



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 105

125th General Assembly
(S. Health, Human Services, & Aging)

Clarifies that, generally, no person is permitted to provide home medical equipment services or claim to the public to be a home medical equipment services provider unless the person holds a valid license or valid certificate of registration issued by the Ohio Respiratory Care Board.

Specifies that a person seeking to provide home medical equipment services as a home medical equipment services provider must either apply for a license with the Board or apply for a certificate of registration issued by the Board on the basis of being accredited by the Joint Commission on Accreditation of Healthcare Organizations or another national accrediting body recognized by the Board.

Specifies that a person intending to provide home medical equipment services from more than one facility must apply for a separate license or certificate of registration for each facility.

Requires that an applicant specify on the application for licensure the name, in addition to the location, of the facility from which home medical equipment services will be provided.

Specifies that "home medical equipment" is one or more of the following: life-sustaining equipment prescribed by an authorized health care professional that mechanically sustains, restores, or supplants a vital bodily function, such as breathing; technologically sophisticated medical equipment prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by a home medical equipment services provider to maintain a patient's health care condition or the effectiveness of the equipment; or an item specified in rules adopted by the Ohio Respiratory Care Board.

* This synopsis does not address amendments that may have been adopted on the Senate floor.

Requires the Board or the Board's executive director to issue a license to each applicant that meets either of the following requirements: (1) meets eligibility standards established by the Board by rule, or (2) is a licensed pharmacy that receives total payments of \$10,000 or more per year from selling or renting home medical equipment services.

Specifies that a person seeking a certificate of registration to provide home medical equipment services must apply to the Board, provide a registration fee established in rules adopted by the Board, and provide the specified information on the application, including the name of the national accrediting body that issued the accreditation on which the application is based.

Requires the Board to consider an application for certification complete only if the Board finds that the applicant holds accreditation from the Joint Commission on Accreditation of Healthcare Organizations or another national accrediting body recognized by the Board.

Requires the Board to enter into a cooperative agreement with each of the national accrediting bodies it recognizes in rules it adopts for purposes of issuing certificates of registration.

Requires the Board to suspend or revoke a certificate of registration if it learns from any source that the accreditation on which the certificate of registration was issued has been revoked or suspended or is otherwise no longer valid.

Requires the Board to adopt rules to implement and administer the licensure and certification of home medical equipment services providers, including rules that specify all of the following:

- Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the executive director of the Board and other Board employees;
- Items considered to be home medical equipment;
- National accrediting bodies the Board recognizes for purposes of issuing certificates of registration.

Requires the deposit of all money received by the Board into the state treasury to the credit of the Occupational Licensing and Regulatory Fund.

Permits the Attorney General, at the Board's request, to bring a civil action for appropriate relief in the common pleas court of the county in which a violation has occurred, is occurring, or is threatening to occur against any person who has violated, is violating, or threatens to violate the requirement that a person who provides home

medical equipment services or claims to the public to be a home medical equipment services provider to be licensed or certified by the Board.

Permits the court, in an action for a civil penalty, to impose on a person found in violation of the licensure or certification requirement for home medical equipment services providers a civil penalty of at least \$500 and not more than \$2,500 for each day of violation.

Requires money collected from civil penalties to be deposited into the state treasury to the credit of the Occupational Licensing and Regulatory Fund.

Increases from four to seven the minimum votes of Board members required to suspend a license or limited permit without a prior hearing.

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