

# REPRINTED

SENATE FILE 2013  
BY JUDGE

(COMPANION TO LSB 3270HH  
BY DAGGETT)

Passed Senate, Date <sup>(P. 757)</sup> 3/13/96  
Vote: Ayes 47 Nays 0  
Approved \_\_\_\_\_

Passed House, Date <sup>(P. 1005)</sup> 3/27/96  
Vote: Ayes 80 Nays 16

## A BILL FOR

1 An Act requiring the licensure of respiratory care therapists and  
2 creating a board for respiratory care practitioners.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2013

COMMITTEE

1 Section 1. Section 135.1, unnumbered paragraph 1, Code  
2 Supplement 1995, is amended to read as follows:

3 For the purposes of ~~chapters 152B and~~ chapter 155 and title  
4 IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless  
5 otherwise defined:

6 Sec. 2. Section 135.11, subsections 11 and 13, Code 1995,  
7 are amended to read as follows:

8 11. Enforce the law relative to chapter 146 and "Health-  
9 related Professions," title IV, subtitle 3, excluding chapters  
10 ~~152B, 152D,~~ and 155.

11 13. Establish, publish, and enforce rules not inconsistent  
12 with law for the enforcement of the provisions of chapters  
13 125, ~~152B,~~ 152D, and 155 and title IV, subtitle 2, excluding  
14 chapters 142B, 145B, and 146 and for the enforcement of the  
15 various laws, the administration and supervision of which are  
16 imposed upon the department.

17 Sec. 3. Section 147.1, unnumbered paragraph 1, Code  
18 Supplement 1995, is amended to read as follows:

19 For the purpose of this and the following chapters of this  
20 subtitle, excluding chapters ~~152B,~~ 152C, and 152D:

21 Sec. 4. Section 147.1, subsections 3 and 6, Code  
22 Supplement 1995, are amended to read as follows:

23 3. "Licensed" or "certified" when applied to a physician  
24 and surgeon, podiatric physician, osteopath, osteopathic  
25 physician and surgeon, physician assistant, psychologist or  
26 associate psychologist, chiropractor, nurse, dentist, dental  
27 hygienist, optometrist, speech pathologist, audiologist,  
28 pharmacist, physical therapist, occupational therapist,  
29 respiratory care practitioner, practitioner of cosmetology  
30 arts and sciences, practitioner of barbering, funeral  
31 director, dietitian, marital and family therapist, mental  
32 health counselor, or social worker means a person licensed  
33 under this subtitle, excluding chapters 152B, 152C, and 152D.

34 6. "Profession" means medicine and surgery, podiatry,  
35 osteopathy, osteopathic medicine and surgery, practice as a

1 physician assistant, psychology, chiropractic, nursing,  
2 dentistry, dental hygiene, optometry, speech pathology,  
3 audiology, pharmacy, physical therapy, occupational therapy,  
4 respiratory care, cosmetology arts and sciences, barbering,  
5 mortuary science, marital and family therapy, mental health  
6 counseling, social work, or dietetics.

7 Sec. 5. Section 147.3, Code 1995, is amended to read as  
8 follows:

9 147.3 QUALIFICATIONS.

10 An applicant for a license to practice a profession under  
11 this subtitle, excluding chapters 152B, 152C and 152D, is not  
12 ineligible because of age, citizenship, sex, race, religion,  
13 marital status or national origin, although the application  
14 form may require citizenship information. A board may  
15 consider the past felony record of an applicant only if the  
16 felony conviction relates directly to the practice of the  
17 profession for which the applicant requests to be licensed.  
18 Character references may be required, but shall not be  
19 obtained from licensed members of the profession.

20 Sec. 6. Section 147.6, Code 1995, is amended to read as  
21 follows:

22 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

23 Every license issued under this subtitle, excluding  
24 chapters 152B, 152C and 152D, shall be presumptive evidence  
25 of the right of the holder to practice in this state the  
26 profession therein specified.

27 Sec. 7. Section 147.7, Code 1995, is amended to read as  
28 follows:

29 147.7 DISPLAY OF LICENSE.

30 Every person licensed under this subtitle, excluding  
31 chapters 152B, 152C and 152D, to practice a profession shall  
32 keep the license publicly displayed in the primary place in  
33 which the person practices.

34 Sec. 8. Section 147.9, Code 1995, is amended to read as  
35 follows:

1 147.9 CHANGE OF RESIDENCE.

2 When any person licensed to practice a profession under  
3 this subtitle, excluding chapters 152B, 152C, and 152D,  
4 changes a residence or place of practice the person shall  
5 notify the department.

6 Sec. 9. Section 147.12, unnumbered paragraph 1, Code 1995,  
7 is amended to read as follows:

8 For the purpose of giving examinations to applicants for  
9 licenses to practice the professions for which licenses are  
10 required by this subtitle, excluding chapters 152B, 152C, and  
11 152D, the governor shall appoint, subject to confirmation by  
12 the senate, a board of examiners for each of the professions.  
13 The board members shall not be required to be members of  
14 professional societies or associations composed of members of  
15 their professions.

16 Sec. 10. Section 147.13, Code 1995, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 18. For respiratory care therapists,  
19 respiratory care examiners.

20 Sec. 11. Section 147.14, Code 1995, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 15. For respiratory care, two licensed  
23 physicians with training in respiratory care, two respiratory  
24 care practitioners who have practiced respiratory care for a  
25 minimum of six years immediately preceding their appointment  
26 to the board and who are recommended by the society for  
27 respiratory care, and the director of the department of public  
28 health as an ex officio nonvoting member. A majority of the  
29 members of the board shall constitute a quorum.

30 Sec. 12. Section 147.30, Code 1995, is amended to read as  
31 follows:

32 147.30 TIME AND PLACE OF EXAMINATIONS.

33 The department shall give public notice of the time and  
34 place of all examinations to be held under this subtitle,  
35 excluding chapters 152B, 152C, and 152D. Such notice shall be

1 given in such manner as the department may deem expedient and  
2 in ample time to allow all candidates to comply with the  
3 provisions of this subtitle, excluding chapters †52B7, 152C7  
4 and 152D.

5 Sec. 13. Section 147.34, Code 1995, is amended to read as  
6 follows:

7 147.34 EXAMINATIONS.

8 Examinations for each profession licensed under this  
9 subtitle, excluding chapters †52B7, 152C7 and 152D, shall be  
10 conducted at least one time per year at such time as the  
11 department may fix in cooperation with each examining board.  
12 Examinations may be given at the state university of Iowa at  
13 the close of each school year for professions regulated by  
14 this subtitle, excluding chapters †52B7, 152C7 and 152D, and  
15 examinations may be given at other schools located in the  
16 state at which any of the professions regulated by this  
17 subtitle, excluding chapters †52B7, 152C7 and 152D, are taught.  
18 At least one session of each examining board shall be held  
19 annually at the seat of government and the locations of other  
20 sessions shall be determined by the examining board, unless  
21 otherwise ordered by the department. Applicants who fail to  
22 pass the examination once shall be allowed to take the  
23 examination at the next scheduled time. Thereafter,  
24 applicants shall be allowed to take the examination at the  
25 discretion of the board. Examinations may be given by an  
26 examining board which are prepared and scored by persons  
27 outside the state, and examining boards may contract for such  
28 services. An examining board may make an agreement with  
29 examining boards in other states for administering a uniform  
30 examination. An applicant who has failed an examination may  
31 request in writing information from the examining board  
32 concerning the examination grade and subject areas or  
33 questions which the applicant failed to answer correctly,  
34 except that if the examining board administers a uniform,  
35 standardized examination, the examining board shall only be

1 required to provide the examination grade and such other  
2 information concerning the applicant's examination results  
3 which are available to the examining board.

4 Sec. 14. Section 147.41, subsection 2, Code 1995, is  
5 amended to read as follows:

6 2. The subjects to be covered by such examination and the  
7 subjects to be covered by the final examination to be taken by  
8 such applicant after the completion of the professional course  
9 and prior to the issuance of the license, but the subjects  
10 covered in the partial and final examinations shall be the  
11 same as those specified in this subtitle, excluding chapters  
12 ~~152B~~, ~~152C~~, and ~~152D~~, for the regular examination.

13 Sec. 15. Section 147.44, Code 1995, is amended to read as  
14 follows:

15 147.44 AGREEMENTS.

16 For the purpose of recognizing licenses which have been  
17 issued in other states to practice any profession for which a  
18 license is required by this subtitle, excluding chapters ~~152B~~,  
19 ~~152C~~, and ~~152D~~, the department shall enter into a reciprocal  
20 agreement with every state which is certified to it by the  
21 proper examining board under the provisions of section 147.45  
22 and with which this state does not have an existing agreement  
23 at the time of such certification.

24 Sec. 16. Section 147.46, subsection 1, Code 1995, is  
25 amended to read as follows:

26 1. PROTECTION TO LICENSEES OF THIS STATE. When the laws  
27 of any state or the rules of the authorities of said state  
28 place any requirement or disability upon any person licensed  
29 in this state to practice any profession regulated by this  
30 subtitle, excluding chapters ~~152B~~, ~~152C~~, and ~~152D~~, which  
31 affects the right of said person to be licensed or to practice  
32 the person's profession in said state, then the same  
33 requirement or disability shall be placed upon any person  
34 licensed in said state when applying for a license to practice  
35 in this state.

1     Sec. 17. Section 147.52, Code 1995, is amended to read as  
2 follows:

3     147.52 RECIPROCITY.

4     When the laws of any state or the rules of the authorities  
5 of said state place any requirement or disability upon any  
6 person holding a diploma or certificate from any college in  
7 this state in which one of the professions regulated by this  
8 subtitle, excluding chapters 152B7, 152C7, and 152D, is taught,  
9 which affects the right of said person to be licensed in said  
10 state, the same requirement or disability shall be placed upon  
11 any person holding a diploma from a similar college situated  
12 therein, when applying for a license to practice in this  
13 state.

14     Sec. 18. Section 147.72, Code 1995, is amended to read as  
15 follows:

16     147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

17     Any person licensed to practice a profession under this  
18 subtitle, excluding chapters 152B7, 152C7, and 152D, may append  
19 to the person's name any recognized title or abbreviation,  
20 which the person is entitled to use, to designate the person's  
21 particular profession, but no other person shall assume or use  
22 such title or abbreviation, and no licensee shall advertise in  
23 such a manner as to lead the public to believe that the  
24 licensee is engaged in the practice of any other profession  
25 than the one which the licensee is licensed to practice.

26     Sec. 19. Section 147.73, subsection 1, Code 1995, is  
27 amended to read as follows:

28     1. As authorizing any person licensed to practice a  
29 profession under this subtitle, excluding chapters 152B7, 152C7  
30 and 152D, to use or assume any degree or abbreviation of the  
31 same unless such degree has been conferred upon said person by  
32 an institution of learning accredited by the appropriate board  
33 herein created, together with the director of public health,  
34 or by some recognized state or national accredited agency.

35     Sec. 20. Section 147.74, Code Supplement 1995, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 18A. A respiratory care practitioner  
3 licensed under chapter 152B and this chapter may use the title  
4 "respiratory care practitioner" or the letters R.C.P. after  
5 the person's name.

6 Sec. 21. Section 147.80, Code 1995, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 24A. License to practice respiratory  
9 care, license to practice respiratory care under a reciprocal  
10 license, or renewal of a license to practice respiratory care.

11 Sec. 22. Section 147.83, Code 1995, is amended to read as  
12 follows:

13 147.83 INJUNCTION.

14 Any person engaging in any business or in the practice of  
15 any profession for which a license is required by this  
16 subtitle, excluding chapters 152B, 152C, and 152D, without  
17 such license may be restrained by permanent injunction.

18 Sec. 23. Section 147.86, Code 1995, is amended to read as  
19 follows:

20 147.86 PENALTIES.

21 Any person violating any provision of this or the following  
22 chapters of this subtitle, excluding chapters 152B, 152C, and  
23 152D, except insofar as the provisions apply or relate to or  
24 affect the practice of pharmacy, or where a specific penalty  
25 is otherwise provided, shall be guilty of a serious  
26 misdemeanor.

27 Sec. 24. Section 147.87, Code 1995, is amended to read as  
28 follows:

29 147.87 ENFORCEMENT.

30 The department shall enforce the provisions of this and the  
31 following chapters of this subtitle, excluding chapters 152B,  
32 152C, and 152D, and for that purpose may request the  
33 department of inspections and appeals to make necessary  
34 investigations. Every licensee and member of an examining  
35 board shall furnish the department or the department of



1 inspections and appeals such evidence as the member or  
2 licensee may have relative to any alleged violation which is  
3 being investigated.

4 Sec. 25. Section 147.88, Code 1995, is amended to read as  
5 follows:

6 147.88 INSPECTIONS.

7 The department of inspections and appeals may perform  
8 inspections as required by this subtitle, excluding chapters  
9 152B7, 152C7, and 152D, except for the board of medical  
10 examiners, board of pharmacy examiners, board of nursing, and  
11 the board of dental examiners. The department of inspections  
12 and appeals shall employ personnel related to the inspection  
13 functions.

14 Sec. 26. Section 147.90, Code 1995, is amended to read as  
15 follows:

16 147.90 RULES AND FORMS.

17 The Iowa department of public health and the department of  
18 inspections and appeals shall each establish the necessary  
19 rules and forms for carrying out the duties imposed upon it by  
20 this subtitle, excluding chapters 152B7, 152C7, and 152D.

21 Sec. 27. Section 147.92, Code 1995, is amended to read as  
22 follows:

23 147.92 ATTORNEY GENERAL.

24 Upon request of the department the attorney general shall  
25 institute in the name of the state the proper proceedings  
26 against any person charged by the department with violating  
27 any provision of this or the following chapters of this  
28 subtitle, excluding chapters 152B7, 152C7, and 152D.

29 Sec. 28. Section 147.93, Code 1995, is amended to read as  
30 follows:

31 147.93 PRIMA FACIE EVIDENCE.

32 The opening of an office or place of business for the  
33 practice of any profession for which a license is required by  
34 this subtitle, excluding chapters 152B7, 152C7, and 152D, the  
35 announcing to the public in any way the intention to practice

1 any such profession, the use of any professional degree or  
2 designation, or of any sign, card, circular, device, or  
3 advertisement, as a practitioner of any such profession, or as  
4 a person skilled in the same, shall be prima facie evidence of  
5 engaging in the practice of such profession.

6 Sec. 29. Section 147.111, Code 1995, is amended to read as  
7 follows:

8 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

9 Any person licensed under the provisions of this subtitle,  
10 excluding chapters ~~152B~~ 152C~~7~~ and 152D, who shall administer  
11 any treatment to any person suffering a gunshot or stab wound  
12 or other serious bodily injury, as defined in section 702.18,  
13 which appears to have been received in connection with the  
14 commission of a criminal offense, or to whom an application is  
15 made for treatment of any nature because of any such gunshot  
16 or stab wound or other serious injury, as defined in section  
17 702.18, shall at once but not later than twelve hours  
18 thereafter, report that fact to the law enforcement agency  
19 within whose jurisdiction the treatment was administered or an  
20 application therefor was made, or if ascertainable, to the law  
21 enforcement agency in whose jurisdiction the gunshot or stab  
22 wound or other serious bodily injury occurred, stating the  
23 name of such person, the person's residence if ascertainable,  
24 and giving a brief description of the gunshot or stab wound or  
25 other serious bodily injury. Any provision of law or rule of  
26 evidence relative to confidential communications is suspended  
27 insofar as the provisions of this section are concerned.

28 Sec. 30. Section 152B.1, Code 1995, is amended to read as  
29 follows:

30 152B.1 DEFINITIONS.

31 As used in this chapter, unless otherwise defined or the  
32 context otherwise requires:

33 1. "Board" means the state board for respiratory care.

34 ~~1A.~~ 1A. "Department" means the Iowa department of public  
35 health.

1 1B. "Formal training" means a supervised, structured  
2 educational activity that includes preclinical didactic and  
3 laboratory activities and clinical activities approved by an  
4 accrediting agency recognized by the board, and including an  
5 evaluation of competence through a standardized testing  
6 mechanism that is determined by the board to be both valid and  
7 reliable.

8 2. "Medical Qualified medical director" means a licensed  
9 physician or surgeon who is a member of a hospital's or health  
10 care facility's active medical staff and who should-be  
11 certified-or-eligible-for-certification-by-the-American-board  
12 of-internal-medicine-or-the-American-board-of-anesthesiology  
13 has special interest and knowledge in the diagnosis and  
14 treatment of respiratory problems, is qualified by special  
15 training or experience in the management of acute and chronic  
16 respiratory disorders, is responsible for the quality, safety,  
17 and appropriateness of the respiratory care services provided,  
18 and is readily accessible to the respiratory care  
19 practitioners to assure their competency.

20 3. "Respiratory care" includes "respiratory therapy" or  
21 "inhalation therapy".

22 3A. "Respiratory care education program" means a course of  
23 study leading to eligibility for registration or certification  
24 in respiratory care which is recognized or approved by the  
25 board.

26 4. "Respiratory care practitioner" or "practitioner" means  
27 a person who qualifies-as-a-respiratory-therapist-or  
28 respiratory-therapy-technician; meets all of the following:

29 a. Is employed in the practice of cardiorespiratory care  
30 and has the knowledge and skill necessary to administer  
31 respiratory care as defined in section 152B.3.

32 b. Is capable of serving as a resource to the physician in  
33 relation to the technical aspects of cardiorespiratory care  
34 and to safe and effective methods for administering  
35 respiratory care modalities.

1 c. Is able to function in situations of unsupervised  
2 patient contact requiring individual judgment.

3 d. Is capable of supervising, directing, or teaching less  
4 skilled personnel in the provision of respiratory care  
5 services.

6 5. "Respiratory therapist" means a person who has  
7 successfully completed a respiratory therapy-training care  
8 education program and for training respiratory therapists or  
9 has passed the registry examination for respiratory therapists  
10 administered by the national board for respiratory care or a  
11 respiratory therapy licensure examination approved by the  
12 department board. ~~Two-years-of-supervised-clinical-experience~~  
13 ~~in-an-acceptable-location-for-the-practice-of-respiratory~~  
14 ~~care,-as-described-in-section-152B.4,-may-be-substituted-for~~  
15 ~~the-completion-of-a-respiratory-therapy-training-program.~~

16 6. "Respiratory therapy technician" means a person who has  
17 successfully completed a respiratory therapy-training care  
18 education program and for training therapists or has passed  
19 the certification examination for respiratory therapy  
20 technicians administered by the national board for respiratory  
21 care or a respiratory therapy therapist technicians' licensure  
22 examination approved by the department board. ~~Two-years-of~~  
23 ~~supervised-clinical-experience-in-an-acceptable-location-for~~  
24 ~~the-practice-of-respiratory-care,-as-described-in-section~~  
25 ~~152B.4,-may-be-substituted-for-the-completion-of-a-respiratory~~  
26 ~~therapy-training-program.~~

27 7. ~~---"Respiratory-therapy-training-program" means a program~~  
28 ~~accredited-by-the-American-medical-association's-committee-on~~  
29 ~~allied-health-education-and-accreditation-in-cooperation-with~~  
30 ~~the-joint-review-committee-for-respiratory-therapy-education~~  
31 ~~and-approved-by-the-committee.~~

32 Sec. 31. Section 152B.6, unnumbered paragraph 1, Code  
33 1995, is amended to read as follows:

34 The department board shall administer and implement this  
35 chapter. The department's board's duties in these areas shall

1 include, but are not limited to, the following:

2 Sec. 32. Section 152B.7, Code 1995, is amended to read as  
3 follows:

4 152B.7 REPRESENTATION.

5 A person who is qualified as a respiratory care  
6 practitioner and is licensed by the department board may use  
7 the title "respiratory care practitioner" or the letters  
8 R.C.P. after the person's name to indicate that the person is  
9 a qualified respiratory care practitioner licensed by the  
10 department board. No other person is entitled to use the  
11 title or letters or any other title or letters that indicate  
12 or imply that the person is a respiratory care practitioner,  
13 nor may a person make any representation, orally or in  
14 writing, expressly or by implication, that the person is a  
15 licensed respiratory care practitioner.

16 Sec. 33. NEW SECTION. 152B.7A EXCEPTIONS.

17 1. A person shall not practice respiratory care or  
18 represent oneself to be a respiratory care practitioner unless  
19 the person is licensed under this chapter.

20 2. This chapter does not prohibit any of the following:

21 a. The practice of respiratory care which is an integral  
22 part of the program of study by students enrolled in an  
23 accredited respiratory therapy training program approved by  
24 the board in those situations where that care is provided  
25 under the direct supervision of an appropriate clinical  
26 instructor recognized by the educational program.

27 b. Respiratory care services rendered in the course of an  
28 emergency.

29 c. Care administered in the course of assigned duties of  
30 persons in the military services.

31 d. The performance by a respiratory care practitioner of  
32 advances in the art and techniques of respiratory care learned  
33 through formal or special training.

34 3. This section is not intended to limit, preclude, or  
35 otherwise interfere with the practice of other health

1 providers formally trained and licensed by this state.

2 4. An individual who passes an examination that includes  
3 the content of one or more of the functions included in  
4 sections 152B.2 and 152B.3 shall not be prohibited from  
5 performing such procedures for which they were tested, as long  
6 as the testing body offering the examination is approved by  
7 the board.

8 Sec. 34. Section 152B.9, Code 1995, is amended to read as  
9 follows:

10 152B.9 INJUNCTION.

11 The department board may apply to a court for the issuance  
12 of an injunction or other appropriate restraining order  
13 against a person who is engaging in a violation of this  
14 chapter.

15 Sec. 35. Section 152B.11, Code Supplement 1995, is amended  
16 to read as follows:

17 152B.11 CONTINUING EDUCATION.

18 After July 1, 1991, a respiratory care practitioner shall  
19 submit evidence satisfactory to the department board that  
20 during the year preceding renewal of licensure the  
21 practitioner has completed continuing education courses as  
22 prescribed by the department board. In lieu of the continuing  
23 education, a person may successfully complete the most current  
24 version of the licensure examination.

25 Persons who are not licensed under this chapter but who  
26 perform respiratory care as defined by sections 152B.2 and  
27 152B.3 shall comply with the continuing education requirements  
28 of this section. The department board shall adopt rules for  
29 the administration of this requirement.

30 ~~This section does not apply to persons who are licensed to~~  
31 ~~practice a health profession covered by chapter 147 or to any~~  
32 ~~person who performs respiratory care procedures as a first~~  
33 ~~responder, emergency rescue technician, emergency medical care~~  
34 ~~provider, or other person functioning as part of a rescue unit~~  
35 ~~or in a hospital as authorized by chapter 147A, or to persons~~

1 ~~whose function with respect to respiratory care is limited to~~  
2 ~~the home delivery and connection of oxygen tanks.~~

3 Sec. 36. Section 152B.12, Code 1995, is amended to read as  
4 follows:

5 152B.12 SUSPENSION AND REVOCATION OF LICENSES.

6 The department board may suspend, revoke or impose  
7 probationary conditions upon a license issued pursuant to  
8 rules adopted in accordance with section 152B.6.

9 Sec. 37. Section 152B.13, Code 1995, is amended to read as  
10 follows:

11 152B.13 ADVISORY COMMITTEE STATE BOARD FOR RESPIRATORY  
12 CARE.

13 1. A state board for respiratory care advisory committee  
14 is established to provide advice to the department regarding  
15 approval of continuing education programs and drafting of  
16 rules pursuant to section 152B.6 administer this chapter.  
17 Membership of the board shall be established pursuant to  
18 section 147.14, subsection 15.

19 ~~The members of the advisory committee shall include two~~  
20 ~~licensed physicians with recognized training and experience in~~  
21 ~~respiratory care, two respiratory care practitioners, and one~~  
22 ~~public member.~~ Not more than a simple majority of the  
23 advisory committee board shall be of one gender. Members  
24 shall be appointed by the governor, subject to confirmation by  
25 the senate, and shall serve three-year terms beginning and  
26 ending in accordance with section 69.19. A member may not  
27 serve more than three consecutive terms. Members shall be  
28 compensated for their actual and necessary expenses incurred  
29 in the performance of their duties. Expense moneys paid to  
30 the members shall be paid from funds appropriated to the  
31 department board. Each member of the committee may also be  
32 eligible to receive compensation as provided in section 7E.6.

33 2. The board may appoint and employ a qualified person,  
34 who is not a member of the board, to serve as administrative  
35 secretary to the board. The board shall define the duties of

1 the administrative secretary in addition to those enumerated  
2 in this section.

3 3. The board shall:

4 a. Examine, license, and renew the licenses of qualified  
5 applicants.

6 b. Maintain an up-to-date list of every person licensed to  
7 practice respiratory care under this chapter. The list shall  
8 show a licensee's last known place of employment, last known  
9 place of residence, and the date and number of the licensee's  
10 license.

11 c. Cause the prosecution of all persons violating this  
12 chapter and incur necessary expenses for the prosecution.

13 Sec. 38. NEW SECTION. 152B.14 LICENSURE THROUGH PRIOR  
14 EXAMINATION OR PRACTICE.

15 1. The board shall issue a license to practice respiratory  
16 care to an applicant who, on July 1, 1996, has passed an  
17 examination administered by the state or a national agency  
18 approved by the board.

19 2. Other applicants who have not passed these examinations  
20 or their equivalent on July 1, 1996, and who, through written  
21 evidence, verified by oath, demonstrate that they are  
22 presently functioning in the capacity of a respiratory care  
23 practitioner as defined by this chapter, shall be given a  
24 temporary license to practice respiratory care for a period of  
25 twenty-four months from the effective date of this Act. Such  
26 applicants must pass a licensure examination administered or  
27 approved by the board within twenty-four months after the  
28 effective date of this Act in order to continue to practice  
29 respiratory care.

30 Sec. 39. Section 272C.1, subsection 6, paragraph aa, Code  
31 1995, is amended to read as follows:

32 aa. ~~The Iowa-department-of-public-health~~ state board of  
33 respiratory care in licensing respiratory care practitioners  
34 pursuant to chapter 152B.

35

EXPLANATION



1 This bill creates a state board for respiratory care to  
2 take over the existing licensing authority of the department  
3 of public health over respiratory care therapists.

4 The bill provides for licensure to practice respiratory  
5 care to applicants having passed an examination administered  
6 by the state or a national agency approved by the board by  
7 July 1, 1996. Individuals presently functioning in the  
8 capacity of a respiratory care practitioner who have not  
9 passed such an exam are given 24 months to complete the  
10 licensure requirement. The bill expands the definition of a  
11 respiratory care practitioner and defines what is meant by  
12 formal training.

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SENATE FILE 2013

S-5055

1 Amend Senate File 2013 as follows:

2 1. Page 2, by inserting after line 6 the  
3 following:

4 "Sec. \_\_\_\_ . Section 147.2, Code 1995, is amended to  
5 read as follows:

6 147.2 LICENSE REQUIRED.

7 A person shall not engage in the practice of  
8 medicine and surgery, podiatry, osteopathy,  
9 osteopathic medicine and surgery, psychology,  
10 chiropractic, physical therapy, nursing, dentistry,  
11 dental hygiene, optometry, speech pathology,  
12 audiology, occupational therapy, respiratory care,  
13 pharmacy, cosmetology, barbering, dietetics, or  
14 mortuary science or shall not practice as a physician  
15 assistant as defined in the following chapters of this  
16 subtitle, unless the person has obtained from the  
17 department a license for that purpose."

18 2. Page 3, line 22, by striking the word "two"  
19 and inserting the following: "one".

20 3. Page 3, line 23, by striking the words  
21 "physicians with training in respiratory care, two"  
22 and inserting the following: "physician with training  
23 in respiratory care, three".

24 4. Page 3, by striking lines 27 through 29 and  
25 inserting the following: "respiratory care, and one  
26 member not licensed to practice medicine or  
27 respiratory care who shall represent the general  
28 public. A majority of members of the board constitute  
29 a quorum."

30 5. Page 10, line 29, by striking the word  
31 "employed" and inserting the following: "qualified".

32 6. Page 11, line 8, by striking the word "or" and  
33 inserting the following: "and".

34 7. Page 11, line 18, by striking the word "or"  
35 and inserting the following: "and".

36 8. Page 12, by striking lines 31 through 33.

37 9. Page 13, line 1, by inserting after the word  
38 "state" the following: "who administer respiratory  
39 care procedures".

40 10. Page 14, line 31, by striking the word  
41 "committee" and inserting the following: "committee  
42 board".

43 11. By striking page 14, line 33, through page  
44 15, line 2.

45 12. Page 15, line 25, by striking the word  
46 "twenty-four" and inserting the following: "thirty-  
47 six".

48 13. Page 15, line 27, by striking the word  
49 "twenty-four" and inserting the following: "thirty-  
50 six".

S-5055

-1-

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Page 2

1 14. By renumbering, relettering, and correcting  
2 internal references as necessary.

By COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

S-5055 FILED FEBRUARY 9, 1996

*adopted 3/13/96 (PT57)*

H. 3/14/96 State Gov.  
H. 3/19/96 Do Pass

SENATE FILE **2013**  
BY JUDGE

(COMPANION TO LSB 3270HH  
BY DAGGETT)

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1996)

- New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date 3/27/96  
 Vote: Ayes 5 Nays \_\_\_\_\_ Vote: Ayes 80 Nays 16  
 Approved April 2, 1996

**A BILL FOR**

1 An Act requiring the licensure of respiratory care therapists and  
 2 creating a board for respiratory care practitioners.  
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2013

1 Section 1. Section 135.1, unnumbered paragraph 1, Code  
2 Supplement 1995, is amended to read as follows:

3 For the purposes of ~~chapters 152B and~~ chapter 155 and title  
4 IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless  
5 otherwise defined:

6 Sec. 2. Section 135.11, subsections 11 and 13, Code 1995,  
7 are amended to read as follows:

8 11. Enforce the law relative to chapter 146 and "Health-  
9 related Professions," title IV, subtitle 3, excluding chapters  
10 ~~152B, 152D,~~ and 155.

11 13. Establish, publish, and enforce rules not inconsistent  
12 with law for the enforcement of the provisions of chapters  
13 125, ~~152B,~~ 152D, and 155 and title IV, subtitle 2, excluding  
14 chapters 142B, 145B, and 146 and for the enforcement of the  
15 various laws, the administration and supervision of which are  
16 imposed upon the department.

17 Sec. 3. Section 147.1, unnumbered paragraph 1, Code  
18 Supplement 1995, is amended to read as follows:

19 For the purpose of this and the following chapters of this  
20 subtitle, excluding chapters ~~152B,~~ 152C, and 152D:

21 Sec. 4. Section 147.1, subsections 3 and 6, Code  
22 Supplement 1995, are amended to read as follows:

23 3. "Licensed" or "certified" when applied to a physician  
24 and surgeon, podiatric physician, osteopath, osteopathic  
25 physician and surgeon, physician assistant, psychologist or  
26 associate psychologist, chiropractor, nurse, dentist, dental  
27 hygienist, optometrist, speech pathologist, audiologist,  
28 pharmacist, physical therapist, occupational therapist,  
29 respiratory care practitioner, practitioner of cosmetology  
30 arts and sciences, practitioner of barbering, funeral  
31 director, dietitian, marital and family therapist, mental  
32 health counselor, or social worker means a person licensed  
33 under this subtitle, excluding chapters 152B, 152C, and 152D.

34 6. "Profession" means medicine and surgery, podiatry,  
35 osteopathy, osteopathic medicine and surgery, practice as a

1 physician assistant, psychology, chiropractic, nursing,  
2 dentistry, dental hygiene, optometry, speech pathology,  
3 audiology, pharmacy, physical therapy, occupational therapy,  
4 respiratory care, cosmetology arts and sciences, barbering,  
5 mortuary science, marital and family therapy, mental health  
6 counseling, social work, or dietetics.

7 Sec. 5. Section 147.2, Code 1995, is amended to read as  
8 follows:

9 147.2 LICENSE REQUIRED.

10 A person shall not engage in the practice of medicine and  
11 surgery, podiatry, osteopathy, osteopathic medicine and  
12 surgery, psychology, chiropractic, physical therapy, nursing,  
13 dentistry, dental hygiene, optometry, speech pathology,  
14 audiology, occupational therapy, respiratory care, pharmacy,  
15 cosmetology, barbering, dietetics, or mortuary science or  
16 shall not practice as a physician assistant as defined in the  
17 following chapters of this subtitle, unless the person has  
18 obtained from the department a license for that purpose.

19 Sec. 6. Section 147.3, Code 1995, is amended to read as  
20 follows:

21 147.3 QUALIFICATIONS.

22 An applicant for a license to practice a profession under  
23 this subtitle, excluding chapters 152B, 152C, and 152D, is not  
24 ineligible because of age, citizenship, sex, race, religion,  
25 marital status or national origin, although the application  
26 form may require citizenship information. A board may  
27 consider the past felony record of an applicant only if the  
28 felony conviction relates directly to the practice of the  
29 profession for which the applicant requests to be licensed.  
30 Character references may be required, but shall not be  
31 obtained from licensed members of the profession.

32 Sec. 7. Section 147.6, Code 1995, is amended to read as  
33 follows:

34 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

35 Every license issued under this subtitle, excluding

1 chapters ~~152B~~ 152C<sub>7</sub> and 152D, shall be presumptive evidence  
2 of the right of the holder to practice in this state the  
3 profession therein specified.

4 Sec. 8. Section 147.7, Code 1995, is amended to read as  
5 follows:

6 147.7 DISPLAY OF LICENSE.

7 Every person licensed under this subtitle, excluding  
8 chapters ~~152B~~ 152C<sub>7</sub> and 152D, to practice a profession shall  
9 keep the license publicly displayed in the primary place in  
10 which the person practices.

11 Sec. 9. Section 147.9, Code 1995, is amended to read as  
12 follows:

13 147.9 CHANGE OF RESIDENCE.

14 When any person licensed to practice a profession under  
15 this subtitle, excluding chapters ~~152B~~ 152C<sub>7</sub> and 152D,  
16 changes a residence or place of practice the person shall  
17 notify the department.

18 Sec. 10. Section 147.12, unnumbered paragraph 1, Code  
19 1995, is amended to read as follows:

20 For the purpose of giving examinations to applicants for  
21 licenses to practice the professions for which licenses are  
22 required by this subtitle, excluding chapters ~~152B~~ 152C<sub>7</sub> and  
23 152D, the governor shall appoint, subject to confirmation by  
24 the senate, a board of examiners for each of the professions.  
25 The board members shall not be required to be members of  
26 professional societies or associations composed of members of  
27 their professions.

28 Sec. 11. Section 147.13, Code 1995, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 18. For respiratory care therapists,  
31 respiratory care examiners.

32 Sec. 12. Section 147.14, Code 1995, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 15. For respiratory care, one licensed  
35 physician with training in respiratory care, three respiratory

1 care practitioners who have practiced respiratory care for a  
2 minimum of six years immediately preceding their appointment  
3 to the board and who are recommended by the society for  
4 respiratory care, and one member not licensed to practice  
5 medicine or respiratory care who shall represent the general  
6 public. A majority of members of the board constitute a  
7 quorum.

8 Sec. 13. Section 147.30, Code 1995, is amended to read as  
9 follows:

10 147.30 TIME AND PLACE OF EXAMINATIONS.

11 The department shall give public notice of the time and  
12 place of all examinations to be held under this subtitle,  
13 excluding chapters 152B, 152C, and 152D. Such notice shall be  
14 given in such manner as the department may deem expedient and  
15 in ample time to allow all candidates to comply with the  
16 provisions of this subtitle, excluding chapters 152B, 152C,  
17 and 152D.

18 Sec. 14. Section 147.34, Code 1995, is amended to read as  
19 follows:

20 147.34 EXAMINATIONS.

21 Examinations for each profession licensed under this  
22 subtitle, excluding chapters 152B, 152C, and 152D, shall be  
23 conducted at least one time per year at such time as the  
24 department may fix in cooperation with each examining board.  
25 Examinations may be given at the state university of Iowa at  
26 the close of each school year for professions regulated by  
27 this subtitle, excluding chapters 152B, 152C, and 152D, and  
28 examinations may be given at other schools located in the  
29 state at which any of the professions regulated by this  
30 subtitle, excluding chapters 152B, 152C, and 152D, are taught.  
31 At least one session of each examining board shall be held  
32 annually at the seat of government and the locations of other  
33 sessions shall be determined by the examining board, unless  
34 otherwise ordered by the department. Applicants who fail to  
35 pass the examination once shall be allowed to take the

1 examination at the next scheduled time. Thereafter,  
2 applicants shall be allowed to take the examination at the  
3 discretion of the board. Examinations may be given by an  
4 examining board which are prepared and scored by persons  
5 outside the state, and examining boards may contract for such  
6 services. An examining board may make an agreement with  
7 examining boards in other states for administering a uniform  
8 examination. An applicant who has failed an examination may  
9 request in writing information from the examining board  
10 concerning the examination grade and subject areas or  
11 questions which the applicant failed to answer correctly,  
12 except that if the examining board administers a uniform,  
13 standardized examination, the examining board shall only be  
14 required to provide the examination grade and such other  
15 information concerning the applicant's examination results  
16 which are available to the examining board.

17 Sec. 15. Section 147.41, subsection 2, Code 1995, is  
18 amended to read as follows:

19 2. The subjects to be covered by such examination and the  
20 subjects to be covered by the final examination to be taken by  
21 such applicant after the completion of the professional course  
22 and prior to the issuance of the license, but the subjects  
23 covered in the partial and final examinations shall be the  
24 same as those specified in this subtitle, excluding chapters  
25 152B, 152C and 152D, for the regular examination.

26 Sec. 16. Section 147.44, Code 1995, is amended to read as  
27 follows:

28 147.44 AGREEMENTS.

29 For the purpose of recognizing licenses which have been  
30 issued in other states to practice any profession for which a  
31 license is required by this subtitle, excluding chapters 152B,  
32 152C and 152D, the department shall enter into a reciprocal  
33 agreement with every state which is certified to it by the  
34 proper examining board under the provisions of section 147.45  
35 and with which this state does not have an existing agreement



1 at the time of such certification.

2 Sec. 17. Section 147.46, subsection 1, Code 1995, is  
3 amended to read as follows:

4 1. PROTECTION TO LICENSEES OF THIS STATE. When the laws  
5 of any state or the rules of the authorities of said state  
6 place any requirement or disability upon any person licensed  
7 in this state to practice any profession regulated by this  
8 subtitle, excluding chapters 152B, 152C and 152D, which  
9 affects the right of said person to be licensed or to practice  
10 the person's profession in said state, then the same  
11 requirement or disability shall be placed upon any person  
12 licensed in said state when applying for a license to practice  
13 in this state.

14 Sec. 18. Section 147.52, Code 1995, is amended to read as  
15 follows:

16 147.52 RECIPROCITY.

17 When the laws of any state or the rules of the authorities  
18 of said state place any requirement or disability upon any  
19 person holding a diploma or certificate from any college in  
20 this state in which one of the professions regulated by this  
21 subtitle, excluding chapters 152B, 152C and 152D, is taught,  
22 which affects the right of said person to be licensed in said  
23 state, the same requirement or disability shall be placed upon  
24 any person holding a diploma from a similar college situated  
25 therein, when applying for a license to practice in this  
26 state.

27 Sec. 19. Section 147.72, Code 1995, is amended to read as  
28 follows:

29 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

30 Any person licensed to practice a profession under this  
31 subtitle, excluding chapters 152B, 152C and 152D, may append  
32 to the person's name any recognized title or abbreviation,  
33 which the person is entitled to use, to designate the person's  
34 particular profession, but no other person shall assume or use  
35 such title or abbreviation, and no licensee shall advertise in

1 such a manner as to lead the public to believe that the  
2 licensee is engaged in the practice of any other profession  
3 than the one which the licensee is licensed to practice.

4 Sec. 20. Section 147.73, subsection 1, Code 1995, is  
5 amended to read as follows:

6 1. As authorizing any person licensed to practice a  
7 profession under this subtitle, excluding chapters 152B7, 152C7  
8 and 152D, to use or assume any degree or abbreviation of the  
9 same unless such degree has been conferred upon said person by  
10 an institution of learning accredited by the appropriate board  
11 herein created, together with the director of public health,  
12 or by some recognized state or national accredited agency.

13 Sec. 21. Section 147.74, Code Supplement 1995, is amended  
14 by adding the following new subsection:

15 NEW SUBSECTION. 18A. A respiratory care practitioner  
16 licensed under chapter 152B and this chapter may use the title  
17 "respiratory care practitioner" or the letters R.C.P. after  
18 the person's name.

19 Sec. 22. Section 147.80, Code 1995, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 24A. License to practice respiratory  
22 care, license to practice respiratory care under a reciprocal  
23 license, or renewal of a license to practice respiratory care.

24 Sec. 23. Section 147.83, Code 1995, is amended to read as  
25 follows:

26 147.83 INJUNCTION.

27 Any person engaging in any business or in the practice of  
28 any profession for which a license is required by this  
29 subtitle, excluding chapters 152B7, 152C7, and 152D, without  
30 such license may be restrained by permanent injunction.

31 Sec. 24. Section 147.86, Code 1995, is amended to read as  
32 follows:

33 147.86 PENALTIES.

34 Any person violating any provision of this or the following  
35 chapters of this subtitle, excluding chapters 152B7, 152C7, and

1 152D, except insofar as the provisions apply or relate to or  
2 affect the practice of pharmacy, or where a specific penalty  
3 is otherwise provided, shall be guilty of a serious  
4 misdemeanor.

5 Sec. 25. Section 147.87, Code 1995, is amended to read as  
6 follows:

7 147.87 ENFORCEMENT.

8 The department shall enforce the provisions of this and the  
9 following chapters of this subtitle, excluding chapters 152B,  
10 152C, and 152D, and for that purpose may request the  
11 department of inspections and appeals to make necessary  
12 investigations. Every licensee and member of an examining  
13 board shall furnish the department or the department of  
14 inspections and appeals such evidence as the member or  
15 licensee may have relative to any alleged violation which is  
16 being investigated.

17 Sec. 26. Section 147.88, Code 1995, is amended to read as  
18 follows:

19 147.88 INSPECTIONS.

20 The department of inspections and appeals may perform  
21 inspections as required by this subtitle, excluding chapters  
22 152B, 152C, and 152D, except for the board of medical  
23 examiners, board of pharmacy examiners, board of nursing, and  
24 the board of dental examiners. The department of inspections  
25 and appeals shall employ personnel related to the inspection  
26 functions.

27 Sec. 27. Section 147.90, Code 1995, is amended to read as  
28 follows:

29 147.90 RULES AND FORMS.

30 The Iowa department of public health and the department of  
31 inspections and appeals shall each establish the necessary  
32 rules and forms for carrying out the duties imposed upon it by  
33 this subtitle, excluding chapters 152B, 152C, and 152D.

34 Sec. 28. Section 147.92, Code 1995, is amended to read as  
35 follows:

1 147.92 ATTORNEY GENERAL.

2 Upon request of the department the attorney general shall  
3 institute in the name of the state the proper proceedings  
4 against any person charged by the department with violating  
5 any provision of this or the following chapters of this  
6 subtitle, excluding chapters ~~152B7~~, 152C7 and 152D.

7 Sec. 29. Section 147.93, Code 1995, is amended to read as  
8 follows:

9 147.93 PRIMA FACIE EVIDENCE.

10 The opening of an office or place of business for the  
11 practice of any profession for which a license is required by  
12 this subtitle, excluding chapters ~~152B7~~, 152C7 and 152D, the  
13 announcing to the public in any way the intention to practice  
14 any such profession, the use of any professional degree or  
15 designation, or of any sign, card, circular, device, or  
16 advertisement, as a practitioner of any such profession, or as  
17 a person skilled in the same, shall be prima facie evidence of  
18 engaging in the practice of such profession.

19 Sec. 30. Section 147.111, Code 1995, is amended to read as  
20 follows:

21 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

22 Any person licensed under the provisions of this subtitle,  
23 excluding chapters ~~152B7~~, 152C7 and 152D, who shall administer  
24 any treatment to any person suffering a gunshot or stab wound  
25 or other serious bodily injury, as defined in section 702.18,  
26 which appears to have been received in connection with the  
27 commission of a criminal offense, or to whom an application is  
28 made for treatment of any nature because of any such gunshot  
29 or stab wound or other serious injury, as defined in section  
30 702.18, shall at once but not later than twelve hours  
31 thereafter, report that fact to the law enforcement agency  
32 within whose jurisdiction the treatment was administered or an  
33 application therefor was made, or if ascertainable, to the law  
34 enforcement agency in whose jurisdiction the gunshot or stab  
35 wound or other serious bodily injury occurred, stating the

1 name of such person, the person's residence if ascertainable,  
2 and giving a brief description of the gunshot or stab wound or  
3 other serious bodily injury. Any provision of law or rule of  
4 evidence relative to confidential communications is suspended  
5 insofar as the provisions of this section are concerned.

6 Sec. 31. Section 152B.1, Code 1995, is amended to read as  
7 follows:

8 152B.1 DEFINITIONS.

9 As used in this chapter, unless otherwise defined or the  
10 context otherwise requires:

11 1. "Board" means the state board for respiratory care.

12 ~~1A.~~ 1A. "Department" means the Iowa department of public  
13 health.

14 1B. "Formal training" means a supervised, structured  
15 educational activity that includes preclinical didactic and  
16 laboratory activities and clinical activities approved by an  
17 accrediting agency recognized by the board, and including an  
18 evaluation of competence through a standardized testing  
19 mechanism that is determined by the board to be both valid and  
20 reliable.

21 2. "~~Medical~~ Qualified medical director" means a licensed  
22 physician or surgeon who is a member of a hospital's or health  
23 care facility's active medical staff and who should be  
24 ~~certified or eligible for certification by the American board~~  
25 ~~of internal medicine or the American board of anesthesiology~~  
26 has special interest and knowledge in the diagnosis and  
27 treatment of respiratory problems, is qualified by special  
28 training or experience in the management of acute and chronic  
29 respiratory disorders, is responsible for the quality, safety,  
30 and appropriateness of the respiratory care services provided,  
31 and is readily accessible to the respiratory care  
32 practitioners to assure their competency.

33 3. "Respiratory care" includes "respiratory therapy" or  
34 "inhalation therapy".

35 3A. "Respiratory care education program" means a course of

1 study leading to eligibility for registration or certification  
2 in respiratory care which is recognized or approved by the  
3 board.

4 4. "Respiratory care practitioner" or "practitioner" means  
5 a person who ~~qualifies-as-a-respiratory-therapist-or~~  
6 ~~respiratory-therapy-technician;~~ meets all of the following:

7 a. Is qualified in the practice of cardiorespiratory care  
8 and has the knowledge and skill necessary to administer  
9 respiratory care as defined in section 152B.3.

10 b. Is capable of serving as a resource to the physician in  
11 relation to the technical aspects of cardiorespiratory care  
12 and to safe and effective methods for administering  
13 respiratory care modalities.

14 c. Is able to function in situations of unsupervised  
15 patient contact requiring individual judgment.

16 d. Is capable of supervising, directing, or teaching less  
17 skilled personnel in the provision of respiratory care  
18 services.

19 5. "Respiratory therapist" means a person who has  
20 successfully completed a respiratory ~~therapy-training care~~  
21 education program and for training respiratory therapists and  
22 has passed the registry examination for respiratory therapists  
23 administered by the national board for respiratory care or a  
24 respiratory therapy licensure examination approved by the  
25 department board. ~~Two-years-of-supervised-clinical-experience~~  
26 ~~in-an-acceptable-location-for-the-practice-of-respiratory~~  
27 ~~care,-as-described-in-section-152B.4,-may-be-substituted-for~~  
28 ~~the-completion-of-a-respiratory-therapy-training-program.~~

29 6. "Respiratory therapy technician" means a person who has  
30 successfully completed a respiratory ~~therapy-training care~~  
31 education program and for training therapists and has passed  
32 the certification examination for respiratory ~~therapy~~  
33 technicians administered by the national board for respiratory  
34 care or a respiratory ~~therapy~~ therapist technicians' licensure  
35 examination approved by the department board. ~~Two-years-of~~

1 supervised-clinical-experience-in-an-acceptable-location-for  
2 the-practice-of-respiratory-care, as-described-in-section  
3 152B.4, may-be-substituted-for-the-completion-of-a-respiratory  
4 therapy-training-program.

5 7.--"Respiratory-therapy-training-program" means-a-program  
6 accredited-by-the-American-medical-association's-committee-on  
7 allied-health-education-and-accreditation-in-cooperation-with  
8 the-joint-review-committee-for-respiratory-therapy-education  
9 and-approved-by-the-committee.

10 Sec. 32. Section 152B.6, unnumbered paragraph 1, Code  
11 1995, is amended to read as follows:

12 The department board shall administer and implement this  
13 chapter. The department's board's duties in these areas shall  
14 include, but are not limited to, the following:

15 Sec. 33. Section 152B.7, Code 1995, is amended to read as  
16 follows:

17 152B.7 REPRESENTATION.

18 A person who is qualified as a respiratory care  
19 practitioner and is licensed by the department board may use  
20 the title "respiratory care practitioner" or the letters  
21 R.C.P. after the person's name to indicate that the person is  
22 a qualified respiratory care practitioner licensed by the  
23 department board. No other person is entitled to use the  
24 title or letters or any other title or letters that indicate  
25 or imply that the person is a respiratory care practitioner,  
26 nor may a person make any representation, orally or in  
27 writing, expressly or by implication, that the person is a  
28 licensed respiratory care practitioner.

29 Sec. 34. NEW SECTION. 152B.7A EXCEPTIONS.

30 1. A person shall not practice respiratory care or  
31 represent oneself to be a respiratory care practitioner unless  
32 the person is licensed under this chapter.

33 2. This chapter does not prohibit any of the following:

34 a. The practice of respiratory care which is an integral  
35 part of the program of study by students enrolled in an

1 accredited respiratory therapy training program approved by  
2 the board in those situations where that care is provided  
3 under the direct supervision of an appropriate clinical  
4 instructor recognized by the educational program.

5 b. Respiratory care services rendered in the course of an  
6 emergency.

7 c. Care administered in the course of assigned duties of  
8 persons in the military services.

\* 9 3. This section is not intended to limit, preclude, or  
10 otherwise interfere with the practice of other health  
11 providers formally trained and licensed by this state who  
12 administer respiratory care procedures.

13 4. An individual who passes an examination that includes  
14 the content of one or more of the functions included in  
15 sections 152B.2 and 152B.3 shall not be prohibited from  
16 performing such procedures for which they were tested, as long  
17 as the testing body offering the examination is approved by  
18 the board.

19 Sec. 35. Section 152B.9, Code 1995, is amended to read as  
20 follows:

21 152B.9 INJUNCTION.

22 The department board may apply to a court for the issuance  
23 of an injunction or other appropriate restraining order  
24 against a person who is engaging in a violation of this  
25 chapter.

26 Sec. 36. Section 152B.11, Code Supplement 1995, is amended  
27 to read as follows:

28 152B.11 CONTINUING EDUCATION.

29 After July 1, 1991, a respiratory care practitioner shall  
30 submit evidence satisfactory to the department board that  
31 during the year preceding renewal of licensure the  
32 practitioner has completed continuing education courses as  
33 prescribed by the department board. In lieu of the continuing  
34 education, a person may successfully complete the most current  
35 version of the licensure examination.



1 Persons who are not licensed under this chapter but who  
2 perform respiratory care as defined by sections 152B.2 and  
3 152B.3 shall comply with the continuing education requirements  
4 of this section. The department board shall adopt rules for  
5 the administration of this requirement.

6 ~~This section does not apply to persons who are licensed to  
7 practice a health profession covered by chapter 147 or to any  
8 person who performs respiratory care procedures as a first  
9 responder, emergency rescue technician, emergency medical care  
10 provider, or other person functioning as part of a rescue unit  
11 or in a hospital as authorized by chapter 147A, or to persons  
12 whose function with respect to respiratory care is limited to  
13 the home delivery and connection of oxygen tanks.~~

14 Sec. 37. Section 152B.12, Code 1995, is amended to read as  
15 follows:

16 152B.12 SUSPENSION AND REVOCATION OF LICENSES.

17 The department board may suspend, revoke or impose  
18 probationary conditions upon a license issued pursuant to  
19 rules adopted in accordance with section 152B.6.

20 Sec. 38. Section 152B.13, Code 1995, is amended to read as  
21 follows:

22 152B.13 ~~ADVISORY COMMITTEE~~ STATE BOARD FOR RESPIRATORY  
23 CARE.

24 1. A state board for respiratory care advisory committee  
25 is established to ~~provide advice to the department regarding~~  
26 ~~approval of continuing education programs and drafting of~~  
27 ~~rules pursuant to section 152B.6~~ administer this chapter.  
28 Membership of the board shall be established pursuant to  
29 section 147.14, subsection 15.

30 ~~The members of the advisory committee shall include two~~  
31 ~~licensed physicians with recognized training and experience in~~  
32 ~~respiratory care, two respiratory care practitioners, and one~~  
33 ~~public member.~~ Not more than a simple majority of the  
34 advisory committee board shall be of one gender. Members  
35 shall be appointed by the governor, subject to confirmation by

1 the senate, and shall serve three-year terms beginning and  
2 ending in accordance with section 69.19. A member may not  
3 serve more than three consecutive terms. Members shall be  
4 compensated for their actual and necessary expenses incurred  
5 in the performance of their duties. Expense moneys paid to  
6 the members shall be paid from funds appropriated to the  
7 department board. Each member of the committee board may also  
8 be eligible to receive compensation as provided in section  
9 7E.6.

\*10 3. The board shall:

11 a. Examine, license, and renew the licenses of qualified  
12 applicants.

13 b. Maintain an up-to-date list of every person licensed to  
14 practice respiratory care under this chapter. The list shall  
15 show a licensee's last known place of employment, last known  
16 place of residence, and the date and number of the licensee's  
17 license.

18 c. Cause the prosecution of all persons violating this  
19 chapter and incur necessary expenses for the prosecution.

20 Sec. 39. NEW SECTION. 152B.14 LICENSURE THROUGH PRIOR  
21 EXAMINATION OR PRACTICE.

22 1. The board shall issue a license to practice respiratory  
23 care to an applicant who, on July 1, 1996, has passed an  
24 examination administered by the state or a national agency  
25 approved by the board.

26 2. Other applicants who have not passed these examinations  
27 or their equivalent on July 1, 1996, and who, through written  
28 evidence, verified by oath, demonstrate that they are  
29 presently functioning in the capacity of a respiratory care  
30 practitioner as defined by this chapter, shall be given a  
31 temporary license to practice respiratory care for a period of  
32 thirty-six months from the effective date of this Act. Such  
33 applicants must pass a licensure examination administered or  
34 approved by the board within thirty-six months after the  
35 effective date of this Act in order to continue to practice

1 respiratory care.

2 Sec. 40. Section 272C.1, subsection 6, paragraph aa, Code  
3 1995, is amended to read as follows:

4 aa. The ~~Iowa-department-of-public-health~~ state board of  
5 respiratory care in licensing respiratory care practitioners  
6 pursuant to chapter 152B.

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SENATE FILE 2013

AN ACT

REQUIRING THE LICENSURE OF RESPIRATORY CARE THERAPISTS AND  
CREATING A BOARD FOR RESPIRATORY CARE PRACTITIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135.1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

For the purposes of ~~chapters 152B and~~ chapter 155 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless otherwise defined:

Sec. 2. Section 135.11, subsections 11 and 13, Code 1995, are amended to read as follows:

11. Enforce the law relative to chapter 146 and "Health-related Professions," title IV, subtitle 3, excluding chapters ~~152B, 152D,~~ and 155.

13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125, ~~152B,~~ 152D, and 155 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 3. Section 147.1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

For the purpose of this and the following chapters of this subtitle, excluding chapters ~~152B,~~ 152C, and 152D:

Sec. 4. Section 147.1, subsections 3 and 6, Code Supplement 1995, are amended to read as follows:

3. "Licensed" or "certified" when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist,

pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this subtitle, excluding chapters 152B, 152C, and 152D.

6. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics.

Sec. 5. Section 147.2, Code 1995, is amended to read as follows:

147.2 LICENSE REQUIRED.

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, dietetics, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 6. Section 147.3, Code 1995, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this subtitle, excluding chapters ~~152B,~~ 152C, and 152D, is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of the

profession for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 7. Section 147.6, Code 1995, is amended to read as follows:

147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

Every license issued under this subtitle, excluding chapters 152B, 152C and 152D, shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

Sec. 8. Section 147.7, Code 1995, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

Every person licensed under this subtitle, excluding chapters 152B, 152C and 152D, to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

Sec. 9. Section 147.9, Code 1995, is amended to read as follows:

147.9 CHANGE OF RESIDENCE.

When any person licensed to practice a profession under this subtitle, excluding chapters 152B, 152C and 152D, changes a residence or place of practice the person shall notify the department.

Sec. 10. Section 147.12, unnumbered paragraph 1, Code 1995, is amended to read as follows:

For the purpose of giving examinations to applicants for licenses to practice the professions for which licenses are required by this subtitle, excluding chapters 152B, 152C and 152D, the governor shall appoint, subject to confirmation by the senate, a board of examiners for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

Sec. 11. Section 147.13, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 18. For respiratory care therapists, respiratory care examiners.

Sec. 12. Section 147.14, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. For respiratory care, one licensed physician with training in respiratory care, three respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, and one member not licensed to practice medicine or respiratory care who shall represent the general public. A majority of members of the board constitute a quorum.

Sec. 13. Section 147.30, Code 1995, is amended to read as follows:

147.30 TIME AND PLACE OF EXAMINATIONS.

The department shall give public notice of the time and place of all examinations to be held under this subtitle, excluding chapters 152B, 152C and 152D. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this subtitle, excluding chapters 152B, 152C and 152D.

Sec. 14. Section 147.34, Code 1995, is amended to read as follows:

147.34 EXAMINATIONS.

Examinations for each profession licensed under this subtitle, excluding chapters 152B, 152C and 152D, shall be conducted at least one time per year at such time as the department may fix in cooperation with each examining board. Examinations may be given at the state university of Iowa at the close of each school year for professions regulated by this subtitle, excluding chapters 152B, 152C and 152D, and examinations may be given at other schools located in the state at which any of the professions regulated by this subtitle, excluding chapters 152B, 152C and 152D, are taught.

At least one session of each examining board shall be held annually at the seat of government and the locations of other sessions shall be determined by the examining board, unless otherwise ordered by the department. Applicants who fail to pass the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. Examinations may be given by an examining board which are prepared and scored by persons outside the state, and examining boards may contract for such services. An examining board may make an agreement with examining boards in other states for administering a uniform examination. An applicant who has failed an examination may request in writing information from the examining board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the examining board administers a uniform, standardized examination, the examining board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the examining board.

Sec. 15. Section 147.41, subsection 2, Code 1995, is amended to read as follows:

2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of the professional course and prior to the issuance of the license, but the subjects covered in the partial and final examinations shall be the same as those specified in this subtitle, excluding chapters 152B, 152C, and 152D, for the regular examination.

Sec. 16. Section 147.44, Code 1995, is amended to read as follows:

147.44 AGREEMENTS.

For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this subtitle, excluding chapters 152B,

152C, and 152D, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 147.45 and with which this state does not have an existing agreement at the time of such certification.

Sec. 17. Section 147.46, subsection 1, Code 1995, is amended to read as follows:

1. PROTECTION TO LICENSEES OF THIS STATE. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this subtitle, excluding chapters 152B, 152C, and 152D, which affects the right of said person to be licensed or to practice the person's profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

Sec. 18. Section 147.52, Code 1995, is amended to read as follows:

147.52 RECIPROCITY.

When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this subtitle, excluding chapters 152B, 152C, and 152D, is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

Sec. 19. Section 147.72, Code 1995, is amended to read as follows:

147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

Any person licensed to practice a profession under this subtitle, excluding chapters 152B, 152C, and 152D, may append to the person's name any recognized title or abbreviation,

which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice.

Sec. 20. Section 147.73, subsection 1, Code 1995, is amended to read as follows:

1. As authorizing any person licensed to practice a profession under this subtitle, excluding chapters 152B, 152C, and 152D, to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the director of public health, or by some recognized state or national accredited agency.

Sec. 21. Section 147.74, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. A respiratory care practitioner licensed under chapter 152B and this chapter may use the title "respiratory care practitioner" or the letters R.C.P. after the person's name.

Sec. 22. Section 147.80, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 24A. License to practice respiratory care, license to practice respiratory care under a reciprocal license, or renewal of a license to practice respiratory care.

Sec. 23. Section 147.83, Code 1995, is amended to read as follows:

147.83 INJUNCTION.

Any person engaging in any business or in the practice of any profession for which a license is required by this subtitle, excluding chapters 152B, 152C, and 152D, without such license may be restrained by permanent injunction.

Sec. 24. Section 147.86, Code 1995, is amended to read as follows:

147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this subtitle, excluding chapters 152B, 152C, and 152D, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 25. Section 147.87, Code 1995, is amended to read as follows:

147.87 ENFORCEMENT.

The department shall enforce the provisions of this and the following chapters of this subtitle, excluding chapters 152B, 152C, and 152D, and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of an examining board shall furnish the department or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 26. Section 147.88, Code 1995, is amended to read as follows:

147.88 INSPECTIONS.

The department of inspections and appeals may perform inspections as required by this subtitle, excluding chapters 152B, 152C, and 152D, except for the board of medical examiners, board of pharmacy examiners, board of nursing, and the board of dental examiners. The department of inspections and appeals shall employ personnel related to the inspection functions.

Sec. 27. Section 147.90, Code 1995, is amended to read as follows:

147.90 RULES AND FORMS.

The Iowa department of public health and the department of inspections and appeals shall each establish the necessary rules and forms for carrying out the duties imposed upon it by this subtitle, excluding chapters 152B, 152C, and 152D.

Sec. 28. Section 147.92, Code 1995, is amended to read as follows:

147.92 ATTORNEY GENERAL.

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle, excluding chapters 152B, 152C, and 152D.

Sec. 29. Section 147.93, Code 1995, is amended to read as follows:

147.93 PRIMA FACIE EVIDENCE.

The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, excluding chapters 152B, 152C, and 152D, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

Sec. 30. Section 147.111, Code 1995, is amended to read as follows:

147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

Any person licensed under the provisions of this subtitle, excluding chapters 152B, 152C, and 152D, who shall administer any treatment to any person suffering a gunshot or stab wound or other serious bodily injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application therefor was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab

wound or other serious bodily injury occurred, stating the name of such person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious bodily injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

Sec. 31. Section 152B.1, Code 1995, is amended to read as follows:

152B.1 DEFINITIONS.

As used in this chapter, unless otherwise defined or the context otherwise requires:

1. "Board" means the state board for respiratory care.

1A. "Department" means the Iowa department of public health.

1B. "Formal training" means a supervised, structured educational activity that includes preclinical didactic and laboratory activities and clinical activities approved by an accrediting agency recognized by the board, and including an evaluation of competence through a standardized testing mechanism that is determined by the board to be both valid and reliable.

2. "Medical Qualified medical director" means a licensed physician or surgeon who is a member of a hospital's or health care facility's active medical staff and who ~~should be certified or eligible for certification by the American board of internal medicine or the American board of anesthesiology~~ has special interest and knowledge in the diagnosis and treatment of respiratory problems, is qualified by special training or experience in the management of acute and chronic respiratory disorders, is responsible for the quality, safety, and appropriateness of the respiratory care services provided, and is readily accessible to the respiratory care practitioners to assure their competency.

3. "Respiratory care" includes "respiratory therapy" or "inhalation therapy".



3A. "Respiratory care education program" means a course of study leading to eligibility for registration or certification in respiratory care which is recognized or approved by the board.

4. "Respiratory care practitioner" or "practitioner" means a person who ~~qualifies as a respiratory therapist or respiratory therapy technician~~ meets all of the following:

a. Is qualified in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care as defined in section 152B.3.

b. Is capable of serving as a resource to the physician in relation to the technical aspects of cardiorespiratory care and to safe and effective methods for administering respiratory care modalities.

c. Is able to function in situations of unsupervised patient contact requiring individual judgment.

d. Is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services.

5. "Respiratory therapist" means a person who has successfully completed a respiratory therapy training care education program and for training respiratory therapists and has passed the registry examination for respiratory therapists administered by the national board for respiratory care or a respiratory therapy licensure examination approved by the department board. ~~Two-years-of-supervised-clinical-experience-in-an-acceptable-location-for-the-practice-of-respiratory-care,-as-described-in-section-152B.4,-may-be-substituted-for-the-completion-of-a-respiratory-therapy-training-program.~~

6. "Respiratory therapy technician" means a person who has successfully completed a respiratory therapy training care education program and for training therapists and has passed the certification examination for respiratory therapy technicians administered by the national board for respiratory care or a respiratory therapy therapist technicians' licensure examination approved by the department board. ~~Two-years-of~~

~~supervised-clinical-experience-in-an-acceptable-location-for-the-practice-of-respiratory-care,-as-described-in-section-152B.4,-may-be-substituted-for-the-completion-of-a-respiratory-therapy-training-program.~~

~~7.--"Respiratory therapy training program" means a program accredited by the American medical association's committee on allied health education and accreditation in cooperation with the joint review committee for respiratory therapy education and approved by the committee.~~

Sec. 32. Section 152B.6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department board shall administer and implement this chapter. The ~~department's board's~~ board's duties in these areas shall include, but are not limited to, the following:

Sec. 33. Section 152B.7, Code 1995, is amended to read as follows:

152B.7 REPRESENTATION.

A person who is qualified as a respiratory care practitioner and is licensed by the department board may use the title "respiratory care practitioner" or the letters R.C.P. after the person's name to indicate that the person is a qualified respiratory care practitioner licensed by the department board. No other person is entitled to use the title or letters or any other title or letters that indicate or imply that the person is a respiratory care practitioner, nor may a person make any representation, orally or in writing, expressly or by implication, that the person is a licensed respiratory care practitioner.

Sec. 34. NEW SECTION. 152B.7A EXCEPTIONS.

1. A person shall not practice respiratory care or represent oneself to be a respiratory care practitioner unless the person is licensed under this chapter.

2. This chapter does not prohibit any of the following:

a. The practice of respiratory care which is an integral part of the program of study by students enrolled in an accredited respiratory therapy training program approved by

the board in those situations where that care is provided under the direct supervision of an appropriate clinical instructor recognized by the educational program.

b. Respiratory care services rendered in the course of an emergency.

c. Care administered in the course of assigned duties of persons in the military services.

3. This section is not intended to limit, preclude, or otherwise interfere with the practice of other health providers formally trained and licensed by this state who administer respiratory care procedures.

4. An individual who passes an examination that includes the content of one or more of the functions included in sections 152B.2 and 152B.3 shall not be prohibited from performing such procedures for which they were tested, as long as the testing body offering the examination is approved by the board.

Sec. 35. Section 152B.9, Code 1995, is amended to read as follows:

152B.9 INJUNCTION.

The department board may apply to a court for the issuance of an injunction or other appropriate restraining order against a person who is engaging in a violation of this chapter.

Sec. 36. Section 152B.11, Code Supplement 1995, is amended to read as follows:

152B.11 CONTINUING EDUCATION.

After July 1, 1991, a respiratory care practitioner shall submit evidence satisfactory to the department board that during the year preceding renewal of licensure the practitioner has completed continuing education courses as prescribed by the department board. In lieu of the continuing education, a person may successfully complete the most current version of the licensure examination.

Persons who are not licensed under this chapter but who perform respiratory care as defined by sections 152B.2 and

152B.3 shall comply with the continuing education requirements of this section. The department board shall adopt rules for the administration of this requirement.

~~This section does not apply to persons who are licensed to practice a health profession covered by chapter 147 or to any person who performs respiratory care procedures as a first responder, emergency rescue technician, emergency medical care provider, or other person functioning as part of a rescue unit or in a hospital as authorized by chapter 147A, or to persons whose function with respect to respiratory care is limited to the home delivery and connection of oxygen tanks.~~

Sec. 37. Section 152B.12, Code 1995, is amended to read as follows:

152B.12 SUSPENSION AND REVOCATION OF LICENSES.

The department board may suspend, revoke or impose probationary conditions upon a license issued pursuant to rules adopted in accordance with section 152B.6.

Sec. 38. Section 152B.13, Code 1995, is amended to read as follows:

152B.13 ADVISORY COMMITTEE STATE BOARD FOR RESPIRATORY CARE.

1. A state board for respiratory care advisory committee is established to ~~provide advice to the department regarding approval of continuing education programs and drafting of rules pursuant to section 152B.6~~ administer this chapter. Membership of the board shall be established pursuant to section 147.14, subsection 15.

~~The members of the advisory committee shall include two licensed physicians with recognized training and experience in respiratory care, two respiratory care practitioners, and one public member.~~ Not more than a simple majority of the advisory committee board shall be of one gender. Members shall be appointed by the governor, subject to confirmation by the senate, and shall serve three-year terms beginning and ending in accordance with section 69.19. A member may not serve more than three consecutive terms. Members shall be

compensated for their actual and necessary expenses incurred in the performance of their duties. Expense moneys paid to the members shall be paid from funds appropriated to the department board. Each member of the committee board may also be eligible to receive compensation as provided in section 7E.6.

3. The board shall:

- a. Examine, license, and renew the licenses of qualified applicants.
- b. Maintain an up-to-date list of every person licensed to practice respiratory care under this chapter. The list shall show a licensee's last known place of employment, last known place of residence, and the date and number of the licensee's license.
- c. Cause the prosecution of all persons violating this chapter and incur necessary expenses for the prosecution.

Sec. 39. NEW SECTION. 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

1. The board shall issue a license to practice respiratory care to an applicant who, on July 1, 1996, has passed an examination administered by the state or a national agency approved by the board.
2. Other applicants who have not passed these examinations or their equivalent on July 1, 1996, and who, through written evidence, verified by oath, demonstrate that they are presently functioning in the capacity of a respiratory care practitioner as defined by this chapter, shall be given a temporary license to practice respiratory care for a period of thirty-six months from the effective date of this Act. Such applicants must pass a licensure examination administered or approved by the board within thirty-six months after the effective date of this Act in order to continue to practice respiratory care.

Sec. 40. Section 272C.1, subsection 6, paragraph aa, Code 1995, is amended to read as follows:

aa. ~~The Iowa-department-of-public-health state board of respiratory care~~ in licensing respiratory care practitioners pursuant to chapter 152B.

---

LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2013, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved  , 1996

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TERRY E. BRANSTAD  
Governor