152.7. Requirements include:

a. Graduation from an approved nursing program preparing registered nurses as defined in Iowa Code section 152.5(1) for registered nurse applicants or graduation from an approved nursing program preparing practical nurses as defined in Iowa Code section 152.5(1) for licensed practical nurse applicants. ~~Theory and clinical experience shall include medical nursing, surgical nursing, obstetric nursing and nursing of children. Registered nurse applicants shall additionally have completed theory and clinical experience in psychiatric nursing.~~

b. Passing NCLEX® or the State Board Test Pool Examination, the national examination used prior to 1982.

c. Board approval of an applicant with a criminal ~~conviction~~ history or a record of prior disciplinary action, regardless of jurisdiction.

3.3(2) The requirement listed in paragraph 3.3(1) “*b*” is subject to the following exceptions:

a. A practical nurse applicant must have written the same examination as that administered in Iowa and achieved a score established as passing for that test by the board unless the applicant graduated and was licensed prior to July 1951.

b. An applicant whose national examination scores do not meet the Iowa requirements in effect at the time of the examination and who wishes to become licensed in Iowa may appeal to the board. The board may require the applicant to pass the current examination.

This rule is intended to implement Iowa Code sections 147.2 and 152.7(3).

655—3.4(17A,147,152,272C) Licensure by examination.

3.4(1) Applicants shall meet qualifications for licensure set forth in subrule 3.3(1).

3.4(2) The board contracts with the National Council of State Boards of Nursing, Inc. to use the NCLEX® for registered nurses and licensed practical nurses.

a. ~~The passing standard for the NCLEX® is determined by the board.~~ The NCLEX® is administered according to guidelines and passing standards established by the National Council of State Boards of Nursing, Inc.

b. NCLEX® results are reported as pass or fail.

c. ~~The NCLEX® is administered according to guidelines set forth by the National Council of State Boards of Nursing, Inc.~~

~~*c.*~~ Examination statistics are available to the public.

3.4(3) Application—graduates of board-approved programs.

a. The board shall:

(1) Provide information about licensure application to applicants, nursing education programs in Iowa, and others upon request.

(2) Determine eligibility of each applicant upon receipt of an application, fees, official nursing transcript, ~~and notification of NCLEX® registration~~ fingerprint cards and a signed waiver form.

b. The applicant shall:

(1) Submit a completed application for license by examination.

(2) Submit two completed ~~sets of the fingerprint packet cards~~ and a signed waiver form to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint ~~packet cards~~ and the DCI and FBI criminal history background checks will be assessed to the applicant.

(3) Submit fee for application for license by examination plus the fee for evaluation of the fingerprint ~~packet cards~~ and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(4) Register for the NCLEX® and submit registration fee to the national test service agency.

(5) Direct the nursing program to submit to the board an official nursing transcript denoting the ~~date of entry, date of graduation, and diploma or degree conferred.~~

(6) Inform the board that the primary state of residence is Iowa or a noncompact state and provide a current street address and mailing address, if different.

(7) Submit a copy of a ~~sentencing order(s)~~ the court document(s) with the license application if ~~an~~ the applicant has a criminal ~~conviction~~ history.

~~(8) Self-schedule the examination at an approved testing center. Applicants who do not test within 91 days of authorization are required to submit a new application and fee to the board.~~

(8) Complete NCLEX® registration through the national test service agency within 12 months of board receipt of the application for license, fingerprint cards, signed waiver form and fees. The board reserves the right to destroy documents after 12 months.

~~(9) Complete NCLEX® registration within 12 months of board receipt of the application for license, fingerprint packet and fees. The board reserves the right to destroy documents after 12 months.~~

(9) Self-schedule the examination with an approved testing center.

(10) Applicants who do not test within 91 days of authorization from the national test service agency are required to submit a new application and fee to the board.

3.4(4) Application—individuals educated and licensed in another country.

a. The board shall:

(1) Provide information about licensure application to applicants and others upon request.

(2) Determine eligibility of each applicant upon receipt of:

1. Application for ~~licensure~~ license by examination.

2. Two completed ~~sets of the fingerprint packet~~ cards and a signed waiver form to facilitate a national criminal history background check.

3. Application fee for license by examination plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

~~4. Notification of NCLEX® registration.~~

~~5.~~ 4. Official nursing transcript denoting ~~date of entry and~~ date of graduation validated by the Commission on Graduates of Foreign Nursing Schools (CGFNS) International.

~~6.~~ 5. Validation of licensure/registration in the original country by CGFNS International.

~~7.~~ 6. ~~Full education course-by-course~~ Credentials Evaluation Service Professional report submitted by CGFNS International for licensed practical nurse and registered nurse applicants.

~~8.~~ 7. Verification of ability to read, write, speak and understand the English language as determined by the results of the International English Language Testing System (IELTS), Pearson Test of English Academic (PTE), or Test of English as a Foreign Language (TOEFL) for licensed practical nurse and registered nurse applicants. Applicants shall be exempt from the IELTS, PTE or TOEFL examination when the native language is English; nursing education was completed in a college, university or professional school located in Australia, Barbados, Canada (except Quebec), Ireland, Jamaica, New Zealand, South Africa, Trinidad and Tobago or the United Kingdom; language of instruction in the nursing program was English; and language of the textbooks in the nursing program was English.

b. The applicant shall:

(1) Submit completed application for license by examination, including two ~~sets of the completed fingerprint packet~~ cards and a signed waiver form to facilitate a national criminal history background check.

(2) Submit fee for application for license by examination plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(3) Register for the NCLEX® and submit registration fee to the national test service agency.

(4) Direct CGFNS International to validate the official nursing transcript.

(5) Direct CGFNS International to validate licensure/registration in the original country.

(6) Complete the ~~full education course-by-course~~ Credentials Evaluation Service Professional report ~~application of the through~~ CGFNS ~~Credentials Evaluation Service (CES)~~ International for licensed practical nurse and registered nurse applicants.

(7) Complete IELTS, PTE or TOEFL requirements for licensed practical nurse and registered nurse applicants, unless exempt.

(8) Inform the board of primary state of residence and a current mailing street address and mailing address, if different.

(9) Submit a copy of ~~a sentencing order(s)~~ the court document(s) with the license application if ~~an~~ the applicant has a criminal ~~conviction~~ history.

(10) Self-schedule the examination at with an approved testing center. ~~Applicants who do not test within 91 days of authorization are required to submit a new application and fee to the board.~~

(11) Complete NCLEX® registration through the national test service agency within 12 months of board receipt of the application for license, fingerprint ~~packet~~ cards, signed waiver form and fees. The board reserves the right to destroy documents after 12 months.

(12) Applicants who do not test within 91 days of authorization from the national test service agency are required to submit a new application and fee to the board.

3.4(5) Application—individuals with disabilities. Individuals with disabilities as defined in the Americans with Disabilities Act shall be provided modifications ~~in~~ during the NCLEX® ~~or~~ NCLEX® administration.

a. The board shall:

(1) Notify applicants of the availability of test modifications for individuals with documented disabilities.

(2) Upon request, notify applicants of the process for obtaining board approval of test modification as defined in paragraph 3.4(5) “*b.*”

(3) Determine eligibility for test modification upon receipt of:

1. Written request from the applicant for test modifications ~~in~~ during the NCLEX® ~~or~~ NCLEX® administration.

2. Written documentation of the applicant’s disability and need for test modifications, including results of appropriate diagnostic testing ~~when appropriate~~, submitted by a qualified professional with expertise in the area of the diagnosed disability, ~~or interpretation of results.~~

3. Written documentation of test modifications ~~provided~~, if any, granted to the applicant while enrolled in the nursing education program, ~~if applicable.~~

b. The applicant shall:

(1) Submit to the board a written request for specific modifications ~~in~~ during the NCLEX® ~~or~~ NCLEX® administration.

~~(2) Direct a qualified professional with expertise in the area of the diagnosed disability or interpretation of test results to submit to the board written documentation of the applicant’s disability and need for specific test modifications, including the history of the disability and results of diagnostic testing.~~

(2) Obtain appropriate documentation supporting the request for accommodations, including results of appropriate diagnostic testing, submitted by a qualified professional with expertise in the areas of the diagnosed disability. Documentation could include recent reports, test results, evaluations and assessments of the candidate’s need for accommodations due to a disability (physical or mental impairment) that substantially limits one or more major life activities.

~~(3) Direct the nursing program to submit to the board documentation of test modifications provided to the applicant while enrolled in the nursing education program, if applicable any were granted.~~

~~(4) Complete examination application requirements defined in subrule 3.4(3) or 3.4(4).~~

3.4(6) Reexamination.

a. An applicant who has graduated from an approved practical nurse program and has failed the NCLEX-PN® is eligible to take the NCLEX-PN® an indefinite number of times.

b. An applicant who has graduated from an approved registered nurse program and has failed the NCLEX-RN® is eligible to take the NCLEX-RN® an indefinite number of times.

~~*c.* An applicant who fails the NCLEX® and reapplies for license by examination shall be required to complete application for license by examination, submit the fee for application by examination, complete NCLEX® registration and submit a registration fee to the national test service. Two~~

~~sets of the completed fingerprint packet, plus the fee identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C), are required if 12 months have passed since the previous criminal history background check.~~

c. An applicant who fails the NCLEX® and reapplies within 12 months for license by examination shall be required to complete an application for license by examination, submit the fee for application by examination, complete NCLEX® registration and submit a registration fee to the national test service agency.

d. An applicant who fails the NCLEX® and reapplies, after 12 months have passed, for license by examination shall be required to complete an application for license by examination, submit two completed fingerprint cards, a signed waiver form, and the fee for evaluation of the fingerprint cards and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), pursuant to rule 655—3.1(17A,147,152,272C), complete NCLEX® registration and submit a registration fee to the national test service agency.

e. Applicants for the examination who do not appear for the appointment or do not complete the examination will be required to complete the examination requirements defined in paragraphs 3.4(6) “a” to “d.”

3.4(7) Certificate of license by examination. Upon completion of the relevant qualifications for license by examination and passing of the NCLEX® as defined in these rules, the board shall issue a certificate of license by examination and a current license to practice as a registered nurse/licensed practical nurse. The board staff may issue a certificate of license pending prior to receipt of a report on the applicant from the DCI/FBI.

This rule is intended to implement Iowa Code sections 147.36, 147.80 and 152.7(3).

655—3.5(17A,147,152,272C) Licensure by endorsement.

3.5(1) *Qualifications for licensure by endorsement.* The endorsee shall meet the qualifications for licensure defined in subrule 3.3(1).

3.5(2) *Applicants currently licensed in another state.* Application for licensure to practice as a registered nurse or licensed practical nurse by endorsement shall be made according to the following process:

a. The board shall:

- (1) Provide application forms and instructions to applicants upon request.
- (2) Determine eligibility of each applicant upon receipt of an application, fees, official nursing transcript, and verification of license submitted by state of original license or the National Council of State Boards of Nursing, Inc., electronic nurse licensure system (NURSYS®).

b. The applicant shall:

- (1) Submit a completed application form for license by endorsement.
- (2) Submit ~~two sets of the completed fingerprint packet~~ two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint ~~packet~~ cards and the DCI and FBI criminal history background checks will be assessed to the applicant.

(3) Submit the fee for license by endorsement plus the fee for evaluation of the fingerprint ~~packet~~ cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(4) Direct the nursing program to submit to the board an official nursing transcript denoting the ~~date of entry~~, date of graduation and diploma or degree conferred.

~~(5) Submit the application form for verification of original licensure. If the original state of licensure participates in the National Council of State Boards of Nursing, Inc. Electronic Nurse Licensure System (NURSYS), send form and application fee directly to the National Council of State Boards of Nursing, Inc.~~

(5) Provide verification of state of original licensure by one of the following:

1. Submit the application form for verification of original licensure to state of original licensure.
2. Apply directly to the online verification system (NURSYS®) if the original state of licensure participates in NURSYS®.

(6) ~~Submit evidence attesting~~ Attest that Iowa is the primary state of residence if the applicant is changing primary state of residence from another party state as outlined in rule 655—16.2(452 152E) or that the primary state of residence is a noncompact state. The board may request evidence of residency.

(7) Complete the application process within 12 months from the date of receipt of the application. The board reserves the right to destroy the documents after 12 months.

c. An endorsement applicant who has been disciplined by a licensing authority in another state must indicate the jurisdiction of the action(s) when submitting application materials. A copy of all relevant disciplinary documents will be obtained for board review prior to a determination regarding licensure. The board may impose conditions for licensure.

d. An endorsement applicant who has a criminal ~~conviction~~ history must submit a copy of the ~~sentencing order~~ court document(s) when submitting application materials. The board may impose conditions for licensure.

e. ~~A license shall not be issued to an~~ An applicant who fails to complete the licensure process within 12 months from the date of receipt of the application must reapply.

3.5(3) *Application—individuals educated and licensed in another country.*

a. The board shall:

(1) Provide application forms and instructions to applicants upon request.

(2) Determine eligibility of each applicant upon receipt of an application, two completed fingerprint packet cards and a signed waiver form, fees, official nursing transcript denoting ~~date of entry~~ and date of graduation validated by ~~the Commission on Graduates of Foreign Nursing Schools (CGFNS) International~~, validation of licensure/registration in the original country by CGFNS International, ~~full education course-by-course~~ Credentials Evaluation Service Professional report from CGFNS International, and verification of original license submitted by state of original license or the National Council of State Boards of Nursing, Inc., electronic nurse licensure system (NURSYS®).

b. The applicant shall:

(1) Submit completed application for licensure by endorsement, including ~~two sets of the completed fingerprint packet cards and a signed waiver form~~ to facilitate a national criminal history background check.

(2) Submit fee for application for licensure by endorsement plus the fee for evaluation of the fingerprint ~~packet cards~~ and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(3) Direct CGFNS International to validate the official nursing transcript.

(4) Direct CGFNS International to validate licensure/registration in the original country.

(5) ~~Apply for~~ Complete the ~~full education course-by-course~~ Credentials Evaluation Service Professional report application ~~of the through~~ CGFNS Credentials Evaluation Service (CES) International for licensed practical nurse and registered nurse applicants, or direct CGFNS International to verify that a certificate letter was issued, or send the completed ~~CES~~ Credentials Evaluation Service Professional report to the board.

(6) Inform the board of primary state of residence and a current mailing street address and mailing address, if different.

(7) Submit a copy of a ~~sentencing order(s)~~ the court document(s) with the license application if an applicant has a criminal ~~conviction~~ history.

3.5(4) *Temporary license.* A temporary license shall be issued to an applicant who is licensed in another state if the applicant meets the qualifications for a license as outlined in subrule 3.3(1). The application form and endorsement fee plus the fee for evaluation of the fingerprint ~~packet cards~~ and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C), verification of license form and ~~two sets of the completed~~ fingerprint ~~packet cards and signed waiver form~~ to facilitate a national criminal history background check shall be on file in the office of the board prior to the issuance of the temporary license.

a. A temporary licensee may use the appropriate title of registered nurse or licensed practical nurse and the appropriate abbreviation R.N. or L.P.N.

b. The temporary wallet card must be signed by the licensee to be valid. The temporary license shall be issued for a period of 30 days. A second temporary license may be issued for a period not to exceed 30 days or at the discretion of the executive director.

c. A temporary license ~~shall~~ may be issued to an applicant who has incurred disciplinary action in another state when the license is not currently encumbered.

d. A temporary license ~~shall~~ may not be issued to an applicant with a criminal ~~conviction~~ history.

e. A temporary license shall not be issued to an applicant educated and licensed in another country until the ~~full education course-by-course report application of the CGFNS Credentials Evaluation Service (CES) Credentials Evaluation Service Professional report application through CGFNS International~~ has been received by the board, CGFNS International has verified that a certificate letter was issued, or CGFNS International submits a previously completed CES Credentials Evaluation Service Professional report ~~has been sent~~ to the board.

3.5(5) Certificate of license by endorsement. Upon completion of the endorsement procedures defined in these rules, the board shall issue a certificate of license by endorsement and a current license to practice as a registered nurse/licensed practical nurse. The board staff may issue a certificate of license pending prior to receipt of a report on the applicant from the DCI/FBI.

This rule is intended to implement Iowa Code sections 147.2 and 152.9.

655—3.6(17A,147,152,272C) Special licensure for those licensed in another country. A special license may be granted by the board on an individual basis to allow a nurse licensed in another country who is not eligible for endorsement to practice nursing in Iowa for a fixed period of time under certain conditions. Special licensure shall allow the nurse to provide care in a specialty area, provide consultation or teaching where care is directed, serve as a research or teaching assistant, or obtain clinically based continuing education.

1. Upon request, the board shall provide application materials to the applicant or sponsor.

2. The applicant shall provide identifying information, ~~history of criminal conviction~~ history, history of licensure in another jurisdiction, and reason for special licensure.

3. The applicant shall complete the application, submit a fee as identified in rule 655—3.1(17A,147,152,272C), and provide evidence of certification by ~~the Commission on Graduates of Foreign Nursing Schools (CGFNS) International, or a Test of English as a Foreign Language (TOEFL)~~ official results of the TOEFL test or official results of the International English Language Testing System (IELTS). The applicant shall have a minimum score of at least 500 540 for the paper-based TOEFL test, a minimum score of 207 or 173 for the computer-based TOEFL test, or a minimum score of 83 for the Internet-based TOEFL test. The applicant shall score a minimum of 6.5 for the IELTS test.

4. Board staff shall determine the validity of the request based on the need, duration and location of special licensure identified on the application, and staff shall notify the applicant of ineligibility for special licensure if the application is incomplete or indicates a criminal ~~conviction~~ history or evidence of licensure in another jurisdiction.

5. The board shall grant special licensure to eligible applicants. The license shall be identified as a special license and identify duration and conditions as designated in this rule. The period of special licensure shall be determined by the board and may be extended at the request of the applicant.

6. If the board denies special licensure, the individual may be eligible for licensure by examination in ~~accord~~ accordance with subrule 3.4(4).

7. The licensee shall be subject to all rules and regulations promulgated by the board except those pertaining to verification, renewal, late renewal, inactivation, reactivation and continuing education requirements.

This rule is intended to implement Iowa Code section 147.2.

655—3.7(17A,147,152,272C) License cycle.

3.7(1) Name and address changes. Written notification to the board of name and address changes is ~~mandatory as defined in Iowa Code section 147.9~~ required within 30 days of the event. Licensure

documents are mailed to the licensee at the address on file in the board office. There is no fee for a change of name or address in board records.

3.7(2) *New licenses.* The board shall issue licenses by endorsement and examination for a 24- to 36-month period. When the license is renewed, it will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the birth month.

3.7(3) *Renewal.* ~~At least 60 days prior to expiration of the license, the~~ The licensee may renew the license online at the board's Web site beginning 60 days prior to license expiration. Renewal applications are also available by mail upon request. Renewal is available online at the board's Web site or by mail upon request. When the licensee has satisfactorily completed the requirements for renewal, a wallet card shall be mailed to the licensee.

~~a. The required materials and the renewal fee as specified in rule 655—3.1(17A,147,152,272C) are to be submitted to the board office 30 days before license expiration. The licensee shall:~~

~~(1) Attest that Iowa is the primary state of residence as outlined in rule 655—16.2(152E) or that the primary state of residence is a noncompact state. The board may request evidence of residency.~~

~~(2) Submit the renewal application and the renewal fee as specified in rule 655—3.1(17A,147,152, 272C).~~

~~(3) Meet the continuing education requirement as set forth in 655—Chapter 5, prior to license renewal.~~

~~(4) Complete the required mandatory reporter training set forth in paragraph 3.7(3) "b."~~

~~b. When the licensee has satisfactorily completed the requirements for renewal 30 days before expiration of the previous license, a renewal wallet card shall be mailed to the licensee before expiration of the previous license.~~

~~b. Mandatory reporter training.~~

~~(1) The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.~~

~~c. (2) A licensee who regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for rule suspension as identified in paragraph "g." subparagraph 3.7(3) "b"(6).~~

~~d. (3) A licensee who regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for rule suspension as identified in paragraph "g." subparagraph 3.7(3) "b"(6).~~

~~e. (4) A licensee who regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training on abuse identification and reporting in dependent adults and children or condition(s) for rule suspension as identified in paragraph "g." subparagraph 3.7(3) "b"(6). Training may be completed through separate courses as identified in paragraphs "e" subparagraphs 3.7(3) "b"(2) and "d" (3) or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.~~

~~f. (5) The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs "e" subparagraphs 3.7(3) "b"(2) to "e," (4), including program date(s), content, duration, and proof of participation.~~

~~g. (6) The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:~~

~~(1) 1. Is engaged in active duty in the military service of this state or the United States.~~

~~(2) 2. Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including waiver of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 655—Chapter 5.~~

~~h. (7)~~ The board may select licensees for audit of compliance with the requirements in ~~paragraphs “e”~~ subparagraphs 3.7(3) “b”(1) to ~~“g.”~~ (6).

3.7(4) *Late renewal.* The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in rule 655—3.1(17A,147,152,272C).

To renew a late license, the licensee shall complete the renewal requirements and submit the late fee before the fifteenth day of the month following the expiration date on the wallet card.

3.7(5) *Inactive status.* The license shall become inactive when the license has not been renewed by the fifteenth day of the month following the expiration date on the wallet card or the board office has been notified by another compact state that a licensee has declared a new primary state. Pursuant to 655—subrule ~~16.2(4)~~ 16.2(8), the former home state license shall no longer be valid upon the issuance of a new home state license.

a. If the inactive license is not reactivated, it shall remain inactive.

b. If the licensee resides in Iowa or a noncompact state, the licensee shall not practice nursing in Iowa until the license is reactivated to active status. If the licensee is identified as practicing nursing with an inactive license, disciplinary proceedings shall be initiated.

c. The licensee is not required to obtain continuing education credit or pay fees while the license is inactive.

d. To reactivate the license, the licensee shall ~~contact the board office~~ complete the reactivation requirements.

(1) The licensee shall be provided an application, a continuing education report form, two fingerprint packet cards, a waiver form, and statement of the fees. The reactivation fee and criminal history background check fee are specified in the definition of “fees” in rule 655—3.1(17A,147,152,272C).

(2) The licensee shall have obtained 12 contact hours of continuing education, as specified in 655—Chapter 5, within the 12 months prior to reactivation.

(3) Upon receipt of the completed reactivation application, required continuing education materials, two sets of the completed fingerprint packet cards and a signed waiver form to facilitate a national criminal history background check, fees for both the reactivation and the criminal history background check and verification that the primary state of residence is Iowa or a noncompact state, the licensee shall be issued a license for a 24- to 36-month period. At the time of the next renewal, the license will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the licensee’s birth month. The board staff may issue a certificate of license pending prior to receipt of a report on the applicant from the DCI/FBI.

(4) An applicant who fails to complete the reactivation of licensure process within 12 months from the date of application must reapply. All fees are nonrefundable.

3.7(6) *Duplicate wallet card or certificate.* A duplicate wallet card or certificate shall be required if the current card or certificate is lost, stolen, destroyed or not received by the licensee within 60 days from the date the license is issued. The licensee shall be issued a duplicate wallet card or certificate upon receipt of an application for a duplicate wallet card or certificate and receipt of the fee as specified in rule 655—3.1(17A,147,152,272C). If the licensee notifies the board that the wallet card or certificate has not been received within 60 days after being issued, no fee shall be required. A fee is applicable when the licensee fails to notify the board of a name or address change.

3.7(7) *Reissue of a certificate or wallet card.* The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in rule 655—3.1(17A,147,152,272C). No fee shall be required if an error was made by the board on the original document.

This rule is intended to implement Iowa Code sections 147.2 and 147.9 to 147.11.

655—3.8(17A,147,152,272C) *Verification.* Upon written request from the licensee or another jurisdiction and payment of the verification fee as specified in rule 655—3.1(17A,147,152,272C), the board shall provide a certified statement to another jurisdiction or entity that the license of a

registered nurse⁴, licensed practical nurse or advanced registered nurse practitioner is active, inactive or encumbered/disciplined in Iowa.

This rule is intended to implement Iowa Code sections 147.2 and 147.8.

655—3.9(17A,272C) License denial.

~~3.9(1) An applicant who has been denied licensure by the board may appeal the decision and request a hearing on related issues. A notice of appeal and request for hearing must be served upon the board within 30 days following the date the notification of licensure denial was mailed to the applicant. The request for hearing shall specifically delineate the facts to be contested at hearing.~~

3.9(1) Prior to the denial of licensure to an applicant, the board shall issue a preliminary notice of denial that cites the factual and legal basis for denying the application, notifies the applicant of the appeal process and specifies the date upon which the denial will become final if not appealed.

~~3.9(2) All hearings held pursuant to this rule shall be held in accordance with the process outlined in 655—Chapter 4.~~

3.9(2) An applicant who has been issued a preliminary notice of denial may appeal the notice and request a hearing on the issues related to the preliminary notice of denial by serving a request for hearing upon the executive director within 30 days following the date the preliminary notice of denial was mailed. The request for hearing shall specify the factual or legal errors in the preliminary notice of denial and provide any additional written information or documents in support of the licensure.

3.9(3) All hearings held pursuant to this rule shall be held in accordance with the process outlined in 655—Chapter 4.

3.9(4) If an applicant does not appeal a preliminary notice of denial, the preliminary notice of denial automatically becomes final and a notice of denial will be issued.

This rule is intended to implement Iowa Code chapters 17A and 272C.