

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
Charles L. White, DO

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>
E-Mail: 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-.12 Practice of Respiratory Care Without Certification Prohibited; Exceptions, and Rule 360-13-.01 Requirements for Board Certification**. Exact copies of the proposed rules are 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., 36th 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 **July 6, 2012** or make comments at the public hearing. Comments may be directed to Carol Dorsey, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at cdorsey@dch.ga.gov.

A public hearing is scheduled to begin at **8:00 a.m.** on **July 12, 2012** 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 **June 7, 2012** meeting. The Board will consider at its meeting on **July 12, 2012** at **8:00 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 **July 12, 2012**, 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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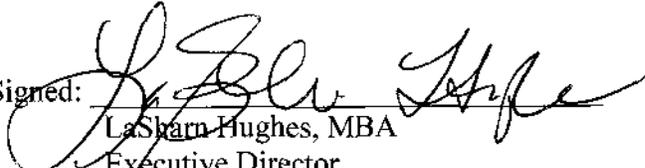
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The authority for promulgation of these rules is O.C.G.A. Section 43-34-143, 43-34-145, 43-34-148, 43-34-150, and 43-34-151 and the specific statutes cited in the proposed rules.

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: 4/11/12

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

**ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENTS TO 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 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 availability of the medical director in the workplace.

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

Purpose/Main Feature: The purpose of this rule is to define who can set up CPAP, BiPAP®, Bi-Level support or any respiratory assist device with or without oxygen.

Authority: O.C.G.A. Secs. Section 43-34-143, 43-34-145, 43-34-143, 43-34-149, 43-34-150, and 43-34-151

360-13-.01 Requirements for Board Certification.

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

- (a) must be at least 18 years of age;
- (b) must have submitted a completed application and the fees as required by the Board;
- (c) must submit evidence of receiving a passing score on the entry level examination given by the National Board for Respiratory Care;
- (d) 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 to provide personal supervision;
- (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-.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 Committee on Accreditation for Respiratory Care (COARC) and the 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.

1. 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.

2. Individuals must be licensed in order to assess patients, develop care plans, provide education to the patient or family or to size an interface device for a CPAP, BiPAP®, Bi-Level support or any respiratory assist device with or without oxygen.

3. For the purposes of CPAP, BiPAP®, Bi-Level support or any respiratory assist device in the home or sleep lab, a non-licensed individual may not be involved in training, use and/or care of CPAP, BiPAP®, Bi-Level support or any respiratory assist equipment, plans of treatment/care plans and may not provide education through any means including the use of videos or other electronic media.

(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. Secs. 43-34-143, 43-34-150, 43-34-151.