4761:1-1-02 **Notice of board meetings.**

(A) Any person or organization may ascertain the time and place of all regularly scheduled meetings of the Ohio respiratory care board, and the time, place, and purpose of all special meetings of the board by any one of the following methods:

(1) Calling the board office by telephone during normal business hours. No collect calls will be accepted under any circumstances.

(2) Inquiring in person at the board office during normal business hours, Monday through Friday, excluding recognized state holidays.

3) Providing the board with a written request by mail or electronic mail.

(B) Any person or organization who makes written request for routine notification of all regularly scheduled and special meetings of the board by mail or by electronic mail shall be placed on a list. Notification will be made by one of the following methods:

(1) Sending written notice, which must be sent by regular mail or electronic mail no later than four calendar days prior to the day of a regular meeting.

(2) Notice by telephone no later than twenty-four hours prior to a special meeting. Telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the board has been unable to provide such telephone notice.

(C) A representative of a news media organization, the business office of the Ohio association of medical equipment services, or any other related home medical equipment organization may obtain telephone or electronic mail notification of emergency board meetings by making written request to the board, including the name of the individual to be contacted, the individual's electronic mailing address, and a maximum of two telephone numbers where the individual can be reached. The board will maintain a list of all representatives who request telephone notice of emergency meeting. Telephone notice shall be complete if a message has been left for the representative or if, after a reasonable effort, the board has been unable to provide such telephone notice. It shall be the responsibility of the news media organization, the business office of the Ohio association of medical equipment services, or any other organization on file to receive emergency meeting notices to inform the board of any changes in telephone number or electronic mailing address.

4761:1-2-03 **Board records.**

(A) The board shall maintain an electronic register of applicants for license and certificate of registration holders to practice home medical equipment services as defined under division (C) of section 4752.01 of the Revised Code. It shall include, if applicable:

(1) The legal name of the business;

(2) The business federal tax identification number and medicare provider number;

(3) Names of shareholders, members or partners owning more than five per cent interest, including social security numbers and birth dates;

(4) Names of on-site management personnel;

(5) Facility address, telephone number, and county;

(6) A list of home medical equipment services provided;

(7) Name of accrediting organization and accreditation number, if applicable; and

(8) Name of insurance company.

(B) The board shall maintain an electronically imaged or paper file containing the original license or certificate of registration, verification of insurance coverage the initial application and any other documentation deemed necessary by the board for the issuance of a license or certificate of registration. The electronically imaged or paper file will also include disciplinary action orders or consent agreements approved by the board.

4761:1-5-01 **Qualifications for licensure.**

(A) An applicant applying for licensure as an HME service provider must file an application with the board, on forms provided by the board.

(B) To be licensed as an HME service provider, the applicant must show the following:

(1) That they maintain a facility to adequately store, maintain, lease or sell the home medical equipment in which they have listed on their application for licensure;

(2) That they have trained personnel on staff to ensure that their equipment is maintained, leased and sold in a manner that is safe to the public;

(3) That they minimally possess product and professional liability insurance coverage in the amount of one million dollars per occurrence, three million dollars aggregate and the certificate of insurance must show that the product and professional liability insurance coverage is contained in the total aggregate amount;

(4) That they have a filing system established to document all sales and leases of medical equipment, including pertinent medical records;

(5) That they must meet all established federal, state and local rules and regulations regarding the maintenance, storage and sale of home medical equipment.

(C) The board may propose to deny a license to an applicant if they or a person on their staff have been convicted of a felony in Ohio or of a crime in another state that would constitute a felony in Ohio; have been convicted of any crime involving theft, fraud or any violation of the drug laws in Ohio; or have been excluded from participation in the medicaid, medicare or any federally funded program.

(D) The board may elect to conduct a personal interview of any applicant or their representative.

(E) Applicants applying for licensure before September 15, 2006, who do not meet the qualifications for licensure, but who can provide evidence to the board that they have been actively engaged in the business of providing home medical equipment services for at least the past twelve months may be granted a provisional license by the board. The provisional license will expire one year from the date of issuance and is not renewable.

4761:1-9-01 **Standards of practice for license holders.**

(A) This rule sets forth the minimum acceptable standards for persons licensed under Chapter 4752. of the Revised Code and provides criteria for the board to evaluate a licensee's compliance with acceptable and prevailing standards of safe and effective HME services.

(B) The board may determine compliance to acceptable and prevailing standards of care for HME service providers by using any of the following methods:

(1) Board member expertise;

(2) An expert witness;

(3) Current literature on HME services, which emanates from a recognized body of knowledge;

(4) Position statements from the board;

(5) Medicare or medicaid laws and rules; or

(6) Other recognized sources, which may provide the appropriate expertise or information.

(C) The board may consider mitigating or aggravating circumstances when making a decision regarding charges, disciplinary action, or referral to a non-disciplinary program. Mitigating or aggravating circumstances the board may consider include, but are not limited to:

(1) Whether the act is willful, intentional, irresponsible, or unintentional;

(2) The frequency of the occurrence of the act at issue;

(3) Whether the act represents a pattern of commissions or omissions;

(4) The outcome of the licensee or certificate of registration holder's actions; or

(5) The level of harm or potential harm to a patient or client.

(D) The licensee shall maintain knowledge of the duties, responsibilities, and accountabilities of an HME provider and shall practice in accordance with the following:

(1) The laws regulating the provision of HME providers as outlined in Chapter 4752. of the Revised Code;

(2) The rules of the board;

(3) Any other applicable federal and state laws and rules; or

(4) Position statements, standards of care or guidelines for providing HME services from nationally recognized bodies such as CMS medicare DMEPOS supplier standards, JCAHO , or other accrediting organizations recognized by the board pursuant to rule 4761:1-4-01 of the Administrative Code.

(E) A licensee and their staff shall demonstrate competence and accountability in all areas as an HME provider in which they are engaged which includes, but is not limited to, the following:

(1) HME storage, leasing, sales, delivery, billing service, maintenance, cleaning, infection control and/or repair;

(2) Appropriate recognition, referral, or consultation and intervention when a complication arises in conjunction with the function of HME or when a change in patient or client compliance occurs;

(3) Referral to another HME service provider if the client's needs are beyond the scope of the licensee.

4761:1-9-05 **Personnel.**

The license holder shall:

(A) Employ appropriate staffing to handle the scope of equipment sold, rented and maintained and to appropriately meet the demands of the business;

(B) Ensuring that all staff members are trained and supervised by qualified persons;

(C) Maintain personnel records for each employee, which shall include:

(1) Job description for the position held by the employee;

(2) Application qualifications;

(3) Criminal background checks by the Ohio bureau of criminal investigations for any employee working within the state of Ohio;

(4) Orientation and training records;

(5) Verification of competence;

(6) Performance plan to be completed annually by employer;

(7) Copy of any of the following:

(a) A birth certificate;Driver's license;
(c) Social security card; or

(d) Passport or green card of licensee and each staff member.

(8) Copy of DOT evaluation, if applicable.

4761:1-12-07 **Exchange of documents and witness lists.**

(A) Any representative of record may serve upon the opposing representative of record a written request for a list of both the names and addresses of witnesses and the documents intended to be introduced at hearing. Except in the case of summary suspensions, within seven days of the scheduled hearing the opposing representative shall supply such a list to the requesting representative. In the alternative, the hearing examiner or hearing officer may establish a schedule for the exchange of witness lists and exhibits. In cases of summary suspensions the exchange of lists of both witnesses and documents intended to be introduced at hearing shall be completed forthwith, but in no event less than three days prior to hearing.

(B) Without good cause, failure to comply with paragraph (A) of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.

4761:1-13-01 **Continuing education standards.**

(A) Each licensed HME facility must demonstrate that a continuing education plan has been developed that provides continuing education for staff rendering HME services to the public in the state of Ohio.

(B) The qualifying continuing education program must meet or exceed the following guidelines:

(1) Staff must complete no less than ten contact hours of continuing education per renewal cycle. Of the required hours:

(a) No more than five contact hours may be non-accredited in-service education;

(b) The remaining hours must come from educational programs specific to the type and level of HME service provided that are approved by an - organization recognized by the Ohio respiratory care board that provides education relating to home medical equipment services or specific clinical affiliation; and

(c) Clinical and equipment cleaning/maintenance staff must have one contact hour of continuing education on infection control, equipment cleaning and cleaning agents, rotation of inventory and equipment separation.

(C) Continuing education credits shall be documented for employed staff involved in HME service delivery to the public. Records of attendance and completion shall include:

(1) Sign in logs; and

(2) Agendas and training manuals for facility based in-services;

(3) Documentation of completed continuing education courses taken by each staff member must be maintained in that employees personnel file and must be available for review by a board investigator upon demand.

(D) Any organization that provides HME continuing education may apply to the board to be recognized as an authorized continuing education provider. **Req**uest for recognition must be made in writing to the **board and** the organization must provide the board with an overview of their agency and an outline of the continuing education courses provided by that agency, including course content.