

4761:1-9-03

Standard for maintaining equipment.

In maintaining equipment, licensees must:

- (A) Maintain and document equipment in accordance with manufacturers guidelines;
- (B) Clean, repair, store, segregate and identify all equipment in a manner that insures the equipment is safe for use by the public;
- (C) Insure that all equipment is used within the manufacturers recommended guidelines and expirations dates, if applicable.

R.C. 119.032 review dates: 07/12/2013 and 03/31/2018

CERTIFIED ELECTRONICALLY

Certification

07/12/2013

Date

Promulgated Under:	119.03
Statutory Authority:	4752.17(A)(5)
Rule Amplifies:	4752.07(B), 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

Home Medical Equipment Service Providers Christopher Logsdon

Division

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Rule Number

NO CHANGE

TYPE of rule filing

Rule Title/Tag Line

Standard for maintaining equipment.**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)**
5. Statute(s) the rule, as filed, amplifies or implements: **4752.07(B), 4752.17(A)(5)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed pursuant to the five-year review requirement under 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 identifies the standards that must be met by a licensed home medical equipment facility for the maintenance of equipment. The rule includes components that require persons to maintain and document equipment in accordance with manufacturer guidelines; to clean, repair, store, segregate equipment in a manner that insures the equipment is safe; insure equipment is used within manufacturer's expiration dates.

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** and **03/31/2018**

(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:

There is no expenditure necessitated by this rule.

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 requires equipment to be used, stored, and maintained in accordance with standards. The rule is designed to insure the equipment is clean, safe and used in accordance with manufacturer requirements. There is an implied cost with adherence to any standard, but the cost is not objective and is based upon the type(s) of equipment sold and the volume held by the licensee.

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 does not require a license or permit.

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 standard may result in an administrative action pursuant to ORC 4752.09.

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