

Georgia Composite Medical Board

Executive Director
Daniel R. Dorsey, MBA



Chairperson
Matthew W. Norman, MD

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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 360-13-12 "Practice of Respiratory Care Without Certification Prohibited; Exceptions."** 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-.12 “Practice of Respiratory Care Without Certification Prohibited; Exceptions”

Purpose/Main Features: The purpose of the proposed amendment is to change the school exception to reflect the current accreditation entities in the field of respiratory care education: the Commission Committee on Accreditation for Respiratory Care (COARC) and the Commission on Accreditation of Allied Health Education Programs (CAAHEP). The proposed rule deletes any reference to temporary permits.

Authority: O.C.G.A. §§ 43-34-143, 43-34-151

Rule 360-13-.12 Practice of Respiratory Care Without Certification Prohibited; Exceptions

- (1) Unless certified pursuant to O.C.G.A. Title 43, Chapter 34, Article 6, no person shall:
 - (a) Practice respiratory care; or
 - (b) Represent himself or herself to be a respiratory care professional who is certified pursuant to O.C.G.A. § 43-34-151.

- (2) The prohibition in subsection (1) does not apply to:
 - (a) The delivery of respiratory care by health care personnel who have been formally trained in these modalities and who are duly licensed to provide that care under any other provision of Title 43;
 - (b) The practice of respiratory care which is an integral part of the program of study by students enrolled in a respiratory care education program recognized by the Commission Committee on Accreditation for Respiratory Care (COARC) and the Commission on Accreditation of Allied Health Education Programs (CAAHEP) ~~American Medical Association Committee on Allied Health Education and Accreditation (CAHEA)~~ or the equivalent thereof as accepted by the Board. Students enrolled in respiratory therapy education programs shall be identified as "Student-RCP" and shall only provide respiratory care under direct clinical supervision;
 - (c) Self-care by a patient or gratuitous care by a friend or family member who does not represent or hold himself or herself out to be a respiratory care professional;
 - (d) Respiratory care services rendered in the course of an emergency disaster;
 - (e) Persons in the military services or working in Federal facilities when functioning in the course of their assigned duties;
 - (f) The performance of respiratory care diagnostic testing by individuals who are certified or registered as pulmonary function technologists by the National Board for Respiratory Care, or equivalent certifying agency, as recognized by the Board;
 - (g) The delivery, assembly, setup, testing, and demonstration of oxygen and aerosol equipment upon the order of a physician licensed under Art. 2 of Chapter 34, Title 43. Provided, however, that no person providing such services shall be authorized to assess patients, develop care plans, instruct patients in taking treatment, or discuss the hazards, administration, or side effects of medications with patients.
 - (h) Persons who perform limited respiratory care procedures under the supervision of a certified respiratory care professional in a hospital or nursing home when the Board has defined the competencies required to perform such limited respiratory care procedures.
 1. The Board has defined the following class of persons as having the competencies required to perform such limited respiratory care procedures:
 - (i) Students of an accredited Respiratory Care Program who perform limited respiratory care procedures under the supervision of a certified respiratory care professional in a hospital or nursing home, if the student's competency has been validated through an accredited education program and by the hospital or nursing home for whom he or she is employed.
 - (I) ~~Upon completion of the educational program, the student must then apply for a temporary permit as specified in Chapter 34. In addition, pending the granting or denial of a certificate or permit, graduates of an accredited respiratory care program who have applied for certification or a permit shall only perform limited respiratory care procedures where their competency has been validated in writing to the Board through the accredited program and by the hospital or nursing home for whom they are employed.~~
 - (II) Any student who performs limited respiratory care procedures without complying with the requirements listed in the above paragraphs of Rule 360-13-.12(2)(b) is engaging in the

practice of respiratory care without certification, which is prohibited by O.C.G.A. § 43-34-151. Any certified respiratory care professional who supervises a student prior to compliance with the above listed paragraphs of Rule 360-13-.12(b) is aiding and assisting an uncertified person engage in the practice of respiratory care and may be subject to disciplinary action.

Authority: O.C.G.A. §§ 43-34-143, 43-34-150, 43-34-151