

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rulemaking related to licensure of physician assistants
and providing an opportunity for public comment**

The Board of Physician Assistants hereby proposes to rescind Chapter 326, “Licensure of Physician Assistants,” 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 147.36, 147.76, 148C.3, 148C.5, 272C.3 and 272C.4; 2023 Iowa Acts, House File 424; and Executive Order 10 (January 10, 2023).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 148C and 272C.

Purpose and Summary

This proposed rulemaking sets minimum standards for licensure as a physician assistant in Iowa. Iowa residents, licensees, and employers benefit from the rulemaking because it articulates the processes by which individuals apply for licensure, as directed in statute. This includes the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by making certain that any individual entering the profession has minimum competency. Requirements include the application process, minimum educational qualifications, and examinations. The rulemaking also incorporates provisions directed by 2023 Iowa Acts, House File 424, to determine the terms of collaboration for a physician assistant who enters into independent practice.

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 Department of Inspections, Appeals, and Licensing 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 Department no later than 4:30 p.m. on March 12, 2024. Comments should be directed to:

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

Public Hearing

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

March 12, 2024 9:20 to 9:40 a.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/upm-vmcy-kyc Or dial: (US) +1 424.269.9398 PIN: 166 396 680# More phone numbers: tel.meet/upmvmcykyc?pin=8845872653931
March 13, 2024 9:20 to 9:40 a.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/upm-vmcy-kyc Or dial: (US) +1 424.269.9398 PIN: 166 396 680# More phone numbers: tel.meet/upmvmcykyc?pin=8845872653931

Persons who wish to make oral comments at a 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 Department 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 326 and adopt the following **new** chapter in lieu thereof:

PHYSICIAN ASSISTANTS

CHAPTER 326	LICENSURE OF PHYSICIAN ASSISTANTS
CHAPTER 327	PRACTICE OF PHYSICIAN ASSISTANTS
CHAPTER 328	CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS
CHAPTER 329	DISCIPLINE FOR PHYSICIAN ASSISTANTS

CHAPTER 326
LICENSURE OF PHYSICIAN ASSISTANTS

645—326.1(148C) Definitions.

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

“*Approved program*” means a program for the education of physician assistants which has been accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor, or, if accredited prior to 2001, either by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs.

“*Board*” means the board of physician assistants.

“*CME*” means continuing medical education.

“*Collaboration*” means consultation with or referral to the appropriate physician or other health care professional by a physician assistant as indicated by the patient’s condition; the education, competencies, and experience of the physician assistant; and the standard of care.

“*Department*” means the department of inspections, appeals, and licensing.

“*Direction*” means authoritative policy or procedural guidance for the accomplishment of a function or activity.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*HIPAA*” means the Health Insurance Portability and Accountability Act of 1996, PL 104-191, August 21, 1996, 110 Stat 1936.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent practice*” means the practice of a physician assistant that is organized as a professional corporation under Iowa Code chapter 496C or a professional limited liability company under Iowa Code chapter 489.

“*Licensee*” means a person licensed by the board as a physician assistant to provide medical services.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice as a physician assistant to an applicant who is or has been licensed in another state.

“*Locum tenens*” means the temporary substitution of one licensed physician assistant for another.

“*Mandatory training*” means training on identifying and reporting child abuse or dependent adult abuse required of physician assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“*NCCPA*” means the National Commission on Certification of Physician Assistants.

“*Opioid*” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain or opioid use disorder.

“*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. A physician supervising a physician assistant practicing in a federal facility or under federal authority will not be required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.

“*Physician assistant*” or “*PA*” means a person who meets the qualifications under Iowa Code chapter 148C and is licensed to practice medicine by the board.

“*Prescription monitoring program database*” or “*PMP database*” means the Iowa prescription monitoring program database administered by the Iowa board of pharmacy pursuant to Iowa Code chapter 124, subchapter VI, and 657—Chapter 37.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—326.19(17A,147,272C) by which an inactive license is restored to active status.

“*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.

“*Supervising physician*” means a physician who supervises the medical services provided by the physician assistant engaged in independent practice consistent with the physician assistant’s education, training, or experience.

“*Supervision*” means the availability of a physician for consultation and collaboration on the activities of a physician assistant who is engaged in independent practice and who has not met the criteria in rules 645—326.7(148C) and 645—326.8(148C) or has met the criteria in rule 645—326.11(148C). Supervision will not be construed as requiring the personal presence of a supervising physician at the place where such services are rendered except insofar as the personal presence is expressly required by these rules or by Iowa Code chapter 148C. Supervision shall not be construed to apply to any physician assistant who is not engaging in independent practice or who is engaged in independent practice but has met the criteria in rules 645—326.7(148C) and 645—326.8(148C) or has met the criteria in rule 645—326.11(148C).

“*Supply prescription drugs*” means to deliver to a patient or the patient’s representative a quantity of prescription drugs or devices that are properly packaged and labeled.

645—326.2(148C) Initial licensure.

326.2(1) To apply for a license, the applicant will complete an online application packet and pay the nonrefundable application fee.

a. If licensed in another jurisdiction, the applicant will complete the licensure by endorsement application and submit a license verification document that discloses if disciplinary action was taken in the jurisdiction where the applicant was most recently licensed. The applicant will submit proof of completing 100 CME hours for each biennium since initial certification.

b. A person who is licensed in another jurisdiction who cannot satisfy the requirements of licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

c. An application not completed according to guidelines will not be reviewed by the board.

d. The applicant will request the approved program for the education of physician assistants to submit official copies of the applicant’s transcript to the board office. Exception: An applicant who is not a graduate of an approved program but who passed the NCCPA initial certification examination prior to 1986 is exempt from the graduation requirement.

e. The applicant will request the NCCPA, or its successor agency, to send a copy of the initial certification to the board office.

f. In lieu of paragraphs 326.2(1) “*d*” and “*e*,” an applicant may provide documentation from the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards as primary source verification for identity, education and national certification information.

326.2(2) A licensee who was issued a license within six months prior to the renewal date will not be required to renew the license until the renewal date two years later.

326.2(3) Incomplete applications that have been on file in the board office for more than two years will be:

a. Considered invalid and destroyed; or

b. Maintained upon written request from the candidate.

645—326.3(148C) Temporary licensure.

326.3(1) A temporary license may be issued for an applicant who has not taken the NCCPA initial certification examination or successor agency examination or is waiting for the results of the examination.

326.3(2) The applicant must comply with subrule 326.2(1), with the exception of paragraphs 326.2(1) “*d*” and “*e*.”

326.3(3) A temporary license will be valid for one year from the date of issuance.

326.3(4) The temporary license will be renewed only once upon the applicant’s showing proof that, through no fault of the applicant, the applicant was unable to take the certification examination recognized by the board. Proof of inability to take the certification examination will be submitted to the

board office with written request for renewal of a temporary license, accompanied by the temporary license renewal fee.

326.3(5) If the temporary licensee fails the certification examination, the temporary licensee must cease practice immediately and surrender the temporary license by the next business day.

326.3(6) There is no additional fee for converting temporary licensure to permanent licensure.

326.3(7) The applicant will ensure that certification of completion is sent to the board directly from an approved program for the education of physician assistants. The certification of completion must be signed by a designee from the approved program.

645—326.4(148C) Examination requirements. The applicant for licensure as a physician assistant will successfully pass the certifying examination conducted by the NCCPA or a successor examination approved by the board of physician assistants.

645—326.5(148C) Two-year physician supervision.

326.5(1) Eligibility determinants. A physician with an active permanent, special, or temporary Iowa license who is actively engaged in the practice of medicine in Iowa may supervise a physician assistant. A physician is ineligible to supervise a physician assistant if the physician is subject to a disciplinary order of the board that restricts or rescinds the physician's authority to supervise or collaborate with a physician assistant. The physician may supervise or collaborate with a physician assistant to the extent that the order allows.

326.5(2) Reserved.

645—326.6(148C) Exemptions from this chapter. This chapter does not apply to the following:

326.6(1) A physician working in a federal facility or under federal authority when the provisions of this chapter conflict with federal regulations.

326.6(2) A physician who supervises a physician assistant providing medical care created by an emergency or a state or local disaster pursuant to Iowa Code section 148C.4(2).

326.6(3) A physician assistant who is not practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5).

326.6(4) A physician assistant who is practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5), who has met the criteria in rule 645—326.7(148C) or who has met the criteria in rule 645—326.11(148C).

645—326.7(148C) Collaborative practice. A physician assistant who enters into an independent practice arrangement, as defined in Iowa Code section 148C.1(5), who has met the criteria in rule 645—326.8(148C) or who has met the criteria in rule 645—326.9(148C) will practice in compliance with Iowa Code chapter 148C. This rule shall not be construed to apply to physician assistants in independent practice who did not previously meet the criteria of rule 645—326.8(148C) or 645—326.9(148C) or to any other practicing physician assistant.

645—326.8(148C) Supervisory requirement. A physician assistant who is practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5), and who has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years will comply with existing supervision requirements set forth in rule 645—326.9(148C).

645—326.9(148C) Supervision requirements.

326.9(1) Notification requirements. A physician assistant who is practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5), and who has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years will use the jointly approved board forms to notify the board of the identity of the physician assistant's supervising physician(s) prior to beginning practice in Iowa. The physician assistant will notify the board of the identity of each of the physician assistant's

supervising physicians and of any change in the status of the supervisory relationships during the physician assistant's required supervisory biennium.

326.9(2) A physician assistant who is practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5), and who has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years will maintain documentation of current supervising physicians, which will be made available to the board upon request.

326.9(3) It shall be the responsibility of the physician assistant who is practicing in an independent practice arrangement, as defined in Iowa Code section 148C.1(5), and who has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years and a supervising physician to ensure that the physician assistant is adequately supervised. Upon agreeing to supervise the physician assistant, a supervising physician will be advised that the physician's name will be listed with the board as a supervising physician. In regard to scheduling, the physician assistant may not practice if supervision is unavailable, except as otherwise provided in Iowa Code chapter 148C or these rules. The physician assistant and the supervising physician are each responsible for knowing and complying with the supervision provisions of these rules.

a. Patient care provided by the physician assistant will be reviewed with a supervising physician on an ongoing basis as determined at the practice level, ensuring each patient has received the appropriate medical care.

b. Patient care provided by the physician assistant may be reviewed with a supervising physician in person, by telephone, or by other telecommunicative means and determined at the practice level.

c. When signatures are required, electronic signatures are allowed if:

(1) The signature is transcribed by the signer into an electronic record and is not the result of electronic regeneration; and

(2) A mechanism exists allowing confirmation of the signature and protection from unauthorized reproduction.

d. When the physician assistant is being trained to perform new medical procedures, the training will be carried out under the supervision of a physician or another qualified individual. Upon completing training, a physician assistant may perform the new medical procedures as determined at the practice level, except as otherwise provided in Iowa Code chapter 148C or these rules.

645—326.10(148C) Eligibility determinants. A physician with an active permanent, special, or temporary Iowa license who is actively engaged in the practice of medicine in Iowa may collaborate with a physician assistant. A physician is ineligible to serve as a collaborating or supervising physician subject to a disciplinary order of the board of medicine that restricts or rescinds the physician's authority to supervise or collaborate with a physician assistant. The physician may collaborate with a physician assistant to the extent that the order allows.

645—326.11(148C) Out-of-state licensees. A physician assistant who has been previously licensed and practiced in another state and who obtains a license to practice in Iowa will be subject to the requirements outlined in rule 645—326.9(148C) if the physician assistant enters into an independent practice arrangement, as defined in Iowa Code section 148C.1(5).

645—326.12(148C) License renewal.

326.12(1) The license renewal period for a license to practice will begin on October 1 and end on September 30 two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

326.12(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

326.12(3) A licensee applying for renewal will:

a. Meet the continuing education requirements of rule 645—328.2(148C) and the mandatory reporting requirements of subrule 326.12(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. Complete the online renewal application, pay the fee, and attach a certificate of completing continuing education hours before the expiration date.

326.12(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 in Iowa will indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) “*b*” in the previous three years, or condition(s) for waiver of this requirement as identified in paragraph 326.12(4) “*e*.”

b. A licensee who, in the course of employment responsibilities, examines, attends, counsels or treats adults in Iowa will indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) “*b*” in the previous three years, or condition(s) for waiver of this requirement as identified in paragraph 326.12(4) “*e*.”

c. The course(s) will be the curriculum provided by the Iowa department of health and human services.

d. The licensee will maintain written documentation for three years after mandatory training as identified in paragraphs 326.12(4) “*a*” to “*c*,” including program date(s), content, duration, and proof of participation.

e. 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.

f. The board may select licensees for audit of compliance with the requirements in paragraphs 326.12(4) “*a*” to “*e*.”

326.12(5) Upon receiving the information required by this rule and the required fee, a two-year license will be issued. In the event the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

326.12(6) A person licensed to practice as a physician assistant will keep the license certificate and renewal displayed in a conspicuous public place at the primary site of practice.

326.12(7) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in 645—subrule 5.14(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

326.12(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a physician assistant in Iowa until the license is reactivated. A licensee who practices as a physician assistant 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—326.13(148C,88GA,ch1020) Use of title. A physician assistant licensed under Iowa Code chapter 148C may use the words “physician assistant” after the person’s name or signify the same by the use of the letters “PA.” A person who meets the qualifications for licensure under Iowa Code chapter 148C but does not possess a current license may use the title “PA” or “physician assistant” but may not act or practice as a physician assistant unless licensed under Iowa Code chapter 148C.

645—326.14(148C) Address change. The physician assistant will notify the board of any change in permanent address within 30 days of its occurrence.

645—326.15(148C) Student physician assistant.

326.15(1) Any person who is enrolled as a student in an approved program will comply with the rules set forth in this chapter. A student is exempted from licensure requirements.

326.15(2) Notwithstanding any other provisions of these rules, a student may perform medical services when they are rendered within the scope of an approved program.

645—326.16(17A,147,272C) Requirements for reactivation. To apply for reactivation, a licensee will:

326.16(1) Complete an online reactivation application and pay the nonrefundable reactivation fee.

326.16(2) Provide verification of current competence to practice as a physician assistant by satisfying one of the following criteria:

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

(1) Send verification. If licensed in another jurisdiction, submit a license verification document that discloses whether disciplinary action was taken against the applicant in the jurisdiction where the applicant was most recently licensed.

(2) Submit proof. Submit proof of completing 100 hours of continuing education within two years of application for reactivation or NCCPA or successor agency certification.

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

(1) Send verification. Submit a license verification document that discloses whether disciplinary action was taken against the applicant from every jurisdiction in which the applicant has been licensed.

(2) Submit verification. Submit verification of completing 200 hours of continuing education within two years of application for reactivation, of which at least 40 percent of the hours completed will be in Category I or NCCPA or successor agency certification.

645—326.17(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—326.16(17A,147,272C) prior to practicing as a physician assistant in this state.

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