

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



BOARD CHAIRPERSON  
Alice House, MD

2 Peachtree Street, N.W., 36<sup>th</sup> Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>  
E-Mail: [medbd@dch.ga.gov](mailto:medbd@dch.ga.gov)

## GEORGIA COMPOSITE MEDICAL BOARD NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter "Board") proposes amendments to the Georgia Composite Medical Board Rules, **Rule 360-13-.01 "Requirements for Board Certification" and new Rule 360-13-16 "Consumer Information and Awareness Act. Standards for Respiratory Care Professional."** An exact copy of the proposed rule changes are attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments is forwarded to all persons who have requested, in writing, that they be placed on the interested parties' mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303. These documents will also be available for review on the Board's website at [www.medicalboard.georgia.gov](http://www.medicalboard.georgia.gov).

A public hearing is scheduled to begin at **8:30 a.m. on January 7, 2016** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person who will be affected by these rules may present his or her written comments to the Board no later than **December 18, 2015** or make comments at the public hearing. Comments may be directed to Diane Atkinson, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [matkinson@dch.ga.gov](mailto:matkinson@dch.ga.gov).

The proposed amendments will be considered for adoption by the Board at its meeting scheduled to begin at **8:30 a.m. on January 7, 2016** at the Board offices on the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303

The Board voted to adopt this Notice of Intent on **November 6, 2015** meeting. The Board will consider at its meeting on **January 7, 2016 at 8:30 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **January 7, 2016** the Board will consider

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whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3) (A) (B)(C)(D). This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

The authority for promulgation of these rules is O.C.G.A. Authority Section O.C.G.A. Secs. 43-34-143, 43-34-145, 43-34-148 and 43-1-33.

Date: November 13, 2015

Signed: LaSharn Hughes  
LaSharn Hughes, MBA  
Executive Director  
Georgia Composite Medical Board

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## ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-13 Respiratory Care Professionals, Technicians, and Therapists

### ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

### RULE SYNOPSIS:

#### **Rule 360-13-.01 “Requirements for Board Certification”**

**Purpose/Main Feature:** The purpose of this amendment is set a time limit for how long a reference form for certification is valid.

O.C.G.A. Secs. 43-34-143, 43-34-145, 43-34-145, 43-34-148, and 43-34-149

#### **Rule 360-13-.16 “Consumer Information an Awareness Act. Standards for Respiratory Care Professional.**

**Purpose/Main Feature:** The purpose of this new rule is to implement the Consumer Information and Awareness Act to provider for certain identification by health care professional to patients with regard to their license.

O.C.G.A Sec. 43-1-33

### **Rule 360-13-.01 Requirements for Board Certification**

(1) The requirements for Board Certification are as follows:

(a) All applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. 50-36-1(f). An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(b) must be at least 18 years of age;

(c) must have submitted a completed application and the fees as required by the Board;

(d) must submit evidence of receiving a passing score on the entry level examination given by the National Board for Respiratory Care;

(e) must have three months of experience working under the supervision of a licensed physician; and

(f) must provide an original letter of recommendation, signed by a physician licensed to practice medicine in Georgia, who serves as a local medical director or advisor under whom the applicant will practice; reference forms shall be valid for six-months from the date of signature. If the application is not approved during the six-month period, the Board may require a new and more current reference.

1. In order to qualify as a medical director or advisor under whom the applicant will practice, such person must meet the following requirements:

(i) shall hold a current Georgia medical license;

(ii) must have experience in and knowledge of respiratory care;

(iii) designee must be readily available to the applicants in his/her workplace;

(g) is not otherwise ineligible for certification under Code Section 43-34-149.

Authority: O.C.G.A. Secs. 43-34-143, 43-34-145, 43-34-148.

## **Respiratory Care Professionals, Technicians, and Therapists Table of Contents**

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- 360-13-.15 Changes in Medical Directors
- 360-13-.16 Consumer Information and Awareness Act

### Rule 360-13-.16 Consumer Information and Awareness Act. Standards for Respiratory Care Professional

All respiratory care professionals certified to practice in the State of Georgia shall comply with the Consumer Information and Awareness Act, O.C.G.A. Section 43-1-33, in all advertisements and interactions with patients. For purposes of this rule and the Consumer Information and Awareness Act, the approved identifier shall be “Respiratory Care Professional” or “RCP.”

Authority 43-1-33