

The board shall:

- (A) Employ an executive director who shall be the chief administrative officer of the board. The executive director shall be in the unclassified service of the state and shall be responsible for the daily activities of the board's office staff. The executive director shall assist the board in the administration and enforcement of Chapter 4752. of the Revised Code. The executive director shall not be an owner, partner, or employee of a home HME provider licensed or registered under Chapter 4752. of the Revised Code.
- (B) The executive director of the Ohio respiratory care board may, on behalf of the board, perform the following duties:
- (1) Approve and issue, by signature authority, subpoenas pursuant to an investigation;
 - (2) Approve and issue, by signature authority, opportunity for hearing notices that have been reviewed, moved and approved by majority vote of a quorum of the board during an open business meeting and allegations and opportunity for hearing notices moved and approved by the board during a telephonic conference pursuant to division (B) of section 4752.09 of the Revised Code, for the purpose of considering a summary suspension of a license; and
 - (3) Approve and issue, by signature authority, initial and renewal HME licenses under section 4752.05 of the Revised Code and initial and renewal HME certificates of registration issued under section 4752.12 of the Revised Code. The executive director must follow the rules adopted by the board under rules 4761:1-5-01, 4761:1-5-02, 4761:1-6-01, and 4761:1-6-02 of the Administrative Code when determining an applicant's qualification for issuance of the authorization to practice. Any application containing information indicating that the applicant is not fit to be licensed or certified shall be held and reviewed by the board's probable review committee. If authorized for release by the committee, the executive director may issue the appropriate authorization to practice. The probable review committee may defer any application directly to the full board.
- ~~(B)~~(C) Authorize the executive director to employ office staffThe executive director may hire, discipline, or terminate board staff in accordance with the Ohio civil service employee association, AFSCME local 11, contract with the state of Ohio and contract for services as necessary to carry out its responsibilities under Chapter 4752. of the Revised Code.
- (D) The executive director may manage the staff and board resources as required to meet the obligations, goals and objectives of the agency. The executive director must report on the status of the agency at each regular board meeting, including fiscal,

licensing and personnel status. All expenditure shall be monitored and reported to the board at each regular board meeting. Capital expenditures in excess of five hundred dollars must be approved by the board.

Effective: 10/26/2009

R.C. 119.032 review dates: 05/23/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17 (A)(2), 4752.17 (A)(11)
Rule Amplifies: 4752.17 (A)(2), 4752.17 (A)(11)
Prior Effective Dates: 05/23/2010

- (A) The board shall maintain an electronic register of applicants for license and certificate of registration holders to practice home medical equipment services as defined under division (C) of section 4752.01 of the Revised Code. It shall include, if applicable:
- (1) The legal name of the business;
 - (2) The business federal tax identification number and medicare provider number;
 - (3) Names of shareholders, members or partners owning more than five per cent interest, including social security numbers and birth dates;
 - (4) Names of on-site management personnel;
 - (5) Facility address, telephone number, and county;
 - (6) A list of home medical equipment services provided;
 - (7) Name of accrediting organization and accreditation number, if applicable; and
 - (8) Name of insurance company.
- (B) The board shall maintain an electronically imaged or paper file containing the original license or certificate of registration, verification of insurance coverage the initial application and any other documentation deemed necessary by the board for the issuance of a license or certificate of registration. The electronically imaged or paper file will also include disciplinary action orders or consent agreements approved by the board. An electronic imaged record shall constitute the official and original record of the board if the original record has been destroyed in accordance with the board's records retention schedule.

Effective: 10/26/2009

R.C. 119.032 review dates: 08/15/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17 (A)(11)
Rule Amplifies: 4752.17 (A)(11)
Prior Effective Dates: 05/23/2005

(A) For the purpose of this rule and in accordance with chapter 1347. of the Revised Code:

(1) "Personal information" means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person. Personal information shall not include, in accordance with division (A)(1)(e) of section 1347.01 of the Revised Code, personal information systems that are comprised of investigatory material compiled for law enforcement purposes by the board.

(2) "System" means any collection or group of related records that are kept in an organized manner and that are maintained by a state or local agency, and from which personal information is retrieved by the name of the person or by some identifying number, symbol, or other identifier assigned to the person. "System" includes both records that are manually stored and records that are stored using electronic data processing equipment. "System" does not include published directories, reference materials or newsletters, or routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person.

(3) "Maintains" means board ownership of, control over, responsibility for, or accountability for systems and includes, but is not limited to, the board depositing of information with a data processing center for storage, processing, or dissemination. The board "maintains" all systems of records that are required by law to be kept by the agency.

(B) The personal information system of the board shall be maintained in accordance with chapter 1347. of the Revised Code.

(C) The board shall collect, maintain, and use only personal information that is necessary and relevant to the functions that the board is required or authorized to perform by statute or rule. Personal information shall be eliminated from the system when it is no longer necessary and relevant to those functions in accordance with the board record retention policy established pursuant to section 149.34 of the Revised Code.

(D) The board shall identify a privacy officer to be directly responsible for the personal information system of the board. The privacy officer shall develop procedures for purposes of monitoring the accuracy, relevance, timeliness, and completeness of the personal information in the system, and, in accordance with the procedures, maintain the personal information in the system with the accuracy, relevance, timeliness, and completeness that is necessary to assure fairness in any determination made with respect to a person on the basis of the information.

- (E) The board shall take reasonable precautions to protect personal information in the system from unauthorized modification, destruction, use, or disclosure.
- (F) The board shall specify disciplinary measures to be applied to any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the system.
- (G) The board shall provide for the right of persons who are the subject of personal information to be informed about the personal information of which the person is the subject and to permit the person or the person's legal representative to inspect the personal information of which the person is the subject, in accordance with section 1347.08 of the Revised Code, including:
- (1) If any person disputes the accuracy, relevance, timeliness, or completeness of personal information that pertains to the person and that is maintained by the board in a personal information system, that person may request the board to investigate the current status of the information. The board shall comply with section 1347.09 of the Revised Code when the board receives such a request.
- (H) The board shall not place personal information into an interconnected and combined system, unless the system contributes to the efficiency of the board or agencies using the system or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (I) The board shall not use personal information placed into an interconnected and combined system by another state or local agency or organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

Replaces: 4761:1-2-04
Effective: 10/26/2009
R.C. 119.032 review dates: 08/15/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17 (A)(11), 1347.05, 1347.06
Rule Amplifies: 4752.17 (A)(11), 1347.05, 1347.06
Prior Effective Dates: 05/23/2005

Home medical equipment defined.

(A) "Life-sustaining equipment" means equipment prescribed by an authorized health care professional that mechanically sustains, restores, or supplants a vital bodily function, such as breathing, including but not limited to:

- (1) Ventilators;
- (2) Oxygen concentrators;
- (3) Oxygen liquid systems;
- (4) Oxygen compressed gas systems;
- (5) Non invasive ventilator system (i.e. bi-level, iron lungs, rocking beds, diaphragmatic pacers, etc.);

(B) "Technologically-sophisticated" means medical equipment prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by an HME service provider to maintain a patient's health care condition or the effectiveness of the equipment, including but not limited to:

- (1) Oxygen conservation devices;
- (2) CPAP (continuous positive airway pressure) devices;
- (3) Bi-level airway pressure (BiPAP) devices;
- (4) Intrapulmonary percussive ventilation (IPV) devices;
- (5) Intermittent positive pressure breathing (IPPB) devices;
- (6) Cough-assist mechanical in-exsufflator;
- (7) Apnea monitors;
- (8) Percussors for chest physiotherapy;
- (9) Suction machines;
- (10) Feeding pumps;

- (11) Infusion pumps;
- (12) Continuous passive motion (CPM) devices;
- (13) Transcutaneous electric nerve stimulators (TENS);
- (14) Custom seating or positioning systems;
- (15) Custom rehab equipment (i.e. standers & gait trainers);

(C) "Other" equipment is an item specified by the Ohio respiratory care board in rules adopted under division (B) of section 4752.17 of the Revised Code, including but not limited to:

- (1) Auto-titrating airway devices;
- (2) Pulse oximeters;
- (3) Home photo therapy (Bili lights or blankets);
- (4) Large volume air compressors for tracheostomy;
- (5) Electric wheelchairs and custom scooters;
- (6) In-home patient lifts;
- (7) Individually sized or customized accessories that are an integral part of equipment defined in paragraphs (A), (B), and (C) of this rule;
- (8) Bone growth stimulators;
- (9) Vision restoration therapy devices;
- (10) Drop foot stimulators; and
- (11) Vacuum assisted wound closure devices.

Effective: 10/26/2009

R.C. 119.032 review dates: 05/23/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17 (A)(1), 4752.17 (B)
Rule Amplifies: 4752.17 (A)(1), 4752.17 (B)
Prior Effective Dates: 05/24/2006

The board establishes the following non-refundable fees:

- (A) Applications for initial licensure shall include a fee no greater than five hundred dollars;
- (B) Applications for initial issuance of a certificate of registration shall include a fee no greater than two hundred fifty dollars;
- (C) All applications for biennial renewal of a license shall include a fee no greater than one thousand two hundred dollars;
- (D) All applications for biennial renewal of a certificate of registration shall include a fee no greater than five hundred dollars;
- (E) Payment of all fees shall be paid by personal check or money order made payable to: state of Ohio. All returned checks for nonpayment shall be assessed a fine of fifty dollars.
- (F) If the board determines that an initial license will be issued within the last six months of the biennial licensing period established under section 4752.05 of the Revised Code, the board will waive the initial license application fee. To be eligible for the waiver of the initial license application fee, the applicant must file the application on or after the first day of January of each even-number year. Initial license applicants filing an initial license application on or after the first day of January of each even-numbered year shall be required to file a biennial renewal fee for the following biennial licensing period at the time the initial license application is filed.
- (G) If the board determines that an initial certificate of registration will be issued within the last six months of the biennial registration period established under section 4752.12 of the Revised Code, the board will waive the initial certificate of registration application fee. To be eligible for the waiver of the initial certificate of registration application fee, the applicant must file the application on or after the first day of January of each even-number year. Initial certificate of registration applicants filing an initial certificate of registration application on or after the first day of January of each even-numbered year shall be required to file a biennial renewal fee for the following biennial registration period at the time the initial certificate of registration application is filed.

Effective: 10/26/2009

R.C. 119.032 review dates: 05/23/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4752.17 (A)(8), 4752.17 (A)(10), 4752.04, 4752.11
Rule Amplifies: 4752.17 (A) (8), 4752.17 (A)(10), 4752.04, 4752.11
Prior Effective Dates: 05/23/2005