



## New Immigration Law as it Effects Licensure

With the numerous news stories covering Alabama's new Immigration Law, you are probably already well aware of some of the controversy, political aspects, and may even have strong opinions one way or the other on this subject. We now know that this law has a direct impact on licensure in our State. Specifically, professional licensure has been interpreted as a benefit and therefore citizenship is required in order to hold professional licensure in Alabama. After much debate (between State Departments) on how exactly to implement and enforce this statute, The ASBRT has now been given a clear directive. Before we can issue an initial license or a renewal license, we must first obtain documentation proving that the applicant is a United States Citizen. Therefore, the ASBRT has adopted a two part compliance plan: 1. The application for licensure has been modified to require proof of citizenship before an initial license is ever issued; and 2. For the 2013 Renewal year,

all licensees must submit proof of citizenship before the renewal certificate can be issued. This year's renewal will be the only year this additional documentation will be required (due to now requiring the information prior to future license issuance).

Although, we have always required social security numbers and place of birth on initial applications, we have further been advised that we must request additional specific documents to prove citizenship. The documents that are acceptable to prove citizenship are listed on page 2 of this issue of ASBRT *Newsline*.

We sincerely understand the inconvenience this will place on our licensees for this year's renewal and in addition, this has become an administrative nightmare. However, we must adhere to the laws of the State of Alabama. We will be working diligently to process this additional paperwork as quickly as possible and we thank you in advance for your cooperation.

## National Disciplinary Databank

The ASBRT reports all disciplinary actions to the National Practitioner Data Bank (NPDB) for Health Care Integrity and Protection as required by Federal Law. The following is a list of organizations required to report:

- Medical malpractice payers
- State healthcare practitioner licensing and certification authorities (including medical and dental boards)
- Hospitals
- Other healthcare entities with formal peer review (HMO's group practices, managed care organizations)

- Professional societies with formal peer review
- State entity licensing and certification authorities
- Peer review organizations
- Federal and State Government agencies
- Health Plans

(cont'd pg.3)

### Inside this issue:

2013 License Renewal	2
Additional Renewal Documentation Required	2
Disciplinary Actions	3
Wellness Program Update	3
National Database Disciplinary (Cont'd)	3
ASBRT Calendar	4

# 2013 License Renewal

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All ASBRT licenses expire this year on October 31st. Since licenses are only renewed every other year, we wanted to remind everyone early of the standard requirements for renewal and also advise licensees of the new citizenship requirements for the 2013 renewal (see below article, "Additional Renewal Documentation Required".)

The renewal application will still be completed on-line at [www.asbrt.alabama.gov](http://www.asbrt.alabama.gov). On July 30th this renewal application will open on-line and all renewal notices will be mailed both by USPS and e-mail. These notices are provided as a courtesy reminder and are sent to the licensee's address on file. Therefore, it is important to keep your address current. In addition to the manual Change of Address Form on our web site, we now also offer a method to change information on-line. Once renewals are processed, your license will also be mailed to the address on record. It is the licensee's responsibility to update the Board of any changes (CHAPTER 798-X-5-.11 of the ASBRT Rules and Regulations) and this will ensure the proper delivery of your

renewal notice and license certificate.

Continuing Education (CE) requirements for renewal have not changed. The CE earning period is normally a two-year period of time during which at least twenty-four (24) contact hours shall be accrued. In the case of an abbreviated license period, the applicant for renewal shall validate prorated continuing education to the equivalence of one (1) contact hour for each month of the current licensure period. Please refer to CHAPTER 798-X-5-.08 (2) of the ASBRT Rules and Regulations for a detailed listing of acceptable continuing education. In order to meet continuing education requirements, licensees must obtain the following and submit to the Board office if selected for audit:

- Continuing Education Reporting Form (located on web site)
- Certificates proving 24 contact hours of CE (maximum of 12 hours of on-line credit currently allowed)

## Additional Renewal Documentation Required

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In order to comply with the new Alabama Immigration Law, all licensees must prove citizenship before their renewal can be processed. The ASBRT has been advised that any one of the following items will be sufficient to prove citizenship. Therefore, one of the following documents must be mailed to the ASBRT office for the 2013 renewal only. Once this is on file, you will not have to resubmit for future renewals.

▶ A driver's license or non-driver's identification card issued by the Alabama Department of Public Safety or the equivalent agency of another state within the United States, provided that the governmental agency of another state within the United States requires proof of lawful presence in the United States as a condition of issuance of the driver's license or non-driver's identification card.

▶ A birth certificate in the United States or one of its territories.

▶ Pertinent pages of a United States valid or expired passport identifying the person and the person's passport number, or the person's United States passport.

▶ United States naturalization documents or the number of the certificate of naturalization.

▶ Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, as amended.

▶ Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

▶ A consular report of birth abroad of a citizen of the United States of America.

▶ A certificate of citizenship issued by the United States Citizenship and Immigration Services.

▶ A certification of report of birth issued by the United States Department of State.

▶ An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.

▶ Final adoption decree showing the person's name and United States birthplace.

▶ An official United States military record of service showing the applicant's place of birth in the United States.

ASBRT *Newsline* is an official publication of the Alabama State Board of Respiratory Therapy. This publication is intended for a wide audience to alert licensees to matters of possible procedural, legal, legislative, and regulatory interest. It should not be relied upon, nor is it intended to provide legal, insurance, or accounting advice. Licensees should consult their lawyers, insurance agents, and accountants before taking any action in response to this newsletter, as the opinions expressed herein may be completely altered by the licensees' actual facts.

# Disciplinary Actions

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## **Nicholas Henson**

Date: December 12, 2012

Violation: Failure to comply with Wellness Program requirements.

Disposition: ASBRT License revoked.

## **Melissa L. DeVaughn**

Date: August 19, 2012

Violation: Failure to comply with Wellness Program requirements.

Disposition: Voluntarily surrendered License.

## **Denise Monday**

Date: October 14, 2011

Violation: Failure to comply with Wellness Program requirements.

Disposition: ASBRT License temporarily suspended for a period not to exceed 90 days. License revoked December 14, 2011.

## **Sherry Cook**

Date: December 2, 2010

Violation: Failure to comply with Wellness Program.

Disposition: ASBRT License revoked.

## **Louanne Whitaker**

Date: November 16, 2010

Violation: Failure to comply with Wellness Program.

Disposition: ASBRT License revoked.



## **Jack "Tommy" Carter**

Date: August 3, 2010

Violation: Failure to comply with Wellness Program.

Disposition: ASBRT License temporarily suspended for a period not to exceed 120 days. License reinstated September 24, 2010.

## **Wallace Manning**

Date: August 3, 2010

Violation: Failure to comply with Wellness Program.

Disposition: ASBRT License temporarily suspended for a period not to exceed 120 days. – License reinstated November 30, 2010

## ASBRT Wellness Program Updates

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Licensees enrolled in ASBRT's Wellness Program are required to comply with random drug screenings to remain in the program and keep their license in good standing. First Lab, Inc. administers the testing and analysis of results. ASBRT chose First Lab, Inc. to provide this service for the Wellness Program based on their experience in working with the Alabama Board of Nursing's Wellness Program and also due to their many locations throughout the State. Those enrolled in the Wellness Program pay for their own tests as part of their agreement. ASBRT's Wellness Program also includes the completion of a rehabilitation program and interviews with the Wellness Committee.

As you can see from the above disciplinary actions, the Board takes compliance with this important and necessary program seriously. The Board wishes to provide a method for licensees, who are being treated for substance abuse, to retain their career. However, it is our mandate from the legislature to first ensure public protection throughout the process. For information on enrolling in the ASBRT Wellness Program, please contact the ASBRT office.

## National Disciplinary Database (Cont'd from pg. 1)

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The following information is available on this database:

- Medical malpractice payments
- Any adverse licensure actions
- Adverse clinical privileging actions
- Adverse professional society membership actions
- Any negative action or finding by a State licensing or certification authority
- Peer review organization negative actions or findings against a health care practitioner or entity
- Civil judgements (health care-related)
- Criminal convictions (health care-related)
- Exclusions from Federal or State health care programs
- Other adjudicated actions or decisions (formal or official actions, availability of due process mechanism and based on acts or omissions that affect or could affect the payment, provision, or delivery of a health care item or service).

## **ASBRT NEWSLINE**

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**Check our Web Site  
regularly for updates!**

**[www.asbrt.alabama.gov](http://www.asbrt.alabama.gov)**



## **ASBRT Calendar**

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### **BOARD MEETING DATES 2013**

Meetings convene at 10:00 a.m.  
at the Board office in Montgomery

**January 11**  
**April 12**  
**July 12**  
**October 11**

The above are ASBRT's quarterly Board Meetings and are open to the public for observation. The Chair may call special Board Meetings or reschedule as needed. Any change to the above dates will be advertised in advance of the Board Meeting at [www.asbrt.alabama.gov](http://www.asbrt.alabama.gov) and on the Secretary of State's web site located at [www.sos.alabama.gov](http://www.sos.alabama.gov) in accordance with the Alabama Open Meetings Act.

### **IMPORTANT RENEWAL DATES**

**July 30, 2013—Renewal Notices Sent**

**October 31, 2013—Licenses Expire**

**January 31, 2014—Last Day to Renew Late**



*Mark your calendar with important ASBRT Dates in 2013*

Renewal notices will be mailed both by USPS and e-mail on July 30th to each licensee's address on record. Also, on this date, the renewal application will be available at [www.asbrt.alabama.gov](http://www.asbrt.alabama.gov). All Alabama ASBRT licenses expire on October 31st (Halloween). Although, licensees have a late renewal period that extends until January 31, 2014 (with additional late renewal fee), no one may work with an expired license in Alabama. Therefore, plan ahead to prevent any interruption in employment.