

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama State Board of Respiratory Therapy

Rule No.: 798-X-3-.13(2)

Rule Title: Board of Respiratory Therapy Fund

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

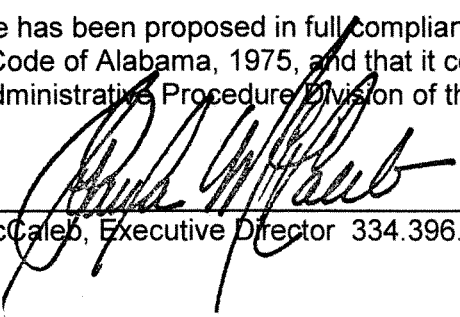
Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Paula McCaleb, Executive Director 334.396.2332

Date: April 20, 2011

(DATE FILED)

Alabama State Board of Respiratory Therapy

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Respiratory Therapy

RULE NO. & TITLE:

798-X-3-.13(2) Board of Respiratory Therapy Fund

INTENDED ACTION:

To amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of respiratory Therapy proposes to amend an Administrative Code or Rules and regulations under which to operate. Specifically, the proposed amendment is to update language for grounds for discipline.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments, views, or arguments will be received by the Alabama State Board of Respiratory Therapy until 4:30 p.m. June 2, 2011. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241386, Montgomery, AL 36124-1386, or via fax at 334-396-2384. A public hearing will be held at 2:00 p.m. on June 3, 2011 at 2011 Berry Chase Place, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 3, 2011

CONTACT PERSON AT AGENCY:

Paula McCaleb, Executive Director
334.396.2332



Paula McCaleb, Executive Director

798-X-3-.13 Board of Respiratory Therapy Fund

(1) A special trust fund is established in the State Treasury known as the Alabama State Board of Respiratory Therapy Fund. All funds received by the Board shall be deposited into the fund and shall be expended only to implement and administer this act. No monies shall be withdrawn or expended from this fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to Sections 34-27B-1, et seq., Code of Alabama (1975). Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4, (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. Funds shall be disbursed only upon a warrant of the State Comptroller upon itemized vouchers approved by the chair.

(2) After the first three full fiscal years from May 17, 2004, and every three years thereafter, if a surplus of funds exists which is greater than two year's operating expense, ~~which is the prior two year's annual budgets~~, the funds shall be distributed to the general fund. (Pursuant to Section 34-27B-6, et seq., Code of Alabama (1975)).

Author: The Alabama State Board of Respiratory Therapy

Statutory Authority: Code of Alabama (1975) § 34-27B-1 thru § 34-27B-17.

Effective Date: October 6, 2009

Amended: April 20, 2011 **Effective:** June 3, 2011