

the Ohio Respiratory Care Board's intention to adopt a rule, provide a summary of the rule and the reason for adopting or amending an existing rule. A date, time and place for the public hearing will also be published. A copy of the proposed rule is available by phoning or e-mailing a request to the board office, or downloading a copy of the proposed rule from the Ohio Respiratory Care Board's Internet website.

Comments from the public on any proposed rules may be sent to the Ohio Respiratory Care Board in writing or stated in person at the public hearing.

The Ohio Respiratory Care Board is also required to review its rules every five years to determine if a rule could be rescinded or amended.

### **Participation in the Rules Writing Process**

Individuals or groups may participate in the rule-making process at many points. The public can:

- (1) provide comment during the initial discussion phase of the rule proposal or amendment. This can be done at a board meeting during the open forum part of the agenda or written correspondence will be reviewed by the board during discussion on a business dealing with rules;
- (2) recommend changes in rules: new rules, amend existing rules, or rescinding rules;
- (3) asking the board to participate in any exploratory or investigative committee concerning a rule proposal; or
- (4) providing verbal or written testimony as a proponent or opponent of a proposed rule at a public rules hearing.

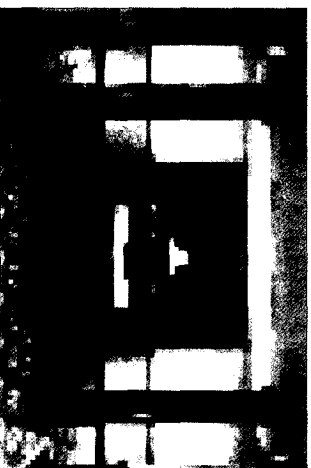
The Ohio Respiratory Care Board believes the rule-making process requires the input of all interested parties. All comments or testimony on proposed rules are welcomed.

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# Ohio Respiratory Care Board

## Rule-Making Process



77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43266-0777

## Board Mission and Organization

The mission of the Ohio Respiratory Care Board is to regulate the practice of respiratory care under Chapter 4761 of the Ohio Revised Code. In order to do this, the Ohio Respiratory Care Board is empowered to examine and license respiratory care providers; review and investigate complaints; take disciplinary actions for violating any provision of Chapter 4761 of the Revised Code; and mandate ongoing continuing education.

The Ohio Respiratory Care Board is fully committed to improving the practice of respiratory care and its delivery to people of Ohio.

The Ohio Respiratory Care Board is an agency of the state of Ohio, which was established in 1989 by an act of the Ohio Legislature. The Board's authority is found under Chapter 4761 of the Ohio Revised Code. It is charged with enforcing the laws and rules that regulate the practice of respiratory care in Ohio. The Board licenses Registered Respiratory Therapists (R.R.T.), Certified Respiratory Therapy Technicians (C.R.T.T.), Respiratory Therapy Technicians, working respiratory therapy students, and many other health care providers who provide respiratory care under any similar title. Those authorized to practice respiratory care by the Ohio Respiratory Care Board are referred to as "Licensees" or "Limited Permit Holders."

The Ohio Respiratory Care Board also handles complaints about its licensees and limited permit holders and may directly discipline those providers who violate the public health and safety standards set by the legislature and the Board. Complaints which do not fall within the jurisdiction of the Ohio Respiratory Care Board may be referred to other, more appropriate agencies.

## Who are the Members of the Ohio Respiratory Care Board?

The Ohio Respiratory Care Board has five members: three are respiratory care providers licensed in the state of Ohio, one is a licensed physician who has clinical training and management in pulmonary diseases, and one is a public member. All members are appointed by the Governor with the advice and consent of the Ohio Senate and serve for a term of three years. The Board meets for two days every other month. Meetings, including administrative hearings, are open to the public. You may obtain a list of meeting dates by calling the Ohio Respiratory Care Board office at (614) 752-9218.

## Rule Making Authority

The Ohio Respiratory Care Board was created to enforce the law regulating the practice of respiratory care in Ohio. To accomplish this regulation, the Ohio General Assembly authorized the Ohio Respiratory Care Board to develop and enact certain other components of the regulations called rules.

It is important to state that rules are not laws, but can have the effect of laws once enacted. Rules essentially provide the detail that the law lacks. A rule cannot change the law or create a new law. A rule can only clarify the authority already stated in the law.

The Ohio Respiratory Care Board is required to write specific rules. Other rules may be written, so long as the rule has existing authority from the enabling law. Section 4761.03 (A) of the Ohio Revised Code states that the Board shall:

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

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

- (2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;*
- (3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;*

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

- (5) Procedures for the issuance and renewal of licenses and limited permits;*

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

- (7) Standards of ethical conduct for the practice of respiratory care;*

- (8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice.*

## The Rule-making Process

Rules are written to better explain a process or regulatory requirement associated with the law. Proposed rules are routinely discussed in open session at a regular bi-monthly business meeting. The Board may appoint one of its members to create a committee to investigate the need to create a rule. If deemed necessary, the Board will draft a proposed rule for consideration. From this point on, the Board must comply with Chapter 119 of the Ohio Revised Code.

A public notice of a hearing is published in a newspaper of general circulation in three of the following counties: Cuyahoga, Franklin, Hamilton, Lucas, and Montgomery. The public notice must state