

4761:1-9-02 **Standard for maintaining a facility.**

A licensee is responsible for maintaining a facility that meets the following requirements:

- (A) The facility must have appropriate physical space to safely store, maintain and service on site equipment;
- (B) The facility must have separation of business office, patient records, equipment cleaning, maintenance and storage functions, as applicable;
- (C) The facility must be able to demonstrate appropriate equipment flows through various stages to ensure that the equipment is properly disinfected, repaired, stored and/or maintained;
- (D) The facility must maintain inventory on site or by arrangement with a supplier to meet the needs of their current client base; and
- (E) The facility must meet all federal, state and local laws and rules; including all federal, state and local laws and rules regarding the storage, maintenance, and sale of upholstery or bedding, if applicable.
- ~~(F) The facility must meet all federal, state and local laws and rules regarding the storage, maintenance and sale of upholstery or bedding, if applicable.~~

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17(A)(5), 4752.17(A)(11)
Rule Amplifies: 4752.07(A), 4752.17(A)(5)
Prior Effective Dates: 05/23/2005, 03/31/2008

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

Agency Name

Division

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Standard for maintaining a facility.**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)(5), 4752.17(A)(11)**
5. Statute(s) the rule, as filed, amplifies or implements: **4752.07(A), 4752.17(A)(5)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
 This rule is currently scheduled for 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:

The proposes to eliminate paragraph (F) of this rule and combine the requirements with paragraph (E) of this rule. Both paragraphs require a licensee to be in compliance with federal, state or local regulations. The Board found that two paragraphs were redundant and confusing.

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 have no impact on revenues or expenditures.

0.00

Not applicable.

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

Not applicable. This rule does not necessitate and expenditure.

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:

This rule amplifies ORC 4752.07 and 4752.17 (A)(5). These sections of the ORC require a person holding a license to render HME services to comply with specific standards of practice, including standards for maintaining the licensed physical facility. This rule list the minimum standards required to maintaing a facility that is licensed under ORC 4752. There is certainly costs associated with maintaining any standards, but the costs will vary based upon the type(s) of equipment sold and the volume sales, which would dictate the size of the facility. The standards for maintaining a facility were adopted to provide for minimal safety/quality to protect the public welfare.

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**

S.B. 2 (129th General Assembly) Questions

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? **No**

This rule sets standards of operations for persons licensed to provide HME services in the state of Ohio. The rule, itself, does not require any license, but assumes a licensed entity will comply with the stated standards.

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**

A failure to comply with the standards of operation for a licensed HME facility could result in action taken pursuant to ORC 119.07, based upon a violation of ORC 4752.09.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

The rules, itself, does not require a specific expenditure or report of information. This rule list the minimum standards required to maintaing a facility that is licensed under ORC 4752. There is certainly costs associated with maintaining any standard, but the costs are not specific and will vary based upon the type(s) of equipment sold and the volume of sales, which would dictate the size of the facility. The standards for maintaining a facility were adopted to provide for minimal safety/quality to protect the public welfare.