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**Sub. H. B. No. 165**

**Representative Roegner**

**Cosponsors: Representatives Thompson, Wachtmann, Beck, Hood, Huffman,  
Scherer, Schuring, Sears Speaker Batchelder**

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**A B I L L**

To amend sections 4761.01, 4761.03, 4761.07, and 1  
4761.11 of the Revised Code to exempt certified 2  
hyperbaric technologists from the laws governing 3  
the practice of respiratory care. 4

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

**Section 1.** That sections 4761.01, 4761.03, 4761.07, and 5  
4761.11 of the Revised 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 instructing in the use of medical gases, aerosols, and bronchopulmonary hygiene techniques, including drainage, aspiration, and sampling, and applying, maintaining, and instructing in the use of artificial airways, ventilators, and other life support equipment employed in the treatment of cardiopulmonary impairment and provided in collaboration with other licensed health care professionals responsible for providing care;	20 21 22 23 24 25 26 27 28
(3) Performing cardiopulmonary resuscitation and respiratory rehabilitation techniques;	29 30
(4) Administering medications for the testing or treatment of cardiopulmonary impairment.	31 32
(B) "Respiratory care professional" means a person who is licensed under this chapter to practice the full range of respiratory care services as defined in division (A) of this section.	33 34 35 36
(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	37 38 39
(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse.	40 41 42
(E) "Hospital" means a facility that meets the operating standards of section 3727.02 of the Revised Code.	43 44
(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	45 46
<u>(G) "Certified hyperbaric technologist" means a person who administers hyperbaric oxygen therapy and is certified as a</u>	47 48

hyperbaric technologist by the national board of diving and 49  
hyperbaric medical technology or its successor organization. 50

(H) "Hyperbaric oxygen therapy" means the administration of 51  
pure oxygen in a pressurized room or chamber, except that it does 52  
not include ventilator management. 53

(I) "Advanced practice registered nurse" has the same meaning 54  
as in section 4723.01 of the Revised Code. 55

(J) "Physician assistant" means an individual who holds a 56  
valid certificate to practice issued under Chapter 4730. of the 57  
Revised Code authorizing the individual to provide services as a 58  
physician assistant to patients under the supervision, control, 59  
and direction of one or more physicians. 60

**Sec. 4761.03.** The Ohio respiratory care board shall regulate 61  
the practice of respiratory care in this state and the persons to 62  
whom the board issues licenses and limited permits under this 63  
chapter and shall license and register home medical equipment 64  
services providers under Chapter 4752. of the Revised Code. Rules 65  
adopted under this chapter that deal with the provision of 66  
respiratory care in a hospital, other than rules regulating the 67  
issuance of licenses or limited permits, shall be consistent with 68  
the conditions for participation under medicare, Title XVIII of 69  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, 70  
as amended, and with the respiratory care accreditation standards 71  
of the joint commission on accreditation of healthcare 72  
organizations or the American osteopathic association. 73

The board shall: 74

(A) Adopt, and may rescind or amend, rules in accordance with 75  
Chapter 119. of the Revised Code to carry out the purposes of this 76  
chapter, including rules prescribing: 77

(1) The form and manner for filing applications for licensure 78

and renewal, limited permits, and limited permit extensions under	79
sections 4761.05 and 4761.06 of the Revised Code;	80
(2) The form, scoring, and scheduling of examinations and	81
reexaminations for licensure and license renewal;	82
(3) Standards for the approval of educational programs	83
required to qualify for licensure and continuing education	84
programs required for license renewal;	85
(4) Continuing education courses and the number of hour	86
requirements necessary for license renewal, in accordance with	87
section 4761.06 of the Revised Code;	88
(5) Procedures for the issuance and renewal of licenses and	89
limited permits, including the duties that may be fulfilled by the	90
board's executive director and other board employees;	91
(6) Procedures for the denial, suspension, permanent	92
revocation, refusal to renew, and reinstatement of licenses and	93
limited permits, the conduct of hearings, and the imposition of	94
finances for engaging in conduct that is grounds for such action and	95
hearings under section 4761.09 of the Revised Code;	96
(7) Standards of ethical conduct for the practice of	97
respiratory care;	98
(8) Conditions under which the license renewal fee and	99
continuing education requirements may be waived at the request of	100
a licensee who is not in active practice;	101
(9) The respiratory care tasks that may be performed by an	102
individual practicing as a polysomnographic technologist pursuant	103
to division (B)(3) of section 4761.10 of the Revised Code;	104
(10) Procedures for registering out-of-state respiratory care	105
providers authorized to practice in this state under division	106
(A)(4) of section 4761.11 of the Revised Code;	107
(11) Requirements for criminal records checks of applicants	108

under section 4776.03 of the Revised Code;	109
<u>(12) Procedures for accepting and storing copies of</u>	110
<u>hyperbaric technologist certifications filed with the board</u>	111
<u>pursuant to division (A)(11) of section 4761.11 of the Revised</u>	112
<u>Code.</u>	113
(B) Determine the sufficiency of an applicant's	114
qualifications for admission to the licensing examination or a	115
reexamination, and for the issuance or renewal of a license or	116
limited permit;	117
(C) Determine the respiratory care educational programs that	118
are acceptable for fulfilling the requirements of division (A) of	119
section 4761.04 of the Revised Code;	120
(D) Schedule, administer, and score the licensing examination	121
or any reexamination for license renewal or reinstatement. The	122
board shall administer the licensing examinations at least twice a	123
year and notify applicants of the time and place of the	124
examinations.	125
(E) Investigate complaints concerning alleged violations of	126
section 4761.10 of the Revised Code or grounds for the suspension,	127
permanent revocation, or refusal to issue licenses or limited	128
permits under section 3123.47 or 4761.09 of the Revised Code. The	129
board shall employ investigators who shall, under the direction of	130
the executive director of the board, investigate complaints and	131
make inspections and other inquiries as, in the judgment of the	132
board, are appropriate to enforce sections 3123.41 to 3123.50,	133
4761.09, and 4761.10 of the Revised Code. Pursuant to an	134
investigation and inspection, the investigators may review and	135
audit records during normal business hours at the place of	136
business of a licensee or person who is the subject of a complaint	137
filed with the board or at any place where the records are kept.	138
Except when required by court order, the board and its	139

employees shall not disclose confidential information obtained 140  
during an investigation or identifying information about any 141  
person who files a complaint with the board. 142

The board may hear testimony in matters relating to the 143  
duties imposed upon it and issue subpoenas pursuant to an 144  
investigation. The president and secretary of the board may 145  
administer oaths. 146

(F) Conduct hearings, keep records of its proceedings, and do 147  
other things as are necessary and proper to carry out and enforce 148  
the provisions of this chapter; 149

(G) Maintain, publish, and make available upon request, for a 150  
fee not to exceed the actual cost of printing and mailing: 151

(1) The requirements for the issuance of licenses and limited 152  
permits under this chapter and rules adopted by the board; 153

(2) A current register of every person licensed to practice 154  
respiratory care in this state, to include the addresses of the 155  
person's last known place of business and residence, the effective 156  
date and identification number of the license, the name and 157  
location of the institution that granted the person's degree or 158  
certificate of completion of respiratory care educational 159  
requirements, and the date the degree or certificate was issued; 160

(3) A list of the names and locations of the institutions 161  
that each year granted degrees or certificates of completion in 162  
respiratory care; 163

(4) After the administration of each examination, a list of 164  
persons who passed the examination. 165

(H) Submit to the governor and to the general assembly each 166  
year a report of all of its official actions during the preceding 167  
year, together with any findings and recommendations with regard 168  
to the improvement of the profession of respiratory care; 169

(I) Administer and enforce Chapter 4752. of the Revised Code.	170
<b>Sec. 4761.07.</b> (A) The Ohio respiratory care board shall	171
charge any license applicant or holder who is to take an	172
examination required under division (A)(3) of section 4761.04 or a	173
reexamination required under division (B) of section 4761.06 of	174
the Revised Code for license renewal or under section 4761.09 of	175
the Revised Code for license reinstatement, a nonrefundable	176
examination fee, not to exceed the amount necessary to cover the	177
expense of administering the examination. The license applicant or	178
holder shall pay the fee at the time of application for licensure	179
or renewal.	180
(B) The board shall establish the following additional	181
nonrefundable fees and penalty:	182
(1) An initial license fee, not to exceed seventy-five	183
dollars;	184
(2) A biennial license renewal fee, not to exceed one hundred	185
dollars;	186
(3) A limited permit fee, not to exceed twenty dollars;	187
(4) A limited permit renewal fee, not to exceed ten dollars;	188
(5) A late renewal penalty, not to exceed fifty per cent of	189
the renewal fee;	190
<u>(6) A fee for accepting and storing hyperbaric technologist</u>	191
<u>certifications filed with the board under division (A)(11) of</u>	192
<u>section 4761.11 of the Revised Code, not to exceed twenty dollars.</u>	193
(C) Notwithstanding division (B)(4) of this section, after	194
the third renewal of a limited permit that meets the exception in	195
division (B)(3) of section 4761.05 of the Revised Code, the	196
limited permit renewal fee shall be one-half the amount of the	197
biennial license renewal fee established under division (B)(2) of	198
this section and section 4761.08 of the Revised Code.	199

(D) The board shall adjust the fees biennially and within the 200  
limits established by division (B) of this section to provide 201  
sufficient revenues to meet its expenses. 202

(E) The board may, by rule, provide for the waiver of all or 203  
part of a license fee when the license is issued less than 204  
eighteen months before its expiration date. 205

(F) All fees received by the board shall be deposited into 206  
the state treasury to the credit of the occupational licensing and 207  
regulatory fund. 208

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed 209  
to prevent or restrict the practice, services, or activities of 210  
any person who: 211

(1) Is a health care professional licensed by this state 212  
providing respiratory care services included in the scope of 213  
practice established by the license held, as long as the person 214  
does not represent that the person is engaged in the practice of 215  
respiratory care; 216

(2) Is employed as a respiratory care professional by an 217  
agency of the United States government and provides respiratory 218  
care solely under the direction or control of the employing 219  
agency; 220

(3) Is a student enrolled in a board-approved respiratory 221  
care education program leading to a certificate of completion in 222  
respiratory care and is performing duties that are part of a 223  
supervised course of study; 224

(4) Is a nonresident of this state practicing or offering to 225  
practice respiratory care, if the respiratory care services are 226  
offered for not more than thirty days in a year, services are 227  
provided under the supervision of a respiratory care professional 228  
licensed under this chapter, and the nonresident registers with 229



the board in accordance with rules adopted by the board under	230
section 4761.03 of the Revised Code and meets either of the	231
following requirements:	232
(a) Qualifies for licensure under this chapter, except for	233
passage of the examination required under division (A)(3) of	234
section 4761.04 of the Revised Code;	235
(b) Holds a valid license issued by a state that has	236
licensure requirements considered by the board to be comparable to	237
those of this state and has not been issued a license in another	238
state that has been revoked or is currently under suspension or on	239
probation.	240
(5) Provides respiratory care only to relatives or in medical	241
emergencies;	242
(6) Provides gratuitous care to friends or personal family	243
members;	244
(7) Provides only self care;	245
(8) Is employed in the office of a physician and renders	246
medical assistance under the physician's direct supervision	247
without representing that the person is engaged in the practice of	248
respiratory care;	249
(9) Is employed in a clinical chemistry or arterial blood gas	250
laboratory and is supervised by a physician without representing	251
that the person is engaged in the practice of respiratory care;	252
(10) Is engaged in the practice of respiratory care as an	253
employee of a person or governmental entity located in another	254
state and provides respiratory care services for less than	255
seventy-two hours to patients being transported into, out of, or	256
through this state;	257
<u>(11) Is employed as a certified hyperbaric technologist, has</u>	258
<u>filed with the board a copy of the person's current certification</u>	259

as a hyperbaric technologist in accordance with the rules adopted 260  
by the board under section 4761.03 of the Revised Code, has paid 261  
the fee established pursuant to section 4761.07 of the Revised 262  
Code, and administers hyperbaric oxygen therapy under the direct 263  
supervision of a physician, a physician assistant, or an advanced 264  
practice registered nurse and without representing that the person 265  
is engaged in the practice of respiratory care. 266

(B) Nothing in this chapter shall be construed to prevent any 267  
person from advertising, describing, or offering to provide 268  
respiratory care or billing for respiratory care when the 269  
respiratory care services are provided by a health care 270  
professional licensed by this state practicing within the scope of 271  
practice established by the license held. Nothing in this chapter 272  
shall be construed to prevent a hospital or nursing facility from 273  
advertising, describing, or offering to provide respiratory care, 274  
or billing for respiratory care rendered by a person licensed 275  
under this chapter or persons who may provide limited aspects of 276  
respiratory care or respiratory care tasks pursuant to division 277  
(B) of section 4761.10 of the Revised Code. 278

(C) Notwithstanding division (A) of section 4761.10 of the 279  
Revised Code, in a life-threatening situation, in the absence of 280  
licensed personnel, unlicensed persons shall not be prohibited 281  
from taking life-saving measures. 282

(D) Nothing in this chapter shall be construed as authorizing 283  
a respiratory care professional to practice medicine and surgery 284  
or osteopathic medicine and surgery. This division does not 285  
prohibit a respiratory care professional from administering 286  
topical or intradermal medications for the purpose of producing 287  
localized decreased sensation as part of a procedure or task that 288  
is within the scope of practice of a respiratory care 289  
professional. 290

**Section 2.** That existing sections 4761.01, 4761.03, 4761.07, 291

and 4761.11 of the Revised Code are hereby repealed.

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