

OHIO RESPIRATORY CARE BOARD

LICENSING RESPIRATORY CARE PROFESSIONALS
AND
HOME MEDICAL EQUIPMENT FACILITIES

ANNUAL REPORT FY 2007

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EXECUTIVE SUMMARY

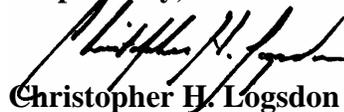
Pursuant to Section 4761.03 (H) of the Ohio Revised Code, the Ohio Respiratory Care Board (hereafter referred to as “the Board,”) is required to file an annual report to the Governor and Ohio General Assembly. The annual report, by law, must list the official actions taken by the Board during the prior year and any recommendations for the improvement of the practice of respiratory care in Ohio. Although the statute only requires the Board to report on improvements to the practice of respiratory care, the Board believes recommendations on the improvement of home medical equipment regulation should also be addressed.

The Board’s annual report strives to inform the Governor, the Ohio General Assembly and the General Public of all its activities and actions taken during the prior year. The report is written to cover all aspects of the Board’s operations: regulatory, financial, and judicial. The Board is committed to full public disclosure and accountability at all levels of operations.

FY 2007 was a challenging year for the Board. This year represented the first full year of home medical equipment licensure. The Board seized the opportunity to re-evaluate the program, implement changes and initiate new aspects of the regulation, yet untested. An example of this is home medical equipment facility inspection program for licensed entities. The Board is proud to report this program, although started slowly, is now a routine function of the agency, leading to improved services for Ohio citizens. Additionally, the number of respiratory care professional licenses and the number of home medical equipment certificate of registrations and licenses continues to rise. The Board has met this challenge and continues to develop a progressive licensure program that meets the needs of its constituents and the Ohio public.

This year the Board was also audited for the past three years by the Ohio Auditor’s office. We are proud to report that the Auditor’s office offered no recommendations for improvement and made no statements on the audit report. On behalf of the Ohio Respiratory Care Board, I would like to thank the people of Ohio for allowing us to serve them.

Respectfully,



Christopher H. Logsdon
Executive Director

Letter to the Governor and Ohio General Assembly

Dear Governor Strickland and Members of the Ohio General Assembly:

It is my pleasure to submit, on behalf of the Ohio Respiratory Care Board, its annual report for Fiscal Year 2007. This report reflects the efforts made by the Ohio Respiratory Care Board to ensure that all of the persons and facilities licensed by this Board are properly qualified to provide services to the citizens of Ohio. This report also summarizes the enforcement activities undertaken during fiscal year 2007, demonstrating the Board's role in disciplining licensees that violate the law. Finally, this report establishes the future goals of the Board and provides suggestions for improving the practice of respiratory care and improving home medical equipment facility licensure in Ohio.

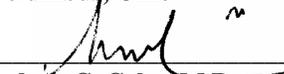
This report will provide information about the practice of respiratory care and home medical equipment facilities, our methods of operation, the accomplishments and actions of the agency and the dedication of the Board members and its staff. I believe you will find the Board dedicated to the regulatory role it has been so empowered to accomplish.

Respectfully submitted,

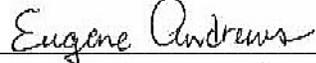

Marc K. Mays, MSA, RRT, RCP
President, Ohio Respiratory Care Board

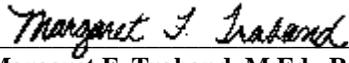
Board Members


Marc K. Mays, M.S.A., R.R.T., R.C.P.
Board President
Professional Member
Columbus, Ohio

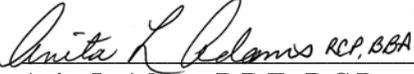

Robert C. Cohn, M.D.
Physician Member
Cleveland, Ohio


Susan M. Ciarlariello, M.B.A., R.R.T., R.C.P.
Professional Member
Dayton, Ohio


Eugene W. Andrews, B.S., R.R.T., R.C.P.
Professional Member
Strongsville, Ohio


Margaret F. Traband, M.Ed., R.R.T., R.C.P.
Professional Member
Toledo, Ohio

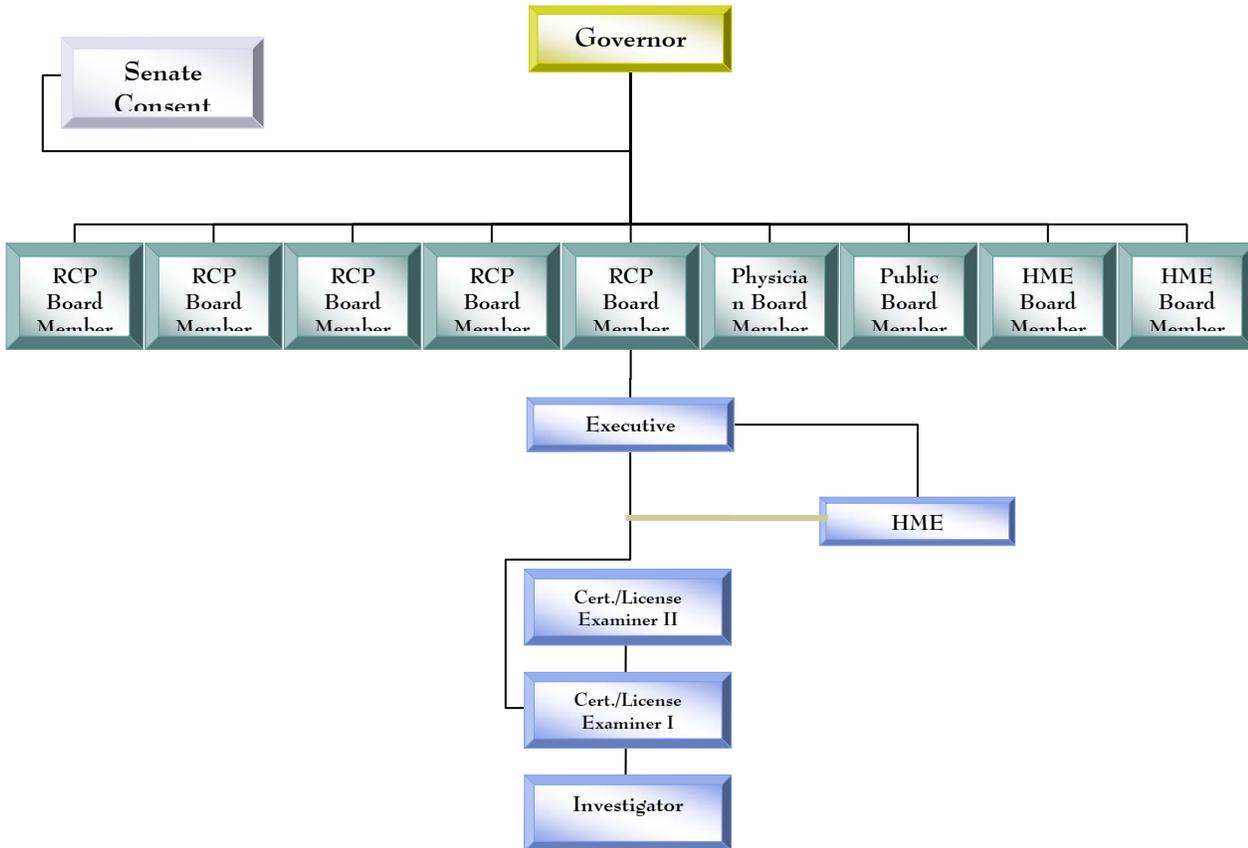

Dana G. Rinehart, Attorney at Law
Public Member
Columbus, Ohio


Anita L. Adams, R.R.T., R.C.P.
Professional Member
Dayton, Ohio


Joel D. Marx, B.S.
HME Professional Member
Pepper Pike, Ohio


Carol Gilligan
HME Professional Member
Bay Village, Ohio

Board Organization



Board Authority and Functions

The Board's primary purpose by law is to protect the public by regulating the practice of respiratory care and home medical equipment facilities in Ohio. With the advent of home medical equipment licensing under Chapter 4752 of the Revised Code, the Board membership was expanded to include persons with expertise in the provision of these services. In this regard, the Board acts as a unique licensing-agent for both the respiratory care profession and home medical equipment facilities in Ohio.

In addition to its licensing duties, the Board investigates complaints and takes any necessary corrective action, investigates inquiries and performs inspections, holds rules hearings pursuant to Chapter 119 of the Ohio Revised Code, and monitors continuing education compliance. The Board also approves respiratory care educational programs and, when necessary, conducts on site review.

Home medical equipment facilities registered by the board are required to follow standards of practice set down by the organization that accredits the facility. Licensed home medical equipment facilities must adhere to standards of practice developed by the Board through rule authority. These facilities are inspected at least once every four years to assure compliance with the Board's standards.

In accordance with law, the Board may, following an adjudication hearing held pursuant to Chapter 119, take action against a licensed respiratory care provider of home medical equipment facility licensed by the board. Within the parameters of the law for respiratory care, the Board may: refuse to issue a license or a limited permit; issue a reprimand; suspend or revoke a license or limited permit; or place a license or limited permit holder on probation. In addition, the Board may also levy fines. Similar authority exists for home medical equipment facilities licensed by the board. Certificate of registration holding facilities are subject to the standards developed by their accreditation organization. The Board is obligated by law to take action against a certificate of registration holder if the accreditation organization moves to revoke or suspend the facility accreditation.

If a person or facility is found to be practicing without a license, the Board may seek an injunction or appropriate restraining order for such practice. Unlicensed practice of home medical equipment services can incur substantial financial penalty if imposed by a court of law. The action is pursued through the court of common pleas in the county in which the violation occurs.

The Board is composed of nine members (five respiratory care professionals, two home medical equipment facility managers, one physician who specializes in pulmonary medicine and one member of the general public) who are appointed by the Governor, with the advice and consent of the Ohio Senate. The Board is a diverse group of persons, representative of the demographic and cultural makeup of the home medical equipment industry and respiratory care profession. Members are paid for each day employed in the discharge of official duties. All members are reimbursed according to state travel rules for travel expenses.

The Board is self-sustained through fees generated from applications for initial licensure, renewal fees, fines and other miscellaneous sources. Fees are deposited into a joint operating fund (called the "4K9" fund) consisting of fees from twenty-two professional licensing boards. Each agency in the fund is required to generate sufficient revenue to meet its own expenses. Although the 4K9 fund serves as the funding source for the Board, it must still go through the standard biennial budget process. Hence, the Board's biennial budget is established by the Ohio General Assembly. Each year, the Board reviews licensure fees and budget requirements to determine if fee adjustments are necessary.

Although the Board must provide the same services as larger agencies, it does so with a small staff. Under the direction of the Board, one Executive Director, one License/Certification Examiner II, one License/Certification Examiner I, one Investigator, and one Home Medical Equipment Licensing Manager staff the office. The office is located at the Vern Riffe Center for Government and the Arts, 77 South High Street, 16th Floor, Columbus, Ohio. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday.

The Board disseminates information concerning its activities, including board meeting minutes, forms, notices, and board member profiles on its state Webpage: www.respiratorycare.ohio.gov.

Mission Statement

The mission of the Board is to protect and serve the public of Ohio by effectively and efficiently regulating Home Medical Equipment facilities and the practice of Respiratory Care in the State of Ohio through the licensing of qualified facilities and practitioners, the establishment of standards for respiratory care educational programs and home medical equipment facilities and the enforcement of the laws and rules governing these practices.

Vision Statement

Making a responsible difference for the citizens of Ohio --- by efficient and effective Licensing for Respiratory Care Professionals and Home Medical Equipment facilities, Enforcing Practice Standards and Promoting Professional Competency.

Board Programs

- Respiratory Care Practice

Over 7000 persons in Ohio hold an active license to practice respiratory care. Since its inception, the Ohio Respiratory Care Board has issued nearly than 11,000 total licenses to qualified respiratory therapists.

The Board was established in 1989 to regulate the practice of respiratory care. Respiratory therapists, under the prescription of a licensed physician or qualified certified nurse practitioner or clinical nurse specialist, may provide many therapeutic, high risk and life-saving procedures to patients suffering from a variety of diseases and ailments affecting the lungs and heart. Persons suffering from emphysema, lung cancer, asthma, cystic fibrosis, and many other lung/heart ailments receive assessment, care, education and rehabilitation by respiratory therapists. The profession provides care in hospitals, long-term care facilities, sleep study laboratories, home care organizations, and physician offices. Today, all lower forty-eight states, the District of Columbia, and Puerto Rico require some form of licensure for respiratory therapists. Only Alaska and Hawaii do not require licensing in this practice.

- Home Medical Equipment Licensing and Registration

The Ohio Respiratory Care Board is charged with the licensing/certification and inspection of Home Medical Equipment (HME) facilities in the state of Ohio that sell, rent, deliver, install or maintain HME equipment. The law focuses on home medical equipment providers that sell or lease life-sustaining or technologically sophisticated equipment. By rule, the Board can identify other equipment that meets the definition of HME. A full list of equipment falling under the definition home medical equipment is defined in rule and regularly posted to the Board's home medical equipment website.

Two types of authorization to practice may be issued:

(1) **Certificate of Registration:** this status would apply to those facilities that are already accredited by the Joint Commission on Accreditation of Health Organizations or another accrediting organization recognized by the Ohio Respiratory Care Board. Holders of this authorization may provide the full range of home medical equipment services defined in the law, but will not be subject to the requirements of a licensed facility. For example, a Certificate of Registration holder would not have to undergo inspection by the board because the accrediting organization performs this requirement.

(2) **License:** this status would apply to all non-accredited facilities. Licensed providers are subject to regular inspections and must comply with all provisions of the law to legally sell or lease the full range of home medical equipment services defined in the law.

Currently, the Board licenses 221 facilities doing business in the State of Ohio. Additionally, the Board has issued 378 certificates of registration to facilities accredited by a recognized organization. In FY 2007, the Board inspected 90 home medical equipment facilities. The Board predicts nearly 4/5 of the licensed home medical equipment facilities will be inspected by the end of fiscal year 2008. One challenge facing the Ohio Respiratory Care Board is devising an effective method of inspecting facilities that are out-of-state and too cost prohibitive to visit. The Ohio Respiratory Care Board is reviewing a number of options to address this issue, including self-reporting and follow-up with a Board inspector.

2007 Actions of the Board

Official actions of the Board are journalized in the minutes of each meeting. The Board meets every other month for two days. Generally, the first day consists of committee meetings and routine business: approvals of licenses, hearing notices, consent agreements, expenditures and discussion on topical issues before the membership. The second day of the Board meeting is reserved for adjudication hearings. The Board hears nearly all of its own cases and normally renders decisions the same day of the hearing. Board meeting minutes are available to the public by mail, e-mail, and a full year or more of minutes are maintained on the Board's website.

The following is a synopsis of the important actions taken by the Board during each meeting. This list does not include routine business and investigative matters, nor disciplinary hearings and findings.

- August 14 and 15, 2006

- **The Board was updated on the agency's first inspector training day. Five persons were chosen to work as independent contract HME inspectors for the Board. Training included duties, ethics, laws and rules, forms and documentation, and finances.**
- **Board members expressed concern over the number of HME facilities that were applying as new applicants, indicating the facilities may have been providing services without a license. The Board requested that the Assistant Attorney General assist with some guidelines on addressing the matter.**

- **The Assistant Attorney General addressed an informal opinion request concerning the Board's authority to inspect out-of-state facilities. The Assistant Attorney General advised the Board that sufficient authority exists to require out-of-state facilities to be licensed to conduct business with Ohio citizens and require adherence to the same standards for licensure imposed on all other licensed HME's.**
- **The Board approved recognition of Miami-Jacobs Career College as a new respiratory care program under OAC 4761-4-01 with conditional concern over the program curriculum design. The matter would be communicated in writing.**
- **The Board approved a position statement on the use of pulse oximetry without a physician prescription.**
- **The Board approved:**
 - **Eighteen Opportunity for Hearing Notices based on violations of the laws and rules governing the practice of respiratory care in Ohio.**
 - **Closing eight complaint investigations based on unfounded or non-jurisdictional issues.**
 - **Moved to release one licensee from probationary requirements and deferred one petition for release from probation to the Board's Probable Review Committee.**
- **The Board ratified the issuance of 19 HME facility licenses, 5 contingent approval to issue HME licenses, 14 HME Certificates of Registration, 127 respiratory care professional licenses and 80 limited permits.**
- **The Board moved to notify all HME licensed or registered home medical equipment facilities issued authorization after September 16, 2005, that they will be held in violation of Section 4752 of the Revised Code.**
- **The Board approved the 2006 annual report**
- **The Board denied the extension of the term of a limited permit holder based upon failure to establish a condition of unusual hardship.**
- **The Board approved the service contract for F. Herbert Douce as an educational consultant for the Board's Education Committee.**
- **Following a hearing, the Board moved to issue a limited permit to Ms. Sue Gerber.**
- **Following a hearing, the Board moved to issue a limited permit to Mr. James Ford.**

- October 16 and 17, 2006

- **The Board President, Marc Mays, reported on a pandemic flu preparation meeting sponsored by the Ohio Department of Health. Mr. Mays attended the event and**

reported that the service of respiratory therapists were heavily discussed and will be addressed in the report.

- The HME Coordinator reported that the Board had begun inspecting licensed HME facilities and that the program appeared to be going well. The HME Coordinator also reported that a number of recommendations on unauthorized practice had been submitted to the HME Committee for consideration.
- The Board moved to post position statement on respiratory care practice on the agency's website.
- The Board approved:
 - Fourteen Opportunity for Hearing Notices based on violations of the laws and rules governing the practice of respiratory care in Ohio.
 - Six consent agreement in lieu of an administrative hearing before the Board.
 - Closing four complaint investigations based on unfounded or non-jurisdictional issues and withdraw three opportunity for hearing notices based upon completion of requirements and proof of continuing education.
- The Board ratified the issuance of 15 HME facility licenses, 11 HME Certificates of Registration, 86 respiratory care professional licenses and 78 limited permits.
- The Board approved the fall 2006 Newsletter for RCB and HME programs.
- The Board refused a petition to reverse a voluntary surrender of license filed by Connie M. Schultz.
- The Board reviewed recommendations on guidelines to address unauthorized home medical equipment practice. Three distinct guidelines were approved.
- The Board moved to defer recognition to the Compliance Team as an authorized accreditation organization for home medical equipment facilities.
- The Board moved to conditionally renew the license of Robin Konczal.

- December 5, 2006

- Following a hearing held pursuant to Chapter 119. of the Ohio Revised Code, the Board moved to approve the renewal of Gerald Allen's license to practice respiratory care with probationary conditions.
- Following a hearing held pursuant to Chapter 119. of the Ohio Revised Code, the Board moved to permanently revoke the license of Rodney Pritchett.
- The Board moved to approve Drop Foot Stimulators and Bone Growth Stimulators as recognized home medical equipment under OAC rule 4761-3-02.

- **Following a hearing held pursuant to Chapter 119. of the Ohio Revised Code, the Board moved to indefinitely suspend the license of Kenton Cretors.**
- **The Board moved to deny a petition to change the effective date of an HME license.**
- **The Board ratified the issuance of 23 HME facility licenses, 15 HME Certificates of Registration, 32 respiratory care professional licenses and 14 limited permits.**
- **The Board approved:**
 - **Eleven consent agreements in lieu of administrative hearings before the Board.**
 - **Sixteen Opportunity for Hearing Notice based on violations of the laws and rules governing the practice of home medical equipment in Ohio.**
 - **Closing five complaint investigations based upon non-jurisdictional or unfounded issues.**
 - **Withdrawing two opportunity for hearing notices for completion of continuing education requirements.**
 - **Issuance of five cease and desist notices to home medical equipment facilities seeking to do business in the State of Ohio.**
- **The Board approved a motion allowing the Board's Executive Director to issue home medical equipment facility licenses and certificates of completion upon meeting specified qualifications.**
- **The Board considered a revised continuing education rule, increasing the number of hours of continuing education for respiratory care professionals to 20, including one hour of ethics and/or laws and rules education.**
- **The Board approved a revised independent inspector contract, establishing a new fee for service schedule.**
- **The Board moved to correct prior board meeting minutes and ratify home medical equipment licenses for the good of the board.**

- March 8, 2007

- **The Board moved to approve the Executive Director's performance review.**
- **The HME Committee reported that two HME facilities had been directed to appear for interviews at the committee's next meeting.**
- **The Scope of Practice Committee approved two position statements on the need for a physician prescription to perform patient assessments and providing oxygen conservation devices.**
- **The Board's Education Committee reviewed the 2006 Ohio Education Report. The report was discussed in detail, but was not approved.**

- **The Board approved:**
 - **seventeen consent agreements in lieu of an administrative hearing before the Board.**
 - **eight Opportunity for Hearing Notices based on violations of the laws and rules governing the practice of respiratory care in Ohio.**
 - **closing two complaint investigations based upon non-jurisdictional or unfounded issues.**
 - **the withdrawal of two opportunity for hearing notices based upon completion of requirements or non-jurisdictional determination.**
- **The Board moved to ratify a list of equipment used by the Ohio Department of Job and Family Services to determine when an HME license or certificate of registration was required to provide the services billed to the Ohio Medicaid Program.**
- **The Board ratified the issuance of 74 respiratory care professional licenses, 39 limited permits, 13 home medical equipment facility licenses, and 21 home medical equipment facility certificates of registration.**
- **The Board moved to file 2 new and 10 amended draft Ohio Administrative Rules.**
- **The Board revised and approved six home medical equipment application forms.**
- **The Board discussed the establishment of mechanical ventilator guidelines for long-term care facilities. The Board moved to contact the Ohio Department of Health to initiate the project.**

- April 17 & 18, 2007

- **The Education Committee reported on the completion of the 2006 Education Report. The Committee also reported that an Educator’s Conference would be held in the fall.**
- **The HME Committee reported interviewing an applicant for HME license. After consideration of the candidates qualifications, the Committee recommended approving the applicant’s application for an HME license.**
- **The Board approved:**
 - **four consent agreements in lieu of an administrative hearing before the Board.**
 - **three Opportunity for Hearing Notices based on violations of the laws and rules governing the practice of respiratory care in Ohio.**
 - **the withdrawal of four opportunity for hearing notices based upon completion of requirements.**
- **The Board considered the petition of two persons seeking reactivation of a suspended license. The Board moved to approve the reinstatement of Randall Curtner’s license to practice respiratory care. The Board moved to approve the**

reinstatement of Ignatius Frataioli's license to practice respiratory care with conditions.

- The Board ratified the issuance of 17 HME facility licenses, 12 HME certificates of registration, 51 respiratory care professional licenses and 75 respiratory care limited permits.
- Officer elections were held. Marc K. Mays was elected President of the Board, Eugene Andrews was elected Secretary of the Board, and Dana (Buck) Rinehart was elected Hearing Officer.
- Following a hearing held pursuant to Chapter 119. of the Ohio Revised Code, the moved to refuse to place Julia Browning's license in an inactive status until all past due fees are paid and to place a "do not renew" note on licensing record.
- The Board held a hearing, pursuant to Chapter 119. of the Ohio Revised Code to consider new and amended rules. Following the hearing, the Board moved to adopt the new and amended rules after the Joint Rules Review Committee on Agency Rule Review's jurisdiction ended.

- June 5 & 6, 2007

- The Executive Director reported that he held a quality review meeting with Board Independent Inspectors to review the inspection process, inspection reports and recommendation to improve forms and process. The meeting produced a number of recommendations, including revising the inspection standards, inspection procedures and report forms and creating an inspection guidance manual for licensed facilities.
- The Board reviewed two proposed legislative bills:
 - H.B. 130 – would require the Board to define all misdemeanors or felonies and their relationship to the practice of respiratory care. The bill would prohibit the Board from considering refusal to issue a license unless the conviction was substantially related to the practice.
 - H.B. 104 – would require applicants for a respiratory care license or limited permit to obtain a criminal background check as part of the preliminary qualification for licensure.

The Board moved to oppose H.B. 130 and support H.B. 104.

- The HME Committee reported reviewing several recommendations to improve the HME facility inspection process. The committee recommended approving a new inspection review form, drafting an inspection handbook, and developing a continuing education reminder. In addition, the committee considered a number of new policies on unauthorized practice, new rules, requiring inspection as a prerequisite to licensure, and accreditation lapses for registration holders. The committee then reviewed three inspection reports and recommended re-inspection for each facility.

- **The Education Committee reported that the 2006 Ohio Education Report was held pending a final review of CoARC annual report letters to Ohio's Educational programs. The Committee was concerned that some data was misleading and could be erroneously reported. The committee recommended approving the final report with names of facilities redacted on page 6 as it relates to the pass rate on the national registry examination for each program.**
- **The Scope of Practice Committee reported reviewing two inquires concerning the administration of medication for non-traditional respiratory care. The Committee determined arguments could be made for the inclusion of the practice based upon the circumstances provided.**
- **The Rules Committee reported reviewing seven draft amended home medical equipment rules based upon the recommendations of the Home Medical Equipment Committee. The Rule Committee recommended supporting all proposed rule amendments.**
- **The Board approved:**
 - **the closure of three investigations after the Board determined that the investigation found no grounds for further review.**
 - **eight consent agreements in lieu administrative hearing before the Board.**
 - **seven Opportunity for Hearing Notices based on violations of the laws and rules governing the practice of respiratory care and home medical equipment provision in Ohio.**
- **The Board ratified the issuance of 5 HME facility licenses, 9 HME Certificate of Registrations, 76 respiratory care professional licenses and 53 limited permits.**
- **The Board moved to approve the extension of Shelly Condos' limited permit on the basis of an unusual hardship.**
- **Following a hearing held pursuant to Chapter 119. of the Revised Code, the Board moved to issue and after issuance, indefinitely suspend the license of Robert Colon pending completion of specified conditions.**

Trends and Opportunities

- Clean up legislation

The Board believes the time to initiate clean up legislation for the regulation of home medical equipment licensure is FY 2008. After two full years of regulating the provision of home medical equipment under the existing statute, observing the application of the current law, and documenting anecdotal problems, the Board is convinced that the Ohio General Assembly should consider follow-up legislation to correct some misleading language and improve the effectiveness of the current law. Most recommendations are simply corrective, but one recommendation, in particular, is not.

Based upon a review by the Ohio Attorney General's office, the Board believes Chapter 4752 of the Revised Code should be re-written to eliminate the dual authorization requirements. The Board recommends creating a single license type, rather than the current license and certificate of registration issued today. The Board has concluded that the two types of authorization are not equal and leads to an unfair licensing process. The law gives the Board the authority to issue a certificate of registration, but does not establish an adequate or fair process for sanctioning the registrant. It is the State of Ohio's responsibility to assure that the public is adequately protected. The current statutory scheme treats the two classes of property right holders—licensees and certificate of registration holders—so disparately that the intent of the legislation cannot be equally applied. As the number of accrediting organizations performing home medical equipment accreditation services grows, the Board will be faced with a multiplication of current concerns over the existing process. The solution is simple – create a single license for all home medical equipment facilities and hold all licensees equal to the conduct standards required by the State of Ohio. Accreditation organizations are valuable participants in assuring quality home medical services. These contributions should be recognized and inspections for accredited facilities should be waived.

- Respiratory Care Educational Enrollment

Ohio Respiratory Care Educational Programs have shown strong enrollment and retention recovery in FY 2006. Although not well documented until recently, the growth trend began in FY 2004. FY 2006 is a record-breaking year for program enrollment in Ohio. The Board however, is concerned that the trend has already peaked and enrollment statistics will show a steady decline over the next few years. Over saturation of graduate respiratory care providers is almost certain in some areas of the State of Ohio due to the concentration of newer and older respiratory care programs. The competition for clinical hospital affiliates will certainly be a problem, forcing programs to consider hospitals further from the program geographical center.

Objectives for Next Year

- 1. Continue to review new methods to inform the public and licensees in a cost-effective manner.**
- 2. Identify cost saving measures. The Board is studying on-line license renewal. Electronic checking options will be reviewed, reducing costs significantly. Consider changes in inspection methodology.**
- 3. Continue to be a resource for the Ohio General Assembly on issues relating to the practice of respiratory care.**
- 4. Monitor state and federal legislation that has affect on the practice of respiratory care or home medical equipment facilities.**
- 5. Continually maintain compliance with the laws and rules that regulate the operations of the board and policies that guide our practices.**

7. **Improve policies and procedures for the inspection of licensed home medical equipment facilities in Ohio.**

Board Status

- 2007 Licensing Activity

Current number of all licensees

	2004	2005	2006	2007
RCP License Holders	6128	6639	6478	7035
RC Limited Permit Holder	<u>364</u>	<u>371</u>	<u>394</u>	<u>383</u>
Total	492	7010	6872	7418
HME Licensed Facilities	0	0	142	221
HME Certificate of Registrations	<u>0</u>	<u>0</u>	<u>294</u>	<u>378</u>
Total	0	0	436	599

	2004	2005	2006	2007
Initial RCP Licenses Issued	296	367	394	416
RC Limited Permits Issued	250	300	271	323
Initial HME Licenses Issued	0	0	170	104
Initial HME Registrations Issued	0	0	308	88
HME Provisional Licenses Issued	0	0	23	0

License Renewal

RCP License Holders	5881	241	6359	157
RC Limited Permit Holders	303	257	275	131
HME Facility Licenses	0	0	270	20
HME Certificates of Registration	0	0	110	7

* 2007 data counts only license and permit holders renewing or reinstating their license or permit during FY 2007. This total does not reflect those licenses and permits that are current and active at the time of the report.

Revenues and Expenditures

Fee Description	Amount Collected
Cancelled State Warrants	\$90.00
Certificate of Registration Renewal Fees	\$2,450.00
Home Medical Equipment Facility Initial License Fees	\$31,800.00
Home Medical Equipment Facility Late License Renewal Fees	\$300.00
Home Medical Equipment Facility License Renewal Fees	\$12,350.00
Home Medical Equipment Fines	\$200.00
Home Medical Equipment Initial Registration Fees	\$14,850.00
Home Medical Equipment Inspection Fees	\$29,344.00
Home Medical Equipment Miscellaneous Fees	\$510.00
Respiratory Care Fines	\$4,600.00
Respiratory Care Initial Limited Permit Fees	\$6,340.00
Respiratory Care Late License Renewal Fees	\$17,665.00
Respiratory Care Limited Permit Late Renewal Fee	\$565.00
Respiratory Care Limited Permit Renewal Fees	\$5,025.00
Respiratory Care Miscellaneous Fees	\$989.66
Respiratory Care Professional License Fees	\$31,695.00
Respiratory Care Professional Renewal Fees	\$39,920.00
Respiratory Care Professional Renewal Fees (2006 holding account funds)	-\$26,185.00
Total	\$172,508.66

Statement of Expenses	2004	2005	2006	2007
Board Pay	---	---	\$14,541	\$17,946
Board Member Expenses	---	---	\$6022	\$7168
Staff Pay	\$232,879	\$256,115*	\$303,226	\$331,499
Maintenance	\$56,727	\$77,791*	\$80,517	\$42,279
Equipment	\$4,274	\$8748	\$0	\$0
Other	---	---	---	\$11,478
Total	\$294,260	\$342,783*	\$384,244	\$410,369

Investigatory Report and Disciplinary Actions

Case Analysis

● Carry over from FY 2006	26
● Cases taken in for FY 2007	106
● Carry over for FY 2008	18

Case Breakdown for 2006

● Felony Crimes and or Convictions	4
● Misdemeanor Convictions Involving Moral Turpitude	9
● Practicing While Impaired and or Drug Abuse	4
● Continuing Education Failure	33
● Unlicensed Practice	40
● Ethics Violation	2
● Falsified Medical Records	2
● Practicing Beyond Scope	1
● Gross Negligence	1
● Poor Standard of Care	1
● Falsified Application	4
● Fraudulent Billing	1
● Failure to Meet Licensing Requirements	2
● Failure to Respond to Inspection	2

Adjudication Hearings Held

<u>Case Number and Name</u>	<u>Complaint</u>	<u>Disposition</u>
2004 ORCB 033 Rodney Pritchett	Application Fraud / Felony Crimes	Revoked
2005 ORCB 006 Sue Gerber	Convictions	Probation
2006 ORCB 033 Kenton Cretors	Application Fraud / Convictions	Suspended
2006 ORCB 034 Gerald Allen, Jr.	Felony Crimes	Probation
2006 ORCB 038 James Ford	Felony Crimes	Issued License
2007 ORCB 007 Robin Konczal	Convictions	Refused License until Exam Completion
2007 ORCB 027 Julia Browning	Failure to Meet License Requirements	Refused Application
2007 ORCB 075 Robert Colon	Application Fraud / Convictions	Suspended

In addition to the hearings held in 2007, the Board also entered into Forty Six (46) consent agreements in lieu of hearings before the Board.

Consent Agreements:

<u>Name</u>	<u>Complaint</u>	<u>Disposition</u>
Brenda Byrd	Failed CEU Requirements	Reprimand and Fine
Nila Clementson	Failed CEU Requirements	Reprimand and Fine
Barbara Dunlap	Failed CEU Requirements	Reprimand and Fine
Jane Wiery	Failed CEU Requirements	Reprimand and Fine
Ronald Park	Failed CEU Requirements	Reprimand and Fine
Robert Stitt	Failed CEU Requirements	Reprimand and Fine
Lawrence Glueck	Failed CEU Requirements	Reprimand and Fine
Roderick Burke	Failed CEU Requirements	Reprimand and Fine
David Cassell	Failed CEU Requirements	Reprimand and Fine
Karen Jagers	Failed CEU Requirements	Reprimand and Fine
Ronald Roby	Failed CEU Requirements	Reprimand and Fine
Brandy Abshire-Hebert	Failed CEU Requirements	Reprimand and Fine
Erika McGuire	Failed CEU Requirements	Reprimand and Fine
Monta Barnett-Kramer	Failed CEU Requirements	Reprimand and Fine
Dana Watts	Failed CEU Requirements	Reprimand and Fine
Victor Lincoln	Unlicensed Practice	Reprimand and Fine
Colby Davis	Unlicensed Practice	Reprimand and Fine
Linda Duey	Unlicensed Practice	Reprimand and Fine
Linda Duda	Unlicensed Practice	Reprimand and Fine
Tommy Weaver	Unlicensed Practice	Reprimand and Fine
Jeffery Jones	Unlicensed Practice	Reprimand and Fine
Jason Deem	Unlicensed Practice	Reprimand and Fine
Audrey Goodwin	Unlicensed Practice	Reprimand and Fine
Angela Rider	Unlicensed Practice	Reprimand and Fine
Gerald Jackson	Unlicensed Practice	Reprimand and Fine
Joshua Veid	Unlicensed Practice	Reprimand and Fine
Tammy Jimmerson	Application Fraud	Reprimand and Fine
Gary Brothers	Drug Conviction	Probation
Tameacko Parmis	Felony Convictions	Probation
David Ledoux	Substance Abuse	Suspension/Probation
Teresa Green	Substance Abuse	Probation
Teresa Petit	Substance Abuse	Probation
Richard Hovey	Substance Abuse	Probation
Sandra Richmond	Poor Standard of Care	Reprimand and Fine
Sheryl Spaulding-Jones	Poor Standard of Care	Probation

Home Medical Equipment

Progressive Medical	Unlicensed Practice	Reprimand
Capitol Sleep - Medicine	Unlicensed Practice	Reprimand
Marquis Mobility	Unlicensed Practice	Reprimand
Easy Access - Mobility	Unlicensed Practice	Reprimand
NPL Home Care	Unlicensed Practice	Reprimand

ABC Mobility	Unlicensed Practice	Reprimand
A&A Medical	Unlicensed Practice	Reprimand
Smith's Home - Medical	Unlicensed Practice	Reprimand
Sportopedics - Medical Shoppe	Unlicensed Practice	Reprimand
APS Acquisitions – Omnicare	Unlicensed Practice	Reprimand
THI Advantage	Unlicensed Practice	Reprimand

Consent agreements will be considered by the Board for any alleged violation of the respiratory care laws or rules. A consent agreement avoids the necessity of holding a hearing while preserving an individuals right to legal counsel. Both the alleged act(s) and resultant action(s) are agreed to by the licensee and the Board. Consent Agreements are considered Orders of the Board under the Revised Code. A complete listing of individuals who have entered into consent agreements with the Board is available on the Board's website.