

## OHIO RESPIRATORY CARE BOARD

### NOTICE OF PUBLIC HEARING OF INTENT TO AMEND EXISTING OHIO ADMINISTRATIVE RULES

The Ohio Respiratory Care Board announces its intent to amend existing rules and/or file rules with no changes. Administrative rules proposed are under Section 4761 of the Ohio Revised Code and 4752 of the Ohio Revised Code. All rules have been filed pursuant to Section 119.03 of the Ohio Revised Code and Section 119.032 of the Ohio Revised Code. The filing is in compliance with Chapter 119. of the Ohio Revised Code.

A public hearing will be conducted on: **Wednesday, December 4, 2013 at 1:00 p.m. in the Board Room, 31<sup>st</sup> 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 amendments:**

- OAC 4761-1-01      Public hearings on adoption, amendment, or rescission of rules: methods of public notice.  
Summary:            Rule establishes process and method of adoption, amendment or rescission of rule, including method of public notice. Board proposes to amend rule by updating website address noted in rule.
- OAC 4761-3-01      Definition of terms.  
Summary:            Rule lists definitions of words, terms or phrases found in the Ohio Revised Code and Ohio Administrative Code. Board proposes to amend rule by defining terms and phrases used in newly adopted rule 4761-5-01 eff. 4-24-2013, reordering rule outline, re-referencing rule citations, and adding new definitions of “certificate of completion” and “discontinues participation” as used in Section 4761.05 (B)(2) ORC .
- OAC 4761-4-01      Approval of educational programs.  
Summary:            Rule lists qualifications for recognition of approved respiratory care programs. Board proposes to amend rule by updating it with current phrases and terms used by the Commission on Accreditation of Respiratory Care (CoARC) and eliminating requirement of requiring an Associate Degree minimum, since new CoARC standards require all programs to be 200 level.
- OAC 4761-4-02      Monitoring of Ohio respiratory care educational programs by the education committee of the Ohio respiratory care board.  
Summary:            Rule requires recognized Ohio respiratory care education programs to submit their compliance with CoARC standards and their accreditation status annually. Also creates the Board’s Education Committee. Board proposes to amend rule by requiring that the committee have at least two

members.

OAC 4761-10-01 Ethical and professional conduct.  
Summary: Rules lists code of ethical conduct adopted by the Board. Board proposes to amend rule by adding a new standard that makes it an ethical conduct violation to self-administer non-prescribed dangerous drugs or schedule I controlled substances in connection with a licensee's employment in the practice.

**Respiratory Care Licensing ORC 4761 rules proposed as “no change”:**

OAC 4761-1-02 Notice of board meeting.  
OAC 4761-2-03 Board records.  
OAC 4761-2-05 Personal information systems.  
OAC 4761-5-04 License application procedure.  
OAC 4761-5-07 Criminal background check.  
OAC 4761-7-01 Original license or permit and identification card.  
OAC 4761-8-01 Renewal of license or permits.  
OAC 4761-9-01 Definition of respiratory care continuing education.  
OAC 4761-9-05 Approved sources of RCCE.  
OAC 4761-11-06 Continuance of hearing.  
OAC 4761-11-15 Exchange of documents and witness lists.

**Home Medical Equipment Licensing ORC 4752 rules proposed amendments:**

OAC 4761:1-5-01 Qualifications for licensure.  
Summary: Rule lists qualifications to obtain an HME license in the state of Ohio. Board proposes to amend the rule by removing reference to provisional licenses, which are no longer issued.

OAC 4761:1-9-01 Standards of practice for license holders.  
Summary: Rule establishes criteria to be used by Board to determine a licensed HME facility is in compliance with acceptable and prevailing standards. Board proposes to amend the rule by simplifying language in paragraph (E).

OAC 4761:1-13-01 Continuing education standards.  
Summary: Rule establishes continuing education requirements for licensed HME facilities. Board proposes to amend the rule by granting a waiver of one-half of the continuing education requirement for business selling less than ten thousand dollars of qualifying HME annually. Also adds health professional organizations or associations as recognized sources of continuing education.

**Home Medical Equipment Licensing ORC 4752 rules proposed as “no change”:**

OAC 4761:1-1-02 Notice of board meetings.  
OAC 4761:1-2-03 Board records.  
OAC 4761:1-2-05 Personal information systems.

OAC 4761:1-9-05 Personnel.

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

**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 December 2, 2013 via e-mail to [christopher.logsdon@rcb.state.oh.us](mailto:christopher.logsdon@rcb.state.oh.us) or via regular mail to the attention of:**

**Ohio Respiratory Care Board  
77 South High Street, 16<sup>th</sup> 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, 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:

- Ohio Respiratory Care Board's website: <http://respiratorycare.ohio.gov/LawsandRules.aspx>
- Register of Ohio website:  
<http://www.registerofohio.state.oh.us/jsps/publicdisplayrules/searchAgency.jsp>