

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Medicine, Board of:

IDAPA 24.33.06 - Rules for the Licensure of Respiratory Therapists and Permitting of
Polysomnographers in Idaho (ZBR Chapter Rewrite) - Proposed Rule (Docket No.
24-3306-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 08/26/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/23/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondoff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Division Manager - Matt Drake

DATE: August 7, 2024

SUBJECT: Division of Occupational and Professional Licenses - Medicine, Board of

IDAPA 24.33.06 - Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-3306-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Idaho State Board of Medicine submits notice of proposed rulemaking at Docket No. 24-3306-2401. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division also states that the rulemaking reflects a comprehensive review of the chapter in collaboration with the public to streamline the rules, use plain language, and to update the rules to comply with statute. The Division states that no fees are being increased and no new fees are being imposed by the rulemaking.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

This rulemaking appears to be authorized pursuant to sections 54-4305, 54-4306, 54-4309, 54-4310, 67-2614, and 67-9409, Idaho Code.

cc: Division of Occupational and Professional Licenses - Medicine, Board of
Krissy Veseth

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.33.06 – RULES FOR LICENSURE OF RESPIRATORY THERAPISTS AND PERMITTING OF POLYSOMNOGRAPHERS IN IDAHO

DOCKET NO. 24-3306-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 6-1002, 54-4305, 54-4306, 54-4309, 54-4310, 54-4311, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.33.06 – Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho
Monday, July 15, 2024 – 3:00 p.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/ .

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho State Board of Medicine is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.43](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 7th day of June, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3306-2401
(ZBR Chapter Rewrite.)

24.33.06 – RULES FOR LICENSURE OF RESPIRATORY THERAPISTS AND
PERMITTING OF POLYSOMNOGRAPHERS IN IDAHO

000. LEGAL AUTHORITY.

The se rules are promulgated pursuant to Sections 54-4305, 54-4306, 54-4309, 54-4310, and 54-4311, Idaho Code.

~~(3-28-23)~~()

001. SCOPE.

The se rules govern the practice of respiratory care and polysomnography related to respiratory care. ~~(3-28-23)~~()

~~002.—009.~~ **(RESERVED)**

010. DEFINITIONS.

~~01. Board of Registered Polysomnographic Technologists. A nationally recognized private testing, examining and credentialing body for the polysomnography related respiratory care profession. (3-28-23)~~

~~02. Comprehensive Registry Exam. The comprehensive registry examination administered by the Board of Registered Polysomnographic Technologists, or administered by an equivalent board, recognized by the Board, the successful completion of which entitles a person to the professional designation of Registered Polysomnographic Technologist (RPSGT). (3-28-23)~~

~~03. Written Registry and Clinical Simulation Examinations. The certification examinations~~

~~administered by the National Board of Respiratory Care, Inc., or certification examinations administered by an equivalent board, recognized by the Board, the successful completion of which entitles a person the professional designation of "Registered Respiratory Therapist" (RRT). (3-28-23)~~

~~0402. -- 03099. (RESERVED)~~

~~031. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.~~

~~Requirements for licensure and renewal are found in Title 54, Chapter 43, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-28-23)~~

~~100. LICENSURE.~~

~~01. Application for Respiratory Care and Polysomnography Related Respiratory Care Practitioner. (3-28-23)~~

~~a. The Board may issue a dual license/permit to perform respiratory care and polysomnography related respiratory care to an applicant who meets the requirements set forth in this chapter and Sections 54-4308 and 54-4307(2) and (3), Idaho Code. A dual license/permit shall authorize the holder to perform respiratory care and polysomnography related respiratory care in this state. (3-28-23)()~~

~~b. Application for a dual license/permit shall be made to the Board on a form prescribed by the Board, together with the application fee. (3-28-23)~~

~~c. Such dual license/permit shall expire on the expiration date printed on the face of the certificate unless renewed. (3-28-23)~~

~~02. Comprehensive Registry Exam. The comprehensive registry examination administered by the Board of Registered Polysomnographic Technologists, or administered by an equivalent board, recognized by the Board, the successful completion of which entitles a person to the professional designation of Registered Polysomnographic Technologist (RPSGT). ()~~

~~03. Provisional Licensure or Permit by Examination. A provisional license or permit may be issued to an applicant following graduation from an accredited or approved respiratory care or polysomnography-related respiratory care educational program and the applicant has either applied to take or has taken the requisite Board-approved national examination(s) and is awaiting results. An applicant who fails to pass the requisite Board-approved national examination(s) during the six (6) month timeframe is not eligible for further temporary licensure or permitting. Provisional licenses and permits issued to examination candidates are issued for a period not to exceed six (6) months and are nonrenewable. ()~~

~~032. CONTINUING EDUCATION.~~

~~01. Evidence of Completion. Prior to renewal, reinstatement or reapplication, each applicant shall submit evidence of successfully completing no less than twelve (12) hours per year of approved respiratory therapy related continuing education. Continuing education activities include but are not limited to: attending or presenting at conferences, seminars or inservice programs; or formal course work in respiratory therapy related subjects. (3-28-23)~~

~~02. Polysomnographer Continuing Education. Prior to renewal, reinstatement or reapplication, each applicant shall submit evidence of successfully completing no less than twelve (12) hours per year of approved polysomnographic related respiratory care continuing education. The Board, as recommended by the Licensure Board, may substitute all or a portion of the coursework required in Subsection 032.02 when an applicant for renewal shows evidence of passing an approved challenge exam or of completing equivalent education as determined by the Board, as recommended by the Licensure Board, to be in full compliance with the education requirements of this chapter. (3-28-23)~~

~~033. PROVISIONAL LICENSE OR PERMIT.~~

~~01. Provisional Licensure or Permit by Examination. A provisional license or permit may be issued until notification of exam results to an applicant following graduation from an accredited or approved respiratory care~~

~~or polysomnography related respiratory care educational program as set forth in Sections 54-4303, 54-4306, 54-4307, 54-4308, 54-4309, Idaho Code, if: the applicant otherwise meets the license or permit requirements set forth in Sections 54-4307(2) & (4) or 54-4308, Idaho Code; and the applicant has either applied to take or has taken the requisite Board approved national examination(s) and is awaiting results. Provisional licenses and permits issued to examination candidates are issued for a period not to exceed six (6) months and are nonrenewable. (3-28-23)~~

~~**02. Unsuccessful Examination Candidates.** An applicant who fails to pass the requisite Board approved national examination(s) during the six (6) month timeframe is not eligible for further temporary licensure or permitting. (3-28-23)~~

~~**04. Continuing Education.** Licensees are responsible for choosing respiratory therapy related continuing education programs that focus on protecting the health and safety of the public. ()~~

~~**101. -- 199. (RESERVED)**~~

~~**200. PRACTICE STANDARDS.**~~

~~**03401. Supervision Of Respiratory Care.** The practice or provision of respiratory care or polysomnography services by persons holding a student, consulting, or training exemption or a provisional license or permit shall be under the supervision of a respiratory care practitioner or licensed physician who shall be responsible for the activities of the person being supervised ~~and shall review and countersign all patient documentation performed by the person being supervised.~~ The supervising respiratory care practitioner or licensed physician need not be physically present or on the premises at all times but must be available for telephonic consultation. ~~The extent of communication between the supervising or consulting respiratory care practitioner or licensed physician and the person being supervised shall be determined by the competency of the person, the treatment setting, and the diagnostic category of the client. (3-28-23)()~~~~

~~**035201. -- 045399.(RESERVED)**~~

~~**046400. FEES—TABLE.**~~

~~**01. Fees—Table.** Nonrefundable fees ~~for Respiratory Care Practitioners~~ are as follows:~~

Fees – Table (Non-Refundable)	
Respiratory Care Practitioner Initial Licensure Fee	- Not more than \$180
Respiratory Care Practitioner Reinstatement Fee	- \$50 plus unpaid renewal fees
Annual Renewal Fee for Inactive License	- Not more than \$100
Inactive Conversion Fee	- Not more than \$100
Annual Renewal Fee	- Not more than \$140
Provisional License Fee	- Not more than \$90
Dual Licensure/Permit Fee	- Not more than \$180
A person holding a current license or permit, if qualified, may apply for and obtain a dual license/permit without paying an additional fee.	

~~(3-28-23)()~~

~~**02. Fees—Table.** Nonrefundable ~~Permit Fees for Polysomnography Related Respiratory Care Practitioners.~~~~

Fees—Table (Non-Refundable)	
Initial Permit Fee—Registered Polysomnographic Technologist and Polysomnographic Technician	- Not more than \$180
Reinstatement Fee—Registered Polysomnographic Technologist and Polysomnographic Technician	- \$50 plus unpaid renewal fees
Annual Renewal Fee—Registered Polysomnographic Technologist and Polysomnographic Technician	- Not more than \$140
Provisional Permit Fee—Registered Polysomnographic Technologist	- Not more than \$90
Annual Renewal Fee for Inactive License—Polysomnographic Technologist and Polysomnographic Technician	- Not more than \$100
Inactive Conversion Fee	- Not more than \$100 plus unpaid active licensure fees for the time inactive

(3-28-23)

~~03. Fees—Table. Nonrefundable Dual Licensure/Permit Fees for Practitioners of Respiratory and Polysomnography Related Respiratory Care.~~ (3-28-23)

~~a. Initial Licensure/Permit Fee. A person holding a current license or permit, if qualified, may apply for and obtain a dual license/permit without paying an additional fee.~~

Fees—Table (Non-Refundable)	
Dual Licensure/Permit Fee	- Not more than \$180
A person holding a current license or permit, if qualified, may apply for and obtain a dual license/permit without paying an additional fee.	
Reinstatement Fee	- \$50 plus unpaid renewal fees
Annual Renewal Fee	- Not more than \$140
Renewal is required upon the expiration of either the permit or the license, whichever expires first if the two (2) initially were not obtained at the same time.	

(3-28-23)

~~047401. -- 999. (RESERVED)~~