

# 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 **Rule 360-13-.07(2) "Renewal and Recertification."** An exact copy of the proposed rule change 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 copy 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 **June 2, 2014** 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 [mdatkinson@dch.ga.gov](mailto:mdatkinson@dch.ga.gov).

A public hearing is scheduled to begin at **9:00 a.m. on June 6, 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 **May 1, 2014** meeting. The Board will consider at its meeting on **June 6, 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 **June 6, 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).

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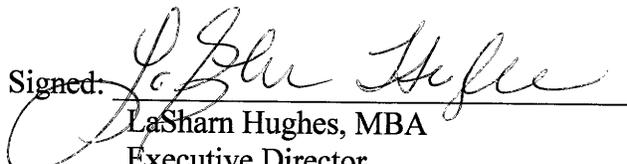
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The authority for promulgation of these rules is O.C.G.A. Authority O.C.G.A. 43-1-19, 43-34-3, 43-34-143 to 43-34-147, 43-34-150 and 43-34-151 and the specific statutes cited in the proposed rules.

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: 5/5/14

Signed:   
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 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**

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

Rule is amended to notify applicants for renewal by email instead of regular mail. A tremendous cost savings to the Board.

Authority O.C.G.A. 16-13-41, 16-13-74, 31-9-6.1, 31-33.2, 43-1-19, 43-1-25, 43-34-5, 43-34-8, 43-34-21, 43-34-23, 43-34-24, 43-34-24.1, and 43-34-25

### **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~~ email a notice for renewal of certificate to the certificate holder's last email 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.