

Home Medical Equipment Provider
Frequently Asked Questions

Q. Why is the Ohio Respiratory Care Board doing Home Medical Equipment provider licensing and certification?

A. The ORCB was chosen by the legislature to act as the licensing authority for HME. This recommendation was sponsored by the Ohio Association of Medical Equipment Services based upon the strong relationship respiratory care has with the HME industry, however, it is wholly inappropriate to assume that the HME licensing act only regulates respiratory care oriented HME service providers. Chapter 4752 requires licensing and registration for any facility that provides life-sustaining equipment which is prescribed by an authorized health care professional that medically sustains, restores, or supplants a vital bodily function, such as breathing; technologically sophisticated medical equipment which is prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by a condition or the effectiveness of the equipment; or other equipment identified by the Board in rule.

The exception to this requirement includes the following exemptions listed in Section 4752.02 of the Ohio Revised Code:

- a) A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment;
- b) 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;
- c) A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public;
- d) A hospice care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment;
- e) A home, as defined by section 3721.01 of the Revised Code;
- f) 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;
- g) An individual who holds a current, valid license issued under Chapter 4741. of the Revised Code to practice veterinary medicine;
- h) An individual who holds a current, valid license issued under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics;
- i) 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;
- j) A home dialysis equipment provider regulated by federal law.

Q. What determines whether I need to hold an HME license or certificate?

A. If you sell or rent equipment that fall into the following categories, you are required to obtain a license or certification of registration in the State of Ohio:

- a) Life-sustaining equipment - prescribed by an authorized health care professional that medically sustains, restores, or supplants a vital bodily function, such as breathing;
- b) Technologically sophisticated medical equipment – prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by a condition or the effectiveness of the equipment
- c) An item specified by the Ohio respiratory care board in rules adopted under division (B) of section 4752.17 of the Revised Code.

The exception to this requirement includes the following exemptions listed in Section 4752.02 of the Ohio Revised Code shown above

Q. How often will I have to apply for licensure and certification?

A. The first license will be effective from the day it is issued until the 30th day of June that immediately follows the date of issue. Thereafter a license is valid only if it is renewed biennially on or before the thirtieth day of

June.

Q. What are the requirements to hold a license?

- A. The requirements to hold a license can be found under Rule 4761:1-5-01 in the Ohio Administrative Code; which states the following:
- a) That they maintain a facility to adequately store, maintain, lease or sell the home medical equipment in which they have listed their application for licensure;
 - b) 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;
 - c) That they minimally possess product and professional liability insurance coverage in the amount of one million dollars per occurrence, three million dollars aggregate; Also the certificate must show that the Product and Professional Liability are included in the total aggregate;
 - d) That they have a filing system established to document all sales and leases of medical equipment, including pertinent medical records;
 - e) That they must meet all established federal, state and local rules and regulations regarding the maintenance, storage and sale of home medical equipment.
- B. Additionally, licensed facilities must comply with all the specific practice standards found under rules 4761:1-9-01 to 4761:1-9-05 of the Ohio Administrative Code

Q. What are the requirements to hold a certificate of registration?

- A. You must hold an accreditation from the Joint Commission on Accreditation of Healthcare Organizations or another national accrediting body recognized by the board.

Q. Is there any difference between a license and a certificate of registration?

- A. In terms of the scope of practice- no. However, a non-accredited facility must hold a license and an accredited facility must hold a certificate of registration. If a licensed facility becomes accredited, they must notify the Board as soon as possible. Facilities that have a certificate of registration on file with the Board are not subject to Board inspections.

Q. What are the requirements for the application?

- A. Acceptable applications require, but not limited to the following:
- a) Certificate of product and professional liability insurance from the insurer showing a minimum coverage of one million dollars per occurrence, three million dollars aggregate
 - b) A listing of HME stored, repaired, leased or sold from the HME service provider
 - c) Description of the HME service provider, including square footage of the facility
 - d) A list of personnel currently employed at the HME service provider, including their job title and job description
 - e) A list of persons under the employ of the HME service provider having criminal convictions, including the title of the conviction and when and where the conviction took place. This does not include traffic or moving violations (for licensure applicants only)
 - f) Proof of accreditation for certificate of registration applicants

Q. When should I renew my license or certification of registration?

- A. Your license must be renewed at least 30 days prior to the expiration of the license. Please complete the application and return with the renewal fee.

Q. Are there late fees if I forget to renew in a timely manner?

- A. Yes, a late fee of \$100 will be assessed in addition to the renew fees. Late fees are accumulative to a maximum of \$400.00

Q. How often will my facility be inspected?

- A. Based on Rule 4761:1-14-01, you can expect your facility to be inspected by the board within the first four years of becoming licensed and regularly every four years thereafter. Inspections are only for licensed facilities

Q. I sell only standard wheelchairs, do I need to be licensed and certified by the board?

A. No, however, if you sell or rent wheelchairs with individualized seating or are electronic, then you would likely need to be licensed or certified. Additionally, if you sell or rent life sustaining equipment—prescribed by an authorized health care professional that medically sustains, restores, or supplants a vital bodily function, such as breathing; or if you provide technologically sophisticated medical equipment – prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by a condition or the effectiveness of the equipment, you do need to be licensed or certified.

Q. How much will a license or certification of registration cost?

A. According to law 4761:1-8-01, the law requires the board to establish fees based on the following:

- a) Applications for initial licensure shall include a fee no greater than five hundred dollars;
- b) Applications for initial issuance of a certificate of registration shall include a fee no greater than two hundred fifty dollars;
- c) All applications for biennial renewal of a license shall include a fee no greater than \$one thousand two hundred dollars;
- d) All applications for biennial renewal of a certificate of registration shall include a fee no greater than five hundred dollars;
- e) Payment of all fees shall be paid by personal check or money order made payable to: state of Ohio. All returned checks for nonpayment shall be assessed a fine of fifty dollars

Q. How do I become a board member?

A. Board members are appointed by the Governor with the advice and consent of the Ohio Senate and serve for a term of three years. The Board meets for two days every other month. Meetings, including administrative hearings, are open to the public. The Ohio Association of Medical Equipment Services and the Ohio Society of Respiratory Care make recommendations for board appointments to the Governor.

Q. Am I required to establish or maintain a continuing education program for my staff?

A. Rule 4761:1-13-01 states each licensed HME facility must demonstrate that a continuing education plan has been developed that provides continuing education for staff that is appropriate to the type and level of HME services rendered by that staff member.

The continuing education program must meet or exceed the following guidelines:

- a) Staff must complete no less than ten contact hours of continuing education per renewal cycle. Of the required hours:
 - (1) No more than five contact hours may be non-accredited in-service education;
 - (2) The remaining hours must come from educational programs specific to the type and level of service provided that are approved and accredited by a professional peer review organization relating to home medical equipment services or specific clinical affiliation; and
 - (3) 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.

Q. Are there any rules or policies on advertising?

A. Rule 4761:1-15-01 applies to all forms of advertising and solicitation:

- a) No HME services provider shall advertise or solicit for patronage in connection with their business if any communication contained therein is false, fraudulent, deceptive, or misleading.
- b) Excluding a free consultation, any advertisement or solicitation which offers HME services on a

gratuitous basis shall include a disclaimer. If the advertisement is visual, the disclaimer shall be contained therein. If the advertisement is aural, the disclaimer shall be read. A written copy of the disclaimer shall be provided to every patient who responds to an offer, prior to the rendering of patient care.

Q. What are the qualifications for renewal of my license?

- A. At least thirty days prior to the expiration of a license, the board will mail a notice and application for renewal to every licensee for whom a license was issued or renewed during the current license year or other specified period and who has been approved for renewal by the specific licensing agency. To renew, the applicant is required to complete the application for renewal and return it to the board with the fee amount as specified by rule 4761:1-8-01 of the Administrative Code and received by the board on or before the date the license is scheduled to expire. The board will renew the license if the applicant is in compliance with Chapter 4752. of the Revised Code and division level 4761:1 of the Administrative Code.

The application for renewal of a license must be signed and dated by the applicant. The applicant is required to provide evidence to the board that they are in compliance with the laws and rules governing the practice of HME sales as outlined in Chapter 4752. of the Revised Code and division level 4761:1 of the Administrative Code. The applicant will need to provide documentation or a letter of explanation to the board if they have violated the Chapter 4752. of the Revised Code; if they have been convicted of a felony in Ohio, or convicted of an act that would constitute a felony in Ohio, a misdemeanor involving moral turpitude; violated a federal, state or local drug law or if they have been excluded from participation in the medicaid, medicare or any federally funded program since the previous renewal period.

Q. What are the qualifications for renewal of my certificate of registration?

- A. At least thirty days prior to the expiration of a certificate of registration, the board will mail a notice and application for renewal to every registrant for whom a certificate of registration was issued or renewed during the current year or other specified period and who has been approved for renewal by the specific licensing agency. To renew, the applicant is required to complete the application for renewal and return it to the board with the fee amount as specified by rule 4761:1-8-01 of the Administrative Code on or before the date the certificate of registration is scheduled to expire. The board will renew the certificate of registration if the applicant is in compliance with Chapter 4752. of the Revised Code and division level 4761:1 of the Administrative Code.

The application for renewal of a certificate of registration must be signed and dated by the applicant. The application will require the applicant to provide evidence to the board that they are in compliance with the laws and rules governing the practice of HME sales as outlined in Chapter 4752. of the Revised Code and division level 4761:1 of the Administrative Code. The applicant is required to provide explanation or documentation to the board if they have violated the Chapter 4752. of the Revised Code, since the previous time that their certificate of registration was renewed.

Q. Is the license issued to the facility or the authorized rep of the facility?

- A. Chapter 4752 of the Ohio Revised Code states that each facility is licensed; however, a licensee is defined as a person, partnership or corporation in whose name the license is issued, therefore it is incumbent upon the facility ownership to establish an authorized representative who serves as the licensed agent.

Q. How do I file a complaint against a registered or licensed facility?

- A. According to Rule 10:1-10-01, if a complaint is deemed justified, the board may cause a notice of opportunity for a hearing to be mailed to the authorized representative of the facility. Once received the person, partnership or corporation will have 30 days from the date of mailing to respond. If the complaint is being filed against the partnership, the complaint will be deferred to the accrediting organization.