

Affidavit of Exception

Instructions:

If you believe you meet an exception to Ohio's HME license or certificate of registration requirement, please complete and mail an Affidavit of Exception (found on the next page) to the Ohio Respiratory Care Board office:

**Ohio Respiratory Care Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108**

The Board encourages you to review all laws and rules regulating the provision of HME services prior to completing this form.

Affidavit of Exception to License or Certificate of Registration Requirements under Chapter 4752 of the Ohio Revised Code

I, _____, am an authorized representative of _____,
(name) _____,
(corporation name) _____, (d.b.a facility name) _____,
 _____,
(address) _____, (city) _____, (state) _____, (zip code) _____.

I affirm under oath that as an authorized agent of the above named corporation I have reviewed Chapter 4752 of the Ohio Revised Code and the Ohio Administrative Code promulgated thereunder. I file this affidavit attesting that I understand the requirements set forth in R.C. 4752.02(A) and these requirements do not apply to the above named facility because the facility meets one of the following exceptions:

(please check exception that applies)

- | | |
|---|---|
| <input type="checkbox"/> A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment; | <input type="checkbox"/> A home health agency that is certified under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as a provider of home health services and does not sell or rent home medical equipment; |
| <input type="checkbox"/> A hospital that provides home medical equipment services only as an integral part of patient care and does not provide the services through a separate entity that has its own medicare or medicaid provider number; | <input type="checkbox"/> An individual who holds a current, valid license issued under Chapter 4741. of the Revised Code to practice veterinary medicine; |
| <input type="checkbox"/> A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public; | <input type="checkbox"/> An individual who holds a current, valid license issued under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics; |
| <input type="checkbox"/> A hospice care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment; | <input type="checkbox"/> A pharmacy licensed under Chapter 4729. of the Revised Code that either does not sell or rent home medical equipment or receives total payments of less than ten thousand dollars per year from selling or renting home medical equipment; |
| <input type="checkbox"/> A home, as defined by section 3721.01 of the Revised Code; ¹ | <input type="checkbox"/> A home dialysis equipment provider regulated by federal law. |

Or

- The above named corporation does not provide any HME Service as it is defined under Section 4752.02 of the Ohio Revised Code or provides any HME equipment defined under Section 4752.02 of the Ohio Revised Code or rules promulgated thereunder.

Further affiant sayeth naught.

Signature of authorized representative

Legal counsel for the facility

Sworn to and subscribed in my presence this _____ day of _____, _____

 NOTARY SEAL
 Notary Public, State of _____
 My commission expires _____.

ⁱ Pursuant to ORC 3721.01:

(A) As used in [sections 3721.01](#) to [3721.09](#) and [3721.99](#) of the Revised Code:

(1) (a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under [Chapter 5907](#), of the Revised Code.

(b) "Home" also means both of the following:

(i) Any facility that a person, as defined in [section 3702.51](#) of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate of need, other than a certificate to recategorize hospital beds as described in [section 3702.522](#) [3702.52.2] of the Revised Code or division (R)(7)(d) of the version of [section 3702.51](#) of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under [sections 3702.51](#) to [3702.62](#) of the Revised Code after August 5, 1989;

(ii) A county home or district home that is or has been licensed as a residential care facility.

(c) "Home" does not mean any of the following:

(i) Except as provided in division (A)(1)(b) of this section, a public hospital or hospital as defined in [section 3701.01](#) or [5122.01](#) of the Revised Code;

(ii) A residential facility for mentally ill persons as defined under [section 5119.22](#) of the Revised Code;

(iii) A residential facility as defined in [section 5123.19](#) of the Revised Code;

(iv) A community alternative home as defined in [section 3724.01](#) of the Revised Code;

(v) An adult care facility as defined in [section 3722.01](#) of the Revised Code;

(vi) An alcohol or drug addiction program as defined in [section 3793.01](#) of the Revised Code;

(vii) A facility licensed to provide methadone treatment under [section 3793.11](#) of the Revised Code;

(viii) A facility providing services under contract with the department of mental retardation and developmental disabilities under [section 5123.18](#) of the Revised Code;

(ix) A facility operated by a hospice care program licensed under [section 3712.04](#) of the Revised Code that is used exclusively for care of hospice patients;

(x) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under [Chapter 5111](#), of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

(xi) A county home or district home that has never been licensed as a residential care facility.