

**OHIO RESPIRATORY CARE BOARD  
NOTICE OF PUBLIC HEARING OF INTENT TO ADOPT NEW OR AMENDED OHIO  
ADMINISTRATIVE RULES**

The Ohio Respiratory Care Board announces its intent to file thirty-seven (37) no change rules and adopt fifteen (15) amended rules pursuant to Chapter 119.032 of the Revised Code for Respiratory Care licensure under Section 4761 of the Revised Code, file thirty-two (32) no change rules and adopt seven (7) amended rules pursuant to Chapter 119.032 of the Revised Code for Home Medical Equipment licensure, and adopt one (1) new rule for Respiratory Care licensing under Section 4761 of the Ohio Revised Code. These rules are being filed in compliance with Chapter 119. of the Revised Code.

The following represents a summary of the proposed no change rules, rule amendments, and new rules:

**[Respiratory Care Licensing ORC 119.032 rules, no change:](#)**

4761-2-01	Board organization.
4761-2-02	Personnel.
4761-2-04	Personal information systems.
4761-5-02	Admission to the Ohio credentialing examination.
4761-5-05	Non-resident practice of respiratory care.
4761-5-06	Respiratory care practice by polysomnographic technologists.
4761-6-01	Limited permit application procedure.
4761-7-03	Scope of respiratory care defined.
4761-7-04	Supervision.
4761-7-05	Administration of medications.
4761-8-02	Licensees not in active practice.
4761-9-02	General RCCE requirements and reporting mechanism.
4761-9-03	Activities which do not meet the Ohio RCCE requirements.
4761-9-04	Ohio respiratory care law and professional ethics course criteria.
4761-9-07	Auditing for compliance with RCCE requirements.
4761-10-02	Proper use of credentials.
4761-10-03	Providing information to the board.
4761-11-01	Filing of complaints.
4761-11-02	Administrative procedure for refusal to issue or renew a license or permit, deny, suspend, or revoke a certificate or license.
4761-11-03	Board imposition of penalties.
4761-11-04	Representation; appearance; communication; applicability.
4761-11-05	Authority and duties of the board or attorney hearing examiner.
4761-11-07	Filing.
4761-11-08	Service.
4761-11-09	Computation and extension of time.
4761-11-10	Motions.
4761-11-11	Transcripts.
4761-11-12	Subpoenas for purposes of hearing.
4761-11-13	Mileage reimbursement and witness fees.
4761-11-14	Reports and recommendations.
4761-11-16	Depositions and transcripts of prior testimony.

- 4761-11-17 Witnesses.
- 4761-11-18 Expert Testimony.
- 4761-11-19 Exhibits.
- 4761-12-01 Initial application fee.
- 4761-12-02 Renewal fees.
- 4761-12-03 Replacement of license or certificate.

**Home Medical Equipment ORC 119.032 rules, no change:**

- 4761:1-1-01 Public hearings on adoption, amendment, or rescission of rules: methods of public notice
- 4761:1-2-01 Board organization
- 4761:1-2-02 Personnel
- 4761:1-2-04 Personal information systems
- 4761:1-4-01 Recognition of accrediting organizations
- 4761:1-5-03 Failure to file a complete application for license
- 4761:1-6-04 Failure to file a complete application for a certificate of registration
- 4761:1-7-03 Lapsed license or certificate of registration reinstatement procedure
- 4761:1-8-04 License and certificate of registration replacement fees
- 4761:1-10-01 Filing of complaints
- 4761:1-10-02 Authority of board investigators
- 4761:1-10-03 Licensees and certificate holders must comply with investigations conducted by the board.
- 4761:1-11-01 Administrative procedure for refusal to issue or renew a license, suspend, or revoke a license or impose a fine or other disciplinary action.
- 4761:1-11-02 Board imposition of penalties
- 4761:1-11-03 Filing a request with the Ohio attorney general's office for injunctive relief or civil penalties.
- 4761:1-11-04 Other disciplinary action
- 4761:1-12-01 Representation; appearance; communication; applicability
- 4761:1-12-02 Authority and duties of the board or attorney hearing examiner
- 4761:1-12-03 Filing
- 4761:1-12-04 Motions
- 4761:1-12-05 Service
- 4761:1-12-06 Computation and extension of time
- 4761:1-12-08 Exhibits
- 4761:1-12-09 Witnesses
- 4761:1-12-10 Subpoenas for purposes of hearing
- 4761:1-12-11 Expert testimony
- 4761:1-12-12 Mileage reimbursement and witness fees
- 4761:1-12-13 Depositions and transcripts of prior testimony
- 4761:1-12-14 Continuance of hearing
- 4761:1-12-15 Reports and recommendations
- 4761:1-12-16 Transcripts
- 4761:1-12-17 Prior action by the board

**Respiratory Care Licensure ORC 119.032 rules, amended:**

- 4761-1-01 Public hearings on adoption, amendment, or rescission of rules: methods of public notice: correction of typographical error.
- 4761-1-02 Notice of board meetings: changes business hour wording from seven thirty a.m. to four thirty p.m to “during normal business hours.”
- 4761-2-03 Board records: adding statement that electronic image records constitute the official and original record of the board, if the original is destroyed in accordance with records retention schedules.
- 4761-3-01 Definitions of terms: adding new definition of “regular employment” as used under OAC 4761-5-01.
- 4761-4-01 Approval of educational programs: correction of typographical error.
- 4761-4-02 Monitoring of Ohio respiratory care educational programs by the education committee of the Ohio respiratory care board: removes requirement to have a director of a respiratory care program on the Board’s education committee and states the Board may contract independent expert services to assist the committee.
- 4761-5-01 Recognized examinations: changes “acceptable employment” to “regular employment” and adds recognition of licensure from other states with equivalent standards and requirements for applicants from states without equivalent standards.
- 4761-5-04 License application procedure: adds statement that the Board may accept verification of licensure from official state websites.
- 4761-7-01 Original license or permit and identification card: corrects Administrative Code citation error.
- 4761-8-01 Renewal of license or permits: corrects Administrative Code citation errors and adds requirement that the Board shall provide online license verification.
- 4761-9-01 Definition of respiratory care continuing education: removes Administrative Code citation for calculation of contact hours.
- 4761-9-05 Approved sources of RCCE: corrects Administrative Code citation error and requirement for providers of professional ethics or Ohio law continuing education to obtain approval from the Ohio Respiratory Care Board.
- 4761-10-01 Ethical and professional conduct: adds language stating respiratory care providers shall practice within the scope of respiratory care practice defined under division (A) of section 4761.01 of the Revised Code. Also,

amends language concerning the implementation of an order believed to be inaccurate, not authorize, harmful, or contraindicated. Also, amended to include new language on falsifying medical records of therapy. Also, amended to add three new ethical standards on engaging in physical, verbal behavior that is physically, mentally, or sexually abusive.

- 4761-11-06 Continuance of hearing: corrects typographical error.
- 4761-11-15 Exchange of documents and witness lists: amended to require, upon request, exchange of witness list or documents within seven days of a hearing.

**Home Medical Equipment Licensure ORC 119.032 rules, amended:**

- 4761:1-1-02 Notice of board meetings: changes business hour wording from seven thirty a.m. to four thirty p.m to “during normal business hours.”
- 4761:1-2-03 Board records: corrects typographical errors.
- 4761:1-5-01 Qualifications for licensure: amended to add a requirement that professional and products liability insurance coverage must be contained in the total aggregate.
- 4761:1-9-01 Standards of practice for license holders: amended to remove specific identification of accredited organizations and adds new language noting recognition of accrediting organizations approved by the Ohio Respiratory Care Board.
- 4761:1-9-05 Personnel: amended to require criminal background checks for persons working within the State of Ohio.
- 4761:1-12-07 Exchange of documents and witness lists: amended to require, upon request, exchange of witness list or documents within seven days of a hearing.
- 4761:1-13-01 Continuing Education Standards: amended to require continuing education for staff rendering home medical equipment services to the public in Ohio, delete requirement that continuing education must be approved through a peer-review organization and adds new language that continuing education providers must apply for recognition.

**Respiratory Care Licensure ORC 119.03 rule, new:**

4761-5-07 Criminal records check: new rules establishing procedure for requiring criminal background checks for issuance of respiratory care licenses and limited permits.

A public hearing will be held at 1:00 p.m., Tuesday, June 17, 2008 in room East B on the 31<sup>st</sup> Floor of the Vern Riffe Center for Government, 77 South High St., Columbus, Ohio. At the public hearing, persons affected by the proposed rule revisions may appear and be heard in person, or by an attorney, or may submit written or oral testimony, examine witnesses and present evidence to show that the proposed rule, if adopted, will be unreasonable, or unlawful. Persons intending to testify before the Ohio Respiratory Care Board should notify: Christopher H. Logsdon, MBA, RCP, Ohio Respiratory Care Board, 77 South High Street, 16<sup>th</sup> Fl., Columbus, Ohio 43215. Rules are available in printed form for the cost of copying and mailing by contacting: Ohio Respiratory Care Board, 77 South High St., 16th Fl. Columbus, OH 43215-6108, (614) 752-9218 or by obtaining a copy from the register of Ohio website: [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us) or by accessing the Ohio Respiratory Care Board's website: [www.respiratorycare.ohio.gov](http://www.respiratorycare.ohio.gov) or [www.hme.ohio.gov](http://www.hme.ohio.gov).