

## OHIO RESPIRATORY CARE BOARD

### NOTICE OF PUBLIC HEARING OF INTENT TO RESCIND, ADOPT NEW OR AMENDED OHIO ADMINISTRATIVE RULES

The Ohio Respiratory Care Board announces its intent to file and adopt six (6) amended rules, rescind one (1) existing rule and adopt one (1) new rule for Respiratory Care licensing under Section 4761 of the Ohio Revised Code; file and adopt four (4) amended rules, rescind one (1) existing rule and adopt one (1) new rule for Home Medical Equipment licensure, under Section 4752 of the Ohio Revised Code. All rule have been filed pursuant to Chapter 119.03 of the Revised Code and filing is in compliance with Chapter 119. of the Revised Code.

The following represents a summary of the proposed rule amendments, rescissions, and new rules:

#### **Respiratory Care Licensing ORC 4761 rule amendments proposed:**

- 4761-7-01**     **Original license or permit and identification card:** adds new language stating the required information on an initial license or limited permit certificate issued by the board. Also, adds new language stating that the board may issue a license or limited permit identification card, or in lieu of a card, permit the use of electronic verification through a web-based system. Adds language stating that electronic verification is considered primary source verification and valid proof of licensure.
  
- 4761-8-01**     **Renewal of license or permits:** removes language under paragraph (D) requiring the issuance of a license or limited permit renewal identification card. Adds new language stating the required information for a web-based verification site.
  
- 4761-9-02**     **General RCCE requirements and reporting mechanism:** corrects a rule citation error in paragraph (C)(1)(a).
  
- 4761-9-03**     **Activities which do not meet the Ohio RCCE requirements:** removes paragraph (A)(4) concerning the development and presentation of RCCE and other educational activity.
  
- 4761-11-03**    **Board imposition of penalties:** adds new language to paragraph (B), addressing the license or limited permit identification card “if issue” shall be returned to the Board upon suspension, revocation or non renewal.
  
- 4761-12-03**    **Replacement of license or certificate:** adds new language addressing the procedure to replace a license or limited permit identification card “if issue.”

#### **Respiratory Care Licensing ORC 4761 rule rescission proposed:**

**4761-2-04 Personal information systems:** being replaced by new rule 4761-2-05.

**Respiratory Care Licensing ORC 4761 new rule proposed:**

**4761-2-05 Personal information systems:** Replaces the provisions of rule 4761-2-04 of the Administrative Code concerning the maintenance and use of personal information held by the board. The new language brings the rule into compliance with existing law.

**Home Medical Equipment facility Licensing ORC 4752 rule amendments proposed:**

**4761:1-2-02 Personnel:** The rule adds new language identifying duties that may be performed by the agency's executive director, including the issuance of subpoena pursuant to an investigation, approving hearing notices after an approved board motion, approving and issuing initial and renewal licenses and certificates of completion, hiring, disciplining and terminating board staff, and managing the agency resources.

**4761:1-2-03 Board records:** adding language that an electronic image records constitute the official and original record of the board, if the original is destroyed in accordance with records retention schedules.

**4761:1-3-02 Home medical equipment defined:** adds new home medical equipment under paragraph (C) as "Other" equipment identified being home medical equipment needing a license or certificate of registration.

**4761:1-8-01 Fees:** Adds new language permitting the Board to waive the initial license or certificate of registration fee, if the application is filed on or after January of each even year.

**Home Medical Equipment facility Licensing ORC 4752 rule rescission proposed:**

**4761:1-2-04 Personal information systems:** being replaced by new rule 4761:1-2-05.

**Home Medical Equipment facility Licensing ORC 4752 new rule proposed:**

**4761:1-2-05 Personal information systems:** Replaces the provisions of rule 4761:1-2-04 of the Administrative Code concerning the maintenance and use of personal information held by the board. The new language brings the rule into compliance with existing law.

A public hearing will be held at 1:00 p.m., Wednesday, August 26, 2009 in room West B & C on the 31<sup>st</sup> Floor of the Vern Riffe Center for Government, 77 South High St., Columbus, Ohio. At the public hearing, persons affected by the proposed rule revisions may appear and be heard in person, or by an attorney, or may submit written or oral testimony, examine witnesses and present evidence to show that the proposed rule, if adopted, will be unreasonable, or unlawful. Persons intending to testify before the Ohio Respiratory Care Board should notify: Christopher

H. Logsdon, MBA, RCP, Ohio Respiratory Care Board, 77 South High Street, 16<sup>th</sup> Fl., Columbus, Ohio 43215. Rules are available in printed form for the cost of copying and mailing by contacting: Ohio Respiratory Care Board, 77 South High St., 16th Fl. Columbus, OH 43215-6108, (614) 752-9218 or by obtaining a copy from the register of Ohio website: [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us) or by accessing the Ohio Respiratory Care Board's website: [www.respiratorycare.ohio.gov](http://www.respiratorycare.ohio.gov) or [www.hme.ohio.gov](http://www.hme.ohio.gov).