

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 165

Representative Roegner

Cosponsor: Representative Thompson

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To amend sections 4761.01 and 4761.11 of the Revised 1
Code to exempt certified hyperbaric technologists 2
from the laws governing the practice of 3
respiratory care. 4

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

Section 1. That sections 4761.01 and 4761.11 of the Revised 5
Code be amended to read as follows: 6

Sec. 4761.01. As used in this chapter: 7

(A) "Respiratory care" means rendering or offering to render 8
to individuals, groups, organizations, or the public any service 9
involving the evaluation of cardiopulmonary function, the 10
treatment of cardiopulmonary impairment, the assessment of 11
treatment effectiveness, and the care of patients with 12
deficiencies and abnormalities associated with the cardiopulmonary 13
system. The practice of respiratory care includes: 14

(1) Obtaining, analyzing, testing, measuring, and monitoring 15
blood and gas samples in the determination of cardiopulmonary 16
parameters and related physiologic data, including flows, 17
pressures, and volumes, and the use of equipment employed for this 18
purpose; 19

(2) Administering, monitoring, recording the results of, and 20
instructing in the use of medical gases, aerosols, and 21
bronchopulmonary hygiene techniques, including drainage, 22
aspiration, and sampling, and applying, maintaining, and 23
instructing in the use of artificial airways, ventilators, and 24
other life support equipment employed in the treatment of 25
cardiopulmonary impairment and provided in collaboration with 26
other licensed health care professionals responsible for providing 27
care; 28

(3) Performing cardiopulmonary resuscitation and respiratory 29
rehabilitation techniques; 30

(4) Administering medications for the testing or treatment of 31
cardiopulmonary impairment. 32

(B) "Respiratory care professional" means a person who is 33
licensed under this chapter to practice the full range of 34
respiratory care services as defined in division (A) of this 35
section. 36

(C) "Physician" means an individual authorized under Chapter 37
4731. of the Revised Code to practice medicine and surgery or 38
osteopathic medicine and surgery. 39

(D) "Registered nurse" means an individual licensed under 40
Chapter 4723. of the Revised Code to engage in the practice of 41
nursing as a registered nurse. 42

(E) "Hospital" means a facility that meets the operating 43
standards of section 3727.02 of the Revised Code. 44

(F) "Nursing facility" has the same meaning as in section 45
5111.20 of the Revised Code. 46

(G) "Certified hyperbaric technologist" means a person who 47
administers hyperbaric oxygen therapy and is certified as a 48
hyperbaric technologist by the national board of diving and 49

hyperbaric medical technology or its successor organization. 50

Sec. 4761.11. (A) Nothing in this chapter shall be construed 51
to prevent or restrict the practice, services, or activities of 52
any person who: 53

(1) Is a health care professional licensed by this state 54
providing respiratory care services included in the scope of 55
practice established by the license held, as long as the person 56
does not represent that the person is engaged in the practice of 57
respiratory care; 58

(2) Is employed as a respiratory care professional by an 59
agency of the United States government and provides respiratory 60
care solely under the direction or control of the employing 61
agency; 62

(3) Is a student enrolled in a board-approved respiratory 63
care education program leading to a certificate of completion in 64
respiratory care and is performing duties that are part of a 65
supervised course of study; 66

(4) Is a nonresident of this state practicing or offering to 67
practice respiratory care, if the respiratory care services are 68
offered for not more than thirty days in a year, services are 69
provided under the supervision of a respiratory care professional 70
licensed under this chapter, and the nonresident registers with 71
the board in accordance with rules adopted by the board under 72
section 4761.03 of the Revised Code and meets either of the 73
following requirements: 74

(a) Qualifies for licensure under this chapter, except for 75
passage of the examination required under division (A)(3) of 76
section 4761.04 of the Revised Code; 77

(b) Holds a valid license issued by a state that has 78
licensure requirements considered by the board to be comparable to 79

those of this state and has not been issued a license in another 80
state that has been revoked or is currently under suspension or on 81
probation. 82

(5) Provides respiratory care only to relatives or in medical 83
emergencies; 84

(6) Provides gratuitous care to friends or personal family 85
members; 86

(7) Provides only self care; 87

(8) Is employed in the office of a physician and renders 88
medical assistance under the physician's direct supervision 89
without representing that the person is engaged in the practice of 90
respiratory care; 91

(9) Is employed in a clinical chemistry or arterial blood gas 92
laboratory and is supervised by a physician without representing 93
that the person is engaged in the practice of respiratory care; 94

(10) Is engaged in the practice of respiratory care as an 95
employee of a person or governmental entity located in another 96
state and provides respiratory care services for less than 97
seventy-two hours to patients being transported into, out of, or 98
through this state; 99

(11) Is employed as a certified hyperbaric technologist and 100
administers hyperbaric oxygen therapy under the physician's direct 101
supervision without representing that the person is engaged in the 102
practice of respiratory care. 103

(B) Nothing in this chapter shall be construed to prevent any 104
person from advertising, describing, or offering to provide 105
respiratory care or billing for respiratory care when the 106
respiratory care services are provided by a health care 107
professional licensed by this state practicing within the scope of 108
practice established by the license held. Nothing in this chapter 109

shall be construed to prevent a hospital or nursing facility from 110
advertising, describing, or offering to provide respiratory care, 111
or billing for respiratory care rendered by a person licensed 112
under this chapter or persons who may provide limited aspects of 113
respiratory care or respiratory care tasks pursuant to division 114
(B) of section 4761.10 of the Revised Code. 115

(C) Notwithstanding division (A) of section 4761.10 of the 116
Revised Code, in a life-threatening situation, in the absence of 117
licensed personnel, unlicensed persons shall not be prohibited 118
from taking life-saving measures. 119

(D) Nothing in this chapter shall be construed as authorizing 120
a respiratory care professional to practice medicine and surgery 121
or osteopathic medicine and surgery. This division does not 122
prohibit a respiratory care professional from administering 123
topical or intradermal medications for the purpose of producing 124
localized decreased sensation as part of a procedure or task that 125
is within the scope of practice of a respiratory care 126
professional. 127

Section 2. That existing sections 4761.01 and 4761.11 of the 128
Revised Code are hereby repealed. 129