

April 18, 2023

ANNOUNCEMENT

On March 29, 2023 the AARC and CoARC joined together to submit comments to the Department of Education (DOE) regarding the definition of Third-Party Servicers (TPS)¹ (see attached) Federal Register Notice: ED-2022-OPE-0103 Requirements and Responsibilities for Third-Party Servicers and Institutions. The AARC and CoARC recommended that the definition of Third-Party Servicer not be changed.

Our members were concerned that the change in the definition of third-party servicers (TPS) would impact the clinical setting that is necessary for students to complete their training to become qualified respiratory therapists. The Department of Education received over 1,000 comments on their Dear Colleague Letter (DCL) GEN-23-03 guidance has issued a clarification on what it does not consider constitutes third-party servicer relationships. DOE noted in their bulleted list that ***“Clinical or externship opportunities that meet requirements under existing regulations because they are closely monitored by qualified personnel at an institution”*** are excluded as third-party servicers. AARC and CoARC herald this outcome as it preserves the integrity of and does not place an undue burden on respiratory care programs. Further the exclusionary list includes:

- *Study abroad programs*
- *Recruitment of foreign students not eligible for Title IV aid*
- *Course-sharing consortia and arrangements between Title IV-eligible institutions to share employees to teach courses or process financial aid*
- *Dual or concurrent enrollment programs provided through agreements with high schools and local education agencies, which are exempt because they do not involve students receiving Title IV aid*

DOE has also announced that they will delay the effective date of the notice until they have had an opportunity to review all the comments.

The AARC is a national professional organization with a membership of 40,000 respiratory therapists who specialize in ventilator management and providing pulmonary diagnostics and treatment for patients who suffer from respiratory conditions like Chronic Obstructive Pulmonary Disease (COPD), asthma, pneumonia, lung trauma and other respiratory-related diagnoses.

CoARC accredits entry in professional practice respiratory care programs at the Associate, Baccalaureate and master’s degree levels, as well as post-professional degree advancement respiratory care programs at the Baccalaureate and Master’s degree levels and advance practice respiratory care programs at the graduate level. The CoARC also accredits certificate programs that train sleep disorders specialists offered by any of its accredited respiratory care programs. CoARC accreditation is limited to programs physically located in the United States and its territories.

¹ Federal Register Notice: ED-2022-OPE-0103 Requirements and Responsibilities for Third-Party Servicers and Institutions



March 29, 2023

Department of Education

RE: ED-2022-OPE-0103 Requirements and Responsibilities for Third-Party Servicers and Institutions

Recommendation: The AARC and CoARC recommend that the definition of Third-Party Servicer not be changed.

The following comments are submitted on behalf of the American Association for Respiratory Care (AARC) and the Commission on Accreditation for Respiratory Care (CoARC). The AARC is a national professional organization with a membership of 40,000 respiratory therapists who specialize in ventilator management and providing pulmonary diagnostics and treatment for patients who suffer from respiratory conditions like Chronic Obstructive Pulmonary Disease (COPD), asthma, pneumonia, lung trauma and other respiratory-related diagnoses.

CoARC accredits entry in professional practice respiratory care programs at the Associate, Baccalaureate and master's degree levels, as well as post-professional degree advancement respiratory care programs at the Baccalaureate and Master's degree levels and advance practice respiratory care programs at the graduate level. The CoARC also accredits certificate programs that train sleep disorders specialists offered by any of its accredited respiratory care programs. CoARC accreditation is limited to programs physically located in the United States and its territories.

Our members are concerned that the change in the definition of third-party servicers (TPS) would impact the clinical setting that is necessary for students to complete their training to become qualified respiratory therapists. Students and colleges would be severely harmed by the proposed changes. The revised definition would require a contract between the sponsoring educational institution and the clinical setting which would make both parties liable for any violation of Title IV requirements and possible subject to annual audits.

We believe that it is incorrect to identify clinical facilities as third party servicers because it places a burden on the respiratory therapy program which would lead to the loss of clinical sites that are willing to accept students. The clinical setting and the clinical staff are not engaged in the administration of Title IV funds and the mandatory reporting requirements would have many withdraw from the current educational programs. The proposed changes in the definition of third-party servicers could have an extremely detrimental effect of the respiratory care profession and its pipeline of new providers while we are already experiencing widespread severe staffing shortages. The change in definition could also lead to loss of employment for the respiratory care departments and their employees involved in higher education.

The proposed language would have a devastating effect on the respiratory care profession, and other allied healthcare professions who are experiencing severe staffing shortages.

The AARC and CoARC recommend that the definition of Third-Party Servicer not be changed.
