

# Idaho

## Statutory Language

### Idaho Statutes: TITLE 54. PROFESSIONS, VOCATIONS, AND BUSINESSES

#### CHAPTER 43: RESPIRATORY CARE PRACTICE ACT 54-4304A. POLYSOMNOGRAPHY RELATED RESPIRATORY CARE.

- **Practice Act defines qualifications for sleep technologists**

(1) Only persons who are licensed as respiratory care practitioners or who are exempt from licensure pursuant to section 54-4308, Idaho Code, or who hold a permit issued by the board as registered polysomnographic technologists, polysomnographic technicians or polysomnographic trainees may provide polysomnography related respiratory care services.

(2) Qualification for permit. An applicant for a permit to provide polysomnography related respiratory care services as a registered polysomnographic technologist or polysomnographic technician or for a temporary permit as a polysomnographic trainee under the provisions of this section who is not otherwise licensed to provide respiratory care services or exempt from the requirements of this chapter pursuant to section 54-4308, Idaho Code, must:

(a) Submit an application to the licensure board on forms prescribed by the board and in accordance with the rules adopted by the board pay the permit fee required under this chapter;

(b) Be, on or before the date of issuance of the permit, eighteen (18) years of age or older;

(c) Not have been convicted of an offense or disciplined by a licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the provision of polysomnography related respiratory care services;

(d) Be a high school graduate or have passed a general educational development (GED) examination and earned a GED certificate; and

(e) Be currently certified in cardiopulmonary resuscitation (CPR).

(3) Registered polysomnographic technologist. An applicant must possess the following qualifications: successful completion of the certification examination as a registered polysomnographic technologist administered by the board of registered polysomnographic technologists (BRPT) or an equivalent examination, approved by the board as recommended by the licensure board, and any additional reasonable minimal requirements as may be adopted by rule of the board.

(4) Polysomnographic technician. An applicant must possess the following qualifications:

(a) Successful completion of a polysomnography program of not less than one (1) year duration, associated with a state licensed or a nationally accredited educational facility; or

(b) Successful completion of a minimum of seven hundred twenty (720) hours of experience as a polysomnographic trainee with documented proficiency in

polysomnography related respiratory care services, as approved by the board, as recommended by the licensure board and adopted by board rule.

(5) Polysomnographic trainee. An applicant must provide written documentation that an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician, an Idaho licensed respiratory care provider, or an Idaho licensed physician will directly supervise the applicant's performance of basic polysomnography related respiratory care services and provide documentation of at least one (1) of the following:

(a) That the applicant has at least seven hundred twenty (720) hours of experience as a paid employee or contractor in a health care related field;

(b) That the applicant is currently enrolled in a polysomnography program associated with a state licensed or a nationally accredited education facility; or

(c) That the applicant has successfully completed twenty-four (24) semester credit hours (or a quarter hour system equivalent of the same) of postsecondary education at a state licensed or nationally accredited facility.

(6) Permits.

(a) Permits for registered polysomnographic technologists and permits for polysomnographic technicians shall be issued after applicants have met the requirements of this chapter and submitted an application and payment of a fee in an amount to be fixed by the board. Permits, including renewals, for registered polysomnographic technologists shall be issued for a period of not less than one (1) year nor more than five (5) years, the exact period to be fixed by the board. Permits, including renewals, for polysomnographic technicians shall be issued for a period of one (1) year, and shall be renewed for successive one (1) year periods, not to exceed three (3) renewals for a total period of four (4) years. Such permits shall be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee in an amount to be fixed by the board.

(b) Temporary permits for polysomnographic trainees shall be issued after applicants have met the requirements of this chapter and submitted an application and payment of a fee in an amount to be fixed by the board. Such permits shall be issued for a period of not more than one (1) year, the exact period to be fixed by the board. Such permits may be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee in an amount to be fixed by the board, for a period of one (1) year, with renewal limited to one (1) such renewal, provided however, such permits for polysomnographic trainees shall be limited to a total period of two (2) years.

(c) Each individual applicant for renewal of an active permit shall, on or before the expiration date of the permit, submit satisfactory proof to the licensure board of successful completion of not less than twelve (12) hours of approved continuing education per year in addition to any other requirements for renewal as adopted by board rule. The board, as recommended by the licensure board, may substitute all or a portion of the coursework required in this section when a permittee 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 section.

(7) The provisions of this chapter governing procedures for suspension and revocation of licenses, payment and assessment of fees and governing misrepresentation, penalties and

severability and other administrative procedures shall apply equally to permits for the practice of polysomnography related respiratory care services as to licenses for the practice of respiratory care.

(8) Conditional permit. Any individual who desires to provide polysomnography related respiratory care services as described in this chapter and who meets the requirements of subsection (2) of this section, as well as the necessary requirements as outlined below, may make application for a conditional permit as follows:

(a) An applicant for a conditional polysomnographic technologist permit must provide evidence satisfactory to the board of the successful completion of the certification examination as a registered polysomnographic technologist administered by the board of registered polysomnographic technologists (BRPT) or an equivalent examination, approved by the board, as recommended by the licensure board.

(b) An applicant for a conditional polysomnographic technician permit must provide evidence satisfactory to the board of the successful completion of a minimum of seven hundred twenty (720) hours of experience providing polysomnography services as a paid employee or contractor.

(c) An applicant for a conditional polysomnographic trainee permit must provide evidence satisfactory to the board of the successful completion of a minimum of three hundred sixty (360) hours of experience providing polysomnography services as a paid employee or contractor.

(d) Conditional permits referred shall be issued on or after January 1, 2004, and shall be issued until such time as the board may adopt rules as may be required for the issuance of regular permits as provided in subsections (3) through (7) of this section.

**Idaho Administrative Code**  
**Board of Medicine**  
**22.01.11, Rules for the Licensure of Respiratory Therapists**

**010. DEFINITIONS.**

**18. Polysomnographic Technician.** A person who holds a permit as set forth in this chapter and Section 54-4304A, Idaho Code, and who performs polysomnography related respiratory care services under the supervision of an Idaho permitted registered polysomnographic technologist, licensed respiratory care practitioner or an Idaho licensed physician.

**19. Polysomnographic Trainee.** A person who holds a temporary permit as set forth in this chapter and Section 54-4304A, Idaho Code, and who performs polysomnography related respiratory care services under the direct supervision of an Idaho licensed respiratory care practitioner, or a person exempt from such licensure pursuant to this chapter and Section 54-4308, Idaho Code, an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician or an Idaho licensed physician. Direct supervision by an Idaho licensed respiratory care practitioner, or such person exempt from such licensure pursuant to this chapter and Section 54-4308, Idaho Code, or an Idaho permitted registered polysomnographic technologist or technician, or an Idaho licensed physician, means that such a person shall be on the premises where such polysomnographic related respiratory care services are provided and shall be immediately available for consultation with the polysomnographic trainee.

**20. Polysomnography.** The process of analysis, attended monitoring and recording of physiologic data during sleep and wakefulness to assist in the assessment and diagnosis of sleep/wake disorders and other disorders, syndromes and dysfunctions that either are sleep related, manifest during sleep or disrupt normal sleep/wake cycles and activities.

**21. Polysomnography Related Respiratory Care Services.** The limited practice of respiratory care in the provision of polysomnography services, under the supervision of an Idaho licensed physician, by a person at a sleep disorder center or laboratory who holds a permit issued by the Board, as a registered polysomnographic technologist, polysomnographic technician or a polysomnographic trainee, or who is otherwise licensed as a respiratory care practitioner or who is exempt from licensure or permitting pursuant to this chapter and Section 54-4308, Idaho Code. Polysomnography related respiratory care services include therapeutic and diagnostic use of oxygen, noninvasive ventilatory assistance of spontaneously breathing patients and cardiopulmonary resuscitation and maintenance of nasal and oral airways that do not extend into the trachea, as ordered by an Idaho licensed physician or by written procedures and protocols of the associated sleep disorder center or laboratory as approved by an Idaho licensed physician and which do not violate any rules adopted by the Board. This chapter does not in anyway authorize the practice of medicine or any of its branches by any person not so

licensed by the Board. Further, licensed respiratory practitioners and those exempt from licensure pursuant to this chapter and Section 54-4308, Idaho Code, are not limited in their scope of practice of provision of respiratory care, which they may provide, including care in connection with the provision of polysomnography services.

**24. Registered Polysomnographic Technologist (RPSGT).** The professional designation earned by a person who has successfully completed the comprehensive registry examination administered by the Board of Registered Polysomnographic Technologists, or by an equivalent board, recognized by the Board, and who holds a permit as set forth in this chapter and Section 54-4304A, Idaho Code, and who works under the supervision of an Idaho licensed physician to provide polysomnography related respiratory care services.

### **032. APPLICATION FOR LICENSURE AND PERMITS.**

#### **Practitioner.**

- a. The Board may issue a dual license/permit to an applicant who meets the requirements set forth in this chapter and Sections 54-4306 and 54-4304A(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.
- 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.
- c. Such dual license/permit shall expire on the expiration date printed on the face of the certificate unless renewed.

#### **05. Application for Polysomnography Related Respiratory Care Practitioner.**

- a. Only persons who are licensed as respiratory care practitioners or who are exempt from licensure pursuant to the chapter and Section 54-4308, Idaho Code, or who hold a permit issued by the Board as registered polysomnographic technologists, polysomnographic technicians or polysomnographic trainees may provide polysomnography related respiratory care services. (3-16-04)
- b. Qualifications for permit. An applicant for a permit to provide polysomnography related respiratory care services as a registered polysomnographic technologist or polysomnographic technician or for a temporary permit as a polysomnographic trainee under the provisions of Section 032 who is not otherwise licensed to provide respiratory care services or exempt from the requirements of this chapter pursuant to Section 54-4308, Idaho Code, must provide documentation of:
  - i. Being a high school graduate or have passed a general educational development (GED) examination and earned a GED certificate; and (3-16-04)
  - ii. Being currently certified in cardiopulmonary resuscitation (CPR).
- c. Application for Registered Polysomnographic Technologist. An applicant must provide documentation of successful completion of the comprehensive registry examination as a registered polysomnographic technologist administered by the Board of Registered Polysomnographic Technologists or an equivalent examination, approved by the Board as recommended by the Licensure Board.

d. Application for Polysomnographic Technician. An applicant must provide written documentation and a signed affidavit affirming and attesting to one (1) of the following qualifications:

i. Successful completion of a polysomnography program of not less than one (1) year duration, associated with a state licensed or a nationally accredited educational facility, as approved by the Board, as recommended by the Licensure Board; or

ii. Successful completion of a minimum of seven hundred twenty (720) hours of experience as a polysomnographic trainee with documented proficiency in polysomnography related respiratory care services, as approved by the Board, as recommended by the Licensure Board.

e. Application for Polysomnographic Trainee. An applicant must provide a signed affidavit from an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician, an Idaho licensed respiratory care practitioner, or an Idaho licensed physician affirming and attesting he shall ensure that there is direct supervision of performance of basic polysomnography related respiratory care services by a polysomnographic trainee applicant. The direct supervisor shall be on the premises where such polysomnographic related respiratory care services are provided and shall be immediately available for consultation with the polysomnographic trainee applicant. The Affiant need not be the direct supervisor at any given time. Such Affiant shall be responsible for the activities of the supervised polysomnographic trainee and shall document his review of all patient documentation performed by the supervised polysomnographic trainee. If at any time during the term of the polysomnographic trainee's permit, the Affiant of the trainee changes, the polysomnographic trainee shall provide a signed affidavit from his new Affiant who will ensure that the trainee has direct supervision. In addition, the applicant shall provide written documentation he has at least one (1) of the following qualifications:

i. At least seven hundred twenty (720) hours of experience as a paid employee or contractor in a health care related field. For the purposes of this Section, experience as a paid employee or contractor in a health care related field shall include any work providing direct clinical care to patients or having worked in a clinical care setting in which the applicant had direct interaction with patients, and an opportunity to observe the provision of clinical care to patients; (3-16-04)

ii. Current enrollment in a polysomnography program associated with a state licensed or a nationally accredited education facility; or

iii. Successful completion of twenty-four (24) semester credit hours (or a quarter (¼) hour system equivalent of the same) of postsecondary education at a state licensed or nationally accredited facility.

f. Permits. All permits shall be issued after applicants have met the requirements of this chapter and Section 54-4304A, Idaho Code and submitted a completed application and payment of a fee in an amount to be fixed by the Board for a period of not less than one (1) year nor more than five (5) years, the exact period to be fixed by the Board. Such permits shall expire on the expiration date printed on the face of the certificate unless renewed. The failure of any person to renew a renewable permit shall not deprive such person of the right to renewal, except as provided for herein and Section 54-4312, Idaho Code. The Board shall collect a fee in an amount to be fixed by the Board for the initial issuance and each renewal year.

- i. Permits for registered polysomnographic technologists, including renewals, shall be issued for a period of not less than one (1) year nor more than five (5) years. Such permits shall be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee.
- ii. Permits for polysomnographic technicians, including renewals, shall be issued for a period of one (1) year, and shall be renewed for successive one (1) year periods, not to exceed three (3) renewals for a total period of four (4) years. Such permits shall be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee.
- iii. Temporary permits for polysomnographic trainees shall be issued for a period of not more than one (1) year, the exact period to be fixed by the Board. Such permits may be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee, for a period of one (1) year, with renewal limited to one (1) such renewal, provided however, such permits for polysomnographic trainees shall be limited to a total period of two (2) years. The Board may, in its discretion, prorate the application fees charged in conjunction with one (1) full calendar year before the required renewal date as provided for in Sections 54-4309 and 54-4310, Idaho Code.
- iv. Reinstatement after failure to renew. Permits canceled for nonpayment of renewal fees may be reinstated by filing a completed request for renewal with the Board and paying a reinstatement fee, and back renewal fees.
- v. Reapplication after failure to renew. A registered polysomnographic technologist, whose permit has been canceled for failure to renew for a period of more than two (2) years, shall be required to make application to the Board as a new applicant for a permit. A polysomnographic technician, whose permit has been canceled for failure to renew for a period of more than one (1) year, shall be required to make application to the Board as a new applicant for a permit. Temporary permits for polysomnographic trainees whose permits have been canceled for failure to renew for a period of more than six (6) months shall be required to make application to the Board as new applicants for permits.
- vi. Continuing education. Each individual applicant for renewal of an active permit shall, on or before the expiration date of the permit, submit satisfactory proof to the Licensure Board of successful completion of not less than twelve (12) hours of approved continuing education pertaining to the provision of polysomnographic-related respiratory care per year in addition to any other requirements for renewal as adopted by the Board. The Board, as recommended by the Licensure Board, may substitute all or a portion of the coursework required in Section 032 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.
- g. Conditional Permits. Any person who desires to provide polysomnography related respiratory care services as described in Section 54-4304A, Idaho Code, and this chapter and who meets the requirements of Subsection 032.03, as well as the necessary requirements in Subsections 032.05.g.i. through 032.05.g.iv., may make application for a conditional permit. Conditional permits shall be issued on or after January 1, 2004, as outlined in Section 54-4304A(8), Idaho Code, and shall be issued until the Board has

adopted rules as may be required for the issuance of regular permits as provided in this chapter and has had an opportunity to process applications for such regular permits.