

Georgia Composite Medical Board

Executive Director
Daniel R. Dorsey, MBA



Chairperson
Matthew W. Norman, MD

2 MLK Jr. Drive SE • East Tower, 11th Floor • Atlanta, Georgia 30334 • (404) 656-3913 • www.medicalboard.georgia.gov

NOTICE OF INTENT TO AMEND AND/OR 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 by amending **Rule 360-13-10 "Continuing Education Requirements."** 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 amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official state holidays, at 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. These documents can also be reviewed online at <https://medicalboard.georgia.gov/board/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on August 3, 2023, at the GCMB Board Room (2 MLK Jr. Drive, East Tower, 11th Floor, Atlanta, GA 30334)** to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **August 1, 2023, to Kierra.Battle@dch.ga.gov** or via mail to the Georgia Composite Medical Board Rules Committee at 2 MLK Jr. Drive, East Tower, 11th Floor, Atlanta, GA 30334.

The Board voted to adopt this Notice of Intent on **June 29, 2023**. Upon conclusion of the public hearing on **August 3, 2023**, the Board will consider 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, 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), and (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. Secs. 43-34-5, 43-34-103, and 43-34-108.

Issued this day June 29, 2022.

Daniel R. Dorsey
Executive Director

ECONOMIC IMPACT AND SYNOPSIS FOR
RULE 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 these rules do 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 in O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-13-.10 “Continuing Education Requirements”

Purpose/Main Features: The purpose of the proposed amendment is to clarify the requirements for continuing education.

Authority: O.C.G.A. §§ 43-34-143, 43-34-146

Rule 360-13-.10 Continuing Education Requirements

(1) ~~Any An~~ applicant for renewal of a certificate to practice Respiratory Care who has been initially licensed ~~by the Board~~ by examination for less than two years shall not be required to complete the continuing education hours in order to renew the certificate for the first time. However, for the next renewal must obtain 30 hours of continuing education.

(2) Except as provided in paragraph (1), to be eligible to renew a certificate, each certificate holder must complete 30 contact hours, or 3 continuing education units, of approved continuing education during the two years preceding certification renewal. One continuing education unit shall be equal to 10 contact hours of instruction. Certificate holders shall not receive contact hours or continuing education units for teaching continuing education courses. Each certificate must be renewed biennially by the last day of the month in which the applicant's birthday falls ~~and the certificate holder must establish satisfaction of at least thirty (30) contact hours of Board approved continuing education requirements to be eligible for renewal.~~

(3) Each certificate holder shall be required to answer questions on their renewal application form that establish compliance with Board approved continuing education requirements. Certificate holders will not be required to send documentation of compliance with continuing education requirements for renewal, unless requested by the Board pursuant to Rule 360-13-.10(4). False statements regarding satisfaction of continuing education on the renewal form or any other document connected with the practice of respiratory care may subject the certificate holder to disciplinary action by the Board.

(4) ~~Each certificate holder who must meet the requirements of this chapter must maintain record of attendance and supporting documents for Board approved continuing education for a period of 5 years from the date of attendance. Each licensed individual must maintain a record of attendance and supporting documents of approved continuing education requirements as stated in this Rule for a period of five years.~~ At a minimum, the following information must be kept:

- (a) name of provider;
- (b) name of program;
- (c) hours of continuing education units completed; and
- (d) date of completion.

(5) The Board will audit a fixed percentage of randomly selected renewal applications to monitor compliance with the continuing education requirements. Any certificate holder so audited shall be required to furnish documentation of compliance including name of provider, name of program, hours/continuing education units completed and date of completion. Any certificate holder so audited that has been found to be out of compliance with the Board's continuing education requirements may be subject to disciplinary action.

(6) If the certificate holder has not complied with the continuing education requirement by the expiration of the certificate, his/her certificate shall not be renewed and the certificate holder shall not engage in the practice of respiratory care. A certificate holder may late renew during the three months following the expiration date of his or her certificate by presenting satisfactory evidence to the Board of completion of the contact hours or continuing education units of Board approved continuing education required by paragraph (2) of this Rule and the late renewal fee. Certificates not renewed within 3 months following the expiration date of the certificate shall be revoked for failure to renew. In order to

obtain a valid certificate after revocation for failure to renew, an applicant must apply for reinstatement in accordance with Rule 360-13-.09.

(7) Continuing education hours that are used to satisfy a deficiency may not be used for purposes of renewal of the certificate holder's certificate for the next biennium.

(8) Any certificate holder seeking renewal of a certificate without having fully complied with the Board's continuing education requirements who wishes to seek a waiver or variance of this rule shall file with the Board.

(a) a renewal application and fee and

(b) a statement that complies with the provisions of O.C.G.A. § 50-13-9.1 setting forth the specific facts of substantial hardship which would justify a variance or waiver, including the alternative standards which the person seeking a waiver or variance agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety and welfare; and the reason why the variance would serve the purpose of the underlying statute.

(9) The following courses are approved by the Board as meeting the continuing education requirements:

(a) Courses approved by the American Association for Respiratory Care or its successor organization.

(b) Courses approved by the ~~Georgia Society for Respiratory Care or its successor organization~~ American Academy of Pediatrics.

(c) Courses approved by the American Thoracic Society.

(d) Courses approved by the American College of Chest Physicians.

(e) ~~Effective July 1, 2006, c~~ Courses approved by the American Association of Critical-Care Nurses.

(f) ~~Effective July 1, 2006, t~~ The following programs of the American Heart Association and the American Academy of Pediatrics; however, these programs shall constitute no more than 25% of the total acceptable continuing education units required.

1. Basic Life Support
2. Basic Life Support Recertification
3. Advanced Cardiac Life Support
4. Advanced Cardiac Life Support Recertification
5. Basic Life Support Instructor
6. Basic Life Support Instructor Trainer
7. Basic Life Support Instructor Trainer Recertification
8. Advanced Cardiac Life Support Instructor
9. Advanced Cardiac Life Support Instructor Update (Certification)
10. Basic Trauma Life Support
11. Basic Trauma Life Support Recertification
12. Pediatric Basic Life Support
13. Pediatric Advanced Life Support
14. Pediatric Advanced Life Support Recertification
15. Neonatal Resuscitation Program
16. Neonatal Recertification.

(g) ~~Effective July 1, 2006, c~~ Courses approved by the American Society for Anesthesia

(h) National Board for Respiratory Care Self-Assessment Exams

(i) National Board for Respiratory Care Credential Exams

(j) American Medical Association Category I programs

(k) ~~Effective July 1, 2006, c~~Courses approved by the College of American Pathologists provided the courses are related to pulmonary pathology or acid base balance and constitute no more than 25% of the acceptable continuing education units required.

(l) ~~Effective July 1, 2006, r~~Respiratory specific courses approved by the Georgia Nursing Association; however, courses approved by the Georgia Nursing Association shall constitute no more than 25% of the total acceptable continuing education units required.

Authority: O.C.G.A. §§ 43-34-3, 43-34-143, 43-34-145, 43-34-147, 43-34-150