

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 61 – RESPIRATORY CARE BOARD

Notice is hereby given in accordance with G.S. 150B-21.1 that the Respiratory Care Board intends to adopt the rule cited as 21 NCAC 61 .0901.

Codifier of Rules approved this rule as an emergency rule effective March 30, 2020 and received for publication the following notice and proposed temporary rule on March 20, 2020.

Public Hearing:

Date: April 13, 2020

Time: 9:00 a.m.

Location: 125 Edinburgh South Drive, Suite 100, Cary, NC 27511

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. This National Emergency Response is to ensure respiratory care practitioners can be licensed without any delay.

Comment Procedures: Comments from the public shall be directed to: Dr. William L. Croft, Ed.D, Ph.D., RRT, RCP, Executive Director; 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org. The comment period begins March 27, 2020 and ends April 20, 2020.

SECTION .0900 – NATIONAL EMERGENCY RESPONSE WAIVERS FOR CERTAIN RULES

21 NCAC 61 .0901 RULE WAIVERS

In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, and the urgent need to have respiratory care practitioners available to provide respiratory services to patients afflicted with COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth below, and during the effective period of this Temporary Rule.

(a) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0201 (a)(4) that requires each applicant for renewal to provide a copy of current certification in Basic Life Support (BLS);

(b) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0201(b)(1) which states that for applicants who have not practiced respiratory care for a period of time greater than one year, but less than five years, the applicant must provide evidence of twelve hours of continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of inactivity;

(c) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0204 (a)(4) that requires the late renewal of any license, an additional late fee of seventy-five dollars (\$75.00);

(d) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0302 (c) that requires each applicant for renewal to provide proof of completion of continuing education requirements as established in this Chapter;

(e) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0302 (e) that requires each applicant for renewal to provide a copy of current certification in Basic Life Support (BLS);

(f) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0302 (f) that requires licenses lapsed in excess of 24 months shall not be renewable;

(g) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0305 (b) that requires an individual licensed on inactive status to convert his or her license to active status by submission of a renewal application and payment of the renewal fee and late fee and evidence of the completion of a minimum of 12 hours of continuing education that meets the requirements of 21 NCAC 61 .0401 for each full year of inactivity;

(h) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (a) for continuing education requirements, and shall renew licenses without compliance with this provision;

(i) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (e) that requires a licensee to be subjected to a random audit for proof of compliance with the Board's requirements for continuing education; and

(j) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (f) that requires continuing education audits be submitted to the Board no later than 30 days of receipt of the audit notice.

History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(9); 90-652(11); 90-652(13);
Emergency Rule Eff. March 30, 2020.