

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rulemaking related to licensure of respiratory care practitioners, polysomnographic technologists, and respiratory care and polysomnography practitioners and providing an opportunity for public comment**

The Board of Respiratory Care and Polysomnography hereby proposes to rescind Chapter 261, “Licensure of Respiratory Care Practitioners, Polysomnographic Technologists, and Respiratory Care and Polysomnography Practitioners,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 152B.6, 148G.5, 147.36, 147.76, 272C.3 and 272C.4.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 152B, 148G, 272C, 147 and 17A and Executive Order 10 (January 10, 2023).

*Purpose and Summary*

These proposed rules set minimum standards for entry into the respiratory care and polysomnography professions. Iowa residents, licensees and employers benefit from the rules since the rules articulate the processes by which individuals apply for licensure in the state of Iowa, as directed in statute. The rules include the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the respiratory care and polysomnography professions has minimum competency. Requirements include the application process, minimum educational qualifications and examination requirements.

This chapter includes rulemaking made in Adopted and Filed **ARC 6993C** (IAB 4/19/23) that was inadvertently excluded during the initial Regulatory Analysis process.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Michele Royer  
Iowa Department of Inspections, Appeals, and Licensing/Bureau of Board Support  
6200 Park Avenue  
Des Moines, Iowa 50321  
Phone: 515.281.5234  
Email: [michele.royer@iowa.gov](mailto:michele.royer@iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 12:50 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: <a href="https://meet.google.com/jji-jaoj-uqy">meet.google.com/jji-jaoj-uqy</a> Or dial: 904.330.1060 PIN: 744 558 427# More phone numbers: <a href="tel:meet/jji-jaoj-uqy?pin=4753713549740">tel.meet/jji-jaoj-uqy?pin=4753713549740</a>
February 14, 2024 12:50 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: <a href="https://meet.google.com/jji-jaoj-uqy">meet.google.com/jji-jaoj-uqy</a> Or dial: 904.330.1060 PIN: 744 558 427# More phone numbers: <a href="tel:meet/jji-jaoj-uqy?pin=4753713549740">tel.meet/jji-jaoj-uqy?pin=4753713549740</a>

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 261 and adopt the following **new** chapter in lieu thereof:

*RESPIRATORY CARE PRACTITIONERS*

CHAPTER 261	LICENSURE OF RESPIRATORY CARE PRACTITIONERS, POLYSOMNOGRAPHIC TECHNOLOGISTS, AND RESPIRATORY CARE AND POLYSOMNOGRAPHY PRACTITIONERS
CHAPTER 262	CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS
CHAPTER 263	DISCIPLINE FOR RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS
CHAPTER 264	RESERVED
CHAPTER 265	PRACTICE OF RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS

CHAPTER 261

LICENSURE OF RESPIRATORY CARE PRACTITIONERS, POLYSOMNOGRAPHIC TECHNOLOGISTS, AND RESPIRATORY CARE AND POLYSOMNOGRAPHY PRACTITIONERS

**645—261.1(148G,152B) Definitions.**

*“Active license”* means a license that is current and has not expired.

*“Board”* means the board of respiratory care and polysomnography.

*“BRPT”* means the Board of Registered Polysomnographic Technologists.

*“CAAHEP”* means the Commission on Accreditation of Allied Health Education Programs.

*“CoARC”* means the Commission on Accreditation for Respiratory Care.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active.

*“Licensee”* means any person licensed to practice as a respiratory care practitioner, polysomnographic technologist, or respiratory care and polysomnography practitioner in the state of Iowa.

*“License expiration date”* means March 31 of even-numbered years.

*“NBRC”* means the National Board for Respiratory Care.

*“Polysomnographic technologist”* means a person licensed by the board to engage in the practice of polysomnography under the general supervision of a physician or a qualified health care professional prescriber.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—261.14(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice as a respiratory care practitioner, polysomnographic technologist, or respiratory care and polysomnography practitioner to an applicant who is currently licensed in another state that has a mutual agreement with the Iowa board of respiratory care and polysomnography to license persons who have the same or similar qualifications to those required in Iowa.

*“Reinstatement”* means the process as outlined in rule 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

**645—261.2(148G,152B) General requirements for licensure.** The following general criteria apply to licensure:

**261.2(1)** The applicant must submit a completed online application for licensure and pay the nonrefundable licensure fee specified in rule 645—5.17(147,152B). The applicant must submit two completed sets of fingerprint cards to facilitate a national criminal history background check. The cost

for the 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) criminal history background checks is assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

*a.* An applicant must submit a release authorizing the background check.

*b.* Licensees who were issued their licenses within six months prior to the renewal do not need to renew their licenses until the renewal month two years later.

*c.* An applicant who has been a licensed respiratory care practitioner, polysomnographic technologist, or respiratory care and polysomnography practitioner under the laws of another jurisdiction shall provide verification of license from the jurisdiction in which the applicant has most recently been licensed. Verification shall be sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) All disciplinary action taken against the license.

**261.2(2)** Incomplete applications that have been on file in the board office for more than two years will be considered invalid and destroyed.

**645—261.3(152B) Additional requirements for respiratory care practitioner licensure.** The following are additional specific criteria for licensure as a respiratory care practitioner:

**261.3(1)** Successful completion of a respiratory care education program accredited by, or under a letter of review from, CoARC or CAAHEP.

**261.3(2)** Foreign-trained respiratory care practitioners shall:

*a.* Provide an equivalency evaluation of their educational credentials by one of the following: International Education Research Foundation, Inc., Credentials Evaluation Service; or International Credentialing Associates, Inc. The professional curriculum must be equivalent to that stated in these rules. The candidate bears the expense of the curriculum evaluation.

*b.* Provide a copy of the certificate or diploma awarded to the applicant from a respiratory care program in the country in which the applicant was educated.

*c.* Receive a final determination from the board regarding the application for licensure.

**261.3(3)** The examination required by the board shall be the Therapist Multiple-Choice Examination or the Certified Respiratory Therapist Examination administered by the NBRC. A score on the examination that meets or exceeds the minimum passing score established by the NBRC is required.

**261.3(4)** Results of the examination must be received by the board of respiratory care and polysomnography by one of the following methods:

*a.* Scores are sent directly from the examination service to the board;

*b.* A copy of a certificate showing proof of the successful achievement of the certified respiratory therapist (CRT) or registered respiratory therapist (RRT) credential awarded by the NBRC is submitted to the board; or

*c.* A copy of the score report or an electronic web-based confirmation by the NBRC showing proof of successful completion is submitted to the board.

**645—261.4(148G,152B) Additional requirements for polysomnographic technologist licensure.** The following are additional specific criteria for licensure as a polysomnographic technologist:

**261.4(1)** Graduation from a polysomnographic educational program accredited by CAAHEP. A transcript shall be submitted to the board office directly from the college or university; or

**261.4(2)** Graduation from an entry into respiratory care professional practice program accredited by CoARC or CAAHEP for which a transcript will be submitted to the board office directly from the college or university; and direct-source verification of one of the following:

- a.* Completion of a sleep specialist program option accredited by CoARC or CAAHEP, or
- b.* Obtaining the sleep disorder specialist credential from the NBRC, or
- c.* Obtaining the registered polysomnographic technologist credential from the BRPT; or

**261.4(3)** Graduation from an electroneurodiagnostic technologist program with a polysomnographic technology track that is accredited by CAAHEP with the transcript sent directly to the board from the college or university; or

**261.4(4)** Requirements for current Iowa licensees holding a license in a profession other than polysomnography. An individual who holds an active license under Iowa Code section 147.2 in a profession other than polysomnography and whose license is in good standing with the board for that profession may receive licensure upon verification from the medical director of the individual's current employer or the medical director's designee that the individual has completed on-the-job training in the field of polysomnography and is competent to perform polysomnography.

**261.4(5)** Foreign-trained polysomnographic technologists shall:

*a.* Provide an equivalency evaluation of their educational credentials by either International Education Research Foundation, Inc., Credentials Evaluation Service; or International Credentialing Associates, Inc. The candidate will bear the expense of the curriculum evaluation.

*b.* Provide a copy of the certificate or diploma awarded to the applicant from a respiratory care program in the country in which the applicant was educated.

*c.* Receive a final determination from the board regarding the application for licensure.

**261.4(6)** Licensure by proof of work experience. An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

**261.4(7)** Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

**645—261.5(148G,152B) Requirements for dual licensure.** The following are additional specific criteria for licensure as a respiratory care and polysomnography practitioner. An applicant for licensure as a respiratory care and polysomnography practitioner shall meet the requirements of subrules 261.5(1) and 261.5(2).

**261.5(1)** The applicant shall have successfully completed a respiratory care education program accredited by, or under a letter of review from, CoARC or CAAHEP.

*a.* Foreign-trained practitioners shall:

(1) Provide an equivalency evaluation of their educational credentials by International Education Research Foundation, Inc., Credentials Evaluation Service; or International Credentialing Associates, Inc. The professional curriculum must be equivalent to that stated in these rules. The candidate will bear the expense of the curriculum evaluation.

(2) Provide a copy of the certificate or diploma awarded to the applicant from the program in the country in which the applicant was educated.

(3) Receive a final determination from the board regarding the application for licensure.

*b.* Examination requirements. The examinations required by the board shall be the Therapist Multiple-Choice Examination administered by the NBRC and either the Sleep Disorders Specialist Examination (SDS) administered by the NBRC or the Registered Polysomnographic Technologist Examination administered by the BRPT. The minimum passing score established by the NBRC or BRPT is required.

*c.* Results of the examination. Results of the examination must be received by the board of respiratory care and polysomnography by one of the following methods:

- (1) Scores are sent directly from the examination service to the board;

(2) A copy of a certificate showing proof of the successful achievement of the certified respiratory therapist (CRT) or registered respiratory therapist (RRT) credential awarded by the NBRC submitted to the board; or

(3) A copy of the score report or an electronic web-based confirmation by the NBRC showing proof of successful completion of the Therapist Multiple-Choice Examination, State Clinical Examination, or Certified Respiratory Therapist Examination administered by the NBRC submitted to the board.

**261.5(2)** The applicant must also meet one of the following requirements:

*a.* Graduation from a polysomnographic educational program accredited by CAAHEP, with the transcript sent directly from the college or university to the board; or

*b.* Completion of a sleep specialist program option accredited by CoARC or CAAHEP with the transcript submitted to the board office directly from the college or university; and direct-source verification of one of the following:

(1) Completion of the curriculum for a polysomnographic certificate established and accredited by the CAAHEP as an extension of the respiratory care program, or

(2) Obtaining the sleep disorder specialist credential from the NBRC, or

(3) Obtaining the registered polysomnographic technologist credential from the BRPT; or

*c.* Graduation from an electroneurodiagnostic technologist program with a polysomnographic technology track that is accredited by CAAHEP, with the transcript submitted to the board office directly from the college or university; or

*d.* Hold an active license under Iowa Code section 147.2 in a profession other than polysomnography that is in good standing with the board for that profession and provide verification from the medical director of the applicant's current employer or the medical director's designee that the applicant has completed on-the-job training in the field of polysomnography and is competent to perform polysomnography.

#### **645—261.6(148G,152B) License renewal.**

**261.6(1)** The biennial license renewal period for a license will begin on April 1 of an even-numbered year and end on March 31 of the next even-numbered year. The licensee is responsible for renewing the license prior to its expiration.

**261.6(2)** An individual who was issued an initial license within six months of the license renewal date does not need to renew the license until the subsequent renewal two years later.

**261.6(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—262.2(148G,152B,272C) and the mandatory reporting requirements of subrule 261.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**261.6(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children and dependent adults in Iowa will complete the applicable department of health and human services training relating to the identification and reporting of child and dependent adult abuse as required by Iowa Code section 232.69(3) "b."

*b.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse will be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

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

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption 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 645—Chapter 262.

*c.* The board may select licensees for audit of compliance with the requirements in paragraphs "a" and "b."

**261.6(5)** Upon receiving the information and the fee, a two-year license will be administratively issued. In the event the board receives adverse information on the renewal application, the renewal license will be issued but the board may refer the adverse information for further consideration or disciplinary investigation.

**261.6(6)** The license certificate and proof of active licensure will be displayed in a conspicuous public place at the primary site of practice.

**261.6(7)** Late renewal. A license not renewed by the expiration date will be assessed a late fee as specified in rule 645—5.17(147,152B). Completion of renewal requirements and submission of the late fee within the grace period are needed to renew the license.

**261.6(8)** Inactive license. A license not renewed by the end of the grace period is inactive. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice respiratory care in Iowa until the license is reactivated. A licensee who practices respiratory care in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

**645—261.7(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**261.7(1)** Submit a reactivation application and pay the reactivation fee specified in rule 645—5.17(147,152B).

**261.7(2)** If the license has been inactive for two or more years, submit two completed fingerprint cards 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 will be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

**261.7(3)** Provide verification of current competence to practice by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of continuing education that conforms to standards defined in rule 645—262.3(148G,152B,272C) within 24 months immediately preceding submission of the application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction within 24 months immediately preceding an application for reactivation.

1. For respiratory care practitioners: 24 hours of continuing education.
2. For polysomnographic technologists: 24 hours of continuing education.
3. For respiratory care and polysomnography practitioners: 24 hours of continuing education of which at least 8 hours but no more than 12 hours shall be on sleep-related topics.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
  2. Date of initial licensure;
  3. Current licensure status; and
  4. Any disciplinary action taken against the license; and
- (2) Verification of completion of continuing education that conforms to standards defined in rule 645—262.3(148G,152B,272C) within 24 months immediately preceding submission of the application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction within 24 months immediately preceding an application for reactivation.
1. For respiratory care practitioners: 48 hours of continuing education.
  2. For polysomnographic technologists: 48 hours of continuing education.
  3. For respiratory care and polysomnography practitioners: 48 hours of continuing education of which at least 16 hours but no more than 24 hours shall be on sleep-related topics.

**261.7(4)** Submit a sworn statement of previous active practice from an employer or professional associate, detailing places and dates of employment and verifying that the applicant has practiced at least 2,080 hours or taught as the equivalent of a full-time faculty member for at least one of the immediately preceding years during the last two-year time period. Sole proprietors may submit the sworn statement on their own behalf.

**645—261.8(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with rule 645—261.14(17A,147,272C) prior to practicing in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 148G, 152B, and 272C.