

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Respiratory Care hereby rescinds Chapter 260, “Administrative and Regulatory Authority for the Board of Respiratory Care,” amends Chapter 261, “Licensure of Respiratory Care Practitioners,” Chapter 262, “Continuing Education for Respiratory Care Practitioners,” and Chapter 263, “Discipline for Respiratory Care Practitioners,” and rescinds Chapter 264, “Fees,” Iowa Administrative Code.

These amendments implement background checks for individuals who apply for initial respiratory care licensure and for individuals who apply to reactivate their Iowa respiratory care licenses. A provision is added that allows students to qualify for licensure in Iowa who have completed a program that is under Letter of Review by the Committee on Accreditation for Respiratory Care. These amendments rescind duplicative language found in 645—Chapters 4 and 5 and clarify that continuing education obtained through real-time interactive media or through an audio or video presentation that permits the licensee to communicate with the presenter in real time counts toward the 14 hours of continuing education required to be obtained through direct contact.

Notice of Intended Action was published in the Iowa Administrative Bulletin August 27, 2008, as **ARC 7103B**. A public hearing was held September 16, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No comments were received. The Board elected to make one change from the Notice. The word “fee” was changed to “cost” in paragraph 261.2(1)“d,” rule 645—261.6(152B), paragraph “3,” and subrule 261.14(3). The paragraphs now read as follows:

“d. The applicant shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

“3. Submits two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant;

“**261.14(3)** If the license has been inactive for two or more years, the licensee shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.”

Amendments to subrules 5.17(1) and 5.17(4) are published herein under Notice of Intended Action as **ARC 7354B** to make language consistent with these Adopted and Filed amendments.

These amendments were adopted by the Board of Respiratory Care on October 27, 2008.

These amendments will become effective January 1, 2009.

These amendments are intended to implement Iowa Code chapters 21, 147, 152B, and 272C.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [rescind Chs 260, 264; amend Chs 261 to 263] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 7103B**, IAB 8/27/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]