

4761:1-15-03

Transfer of authorization to new facility or new ownership.

- (A) Licenses and certificate of registration are valid only for the facility location listed in the application and are not transferable to another facility location or new facility. Any holder of a license or certificate of registration that transfers HME operations to another facility location or a new facility shall apply for a separate license or certificate of registration. The board shall cancel the license or certificate of registration of any facility upon the written notification by the facility's authorized representative that the facility of record is no longer engaged in the conduct of HME services.
- (B) If the facility for which a person holding a license or certificate of registration changes ownership, the new owner shall immediately notify the board in writing of the change. The new owner shall provide the date of ownership change, the name and title of the authorized representative and facility manager and the name of the facility, if either is different from information on record with the board. The board shall notify the appropriate accrediting organization for facilities holding a certificate of registration. If the facility name changes, the authorized representative shall request an updated license or certificate of registration identification card and certificate and shall pay the fee required by the board. ~~The new owner shall be scheduled for an inspection that will be conducted within sixty days of the date of notification to the board of the change in facility ownership.~~

Effective:

R.C. 119.032 review dates: 07/12/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17(A)(11)
Rule Amplifies: 4752.05(E), 4752.12 (C), 4752.17(A)(11)
Prior Effective Dates: 03/31/2008

Rule Summary and Fiscal Analysis (Part A)**Ohio Respiratory Care Board**

Agency Name

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Transfer of authorization to new facility or new ownership.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? Yes

2. Are you proposing this rule as a result of recent legislation? No

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4752.17(A)(11)**

5. Statute(s) the rule, as filed, amplifies or implements: **4752.05(E), 4752.12 (C), 4752.17(A)(11)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is undergoing five-year review pursuant to ORC 119.032.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule establishes the requirement of the Board for a facility that moves location or changes ownership. Under the current rules, a facility that changes ownership is subject to a reinspection of the facility. The rule being proposed eliminates the new inspection requirement.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **7/12/2013**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date

for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease revenues.

\$1,200

The proposed rule would eliminate the re-inspection requirement for HME facilities that change ownership. The Board has noted few ownership changes of licensed facilities. The impact on revenue, if any, would be very minimal.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

This rule does not necessitate an expenditure. This is not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Persons that relocate an HME business will still need to obtain a new license through the Board. This requirement is not being recommended for change. ORC 4752 notes that each facility must be licensed. When a facility moves locations, the new facility must be inspected to validate compliance with the standards of operation for an HME facility. Removal of the reinspection requirement for licensed HME facilities with new ownership saves the licensee costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Yes, this rule would require a new license if a licensed facility relocated.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

If a facility relocated and did not obtain a new license, the facility would not be in compliance with ORC 4752 and could be subject to civil penalty or administrative action pursuant to ORC 4752.09.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Yes, this rule requires an HME facility that is relocating to obtain a new license. The cost of a license is \$300.00.