

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03, 1347.05, 1347.06
Rule Amplifies: 4761.03, 1347.05, 1347.06
Prior Effective Dates: 03/10/1990, 09/21/1998, 03/26/2001

Original license or permit and, identification card or electronic license verification.

- (A) The board shall prepare and provide to each initial license or permit holder a certificate ~~and identification card~~ stating the name of the license or limited permit holder, the license or limited permit number assigned and the initial issuance date. Additionally, the board may issue an identification card as proof of current authorization to practice. In lieu of an identification card, the board may permit the electronic verification of the each license or limited permit holder through a web-based verification system. ~~Each~~An identification card or electronic verification shall contain the person's name, license or permit number, information as to the type of authorization under which they practice, and date of expiration.
- (B) Official license or permit certificates shall be signed by the board president and be affixed with the seal of the board. Official identification cards, if used, shall bear the signature of the board president and/or the executive director. Electronic verification of license or limited permit status shall be considered a primary source verification. For the purpose of conspicuous display as set forth under division (A) of section 4761.05 of the Revised Code, a holder may make a notarized copy of the license or permit certificate. A written statement must be found on the document attesting that the certificate is a true copy.
- (C) Neither the holder nor anyone else shall make any alterations on a certificate or identification card issued by the board.
- (D) Regardless of the original issue date, all licenses shall expire on June thirtieth of each even numbered year, unless other limitations pursuant to law, board order, or consent agreement are in effect.
- (E) Regardless of the original issue date, all limited permits will expire on June thirtieth of each year, unless other limitations pursuant to law, board order, or consent agreement are in effect.
- (F) ~~Original license/permit identification~~Identification cards or electronic verification are valid proof of current authorization.
- (G) In accordance with division (C) of section 4761.05 of the Revised Code, holders of licenses and permits must display in a conspicuous place on their persons the information as to the type of authorization under which they practice. This information shall include the holder's name, title, and the type of authorization under which they practice, which shall state no less than "R.C.P." for a licensed respiratory care professional or "limited permit holder" for a limited permit holder.

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03
Rule Amplifies: 4761.05
Prior Effective Dates: 03/10/1990, 03/14/1991, 01/31/1992, 01/01/1996,
05/02/1996, 09/21/1998, 03/26/2001

(A) Renewal applications:

At least one month prior to the license or limited permit expiration date established under paragraphs (D) and (E) of rule 4761-7-01 of the Administrative Code, the board shall send each license and limited permit holder a renewal application by first class mail to the holder's last known address of record.

(B) License renewal:

On or before June thirtieth of every even year, persons holding a license to practice respiratory care shall apply for renewal in accordance with section 4761.06 of the Revised Code, submit the renewal fee established in rule 4761-12-02 of the Administrative Code, and complete the required continuing education in accordance with rule 4761-9-02 of the Administrative Code.

- (1) Any license renewal application that is post marked after the June thirtieth expiration date shall, in addition to the renewal fee, include a late renewal fee equal to one half the renewal fee established in rule 4761-12-02 of the Administrative Code.
- (2) Initial license holders that have held a license for less than six months before the June thirtieth biennial expiration date will not be required to file a renewal application or renewal fee for the following biennial term.

(C) Limited permit renewal.

On or before June thirtieth of each year, persons holding a limited permit shall apply for renewal in accordance with section 4761.06 of the Revised Code.

- (1) Any limited permit renewal application that is post marked after the June thirtieth expiration date shall, in addition to the renewal fee, include a late renewal fee equal to one half the renewal fee established in rule 4761-12-02 of the Administrative Code.
- (2) Initial limited permit holders that have held a limited permit for less than six months before the annual June thirtieth expiration date will not be required to file a renewal application or renewal fee for the following year.
- (3) Holders of a limited permit issued in accordance with paragraphs (A)(1)(a) and (A)(1)(b) of rule 4761-6-01 of the Administrative Code shall resubmit proof of meeting the requirements of those paragraphs.

(4) Holders of limited permits issued in accordance with paragraph (A)(1)(c) of rule 4761-6-01 of the Administrative Code shall submit proof of current employment as a provider of respiratory care and proof of meeting the continuing education requirements specified in paragraph (C)(2) of rule 4761-9-02 of the Administrative Code.

(D) ~~Each licensee or limited permit holder who complies with the renewal requirements shall receive a new identification card that lists the holder's name, address, license or limited number and new expiration date. The identification card shall include a place for the authorized signature of the license or limited permit holder and the identification card shall be signed by the holder upon receipt. The board shall provide an online electronic license or limited permit verification website to allow the public, a license holder or limited permit holder to search for and verify the current licensing authorization status for persons issued license or limited permit by the board, initial issue date and expiration date of a license or limited permit. Additionally, the electronic license or limited permit verification website shall inform the public if any administrative action has been taken against the license or limited permit holder.~~

(E) A license or permit holder who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license or permit placed on lapsed or expired status thirty days after the expiration date of the license or limited permit. In such cases, the expiration date recorded by the board will be the actual date of expiration in accordance with paragraphs (D) and (E) of rule 4761-7-01 of the Administrative Code, not the date the action is posted on the board's records.

(F) A license or limited permit holder who continues to practice respiratory care in Ohio for more than thirty days after the actual date of expiration in accordance with divisions (D) and (E) of rule 4761-7-01 of the Administrative Code shall be subject to disciplinary action under section 4761.09 of the Revised Code.

(G) A lapsed license or license placed in an inactive status in accordance with rule 4761-8-02 of the Administrative Code may be reinstated to active status by completing the following:

(1) A complete license reinstatement application;

(2) If the license is lapsed or inactive less than five years, notarized proof of respiratory care continuing education (RCCE) in accordance with paragraph (I) of this rule;

(3) If the license is lapsed or inactive more than five years, proof of successful completion of any examination or waiver recognized by the board in rule 4761-5-01 of the Administrative Code or proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of renewal application;

(4) Payment of the appropriate renewal fees and late fees in accordance with rule 4761-12-02 of the Administrative Code.

(H) A lapsed limited permit may be reinstated by providing the following:

(1) If the limited permit was issued based on enrollment or graduate status under division (B)(1)(a) of section 4761.05 of the Revised Code, proof of meeting the requirements of division (A)(1) of section 4761.06 of the Revised Code.

(2) If the limited permit was issued based on employment in the practice of respiratory care under division (B)(1)(b) of section 4761.05 of the Revised Code, proof of meeting the requirements of division (A)(2) of section 4761.06 of the Revised Code.

(I) A license reinstated in accordance with paragraph (G) of this rule will expire on the next biennial expiration date.

(J) A limited permit reinstated in accordance with paragraph (H) of this rule will expire on the next annual expiration date.

(K) The number of RCCE contact hours required for reactivation of a lapsed license or limited permit issued in accordance with division (B)(1)(b) of section 4761.05 of the Revised Code shall be equal to the amount required of the applicant had the license or limited permit not lapsed. The total number of contact hours required will include the hours due to be reported at the time the license or permit lapsed and any due thereafter until the time of application for reinstatement. The continuing education requirements set forth in Chapter 4761-9 of the Administrative Code shall apply equally to an individual seeking reactivation of a lapsed license or limited permit issued in accordance with division (B)(1)(b) of section 4761.05 of the Revised Code.

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03
Rule Amplifies: 4761.03, 4761.06
Prior Effective Dates: 03/10/1990, 01/31/1992, 01/01/1994, 01/01/1996,
05/02/1996, 05/19/1997, 09/21/1998, 07/11/2003.
07/01/2007

- (A) Licensees and limited permit holders shall verify the successful attainment of RCCE from sources approved by the board as set forth in rule 4761-9-05 of the Administrative Code.
- (B) RCCE contact hours shall be obtained during the term of collection as set forth in paragraphs (C)(1) and (C)(2) of this rule. RCCE contact hours shall be earned prior to the license or limited permit expiration date for the renewal period. RCCE contact hours earned during the term of collection in excess of required contact hours cannot be applied towards a subsequent renewal period, unless the RCCE contact hours are earned after the filing date of a completed renewal application that is filed prior to the end of the renewal cycle for the specific authorization type held. A renewal application will be deemed complete when the renewal application form is filled out in its entirety, all continuing education required has been reported and is valid and the full renewal fee has been submitted.
- (C) Continuing education earned for license or limited permit renewal must minimally include the following content requirements:
- (1) An applicant for license renewal shall complete twenty contact hours of relevant RCCE every two years, beginning with the license renewal date and ending on the license expiration date established under paragraph (D) of rule 4761-7-01 of the Administrative Code, unless a waiver is granted under paragraph (G) of this rule. RCCE earned for license renewal must include the following content requirement:
 - (a) One contact hour of RCCE on Ohio respiratory care law or professional ethics as set forth in rule ~~4761-9-08~~4761-9-04 of the Administrative Code; and
 - (b) At least fifteen of the required contact hours must include content relating to the provision of clinical respiratory care as defined under section 4761.01 of the Revised Code; and
 - (c) The remaining four contact hours may include indirectly related content, including, but not limited to, activities relevant to specialized aspects of respiratory care, such as education, supervision, management, health care cost containment, cost management, health quality standards, disease prevention, health promotion, or abuse reporting.
 - (2) An applicant for renewal of a limited permit issued under paragraph (A)(1)(c) of rule 4761-6-01 of the Administrative Code, shall complete ten contact hours of relevant RCCE every year, beginning with the limited permit renewal date

and ending on the limited permit expiration date established under paragraph (E) of rule 4761-7-01 of the Administrative Code, unless a waiver is granted under paragraph (G)(2) of this rule. RCCE earned for license renewal must include the following content requirement:

- (a) One contact hour of RCCE on Ohio respiratory care law or professional ethics as set forth in rule ~~4761-9-08~~4761-9-04 of the Administrative Code; and
 - (b) At least seven of the required contact hours must include content relating to the provision of clinical respiratory care as defined under section 4761.01 of the Revised Code; and
 - (c) The remaining two contact hours may include indirectly related content, including, but not limited to activities relevant to specialized aspects of respiratory care, such as education, supervision, management, health care cost containment,, cost management, health quality standards, disease prevention, health promotion, or abuse reporting.
- (D) In lieu of completing RCCE contact hours required under paragraphs (C)(1)(b), (C)(1)(c), (C)(2)(b) and (C)(2)(c) of this rule, applicants may submit proof of successfully passing any written professional examination administered by the national board for respiratory care, inc. (NBRC), including the written registry examination for advanced respiratory therapists, the recredentialing examination for certified respiratory therapists, the written examination for certified pulmonary function technologists, the written examination for registered pulmonary function technologists, or the written examination for perinatal/pediatric respiratory care. The registered polysomnographic technologist examination administered by the board of registered polysomnographic technologists (BRPT) and the certified asthma educator examination administered by the national asthma certification board (NACB) are also accepted written examinations.
- (E) If applicable, the application form for license or limited permit renewal shall include a section for recording RCCE compliance. Licensees or limited permit holders shall complete the section to certify the completion of the required contact hours of RCCE for the current renewal period.
- (F) It shall be the responsibility of the licensee to maintain and keep all records to serve as documentation for any audit which may be conducted in accordance with rule 4761-9-07 of the Administrative Code pertaining to the completion of RCCE requirements; including, but not limited to certificates of completion, transcripts, letters of attendance, or attendance registers. Records shall be maintained for a period of four years or two renewal periods for the holders of a license issued under

section 4761.04 of the Revised Code and for a period of three years or three renewal periods for the holders of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code. Legible copies shall be sent to the board only in response to an audit.

(G) Waiver of RCCE requirements.

- (1) A first time license holder in the state of Ohio who has been licensed for more than six months, but less than one year from the license expiration date must complete at least one half of the RCCE requirements listed in paragraph (C)(1) of this rule, including one contact hour on Ohio respiratory care law or professional ethics. First time license holders who have held a license for less than six months from the biennial license expiration date will not be required to complete the RCCE requirements for the current term of collection, but will have to complete the RCCE requirements for the following biennial renewal period.
- (2) At the time of filing an application for license or limited permit renewal, a request to waive the RCCE requirements may be filed. The board may grant a waiver only if the one of the following is verified in writing:
 - (a) The applicant has been absent from Ohio for more than one half of the term of collection for the authorization type held due to military service;
 - (b) The applicant has been prevented from completing the RCCE requirement due to documented proof of a medical disability for more than one half of the term of collection for the authorization type held.

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03 (A)(4), 4761.03 (A)(8)
Rule Amplifies: 4761.03 (A)(4), 4761.03 (A)(8), 4761.06
Prior Effective Dates: 03/10/1990, 01/01/1994, 01/01/1996, 05/02/1996,
09/21/1998, 07/11/2003, 07/01/2008

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03 (A)(3), 4761.03 (A)(4)
Rule Amplifies: 4761.03 (A)(3), 4761.03 (A)(4), 4761.06
Prior Effective Dates: 1/1/94, 1/1/96, 7/11/03

- (A) Any licensee or permit holder found by the board to be in violation of section 4761.09 of the Revised Code may be reprimanded, placed on probation or have his license or permit suspended, refused for renewal, or revoked by the board. In addition, the board may fine violators as provided for in division (A)(6) of section 4761.03 of the Revised Code, not less than one hundred dollars nor more than one thousand dollars.
- (B) Upon suspension, revocation or nonrenewal, the former license or permit holder shall return the license/permit certificate and I.D. card, if issued, to the board.
- (C) If a suspension overlaps a license renewal period, the former license holder shall comply with the normal renewal procedures in agency level 4761 of the Administrative Code.

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03(A)(6)
Rule Amplifies: 4761.03(A)(6), 4761.09
Prior Effective Dates: 3/10/1990, 1/31/1992, 9/21/1998, 05/23/2005

Replacement of license or certificate.

The respiratory care board may replace an identification card or certificate due to loss, theft, or destruction for the cost to print and mail this material. A certificate may also be reprinted due to name change, provided the original is returned to the board. A replacement fee will be required for an identification card, if issued, or a certificate issued in addition to those issued for initial application or renewal.

(A) A license card - six dollars;

(B) A license certificate - ten dollars.

Effective: 10/26/2009

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4761.03
Rule Amplifies: 4761.08
Prior Effective Dates: 01/31/1992, 07/11/2003