

BEFORE THE BOARD OF RESPIRATORY CARE PRACTITIONERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 24.213.2101 continuing)	PROPOSED AMENDMENT AND
education requirements, 24.213.2104)	REPEAL
acceptable continuing education,)	
24.213.2121 waiver of continuing)	
education requirement, and the repeal)	
of 24.213.2107 traditional education by)	
nonsponsored organizations,)	
24.213.2111 teaching, 24.213.2114)	
papers, publications, journals, exhibits,)	
videos, independent study, and college)	
course work)	

TO: All Concerned Persons

1. On August 29, 2019, at 10:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Respiratory Care Practitioners no later than 5:00 p.m., on August 22, 2019, to advise us of the nature of the accommodation that you need. Please contact Missy Poortenga, Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdrpc@mt.gov (board's e-mail).

3. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.213.2101 CONTINUING EDUCATION REQUIREMENTS (1) through (3) remain the same.

~~(4) Courses acceptable for CE must have content relevant to the scope of practice of respiratory care as defined in 37-28-102, MCA.~~

(4) The board/staff will not preapprove CE programs or sponsors. Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to licensees' professional knowledge and competence. Acceptable CE activities:

(a) contribute to the licensee's knowledge and professional competence;

(b) contain significant intellectual or practical content; and

(c) are germane to the profession of a respiratory care practitioner.

(5) ~~Any identical course or program presented under Category I or Category II per ARM 24.213.2104 and 24.213.2107~~ Identical courses or programs may be submitted for CE credit only once every two years.

(6) The board may randomly audit up to 50 percent of renewed ~~licensees'~~ licensees' CE hours.

(7) and (8) remain the same.

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-1-321, MCA

REASON: To further facilitate the department's standardized renewal, administrative suspension, and audit procedures, the board is amending the rules to no longer approve continuing education (CE) sponsors or courses. Following amendment, licensees will be responsible to select quality programs that contribute to their knowledge and competence and meet the education objectives described in this rule and ARM 24.213.2104. The board further concluded that the preapproval process is confusing and cumbersome for both licensees and the board, and late approval or denial can result in licensees scrambling to obtain CE. To align with these changes, the board is also repealing and streamlining the remaining CE rules in this notice.

24.213.2104 TRADITIONAL ACCEPTABLE CONTINUING EDUCATION BY SPONSORED ORGANIZATIONS – CATEGORY I (1) Continuing education Acceptable CE programs include those sponsored by the following organizations, which are germane to the profession of respiratory care and are approved by the board:

(a) Institutions sponsored by institutions approved by the Joint Review Committee for Respiratory Therapy Education, Respiratory Care Accreditation Board or other successor accreditation organizations and courses approved by the American Association for Respiratory Care and its affiliates, the American Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American Nurses Association, the National Society for Cardiopulmonary Technologists, the American Lung Association, the American Lung Association of Montana, the Montana Heart Association, the Montana and American Medical Association, the Montana Hospital Association and Respiratory Care Journal (American Association of Respiratory Care sponsored); or

(b) approved by accrediting organizations that establish standards and criteria for CE programs.

~~(b) (2)~~ Approved CE activities in this category include:

(i) through (iii) remain the same but are renumbered (a) through (c).

(d) college course work:

(i) one semester credit equals 15 CE units and one quarter credit equals ten CE units;

(e) teaching:

(i) eight credits maximum;

(ii) two credits for each hour of presentation;

(f) papers, publications, journals, exhibits, videos, and independent study;

(i) eight credits maximum;

~~(iv) (g) in-service program programs; and~~

~~(v) (h) online courses, webinars, and correspondence courses.~~

~~(2) All units in this category must be documented by evidence provided by the instructor or the sponsoring organization.~~

AUTH: 37-1-131, 37-1-319, ~~37-28-104~~, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: See the REASON for ARM 24.213.2101. Additionally, the board is moving relevant provisions to this rule from ARM 24.213.2107, 24.213.2111, and 24.213.2114 which are being repealed in this notice. Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

24.213.2121 WAIVER OF CONTINUING EDUCATION REQUIREMENT

~~(1) In the event of hardship such as a disabling illness or other personal emergency which substantially interferes with a licensee's ability to meet the minimum requirement of 24 continuing education units prior to the deadline, the board may approve a waiver of the continuing education requirement. There must be a written request submitted to the board before the next continuing education reporting date. Such request for approval for a waiver shall be in writing and shall set forth the reasons why the licensee was unable to earn the minimum number of credit units required prior to the deadline. A licensee may request an exemption from CE requirements due to disabling illness or undue hardship. Requests will be considered by the board.~~

AUTH: 37-1-131, 37-1-319, ~~37-28-104~~, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, ~~37-28-104~~, MCA

REASON: The board is amending this rule to align with other changes to the CE rules and to simplify and streamline the process for requesting a CE waiver. Authority and implementation citations are being amended to accurately reflect the statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

4. The rules proposed to be repealed are as follows:

24.213.2107 TRADITIONAL EDUCATION BY NONSPONSORED ORGANIZATIONS -- CATEGORY II

AUTH: 37-1-131, 37-1-319, 37-28-104, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: See the REASON for ARM 24.213.2101 for all three rules being repealed.

24.213.2111 TEACHING -- CATEGORY III

AUTH: 37-1-131, 37-1-319, 37-28-104, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.213.2114 PAPERS, PUBLICATIONS, JOURNALS, EXHIBITS, VIDEOS, INDEPENDENT STUDY, AND COLLEGE COURSE WORK -- CATEGORY IV

AUTH: 37-1-131, 37-1-319, 37-28-104, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdrpc@mt.gov, and must be received no later than 5:00 p.m., August 30, 2019.

6. An electronic copy of this notice of public hearing is available at <http://respcare.mt.gov> (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdrpc@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.213.2101, 24.213.2104, and 24.213.2121 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.213.2107, 24.213.2111, and 24.213.2114 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Respiratory Care Practitioners, 301 South Park Avenue,

P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; facsimile (406) 841-2305; or to dlibsdrpc@mt.gov.

10. Missy Poortenga, Interim Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF RESPIRATORY CARE
PRACTITIONERS
LEONARD BATES, RCP
PRESIDING OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 16, 2019.