

4761:1-9-04

**Client records.**

Licensees must maintain:

- (A) Records for each client that has been sold or rented equipment;
- (B) Client records must contain a physician order, if required, documentation of settings and other data relevant to the equipment that has been sold or leased to them and/or other documentation regarding service checks to the equipment sold or rented to the client;
- (C) Client records must be maintained for seven years from the date of sale or in the case of a minor client, the record must be maintained for seven years after the client turns the age of majority (eighteen years of age).

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

CERTIFIED ELECTRONICALLY

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Certification

07/12/2013

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Date

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

Contact

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**4761:1-9-04**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Client records.****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), 4752.07(E)**
5. Statute(s) the rule, as filed, amplifies or implements: **4752.07(E)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
  
This rule is being filed in accordance with the five-year review requirement in 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 standard for maintaining client records of persons that purchase or rent home medical equipment from a licensed home medical equipment provider.

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 establishes the operations standard for the maintenance of records of persons that rent or purchase home medical equipment from a licensed provider. The provider must maintain records in accordance with these standards. Part of the requirement is the maintenance of the records for seven years. This is an industry standard, but would result in costs to the licensee. The cost; however, is variable and is based primarily of the scope and level of business.

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 this rule could result in 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**