

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



BOARD CHAIRPERSON  
Richard Weil, 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 by the Georgia Composite Medical Board that it intends to amend **Rules 360-13-.01 "Requirements for Board Certification, 360-13-.03 Temporary Permits, 360-13-.07 Renewal and Recertification."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being emailed to all persons who have requested, in writing, that they be placed on the 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 8:00a.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.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **December 13, 2013** or make comments at the public hearing. Comments may be directed to LaSharn Hughes, 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 [lhughes@dch.ga.gov](mailto:lhughes@dch.ga.gov).

A public hearing is scheduled to begin at **9:00 a.m. on January 9, 2014** 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.

The Board voted to adopt this Notice of Intent on **November 8, 2013** meeting. The Board will consider at its meeting on **January 9, 2014 at 9:00 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 9, 2014**, the Board will consider 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).

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



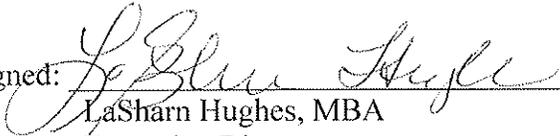
BOARD CHAIRPERSON  
Richard Weil, MD

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)

The authority for promulgation of these rules is O.C.G.A. Secs. 43-1-19, 43-34-3, 43-34-143 to 43-34-147, 43-34-150, 43-34-151 and the specific statutes cited in the proposed rules.

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.

Date: 11/15/13

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

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



BOARD CHAIRPERSON  
Richard Weil, 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)

## 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 Georgia Composite Medical Board 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

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

**Purpose/Main Feature:** The purpose of this rule is to define the requirements for experience for licensure.

#### **360-13-.03 “Temporary Permits”**

**Purpose/Main Feature:** The purpose of this rule is to define the requirements to upgrade a temporary license to a permanent.

#### **360-13-.07 “Renewal and Recertification”**

**Purpose/Main Feature:** The purpose of the proposed rule is to include language for verification of citizenship and to allow veterans to late renew licenses after return from active duty.

Authority O.C.G.A. Secs. 43-1-19, 43-34-3, 43-34-143 to 43-34-147, 43-34-150, 43-34-151

**RESPIRATORY CARE PROFESSIONALS, TECHNICIANS, AND THERAPISTS**  
**Chapter 360-13**

**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.

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

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

~~(c)~~ (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

~~(d)~~ (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;

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;

~~(e)~~ 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.

### **360-13-.03 Temporary Permits.**

(1) An applicant who is eligible provided below may submit an application for a temporary permit. A temporary permit may be granted to applicants for a period of twelve months to:

(a) an applicant for certification under O.C.G.A. § 43-34-148 who provides the Board with written evidence, verified by oath, that the applicant was certified, licensed or practicing respiratory care in another state, or

(b) an applicant who is a graduate of a respiratory therapy program accredited by the Commission on Accreditation of Allied Health Programs, or the equivalent thereof as accepted by the Board, pending the completion of all other requirements for certification under the Respiratory Care Practices Act.

(2) Any individual applying for a temporary permit must submit a notarized statement of reference either from a physician in the state where the applicant has been practicing or from the medical director of the academic program from which the applicant has graduated, attesting to the fact that the applicant is qualified to practice respiratory care, or

(3) must submit a notarized statement of reference from the medical director of the academic program from which the applicant has graduated, or is about to graduate, attesting to the fact that the applicant is qualified to practice respiratory care.

(4) Applications may be submitted 60 days prior to the applicant's graduation date.

(5) All persons issued a temporary permit under this chapter shall have until the expiration date of such temporary permit to become fully certified under this chapter.

(6) Temporary permits issued pursuant to this paragraph may not be renewed.

(7) The holder of a temporary permit shall cease practicing respiratory care upon expiration of the temporary permit, unless such person has been fully certified by the Board to practice respiratory care.

(8) To upgrade a temporary permit to a permanent license, please see Rule 360-13-.01 "Requirements for Board Certification."

Authority O.C.G.A. Secs. 43-34-143, 43-34-147.1, 43-34-150.

### **360-13-.07 Renewal and Recertification.**

(1) Certificates will expire on the last day of the month in which the applicant's birthday falls.

(2) Approximately 60 days prior to the expiration date, the Board may, as a courtesy, mail a notice for renewal of certificate to the certificate holder's last address on file in the Board's records.

(3) Failure to receive such notification shall not relieve the certificate holder of the obligation to renew the certificate and pay the required fee prior to the expiration date of the certificate. Deposit of the renewal fee by the Board does not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(4) To be eligible for renewal and recertification, a certificate holder must answer questions on their biennial renewal form, which establish satisfaction of Board approved continuing education requirements. The Board shall not renew the certificates of applicants who failed to comply with Board approved continuing education requirements.

(5) To be eligible for renewal and recertification, a certificate holder must also furnish satisfactory evidence that he or she continues to work under the supervision of a physician who meets the requirements of Rule 360-13-.01(d). This evidence must be furnished on a form prescribed by the Board. The Board shall not renew the certificates of applicants who are not working under the supervision of a physician who meets the requirements of Rule 360-13-.01(d).

(6) Failure to renew a certificate by the designated expiration date shall result in a penalty for late renewal as required by the Board. Certificates that are not renewed within 3 months of expiration shall be revoked for failure to renew and may be reinstated only as provided in Rule 360-13-.09.

(7) A certificate holder with an expired certificate shall not engage in the practice of respiratory care or to represent himself or herself as a certified respiratory care professional until such time as the Board has approved his or her application for renewal or reinstatement.

(8) Notwithstanding the provisions of paragraph (6) of this rule, any service member as defined in O.C.G.A. § 15-12-1 whose license to practice medicine expired while on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(9) All renewal applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. 50-36-1(f). If the applicant has previously provided a secure and verifiable document and affidavit of United States citizenship, no additional documentation of citizenship is required for renewal. If the applicant for renewal is not a United States 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 purpose of verifying citizenship and immigration status information of non-U.S. citizens. If the applicant for renewal 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 agency.

Authority O.C.G.A. Secs. 43-1-19, 43-34-3, 43-34-143 to 43-34-147, 43-34-150, 43-34-151