

As Reported by the House Commerce and Labor Committee

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Sub. H. B. No. 105

Representatives Collier, D. Evans, Hollister, McGregor, Raga, Schaffer,
Redfern, Widener, Jerse, Webster, Allen, G. Smith

A B I L L

To amend sections 4745.01, 4761.02, and 4761.03 and 1
to enact sections 4752.01 to 4752.09 and 4752.99 2
of the Revised Code to require licensure of home 3
medical equipment services providers by the Ohio 4
Respiratory Care Board. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4745.01, 4761.02, and 4761.03 be 6
amended and sections 4752.01, 4752.02, 4752.03, 4752.04, 4752.05, 7
4752.06, 4752.07, 4752.08, 4752.09, and 4752.99 of the Revised 8
Code be enacted to read as follows: 9

Sec. 4745.01. (A) "Standard renewal procedure," as used in 10
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 11
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3731., 3742., 12
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 13
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 14
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 15
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 16
4766., 4773., and 4775. of the Revised Code, means the license 17
renewal procedures specified in this chapter. 18

(B) "Licensing agency," as used in this chapter, means any 19

department, division, board, section of a board, or other state 20
governmental unit subject to the standard renewal procedure, as 21
defined in this section, and authorized by the Revised Code to 22
issue a license to engage in a specific profession, occupation, or 23
occupational activity, or to have charge of and operate certain 24
specified equipment, machinery, or premises. 25

(C) "License," as used in this chapter, means a license, 26
certificate, permit, card, or other authority issued or conferred 27
by a licensing agency by authority of which the licensee has or 28
claims the privilege to engage in the profession, occupation, or 29
occupational activity, or to have control of and operate certain 30
specific equipment, machinery, or premises, over which the 31
licensing agency has jurisdiction. 32

(D) "Licensee," as used in this chapter, means either the 33
person to whom the license is issued or renewed by a licensing 34
agency, or the person, partnership, or corporation at whose 35
request the license is issued or renewed. 36

(E) "Renewal" and "renewed," as used in this chapter and in 37
the chapters of the Revised Code specified in division (A) of this 38
section, includes the continuing licensing procedure provided in 39
Chapter 3748. of the Revised Code and rules adopted under it and 40
in sections 1321.05 and 3921.33 of the Revised Code, and as 41
applied to those continuing licenses any reference in this chapter 42
to the date of expiration of any license shall be construed to 43
mean the due date of the annual or other fee for the continuing 44
license. 45

Sec. 4752.01. As used in this chapter: 46

(A) "Authorized health care professional" means a person 47
authorized under Chapter 4731. of the Revised Code to practice 48
medicine and surgery or osteopathic medicine and surgery or 49
otherwise authorized under Ohio law to prescribe the use of home 50

medical equipment by a patient. 51

(B) "Home medical equipment" means equipment that can stand 52
repeated use, is primarily and customarily used to serve a medical 53
purpose, is not useful to a person in the absence of illness or 54
injury, and is appropriate for use in the home. "Home medical 55
equipment" includes all of the following: 56

(1) Life-sustaining equipment prescribed by an authorized 57
health care professional that mechanically sustains, restores, or 58
supplants a vital bodily function, such as breathing; 59

(2) Technologically sophisticated medical equipment 60
prescribed by an authorized health care professional that requires 61
individualized adjustment or regular maintenance by a home medical 62
equipment services provider to maintain a patient's health care 63
condition or the effectiveness of the equipment; 64

(3) Any item specified by the Ohio respiratory care board in 65
rules adopted under division (C) of section 4752.06 of the Revised 66
Code. 67

(C) "Home medical equipment services" means the sale, 68
delivery, installation, maintenance, replacement, or demonstration 69
of home medical equipment. 70

(D) "Home medical equipment services provider" means a person 71
engaged in offering to the public home medical equipment services 72
by qualified personnel authorized by the board in rule to provide 73
services. 74

(E) "Hospital" has the same meaning as in section 3727.01 of 75
the Revised Code. 76

(F) "Sell or rent" means to transfer ownership or the right 77
to use property, whether in person or through an agent, employee, 78
or other person, in return for compensation. 79

Sec. 4752.02. (A) Except as provided in division (B) of this section, no person shall provide home medical equipment or services or claim to the public to be a home medical equipment services provider unless the person holds a valid license issued under this chapter. 80
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(B) Division (A) of this section does not apply to any of the following: 85
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(1) A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment; 87
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(2) A hospital that provides home medical equipment services only as an integral part of patient care and does not provide the services through a separate entity that has its own medicare or medicaid provider number; 90
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(3) A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public; 94
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(4) A hospice care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment; 96
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(5) A home, as defined by section 3721.01 of the Revised Code; 99
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(6) A home health agency that is certified under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as a provider of home health services and does not sell or rent home medical equipment; 101
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(7) An individual who holds a current, valid license issued under Chapter 4741. of the Revised Code to practice veterinary medicine; 105
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(8) An individual who holds a current, valid license issued 108

under Chapter 4779. of the Revised Code to practice orthotics, 109
prosthetics, or pedorthics; 110

(9) A pharmacy licensed under Chapter 4729. of the Revised 111
Code that either does not sell or rent home medical equipment or 112
receives total payments of less than ten thousand dollars per year 113
from selling or renting home medical equipment; 114

(10) A home dialysis equipment provider regulated by federal 115
law. 116

Sec. 4752.03. A person seeking a license to provide home 117
medical equipment services shall apply to the Ohio respiratory 118
care board on a form the board shall prescribe and provide. The 119
application must be accompanied by the license application fee 120
established in rules adopted under section 4752.06 of the Revised 121
Code and specify the location of the facility from which services 122
will be provided. 123

Sec. 4752.04. (A) The Ohio respiratory care board or the 124
executive director of the Ohio respiratory care board shall issue 125
a license to provide home medical equipment services to each 126
applicant that meets one of the following requirements: 127

(1) Meets the standards established by the board in rules 128
adopted under section 4752.06 of the Revised Code; 129

(2) Is a hospital that provides home medical equipment 130
services through a separate entity that has its own medicare or 131
medicaid provider number; 132

(3) Is a pharmacy licensed under Chapter 4729. of the Revised 133
Code that receives total payments of ten thousand dollars or more 134
per year from selling or renting home medical equipment; 135

(4) Is an entity accredited by the joint commission on 136
accreditation of healthcare organizations; 137

(5) Is accredited based on home health care standards by an 138
accrediting body recognized by the board in rules adopted under 139
section 4752.06 of the Revised Code and provides documentation of 140
its accreditation to the board. 141

(B) During the period ending one year after the effective 142
date of this section, an applicant that does not meet any of the 143
requirements of division (A) of this section shall be granted a 144
provisional license if for at least twelve months prior to the 145
effective date of this section the applicant was engaged in the 146
business of providing home medical equipment services. The 147
provisional license expires one year following the date on which 148
it is issued and is not subject to renewal under section 4752.05 149
of the Revised Code. 150

(C) The board or the board's executive director may conduct a 151
personal interview of an applicant, or an applicant's 152
representative, to determine the applicant's qualifications for 153
licensure. 154

(D) A license issued under division (A) of this section is 155
valid from the day it is issued until the thirtieth day of June 156
that immediately follows the date of issue. Thereafter a license 157
is valid only if it is renewed in accordance with section 4752.05 158
of the Revised Code biennially on or before the thirtieth day of 159
June. 160

(E) Any license issued under this section is valid only for 161
the facility named in the application. A person that intends to 162
provide home medical equipment services from more than one 163
facility must obtain a separate license for each facility. 164

Sec. 4752.05. Except for a provisional license issued under 165
section 4752.04 of the Revised Code, a license issued under this 166
chapter shall be renewed by the Ohio respiratory care board if the 167

license holder is in compliance with the applicable requirements 168
of this chapter. 169

An application for license renewal shall be accompanied by 170
the renewal fee established in rules adopted under section 4752.06 171
of the Revised Code and documentation satisfactory to the board 172
that the continuing education requirements of section 4752.07 of 173
the Revised Code have been met. Renewals shall be made in 174
accordance with the standard renewal procedure established under 175
Chapter 4745. of the Revised Code. 176

Sec. 4752.06. (A) The Ohio respiratory care board shall adopt 177
rules to implement and administer this chapter. The rules shall 178
establish all of the following: 179

(1) Standards an applicant must meet to be eligible to be 180
granted a license under section 4752.04 of the Revised Code; 181

(2) Standards for personnel policies, equipment storage, 182
equipment maintenance, and record keeping; 183

(3) Standards for continuing education programs in home 184
medical equipment services for individuals who provide home 185
medical equipment services while employed by or under the control 186
of a home medical equipment services provider; 187

(4) Standards and procedures for inspection of home medical 188
equipment providers and facilities from which home medical 189
equipment services are provided and for appeal of inspection 190
results; 191

(5) Fees for initial license, license, license renewal, and 192
inspections; 193

(6) Authority for the executive director of the board to 194
issue licenses under section 4752.04 of the Revised Code in 195
accordance with standards adopted by the board; 196

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| <u>(7) Any other standards, requirements, or procedures the</u> | 197 |
| <u>board considers necessary for the implementation or administration</u> | 198 |
| <u>of this chapter.</u> | 199 |
| <u>(B) The board shall adopt rules that specify the following:</u> | 200 |
| <u>(1) The accrediting bodies it recognizes for the purposes of</u> | 201 |
| <u>division (A)(5) of section 4752.04 of the Revised Code;</u> | 202 |
| <u>(2) Items considered home medical equipment for purposes of</u> | 203 |
| <u>divisions (B)(1) and (2) of section 4752.01 of the Revised Code.</u> | 204 |
| <u>(C) The board may adopt rules specifying additional items</u> | 205 |
| <u>that are considered home medical equipment for purposes of</u> | 206 |
| <u>division (B) of section 4752.01 of the Revised Code.</u> | 207 |
| <u>(D) Rules shall be adopted under this chapter in accordance</u> | 208 |
| <u>with Chapter 119. of the Revised Code. Prior to adopting any rule,</u> | 209 |
| <u>the board shall consult with representatives of any association of</u> | 210 |
| <u>home medical equipment services providers that do business in this</u> | 211 |
| <u>state.</u> | 212 |
| <u>Sec. 4752.07. The holder of a license issued under this</u> | 213 |
| <u>chapter shall do all of the following:</u> | 214 |
| <u>(A) Maintain a physical facility and a medical equipment</u> | 215 |
| <u>inventory;</u> | 216 |
| <u>(B) Establish equipment management and personnel policies;</u> | 217 |
| <u>(C) Provide life-sustaining home medical equipment, as</u> | 218 |
| <u>described in division (B)(1) of section 4752.01 of the Revised</u> | 219 |
| <u>Code, and related home medical equipment services twenty-four</u> | 220 |
| <u>hours per day, seven days per week;</u> | 221 |
| <u>(D) Require persons in its employ or under its control who</u> | 222 |
| <u>provide home medical equipment services to successfully complete</u> | 223 |
| <u>continuing education programs in home medical equipment services</u> | 224 |
| <u>that meet the standards established by rule adopted under section</u> | 225 |

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| <u>4752.06 of the Revised Code and maintain records on participation</u> | 226 |
| <u>in those programs;</u> | 227 |
| <u>(E) Maintain records on all individuals to whom it provides</u> | 228 |
| <u>home medical equipment and services;</u> | 229 |
| <u>(F) Maintain liability insurance, including coverage for</u> | 230 |
| <u>professional and products liability;</u> | 231 |
| <u>(G) Comply with all other requirements established by rule</u> | 232 |
| <u>adopted under section 4752.06 of the Revised Code.</u> | 233 |
| Sec. 4752.08. <u>(A) The Ohio respiratory care board may inspect</u> | 234 |
| <u>the operations and facility, subpoena the records, and compel</u> | 235 |
| <u>testimony of employees of any home medical equipment services</u> | 236 |
| <u>provider. Inspections shall be conducted as provided in rules</u> | 237 |
| <u>adopted by the board under section 4752.06 of the Revised Code.</u> | 238 |
| <u>(B) The board shall employ investigators who shall, under the</u> | 239 |
| <u>direction of the executive director of the board, investigate</u> | 240 |
| <u>complaints and conduct inspections. Pursuant to an investigation</u> | 241 |
| <u>or inspection, investigators may review and audit records during</u> | 242 |
| <u>normal business hours at the place of business of the person being</u> | 243 |
| <u>investigated. The board and its employees shall not disclose</u> | 244 |
| <u>confidential information obtained during an investigation, except</u> | 245 |
| <u>pursuant to a court order.</u> | 246 |
| <u>(C) The board shall send the provider a report of the results</u> | 247 |
| <u>of an inspection. If the board determines that the provider is not</u> | 248 |
| <u>in compliance with any requirement of this chapter, the board may</u> | 249 |
| <u>direct the provider to attain compliance. Failure of the provider</u> | 250 |
| <u>to comply with the directive is grounds for action by the board</u> | 251 |
| <u>under division (A)(1) of section 4752.09 of the Revised Code.</u> | 252 |
| <u>(D) A provider that disputes the results of an inspection may</u> | 253 |
| <u>file an appeal with the board not later than ninety days after</u> | 254 |
| <u>receiving the report. The board shall review the inspection report</u> | 255 |

and, at the request of the provider, conduct a new inspection. 256

Sec. 4752.09. (A) The Ohio respiratory care board may, in 257
accordance with Chapter 119. of the Revised Code, suspend or 258
revoke a license issued under this chapter or discipline a license 259
holder by imposing a fine of not more than five thousand dollars 260
or taking other disciplinary action on any of the following 261
grounds: 262

(1) Violation of any provision of this chapter or an order or 263
rule of the board or failure to meet the standards established 264
under division (A) of section 4752.06 of the Revised Code; 265

(2) A plea of guilty to or a judicial finding of guilt of a 266
felony or a misdemeanor that involves dishonesty or is directly 267
related to the provision of medical equipment; 268

(3) Making a material misstatement in furnishing information 269
to the board; 270

(4) Professional incompetence; 271

(5) Being guilty of negligence or gross misconduct in 272
providing home medical equipment and services; 273

(6) Aiding, assisting, or willfully permitting another person 274
to violate any provision of this chapter or an order or rule of 275
the board; 276

(7) Failing, within sixty days, to provide information in 277
response to a written request by the board; 278

(8) Engaging in conduct likely to deceive, defraud, or harm 279
the public; 280

(9) Denial, revocation, suspension, or restriction of a 281
license to provide home medical equipment services, for any reason 282
other than failure to renew, in another state or jurisdiction; 283

(10) Directly or indirectly giving to or receiving from any 284

person a fee, commission, rebate, or other form of compensation 285
for services not rendered; 286

(11) Knowingly making or filing false records, reports, or 287
billings in the course of providing home medical equipment and 288
services, including false records, reports, or billings prepared 289
for or submitted to state and federal agencies or departments; 290

(12) Failing to comply with federal rules issued pursuant to 291
the medicare program established under Title XVIII of the "Social 292
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 293
relating to operations, financial transactions, and general 294
business practices of home medical services providers. 295

(B) The respiratory care board immediately may suspend a 296
license without a hearing if it determines that there is evidence 297
that the license holder is subject to actions under this section 298
and that there is clear and convincing evidence that continued 299
operation by the license holder presents an immediate and serious 300
harm to the public. The president and executive director of the 301
board shall make a preliminary determination and describe, by 302
telephone conference or any other method of communication, the 303
evidence on which they made their determination to the other 304
members of the board. The board may by resolution designate 305
another board member to act in place of the president of the board 306
or another employee to act in the place of the executive director, 307
in the event that the board president or executive director is 308
unavailable or unable to act. On review of the evidence, the board 309
may by a vote of not less than five of its members, suspend a 310
license without a prior hearing. The board may vote on the 311
suspension by way of a telephone conference call. 312

Immediately following the decision to suspend a license under 313
this division, the board shall issue a written order of suspension 314
and cause it to be delivered in accordance with section 119.07 of 315

the Revised Code. The order shall not be subject to suspension by 316
the court during the pendency of any appeal filed under section 317
119.12 of the Revised Code. If the license holder requests an 318
adjudication hearing, the date set for the hearing shall be within 319
fifteen days but not earlier than seven days after the license 320
holder requests the hearing, unless another date is agreed to by 321
the license holder and the board. The suspension shall remain in 322
effect, unless reversed by the board, until a final adjudication 323
order issued by the board pursuant to this section and Chapter 324
119. of the Revised Code becomes effective. The board shall issue 325
its final adjudication order not later than ninety days after 326
completion of the hearing. The board's failure to issue the order 327
by that day shall cause the summary suspension to end, but shall 328
not affect the validity of any subsequent final adjudication 329
order. 330

Sec. 4752.99. Whoever violates division (A) of section 331
4752.02 of the Revised Code is guilty of a minor misdemeanor on 332
the first offense. On the second offense, the person is guilty of 333
a misdemeanor of the fourth degree. On each subsequent offense, 334
the person is guilty of a misdemeanor of the first degree. 335

Sec. 4761.02. The governor, with the advice and consent of 336
the senate, shall appoint the Ohio respiratory care board, 337
consisting of ~~five~~ nine residents of this state. ~~Three~~ Five 338
members of the board shall be respiratory care professionals who 339
were engaged in or actively associated with the practice of 340
respiratory care in this state for at least five years immediately 341
preceding appointment. Two members shall be home medical equipment 342
services providers with not less than five years of management 343
experience in home medical equipment services prior to 344
appointment. One member shall be a physician who has clinical 345
training and experience in the management of pulmonary disease. 346

One member shall represent the public. 347

After the term of a member of the board expires or becomes 348
vacant, the Ohio state medical association may submit to the 349
governor the names of nominees for the board position to be filled 350
by a physician. The board of directors of the Ohio society for 351
respiratory care, inc., may recommend to the governor at least 352
three persons for each board position to be filled by a 353
respiratory care professional. The American lung association of 354
Ohio may submit to the governor the names of nominees for the 355
board position to be filled by a person representing the public. 356
The Ohio association of medical equipment services may submit to 357
the governor the names of nominees for the two board positions to 358
be filled by home medical equipment services providers. The 359
governor shall consider these nominees in making the appointments. 360

Terms Of the two additional members of the board to be 361
appointed who are respiratory care professionals who were engaged 362
in or actively associated with the practice of respiratory care in 363
this state for at least five years immediately preceding 364
appointment, one shall be appointed for a term ending the 365
fourteenth day of March immediately following the date that is one 366
year after the effective date of this amendment and one for a term 367
ending on the fourteenth day of March immediately following the 368
date that is two years after the effective date of this amendment. 369
Of the initial two home medical equipment services providers 370
appointed to the board, one shall be appointed for a term ending 371
the fourteenth day of March immediately following the date that is 372
one year after the effective date of this amendment and one for a 373
term ending the fourteenth day of March immediately following the 374
date that is two years after the effective date of this amendment. 375
Thereafter, terms of office shall be for three years, each term 376
ending on the same day of the same month of the year as did the 377
term which it succeeds. A member shall serve subsequent to the 378

expiration of the member's term until a the member's successor is 379
appointed and qualifies, or until a period of sixty days has 380
elapsed, whichever occurs first. Each member, before entering upon 381
the duties of office, shall subscribe to and file with the 382
secretary of state the oath of office required under Section 7 of 383
Article XV, Ohio Constitution. Vacancies shall be filled in the 384
manner prescribed for the regular appointments to the board and 385
shall be limited to the unexpired terms. Members of the board may 386
be reappointed. 387

Annually, upon the qualification of the member or members 388
appointed in that year, the Ohio respiratory care board shall 389
organize and shall select from its members a president and 390
secretary. A majority of the members of the board shall constitute 391
a quorum to transact and vote on the business of the board. 392

Each member of the board shall receive an amount fixed 393
pursuant to division (J) of section 124.15 of the Revised Code for 394
each day actually employed in the discharge of the member's 395
duties. In addition, each member shall receive actual and 396
necessary expenses incurred in the performance of the member's 397
official duties. 398

The board shall employ an executive director who shall be in 399
the unclassified service of the state. The executive director 400
shall assist the board in the administration and enforcement of 401
this chapter and shall employ individuals as the board considers 402
necessary to provide that assistance. 403

Sec. 4761.03. The Ohio respiratory care board shall regulate 404
the practice of respiratory care in this state and the persons to 405
whom the board issues licenses and limited permits and shall 406
license home medical equipment services providers under Chapter 407
4752. of the Revised Code under this chapter. Rules adopted under 408
this chapter that deal with the provision of respiratory care in a 409

hospital, other than rules regulating the issuance of licenses or 410
limited permits, shall be consistent with the conditions for 411
participation under medicare, Title XVIII of the "Social Security 412
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with 413
the respiratory care accreditation standards of the joint 414
commission on accreditation of healthcare organizations or the 415
American osteopathic association. 416

The board shall: 417

(A) Adopt, and may rescind or amend, rules in accordance with 418
Chapter 119. of the Revised Code to carry out the purposes of this 419
chapter, including rules prescribing: 420

(1) The form and manner for filing applications for licensure 421
and renewal, limited permits, and limited permit extensions under 422
sections 4761.05 and 4761.06 of the Revised Code; 423

(2) The form, scoring, and scheduling of examinations and 424
reexaminations for licensure and license renewal; 425

(3) Standards for the approval of educational programs 426
required to qualify for licensure and continuing education 427
programs required for license renewal; 428

(4) Continuing education courses and the number of hour 429
requirements necessary for license renewal, in accordance with 430
section 4761.06 of the Revised Code; 431

(5) Procedures for the issuance and renewal of licenses and 432
limited permits; 433

(6) Procedures for the denial, suspension, permanent 434
revocation, refusal to renew, and reinstatement of licenses and 435
limited permits, the conduct of hearings, and the imposition of 436
fines for engaging in conduct that is grounds for such action and 437
hearings under section 4761.09 of the Revised Code; 438

(7) Standards of ethical conduct for the practice of 439

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| respiratory care; | 440 |
| (8) Conditions under which the license renewal fee and | 441 |
| continuing education requirements may be waived at the request of | 442 |
| a licensee who is not in active practice; | 443 |
| (9) The respiratory care tasks that may be performed by an | 444 |
| individual practicing as a polysomnographic technologist pursuant | 445 |
| to division (B)(3) of section 4761.10 of the Revised Code; | 446 |
| (10) Procedures for registering out-of-state respiratory care | 447 |
| providers authorized to practice in this state under division | 448 |
| (A)(4) of section 4761.11 of the Revised Code. | 449 |
| (B) Determine the sufficiency of an applicant's | 450 |
| qualifications for admission to the licensing examination or a | 451 |
| reexamination, and for the issuance or renewal of a license or | 452 |
| limited permit; | 453 |
| (C) Determine the respiratory care educational programs that | 454 |
| are acceptable for fulfilling the requirements of division (A) of | 455 |
| section 4761.04 of the Revised Code; | 456 |
| (D) Schedule, administer, and score the licensing examination | 457 |
| or any reexamination for license renewal or reinstatement. The | 458 |
| board shall administer the licensing examinations at least twice a | 459 |
| year and notify applicants of the time and place of the | 460 |
| examinations. | 461 |
| (E) Investigate complaints concerning alleged violations of | 462 |
| section 4761.10 of the Revised Code or grounds for the suspension, | 463 |
| permanent revocation, or refusal to issue licenses or limited | 464 |
| permits under section 3123.47 or 4761.09 of the Revised Code. The | 465 |
| board shall employ investigators who shall, under the direction of | 466 |
| the executive director of the board, investigate complaints and | 467 |
| make inspections and other inquiries as, in the judgment of the | 468 |
| board, are appropriate to enforce sections 3123.41 to 3123.50, | 469 |
| 4761.09, and 4761.10 of the Revised Code. Pursuant to an | 470 |

investigation and inspection, the investigators may review and 471
audit records during normal business hours at the place of 472
business of a licensee or person who is the subject of a complaint 473
filed with the board or at any place where the records are kept. 474

Except when required by court order, the board and its 475
employees shall not disclose confidential information obtained 476
during an investigation or identifying information about any 477
person who files a complaint with the board. 478

The board may hear testimony in matters relating to the 479
duties imposed upon it and issue subpoenas pursuant to an 480
investigation. The president and secretary of the board may 481
administer oaths. 482

(F) Conduct hearings, keep records of its proceedings, and do 483
all such other things as are necessary and proper to carry out and 484
enforce the provisions of this chapter; 485

(G) Maintain, publish, and make available upon request, for a 486
fee not to exceed the actual cost of printing and mailing: 487

(1) The requirements for the issuance of licenses and limited 488
permits under this chapter and rules adopted by the board; 489

(2) A current register of every person licensed to practice 490
respiratory care in this state, to include the addresses of the 491
person's last known place of business and residence, the effective 492
date and identification number of the license, the name and 493
location of the institution that granted the person's degree or 494
certificate of completion of respiratory care educational 495
requirements, and the date the degree or certificate was issued; 496

(3) A list of the names and locations of the institutions 497
that each year granted degrees or certificates of completion in 498
respiratory care; 499

(4) After the administration of each examination, a list of 500

persons who passed the examination. 501

(H) Submit to the governor and to the general assembly each 502
year a report of all of its official actions during the preceding 503
year, together with any findings and recommendations with regard 504
to the improvement of the profession of respiratory care; 505

(I) Administer and enforce Chapter 4752. of the Revised Code. 506

Section 2. That existing sections 4745.01, 4761.02, and 507
4761.03 of the Revised Code are hereby repealed. 508

Section 3. Not later than ninety days after the effective 509
date of this act, the Governor with the advice and consent of the 510
Senate shall make the additional appointments to the Ohio 511
Respiratory Care Board under section 4761.02 of the Revised Code, 512
as amended by this act. 513

Section 4. Section 4752.02 of the Revised Code shall take 514
effect one year after the effective date of this act. 515