

OHIO RESPIRATORY CARE BOARD

NOTICE OF PUBLIC HEARING OF INTENT TO RESCIND, ADOPT NEW OR AMEND EXISTING OHIO ADMINISTRATIVE RULES

The Ohio Respiratory Care Board announces its intent to rescind one (1) rule, file and adopt one (1) new rule and two (2) amended rules regulating the practice of Respiratory Care under Section 4761 of the Ohio Revised Code and file and adopt one (1) amended rule regulating Home Medical Equipment Services under Section 4752 of the Ohio Revised Code. All rules have been filed pursuant to Chapter 119.03 of the Revised Code and the filing is in compliance with Chapter 119. of the Revised Code.

A public hearing will be conducted on: **Wednesday, February 13, 2013 at 2:00 p.m. in the Board Room, 31st Floor, Vern Riffe Center for Gov't and the Arts, 77 South High Street, Columbus, OH.** Any person affected by the proposed action may present oral or written testimony.

The following represents a summary of the proposed rule amendments, rescissions, and new rules:

Respiratory Care Licensing ORC 4761 rules proposed:

Rescind 4761-5-01: Recognized examinations.

Summary: The Board proposes to rescind this rule and replace it with a new rule 4761-5-01 titled, "Waiver of licensing requirements pursuant to division (B) of section 4761.04 of the Revised Code".

New rule 4761-5-01: Waiver of licensing requirements pursuant to division (B) of section 4761.04 of the Revised Code.

Summary: The Board proposes to create a new rule that replaces current rule 4761-5-01. The new rule amplifies paragraph (B) of section 4761.04 of the Revised Code for persons seeking first-time licensure in Ohio. This section authorizes the Board to waive the requirements for licensure for persons licensed in other states whose standards for licensure are equivalent to those in Ohio on the date of application or waive the education and examination requirements for licensure for an applicant that presents proof of completing any examination recognized by the Board.

Prior to January 1, 2015, the new rule proposes to recognize the Certified Respiratory Therapist (CRT) examination offered by the National Board for Respiratory Care, Inc. (NBRC) as meeting the education and examination waiver requirements for licensure. After January 1, 2015, the new rule proposes to recognize only the RRT examination offered by the NBRC as meeting the education and examination waiver requirements for licensure. Recognized examinations must be passed within three years of the date of application. In addition, prior to January 1, 2015, the proposed rule will waive Ohio licensure requirements for persons holding an active, valid license in another state(s) based in part or in whole upon successfully completing either the CRT or RRT examination. After January 1, 2015, the proposed rule will waive Ohio licensure requirements for persons holding an

active, valid license in another state or states based in part or in whole upon successfully completing only the RRT examination. Specific waiver language of the three-year examination recognition period is added for persons working for the federal government.

The proposed rule also includes language addressing persons that have taken and passed the Ohio credentialing examination pursuant to rule 4761-5-02 of the Administrative Code or are licensed in another state under equivalent standards.

Amended rule 4761-5-04: License application procedure.

Summary: The Board proposes to amend the existing rule by deleting the requirement for filing an official final transcript. The proposed amendment inserts language requiring a person licensed in another state or states to provide verification of licensure in the form of a letter or electronic verification via a secure validation process. The verification letter must include name of the state, name of the licensee, initial issuance date, current status, expiration date and the examination upon which the license was issued. The rule also proposes to require persons from another state that are seeking Ohio licensure to document the number of contact hours of continuing education required by the state(s) of origin. For persons seeking Ohio licensure, applicants must provide verification of successful completion of any examination recognized by the Board. The proposed rule also includes new language authorizing the Board to use regular mail as record of service for incomplete notification, if the original notification is returned as, “unclaimed” by the postal service. Last, the rule proposes to delete paragraph (D) of the current rule that addresses the waiver of the education component for licensure.

Amended rule 4761-8-01: Renewal of licenses or permits.

Summary: The Board proposes to amend the existing rule by adding language to paragraph (G) (2) of the current rule requesting a letter of license verification from other states, if the Ohio license is lapsed or inactive for less than three years. New language is added that allows the Board to consider the number of hours of continuing education required by another state and, if needed, require an applicant to complete more continuing education if the standards are not equivalent to Ohio standards. The proposed rule corrects a reference to paragraph (K) and inserts new language addressing incomplete notification and abandonment procedures for incomplete license and limited permit reinstatement applications.

Home Medical Equipment Services ORC 4752 rules proposed:

Amended rule 4761-1-10-03: Licensees and certificate holders must comply with investigations conducted by the board.

Summary: The Board proposes to amend the existing rule. The Board proposes to insert language clarifying that the rule is for licensed HME providers and certificate of registration holders. The rule adds new language for facilities holding a certificate of registration, stating that the facility may be investigated in accordance with the cooperative agreement entered into between the Board and the accrediting organization. The registrant must make records available to the Board’s

investigator and upon request of the Board or its investigative staff produce copies of records. The rule also adds new language for facilities holding a license, stating that the facility may inspect or investigate the licensed facility. The licensee must make records available to the Board's investigator and upon request of the Board or its investigative staff produce copies of records. Non-compliance with an investigation is grounds for disciplinary action pursuant to division (A) of section 4752.09 of the Revised Code.

All interested persons will be given the opportunity to be heard at the public hearing. Those persons who wish to provide oral testimony at the hearing are encouraged to preregister by contacting Christopher Logsdon at the address below, and may be given preference in the order of their testimony. Persons providing oral testimony are encouraged to submit a written copy of the testimony at the hearing.

All written comments received by the Board before the close of the hearing record will be considered. **Oral and written comments may be provided at the public hearing; however, persons interested in providing written comments without attending the hearing are encouraged to do so no later than February 12, 2013 via e-mail to christopher.logsdon@rcb.state.oh.us or via regular mail to the attention of:**

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

Attn: Christopher H. Logsdon

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, 16th 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:

- Ohio Respiratory Care Board's website: <http://respiratorycare.ohio.gov/LawsandRules.aspx>
- Register of Ohio website:
<http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/processPublicDisplayRules.jsp?agencyNumberString=4761&actionType=proposed&doWhat=GETBYFILINGAGENCY&Submit=Search>