



# Ohio Legislative Service Commission

## Final Analysis

Kelly Bomba

### Sub. H.B. 165

130th General Assembly  
(As Passed by the General Assembly)

**Reps.** Roegner, Thompson, Wachtmann, Beck, Hood, Huffman, Scherer, Schuring, Sears, Batchelder

**Sens.** Bacon, Eklund, LaRose, Seitz

**Effective date:** September 4, 2014

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## ACT SUMMARY

- Exempts certified hyperbaric technologists who meet specified requirements from the laws governing the practice of respiratory care.
- Requires that exempted certified hyperbaric technologists administer hyperbaric oxygen therapy under the direct supervision of a physician, a physician assistant, or an advanced practice registered nurse.

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## CONTENT AND OPERATION

### Exemption from the practice of respiratory care

The act exempts certified hyperbaric technologists (CHTs) who meet the act's requirements from the laws governing the practice of respiratory care.<sup>1</sup> The practice of respiratory care includes administering, monitoring, recording the results of, and instructing in the use of medical gases.<sup>2</sup> Under former law, only a respiratory care professional licensed by the Ohio Respiratory Care Board could administer hyperbaric oxygen therapy (which is defined in the act as the administration of pure oxygen in a pressurized room or chamber, and does not include ventilator management).<sup>3</sup> Because

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<sup>1</sup> R.C. 4761.11(A)(11).

<sup>2</sup> R.C. 4761.01(A).

<sup>3</sup> R.C. 4761.01(H) and R.C. 4761.10, not in the act.

CHTs are not licensed by the Respiratory Care Board, they could not legally administer such therapy under former law.

The act exempts CHTs from the practice of respiratory care and the Board's licensure requirements, thereby permitting them to provide hyperbaric oxygen therapy.<sup>4</sup> To qualify for the act's exemption, an individual must meet all of the following requirements:

(1) The individual must be certified by the National Board of Diving & Hyperbaric Medical Technology;

(2) The individual must be employed as a CHT;

(3) The individual must have filed with the Ohio Respiratory Care Board a copy of the person's current certification as a hyperbaric technologist and paid the fee associated with that filing;

(4) The individual must administer hyperbaric oxygen therapy under the direct supervision of a physician, a physician assistant, or an advanced practice registered nurse without representing that the individual is engaged in the practice of respiratory care.<sup>5</sup>

Because the act exempts CHTs entirely from the practice of respiratory care, CHTs will not be subject to the authority of, or discipline by, the Ohio Respiratory Care Board.

### **Filing a CHT certificate with the Board**

A CHT seeking the act's exemption must file with the Board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the Board. Under the act, the Board must adopt rules establishing procedures for accepting and storing copies of these hyperbaric technologist certifications. The act also requires the Board to establish a fee for accepting and storing these certifications, not to exceed \$20.<sup>6</sup>

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<sup>4</sup> R.C. 4761.11(A)(11).

<sup>5</sup> R.C. 4761.01(G) and 4761.11(A)(11).

<sup>6</sup> R.C. 4761.03, 4761.07, and 4761.11.



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## HISTORY

ACTION	DATE
Introduced	05-15-13
Reported, H. Health & Aging	06-19-13
Passed House (96-1)	06-25-13
Reported, S. Commerce & Labor	03-26-14
Passed Senate (33-0)	05-07-14
House concurred in Senate amendments (95-0)	05-21-14

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