

REQUEST FOR TECHNICAL CHANGE

AGENCY: Respiratory Care Board

RULE CITATION: 21 NCAC 61 .0901

DEADLINE FOR RECEIPT: Monday, May 10, 2021

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On the Submission for Permanent Rule form, Box 9, I recommend you check "Agency" in Box 9A. In Box 9B, a showing of a serious and unforeseen threat is not necessary for permanent rulemaking. You may want to delete that phrase here.

In the Rule:

Please insert 1.5 line spacing (see Rule 26 NCAC 02C .0108(1)(g))

On line 1, change the Introductory Statement to read, "21 NCAC 60 .0901 is adopted as published in 35:16 NCR 1812 with changes as follows:"

In (a), line 6, I suggest you delete "in its discretion" If you wish to retain it, please be more specific in how the discretion will be determined. In a meeting? Through a hearing?

In (a), for all Subparagraphs except for (a)(8), what is stated in this Rule appears to address everything that is stated in the cross-reference. Do you need to restate the contents here, or could you just state, "The requirement set forth in 21 NCAC 61 .0201(a)(4)" and leave it at that?

In (a)(8), lines 32-33, why do you state, "and shall renew licenses without compliance with this provision" when you do not include that language elsewhere within this Rule?

In (b), line 40, since this is a rule about waivers, why not state, "The waivers granted pursuant to this Rule shall only apply..." rather than referring to "exceptions"?

And how will notice of these waivers be given to your regulated public?

In the History Note, line 45, please add a line that says: Temporary Adoption Expired March 12, 2021;

Also in the History Note, please insert a proposed effective date. The earliest this Rule can become effective is June 1, 2021.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2021

Your History Note will look like this:

*History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(9); 90-652(11); 90-652(13);
Emergency Adoption Eff. March 30, 2020;
Temporary Adoption Eff. June 1, 2020;
Temporary Adoption Expired March 12, 2021;
Eff. June 1, 2021.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2021

1 21 NCAC 61 .0901 is proposed for adoption as amended:
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3 **21 NCAC 61 .0901 RULE WAIVERS**

4 ~~In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, (a) If~~
5 ~~the Governor declares a state of emergency issued under G.S. 166A-19.3(19), the Board has determined to may~~
6 ~~waive at its discretion certain~~ the following provisions in its ~~rules, as set forth in this Rule:~~ rules:

- 7 (1) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0201(a)(4) that
8 requires each applicant for an initial license to provide a copy of current certification in Basic Life
9 Support (BLS);
- 10 (2) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0201(b)(1) that
11 states that for applicants who have not practiced respiratory care for a period of time greater than
12 one year, but less than five years, the applicant must provide evidence of twelve hours of
13 continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of
14 inactivity;
- 15 (3) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0204(a)(4) that
16 requires following the late renewal of any license, an additional late fee of seventy-five dollars
17 (\$75.00);
- 18 (4) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0302(c) that
19 requires each applicant for renewal to provide proof of completion of continuing education
20 requirements as established in this Chapter;
- 21 (5) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0302(e) that
22 requires each applicant for renewal to provide a copy of current certification in Basic Life Support
23 (BLS);
- 24 (6) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61.0302(f) that
25 requires licenses lapsed in excess of 24 months shall not be renewable;
- 26 (7) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0305(b) that
27 requires an individual licensed on inactive status to convert his or her license to active status by
28 payment of the renewal fee and late fee and provide evidence of the completion of a minimum of
29 12 hours of continuing education that meets the requirements of 21 NCAC 61 .0401 for each full
30 year of inactivity;
- 31 (8) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0401(a) for
32 continuing education requirements, and shall renew licenses without compliance with this
33 provision;
- 34 (9) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0401(e) that
35 requires a licensee to be subjected to a random audit for proof of compliance with the Board's
36 requirements for continuing education; and
- 37 (10) ~~The Board shall waive the~~ The requirement for licensure set forth in 21 NCAC 61 .0401(f) that
38 requires continuing education audits be submitted to the Board no later than 30 days of receipt of
39 the audit notice.

40 (b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

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42 *History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(9); 90-652(11); 90-652(13);*
43 *Emergency Adoption Eff. March 30, 2020;*
44 *Temporary Adoption Eff. June 1, 2020.*
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