



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

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### Business Impact Analysis

Agency, Board, or Commission Name: State Medical Board of Ohio

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Military rules for all Medical Board licensee types

Rule Number(s): New Rules: 4731-36-01, 4731-36-02, 4731-36-03, Ohio Administrative

Code; Rules proposed to be rescinded: 4730-1-06.1, 4731-1-25, 4731-6-35, 4731-24-05,

4759-4-12, 4759-4-13, 4761-4-03, 4761-12-01, 4762-1-01, 4762-1-02.1, 4778-1-02.1, Ohio

Administrative Code; Rules to be amended: 4730-1-06, 4761-8-01, 4761-9-02, Ohio

Administrative Code

Date of Submission for CSI Review: \_\_\_\_\_

Public Comment Period End Date: \_\_\_\_\_

Rule Type/Number of Rules:

New/ X rules

No Change/ \_\_\_\_\_ rules (FYR? \_\_\_\_\_)

Amended/ X rules (FYR? \_\_\_\_\_)

Rescinded/ X rules (FYR? \_\_\_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an

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adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☐ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

The attached proposed Ohio Administrative Code (“OAC”) rules update and consolidate the Medical Board’s current military rules which carry out the requirements of Ohio Revised Code sections 5903.03, 5903.04, 5903.10, 5903.12, and 5903.121 for occupational licensure, renewal of licensure, expedited processing of license applications, and continuing education related to veterans and active military.

Provisions from fourteen (14) different rules in seven (7) OAC chapters are proposed to be consolidated into three (3) rules in one OAC chapter. The following proposed new rules consistently apply the above referenced laws to all Medical Board license types:

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4731-36-01 Military Provisions Related to Education and Experience Requirements for Licensure  
4731-36-02 Military Provisions Related to Renewal of License and Continuing Education  
4731-36-03 Processing applications from service members, veterans, or spouses of service members or veterans.

Also, the following rules are proposed to be rescinded so that the above listed proposed Chapter 4731-36 rules will constitute the Board's military rules for all licensee types:

4730-1-06.1 Military provisions related to certificate to practice as a physician assistant  
4731-1-25 Determination of equivalent military education for cosmetic therapy or massage therapy.  
4731-6-35 Processing applications from service members, veterans, or spouses of service members or veterans.  
4731-24-05 Military provisions related to certificate to practice as an anesthesiologist assistant.  
4759-4-12 Consideration of military experience, education, training and term of service.  
4759-4-13 Temporary license for military spouse  
4761-4-03 Recognition of military educational programs for active duty military members and/or military veterans  
4761-12-01 Initial application fee  
4762-1-01 Military provisions related to certificate to practice acupuncture or oriental medicine.  
4774-1-02.1 Military provisions related to certificate to practice as a radiologist assistant.  
4778-1-02.1 Military provisions related to certificate to practice as a genetic counselor.

Lastly, the following respiratory care rules are proposed to be amended to remove existing military provisions. Among these amended rules, rules 4761-8-01 and 4761-9-02 have additional respiratory care licensure and continuing education changes requested by the Board's Licensure department for consistency with Medical Board processes and statutory changes in these areas:

4730-1-06 Licensure as a physician assistant  
4761-8-01 Renewal of license or permits  
4761-9-02 General RCCE requirements and reporting mechanism

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

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For the rules dealing only with the military issues, R.C. 5903.03, 5903.04, 4731.05 authorize the board to adopt the military rules. R.C. 5903.04, amplifies the Medical Boards authority

For the rules dealing with the respiratory care licensure renewal, the rules are authorized by Section 4761.03 of the Revised Code and 4761.06 amplifies the Board's authority.

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

The proposed regulations do not implement a federal requirement, nor are they being adopted in connection with administering or enforcing a federal law or participating in a federal program.

- 5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The question is not applicable.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Section 5903.03 and 5903.04 of the Revised Code requires occupational licensing agencies to promulgate rules which recognize military training for applicants, and to expedite licensing and renewal for service members, veterans, or spouses of service members or veterans.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The success of these regulations will be measured by the rules being written in plain, understandable language, licensee compliance with the rules, and minimal questions from the licensees about the proposed rules.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

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**9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

On March 22, 2019, Medical Board staff posted the proposed rules on the Medical Board website and circulated the rules to interested parties. Subsequently, on March 25, 2019, the proposed rules were distributed via email to all Medical Board licensees. In addition, the Dietetics Advisory Council (on April 9, 2019) and the Respiratory Care Advisory Council (on May 7, 2019) reviewed the rules relevant to each council and recommended Medical Board approval for filing of the relevant proposed rules with CSI.

The comment period for interested parties and licensees remained open for three (3) weeks until April 12, 2019. The Medical Board received twenty-five (25) comments. Eight (8) of these comments supported the proposed rules. Several comments did not address the proposed rules substantively and offered commentary on other issues. Two other comments did not favor any changes to the current rules.

The Ohio Society for Respiratory Care expressed support for the proposed military rule changes and the continuing education changes in proposed rule 4761-9-02. As to the provisions relating to respiratory care licensure in proposed rule 4761-8-01, OSRC suggested adding language to specify what exam should be given in the event the Board ordered re-examination as a term or condition of restoration. While paragraph (D) of this rule references restoration, it focuses on the application process for reinstatement and restoration rather than the terms and conditions the Board can order. Accordingly, this change was not made as this is not the appropriate rule.

Two additional comments suggested that the rules did not go far enough in recognizing the contributions of veterans and national guard or reserve units of the military. The proposed rules accurately apply the Ohio Revised Code requirements for occupational licensing of service members, veterans, and spouses. Therefore, no changes were made in response to these comments.

**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The Medical Board received twenty-five (25) comments. Eight (8) of these comments supported the proposed rules. Several comments did not address the proposed rules

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The remaining relevant comments included five (5) comments that suggested explicitly recognizing the military medical school and/or military graduate medical education programs in proposed rule 4731-36-02(B)(3) for doctors. The rule as currently proposed states:

(3) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

The comments suggested that the wording was confusing and that a more explicit inclusion of accredited military medical schools and accredited military graduate medical education is necessary for clarification. The following change is proposed for rule 4731-36-02(B)(3), (4):

(3) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A diploma from a military medical school or military osteopathic medical school that at the time the diploma was issued was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association are substantially equivalent to the medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery;

(b) Military graduate medical education that is accredited by the Accreditation Council for Graduate Medical Education is substantially equivalent to the graduate medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery or osteopathic medicine and surgery.

(4) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A degree from a military college of podiatric medicine and surgery that at the time the degree was granted was a college of podiatric medicine and surgery accredited by the Council on Podiatric Medical Education is substantially equivalent to the medical educational requirement for licensure to practice podiatric medicine and surgery;

(b) Military postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the Council on Podiatric Medicine is substantially equivalent to the graduate medical educational requirement for licensure to practice podiatric medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice podiatric medicine and surgery .

One additional comment expressed the need for a clear definition of veteran. In response, the following change incorporating the definitions of “service member” and “veteran” from R.C. 5903.01 is proposed to be added to the definitions in rule 4731-36-01(A):

(3) “Service member” means any person who is serving in the armed forces.

(4) “Veteran” means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

Lastly, two comments pointed out a typographical error, and the word “free” was changed to “fee” in proposed rule 4731-36-02(A) as stated below:

(A) Renewal of an expired license or certificate to practice without a late fee or re-examination.

On June 12, 2019, the Board adopted these proposed changes.

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

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Scientific data was not used to develop the rule or outcomes. The rules reflect the requirements of Section 5903.03 and 5903.04 of the Revised Code. For the respiratory care rules, the rules reflect the requirements of Chapter 4761 of the Revised Code.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

As outlined in Question #10, the Board did consider comments from stakeholders and made changes to the proposed rules.

**13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The rules are not performance-based because the rules are setting minimum requirements for licensure, renewal of licensure, expedited processing of license applications, and continuing education.

**14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The rules are being revised to ensure that there is a consistency among all license types and so that there is not a duplication. Provisions from fourteen different rules in seven chapters of the Ohio Administrative Code are being consolidated into three rules in one chapter of the Ohio Administrative Code.

**15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Medical Board will educate its employees on the rules. Each department head will provide uniformity in interpretation of the rule by the department.

**Adverse Impact to Business**

**16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community; and**

The impacted business community consists of applicants and licensees who are active service members, veterans or the spouse or surviving spouse of service members or veterans and the healthcare entities which employ these individuals.

**b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**

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The rules seek to ease adverse impact on the business community described in paragraph 16(a) by expediting the processing of licensure applications, allowing for renewal of an expired license without a late fee or re-examination in certain circumstances, and an extension of the continuing education period.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

There are no additional costs for members of the impacted business community and in certain circumstances, the costs would be reduced, as with late renewals.

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The rules are required by sections 5903.03, 5903.04, 5903.10, 5903.12 and 5903.121, Ohio Revised Code.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No, but the rules do allow for expedited licensure, extended continuing education periods, and late renewal without a fee or re-examination for service members, veterans, and spouses or surviving spouses.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Due process requires the Medical Board to consistently apply its rules so that all licensees are equally treated with respect to law and rule violations.

**20. What resources are available to assist small businesses with compliance of the regulation?**

Medical Board staff members are available by telephone and e-mail to answer questions. Information is provided on the Board’s website.

4730-1-06.1

**Military provisions related to certificate to practice as a physician assistant.**

**~~(A) Definitions~~**

~~(1) "Armed forces" means any of the following:~~

- ~~(a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;~~
- ~~(b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;~~
- ~~(c) The national guard, including the Ohio national guard or the national guard of any other state;~~
- ~~(d) The commissioned corps of the United States public health service;~~
- ~~(e) The merchant marine service during wartime;~~
- ~~(f) Such other service as may be designated by Congress; or~~
- ~~(g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.~~

~~(2) "Board" means the state medical board of Ohio.~~

**~~(B) Education and service for eligibility for licensure.~~**

~~In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for licensure as a physician assistant and for the certificate to prescribe:~~

- ~~(1) An individual serving in a military primary specialty listed in paragraph (B)(2) of this rule must be a graduate of a physician assistant education program approved by the accreditation review commission on education for the physician assistant.~~
- ~~(2) Service in one of the following military primary specialties for at least three consecutive years while on active duty, with evidence of service under honorable conditions, including any experience attained while practicing as a physician assistant at a health care facility or clinic operated by the United States department of veterans affairs, may be substituted for a master's degree for eligibility for a license to practice as a physician assistant and for a certificate to prescribe, pursuant to sections 4730.11 and 4730.44 of the Revised Code:~~

- ~~(a) Army: MOS 65D;~~
- ~~(b) Navy: NOBC 0113;~~
- ~~(c) Air force: AFSC 42G;~~
- ~~(d) The national guard of Ohio or any state;~~
- ~~(e) Marine: Physician assistant services are provided by Navy personnel;~~
- ~~(f) Coast guard;~~
- ~~(g) Public health service.~~

~~(C) Renewal of an expired license without a late fee or re-examination:~~

- ~~(1) An expired license to practice as a physician assistant shall be renewed upon payment of the biennial renewal fee provided in section 4730.14 of the Revised Code and without a late fee or re-examination if the holder meets all of the following three requirements:~~
  - ~~(a) The licensee is not otherwise disqualified from renewal because of mental or physical disability;~~
  - ~~(b) The licensee meets the requirements for renewal under section 4730.14 of the Revised Code;~~
  - ~~(c) Either of the following situations applies:~~
    - ~~(i) The license was not renewed because of the licensee's service in the armed forces, or~~
    - ~~(ii) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.~~
  - ~~(d) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.~~
- ~~(2) Pursuant to section 4730.48 of the Revised Code, a certificate to prescribe expires on the same date as the physician assistant's license to practice as a physician assistant. There is no late fee or examination requirement for late renewal.~~

~~(D) Continuing education.~~

~~(1) Extension of the continuing education period for the licensure to practice as a physician assistant or for the certificate to prescribe:~~

~~(a) The holder of a physician assistant license or certificate to prescribe may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code by submitting both of the following:~~

~~(i) A statement that the licensee has served on active duty, whether inside or outside of the United States, for a period in excess of thirty-one days during the current continuing education reporting period.~~

~~(ii) Proper documentation certifying the active duty service and the length of that active duty service.~~

~~(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.~~

~~(2) The board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces in determining whether a licensee has met the continuing education requirements needed to renew the license or the certificate to prescribe.~~

4730-1-06

**Licensure as a physician assistant.**

- (A) All applicants for a physician assistant license shall file a written application under oath in the manner provided by section 4730.10 of the Revised Code.
- (B) No application shall be considered filed, and shall not be reviewed, until the fee required by section 4730.10 of the Revised Code has been received by the board.
- (C) An application shall be considered complete when all of the following requirements are met:
  - (1) The fee required pursuant to section 4730.10 of the Revised Code has been received by the board;
  - (2) Verification of the applicant's current certification has been received by the board directly from the "National Commission on Certification of Physician Assistants";
  - (3) All information required by section 4730.10 of the Revised Code, including such other facts and materials as the board requires, has been received by the board; and
  - (4) The applicant has complied with the requirements of paragraph (A) of rule 4730-3-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4730-3-02 of the Administrative Code.
  - (5) The board is not conducting an investigation, pursuant to section 4730.26 of the Revised Code, of evidence appearing to show that the applicant has violated section 4730.25 of the Revised Code or applicable rules adopted by the board.
- (D) All application materials submitted to the board will be thoroughly investigated. The board will contact individuals, agencies, or organizations for information about applicants as the board deems necessary. As part of the application process, an applicant may be requested to appear before the board or a representative thereof to answer questions or provide additional information.
- (E) Applications received from service members, veterans, or spouses of service members or veterans shall be identified and processed in accordance with rule 4731-6-35 of the Administrative Code.
- (F) The following processes apply when an application is not complete within six months of the date the application is filed with the board:

- (1) If the application is not complete because required information, facts, or other materials have not been received by the board, the board may notify the applicant in writing that it intends to consider the application abandoned if the application is not completed.
  - (a) The written notice shall:
    - (i) Specifically identify the information, facts, or other materials required to complete the application; and
    - (ii) Inform the applicant that the information, facts, or other materials must be received by the deadline date specified; that if the application remains incomplete at the close of business on the deadline date the application may be deemed to be abandoned and no further review of the application will occur; and that if the application is abandoned the submitted fees shall neither be refundable nor transferable to a subsequent application.
  - (b) If all of the information, facts, or other materials are received by the board by the deadline date and the application is determined to be complete, the board shall process the application and may require updated information as it deems necessary.
- (2) If the application is not complete because the board is investigating, pursuant to section 4730.26 of the Revised Code, evidence appearing to show that the applicant has violated Chapter 4730. of the Revised Code or applicable rules adopted by the board, the board shall do both of the following:
  - (a) Notify the applicant that although otherwise complete, the application will not be processed pending completion of the investigation; and
  - (b) Upon completion of the investigation and the determination that the applicant is not in violation of statute or rule, process the application, including requiring updated information as it deems necessary.
- (G) . The holder of a physician assistant license issued under section 4730.11 of the Revised Code who did not have a qualifying master's degree or higher at the time of licensure and did not receive a valid prescriber number with the license may obtain a valid prescriber number by meeting the requirements of division (E)(3) of section 4730.11 of the Revised Code.

(H) A physician assistant license must be renewed in the manner and according to the requirements of section 4730.14 of the Revised Code.

(I) To qualify for renewal of a physician assistant license, the holder shall comply with the following:

(1) Each applicant for renewal shall certify that the applicant has completed the requisite hours of CME since the start of the licensure registration period.

(2) Except as provided in paragraph (I)(4) of this rule, a physician assistant shall have completed one hundred hours of CME during the licensure registration period.

(3) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a physician assistant to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, up to a maximum of thirty-three hours per CME period. Physician assistants seeking to receive credit toward CME requirements shall maintain a log of their qualifying activities. The log shall indicate the dates the health care services were provided, the number of hours spent providing health care services on those dates, the location where the health care services were provided, and the signature of the medical director or the medical director's designee.

(4) Proration of hours required:

(a) If the physician assistant license is initially issued prior to the first day of the second year of a licensure period, the licensee shall be required to earn fifty total hours; if the license is issued on or after the first day of the second year of the licensure period and prior to the first day of the eighteenth month of that licensure period, the licensee shall be required to earn twenty-five total hours; if the license is issued on or after the first day of the eighteenth month of a licensure period, the licensee shall not be required to earn any hours of CME for that licensure period.

(b) Pursuant to the provisions of section 4745.04 of the Revised Code, the board shall permit a physician assistant to earn one hour of CME for each sixty minutes spent providing health care services in Ohio, as a volunteer, to indigent and uninsured persons, when it is documented as required by paragraph (I)(3) of this rule, up to the following maximums:



- (i) For a physician assistant required to earn fifty total hours, a maximum of sixteen hours for that CME period.
  - (ii) For a physician assistant required to earn twenty-five total hours, a maximum of eight hours for that CME period.
- (5) Only those hours earned from the date of licensure to the end of the licensure period shall be used towards the total hour requirement as contained in this rule.
- (6) Completion of the CME requirement may be satisfied by courses acceptable for the individual to maintain NCCPA certification.
- (J) To qualify for renewal of a physician assistant license with a valid prescriber number, the physician assistant shall comply with all of the following requirements:
  - (1) Completion of the requirements in paragraph (I) of the rule;
  - (2) Except as provided in paragraph (J)(4) of this rule, completion of at least twelve hours of category I continuing education in pharmacology as certified by the "Ohio Association of Physician Assistants," "Ohio State Medical Association," "Ohio Osteopathic Association," "Ohio Foot and Ankle Medical Association," a continuing medical education provider accredited by the ACCME and approved by the board, "American Academy of Physician Assistants," "American Council on Pharmacy Education," or and advanced instructional program in pharmacology approved by the Ohio board of nursing.
    - (a) Certification is a process whereby ACCME accredited providers define their respective continuing medical education program requirements for periodic submission to the board for approval.
    - (b) The board may approve each association's continuing medical education requirements which consist of continuing medical education category I courses and activities that are deemed acceptable for completing the requisite hours of continuing education in pharmacology by each licensee who has a valid prescriber number.
  - (3) If the physician assistant prescribes opioid analgesics or benzodiazepines, the applicant for renewal shall certify having been granted access to OARRS, unless one of the exemptions in section 4730.49 of the Revised Code is

applicable.

(4) If the renewal of the license with a valid prescriber number is the first renewal after the holder has completed the five hundred hours of on site supervision required by section 4730.44 of the Revised Code, the requisite hours of pharmacology continuing education are as follows:

- (a) If the five hundred hours were completed prior to the first day of the second year of the licensure period, the licensee shall be required to earn six total hours of pharmacology continuing education;
- (b) If the five hundred hours were completed on or after the first day of the second year of the licensure period and prior to the eighteenth month of that licensure period, the licensee shall be required to earn three total hours;
- (c) If the five hundred hours were completed on or after the first day of the eighteenth month of a licensure period, the licensee shall not be required to earn any hours of pharmacology continuing education for that licensure period.

~~(K) A physician assistant who served on active duty in any of the armed forces, as that term is defined in rule 4730-1-06.1 of the Administrative Code, during the licensure period may apply for an extension of the continuing education period by meeting the requirements of rule 4730-1-06.1 of the Administrative Code.~~

4731-1-25

**Determination of equivalent military education for cosmetic therapy or massage therapy.**

~~For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a cosmetic therapist or massage therapist.~~

4731-6-35

**Processing applications from service members, veterans, or spouses of service members or veterans.**

~~(A) The board shall include questions on all applications for licensure, biennial renewal, or restoration of licensure that inquire as to whether the applicant is:~~

~~(1) A service member;~~

~~(2) A veteran; or~~

~~(3) The spouse or surviving spouse of a service member or veteran.~~

~~(B) If the applicant for licensure, biennial renewal submitted by regular mail, or restoration of licensure responds affirmatively to any of the questions discussed in paragraph (A) of this rule, the board shall process the application in the following manner:~~

~~(1) Route the application to a board staff member who is responsible for monitoring the application and communicating with the applicant regarding the status of the application, including informing the applicant of any documentation needed for the board to process the application;~~

~~(2) Expedite the processing of the application, even if the application was received later in time than other applications that are pending processing;~~

~~(3) Provide information regarding available continuing education waivers to applicants if the applicant or the applicant's spouse will be imminently deployed; and~~

~~(4) Track, on an annual basis, the total number of applications submitted by service members, veterans, spouses or surviving spouses of service members or veterans, and the average number of business days expended by the board to process those applications.~~

4731-24-05

**Military provisions related to certificate to practice as an anesthesiologist assistant.**

~~(A) Definitions.~~

~~(1) "Armed forces" means any of the following:~~

- ~~(a) The armed forces of the United States, including the army, navy, air force, marine corps, or coast guard;~~
- ~~(b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;~~
- ~~(c) The national guard, including the Ohio national guard or the national guard of any other state;~~
- ~~(d) The commissioned corps of the United States public health service;~~
- ~~(e) The merchant marine service during wartime;~~
- ~~(f) Such other service as may be designated by Congress; or~~
- ~~(g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.~~

~~(2) "Board" means the state medical board of Ohio.~~

~~(B) Eligibility for licensure.~~

~~For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as an anesthesiologist assistant.~~

~~(C) Renewal of an expired license.~~

~~An expired license to practice as an anesthesiologist assistant shall be renewed upon payment of the biennial renewal fee provided in section 4760.06 of the Revised Code and without a late fee or re-examination if the holder meets all of the following requirements:~~

- ~~(1) The licensee is not otherwise disqualified from renewal because of mental or physical disability;~~
- ~~(2) The licensee meets the requirements for renewal under section 4760.06 of the Revised Code;~~
- ~~(3) Either of the following situations applies:~~

- ~~(a) The license was not renewed because of the licensee's service in the armed forces, or~~
- ~~(b) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.~~
- ~~(4) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.~~
- ~~(D) For purposes of sections 5903.12 and 5903.121 of the Revised Code, anesthesiologist assistants are not required to report continuing education coursework to the board.~~

4731-36-01

**Military Provisions Related to Education and Experience Requirements for Licensure.**

(A) Definitions

For purposes of this chapter:

(1) "Armed forces" means any of the following:

- (a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;
- (b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;
- (c) The national guard, including the Ohio national guard or the national guard of any other state;
- (d) The commissioned corps of the United States public health service;
- (e) The merchant marine service during wartime;
- (f) Such other service as may be designated by Congress; or
- (g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(2) "Board" means the state medical board of Ohio.

(3) "Service member" means any person who is serving in the armed forces.

(4) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

(B) Education and service for eligibility for licensure.

(1) In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for licensure as a physician assistant and for a prescriber number:

- (a) An individual serving in a military primary specialty listed in paragraph (B)(1)(b) of this rule must be a graduate of a physician assistant education program approved by the accreditation review commission



on education for the physician assistant.

(b) Service in one of the following military primary specialties for at least two consecutive years while on active duty, with evidence of service under honorable conditions, including any experience attained while practicing as a physician assistant at a health care facility or clinic operated by the United States department of veterans affairs, may be substituted for a master's degree for eligibility for a license to practice as a physician assistant pursuant to section 4730.11 of the Revised Code and for a prescriber number pursuant to section 4730.15 of the Revised Code:

(i) Army: MOS 65D:

(ii) Navy: NOBC 0113:

(iii) Air force: AFSC 42G:

(iv) The national guard of Ohio or any state:

(v) Marine: Physician assistant services are provided by Navy personnel:

(vi) Coast guard:

(vii) Public health service.

(2) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a cosmetic therapist or massage therapist.

(3) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A diploma from a military medical school or military osteopathic medical school that at the time the diploma was issued was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association are substantially equivalent to the medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery;

(b) Military graduate medical education that is accredited by the Accreditation Council for Graduate Medical Education is substantially equivalent to the graduate medical educational requirement for

licensure to practice medicine and surgery or osteopathic medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery or osteopathic medicine and surgery.

(4) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A degree from a military college of podiatric medicine and surgery that at the time the degree was granted was a college of podiatric medicine and surgery accredited by the Council on Podiatric Medical Education is substantially equivalent to the medical educational requirement for licensure to practice podiatric medicine and surgery;

(b) Military postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the Council on Podiatric Medicine is substantially equivalent to the graduate medical educational requirement for licensure to practice podiatric medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice podiatric medicine and surgery.

(5) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a dietitian.

(6) For purposes of section 5903.03 of the Revised Code, the board recognizes respiratory care educational programs offered by branches of the United States military that have been issued provisional accreditation, initial accreditation, continuing accreditation or other accreditation status conferred by the commission on accreditation for respiratory care (CoARC) or their successor organization that permits respiratory care programs offered by the United States military to continue to enroll and/or graduate students

(7) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as an acupuncturist or oriental medicine practitioner.

- (8) For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a radiologist assistant.
- (9) For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a genetic counselor.

4731-36-02

**Military Provisions Related to Renewal of License and Continuing Education.**

(A) Renewal of an expired license or certificate to practice without a late fee or re-examination.

(1) An expired license or certificate to practice pursuant to Chapter 4730., 4731., 4759., 4761., 4762., 4774., or 4778. of the Revised Code shall be renewed upon payment of the renewal fee provided for in Chapter 4730., 4731., 4759., 4761., 4762., 4774., or 4778. of the Revised Code and without a late fee or re-examination if the holder meets all of the following requirements:

(a) The licensee is not otherwise disqualified from renewal because of mental or physical disability;

(b) The licensee meets the requirements for renewal for the particular license or certificate to practice pursuant to Chapter 4730., 4731., 4759., 4761., 4762., 4774., or 4778. of the Revised Code;

(c) Either of the following situations applies:

(i) The license was not renewed because of the licensee's service in the armed forces, or

(ii) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.

(d) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

(B) Continuing education.

(1) Extension of the continuing education period for the license or certificate to practice pursuant to Chapter 4730., 4731., 4759., 4761., 4762., or 4778. of the Revised Code:

(a) The holder of a license or certificate to practice may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code by submitting both of the following:

(i) A statement that the licensee has served on active duty, whether inside or outside of the United States, for a specified period of time during the current continuing education reporting period.

- (ii) Proper documentation certifying the active duty service and the length of that active duty service.
- (b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.
- (2) The board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces in determining whether a licensee has met the continuing education requirements needed to renew the license
- (3) For purposes of sections 5903.12 and 5903.121 of the Revised Code, anesthesiologist assistants in Chapter 4731. of the Revised Code, acupuncturists in Chapter 4762. of the Revised Code, and radiologist assistants in Chapter 4774. of the Revised Code are not required to report continuing education coursework to the board.

4731-36-03

**Processing applications from service members, veterans, or spouses of service members or veterans.**

(A) The board shall include questions on all applications for licensure, renewal, reinstatement or restoration of licensure for all applicants for licensure or certificate to practice pursuant to Chapters 4730., 4731., 4759., 4761., 4762., 4774., and 4778. that inquire as to whether the applicant is:

(1) A service member;

(2) A veteran; or

(3) The spouse or surviving spouse of a service member or veteran.

(B) If the applicant for licensure, biennial renewal, reinstatement, or restoration of licensure responds affirmatively to any of the questions discussed in paragraph (A) of this rule, the board shall process the application in the following manner:

(1) Route the application to a board staff member who is responsible for monitoring the application and communicating with the applicant regarding the status of the application, including informing the applicant of any documentation needed for the board to process the application;

(2) Expedite the processing of the application, even if the application was received later in time than other applications that are pending processing;

(3) Provide information regarding available continuing education waivers to applicants if the applicant or the applicant's spouse will be imminently deployed; and

(4) Track, on an annual basis, the total number of applications submitted by service members, veterans, spouses or surviving spouses of service members or veterans, and the average number of business days expended by the board to process those applications.

4759-4-12

**Consideration of military experience, education, training and term of service.**

~~(A) Eligibility for licensure.~~

~~In accordance with Chapter 5903. of the Revised Code, the board has determined that there are no military programs of training, military specialties and lengths of service that are substantially equivalent to or which exceed the educational and supervised training requirements for licensure as a dietitian.~~

~~(B) Definitions related to military service and veteran status.~~

~~(1) "Military," in accordance with division (A) of section 5903.03 of the Revised Code, means the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.~~

~~(2) "Member" means any person who is serving in the military;~~

~~(3) "Veteran" means any person who has completed service in the military, and who has been discharged under honorable conditions or who has been transferred to the reserve with evidence of satisfactory service.~~

~~(C) License renewal and continuing education.~~

~~(1) For military members in active duty, the board shall waive the requirements of paragraph (C) of rule 4759-4-04 of the Administrative Code for jurisprudence continuing education.~~

~~(2) In accordance with section 5903.10 of the Revised Code, a licensee whose license expired due to the licensee's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, shall be eligible for renewal or restoration of the expired license at the same cost as if the license had not expired provided the licensee presents the board with satisfactory evidence that, not more than twelve months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions.~~

~~(D) Prioritizing veterans and military members licensure applications.~~

~~(1) Applications completed in accordance with section 4759.06 of the Revised Code will receive priority processing in accordance with rule 4731-6-35 of the Administrative Code.~~



4759-4-13

**Temporary license for military spouse.**

- ~~(A) An individual whose spouse is ordered to active military duty in this state is eligible for a temporary military spousal license to practice as a licensed dietitian in accordance with section 4759.06 of the Revised Code.~~
- ~~(B) An application for a temporary military spousal license shall include the following:~~
- ~~(1) Proof that the applicant is married to an active duty service member of the armed forces of the United States;~~
  - ~~(2) Proof that the applicant holds a valid, unrestricted license to practice dietetics in another jurisdiction of the United States;~~
  - ~~(3) Proof that the applicant's spouse is assigned to a duty station in Ohio and the applicant is also assigned to a duty station in Ohio pursuant to the spouse's active duty military orders; and~~
  - ~~(4) The initial application fee pursuant to section 4759.08 of the Revised Code.~~
- ~~(C) A temporary military spouse license shall expire six months after the date of issuance and is not renewable.~~

4761-4-03

**Recognition of military educational programs for active duty military members and/or military veterans.**

~~The board recognizes respiratory care educational programs offered by branches of the United States military that have been issued provisional accreditation, initial accreditation, continuing accreditation or other accreditation status conferred by the commission on accreditation for respiratory care (CoARC) or their successor organization that permits respiratory care programs offered by the United States military to continue to enroll and/or graduate students.~~

4761-8-01

**Renewal of license or permits.**

~~(A)~~ **Renewal applications:**

~~At least one month prior to the license or limited permit expiration date established under paragraphs (D) and (E) of rule 4761-7-01 of the Administrative Code, the board shall send each license and limited permit holder a renewal application by first-class mail to the holder's last known address of record.~~

~~(B)~~ (A) **License renewal:**

On or before June thirtieth of every even year, persons holding a license to practice respiratory care shall apply for renewal in accordance with section 4761.06 of the Revised Code, complete the prescribed application in the manner determined by the board, ~~electronic or paper renewal form (form reb-049, revised 12/12/2012)~~, submit the renewal fee ~~established in rule 4761-12-02 of the Administrative Code~~, and complete the required continuing education in accordance with rule 4761-9-02 of the Administrative Code.

- ~~(1) Any license renewal application that is post-marked after the June thirtieth expiration date shall, in addition to the renewal fee, include a late renewal fee equal to one-half the renewal fee established in rule 4761-12-02 of the Administrative Code.~~
- ~~(2) Initial license holders that have held a license for less than six months before the June thirtieth biennial expiration date will not be required to file a renewal application or renewal fee for the following biennial term.~~

~~(C)~~ (B) **Limited permit renewal.**

On or before the expiration date, ~~June thirtieth of each year~~, persons holding a limited permit shall apply for renewal in accordance with section 4761.06 of the Revised Code, complete the prescribed application in the manner determined by the board, ~~paper renewal form (form reb-004, revised 12/2012)~~, and submit the renewal fee ~~established in rule 4761-12-02 of the Administrative Code, and complete the following, as applicable:~~

- ~~(1) Any limited permit renewal application that is post-marked after the June thirtieth expiration date shall, in addition to the renewal fee, include a late renewal fee equal to one-half the renewal fee established in rule 4761-12-02 of the Administrative Code.~~
- ~~(2) Initial limited permit holders that have held a limited permit for less than six months before the annual June thirtieth expiration date will not be required to file a renewal application or renewal fee for the following year.~~
- ~~(3) Holders of a limited permit issued in accordance with paragraphs (A)(1)(a) and~~

~~(A)(1)(b) of rule 4761-6-01 of the Administrative Code shall resubmit proof of meeting the requirements of those paragraphs.~~

~~(4) Holders of limited permits issued in accordance with paragraph (A)(1)(c) of rule 4761-6-01 of the Administrative Code shall submit proof of current employment as a provider of respiratory care and proof of meeting the continuing education requirements specified in paragraph (C)(2) of rule 4761-9-02 of the Administrative Code.~~

~~(D) The board shall provide an electronic license or limited permit verification website to allow the public, a license holder or limited permit holder to search for and verify the current authorization status, initial issue date and expiration date of a license or limited permit. Additionally, the electronic license or limited permit verification website shall inform the public if any administrative action has been taken against the license or limited permit holder.~~

~~(E)(C) A license or permit holder who fails to renew in accordance with the schedule established under this rule shall have the license or limited paragraphs (A) and (B) of this rule shall have the license or permit placed on lapsed or in expired status, thirty days after the expiration date of the license or limited permit. In such cases, the expiration date recorded by the board will be the actual date of expiration in accordance with paragraphs (D) and (E) of rule 4761-7-01 of the Administrative Code, not the date the action is posted on the board's records.~~

~~(F) A license or limited permit holder who continues to practice respiratory care in Ohio for more than thirty days after the actual date of expiration in accordance with paragraphs (D) and (E) of rule 4761-7-01 of the Administrative Code shall be subject to disciplinary action under section 4761.09 of the Revised Code.~~

~~(G)(D) An expired lapsed license or license placed in an inactive status in accordance with rule 4761-8-02 of the Administrative Code may be reinstated or restored, as applicable, in accordance with division (C) of section 4761.06 of the Revised Code, to active status by completing the following: If an applicant fails to complete the reinstatement or restoration application process within six months of application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.~~

~~(1) A complete license reinstatement application (form reb-023, revised 4/17/2013) available on the board's website [www.respiratorycare.ohio.gov](http://www.respiratorycare.ohio.gov).~~

~~(2) If the license is lapsed or inactive less than five years, the applicant must provide a license verification letter from any state in which a license is or was held, if applicable, and notarized proof of respiratory care continuing education (RCCE) in accordance with paragraph (K) of this rule.~~

~~(3) If the license is lapsed or inactive more than five years from the last expiration date on record with the board, the applicant must provide proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of renewal application, or the applicant must successfully pass a re-examination equivalent to the examination recognized by the board to originally obtain a license in the state of Ohio pursuant to rule 4761-5-01 of the Administrative Code. This provision does not apply to a military service member or spouse of a military service member that was prevented from renewing a lapsed or inactive license within five years of the license expiration date due to active duty military service. If active duty military service applies, the board will extend the filing deadline for a period of time equal to the number of days in active duty military service beyond the five year date.~~

~~(4) Payment of the appropriate renewal fees and late fees in accordance with rule 4761-12-02 of the Administrative Code. If the applicant is a military service member or spouse of a military service member and was unable to renew the license on or before the license expiration date due to active duty military service, the late fee shall be waived.~~

~~(5) Incomplete license reinstatement applications will be held open for ninety days following notification of incomplete requirements by regular mail. After sixty days, a final notice of incomplete application will be mailed by certified mail, return receipt requested. If the final notice is returned as unclaimed by the United States postal service, the board shall mail the final notice to the last address of record by regular mail. The final notice shall be deemed served on the date of mailing by regular mail. If, by the end of the ninety day period, the application remains incomplete, it will be considered abandoned. After ninety days, if desired, the applicant must submit a new application, including fee.~~

~~(H) A lapsed limited permit may be reinstated by completing the following:~~

~~(1) Contact the board to obtain the prescribed paper renewal application (form reb-004, revised 12/2012).~~

~~(2) Complete the prescribed paper renewal application.~~

~~(3) If the limited permit was issued based on enrollment or graduate status under division (B)(1)(a) of section 4761.05 of the Revised Code, proof of meeting the requirements of division (A)(1) of section 4761.06 of the Revised Code.~~

~~(4) If the limited permit was issued based on employment in the practice of respiratory care under division (B)(1)(b) of section 4761.05 of the Revised Code, proof of meeting the requirements of division (A)(2) of section 4761.06 of the Revised Code.~~

~~(5) Incomplete limited permit reinstatement applications will be held open for ninety days following notification of incomplete requirements by regular mail. After sixty days, a final notice of incomplete application will be mailed by certified mail, return receipt requested. If the final notice is returned as unclaimed by the United States postal service, the board shall mail the final notice to the last address of record by regular mail. The final notice shall be deemed served on the date of mailing by regular mail. If, by the end of the ninety day period, the application remains incomplete, it will be considered abandoned. After ninety days, if desired, the applicant must submit a new application, including fee.~~

~~(H)~~(E) A license reinstated or restored in accordance with paragraph (D) ~~(G)~~ of this rule will expire on the next biennial expiration date.

~~(J) A limited permit reinstated in accordance with paragraph (H) of this rule will expire on the next annual expiration date.~~

~~(K)~~(F) If a licensee has not completed the requisite RCCE contact hours, a license is not eligible for license renewal or reinstatement. The number of RCCE contact hours required for restoration ~~reactivation~~ of an expired ~~lapsed~~ license ~~or limited permit issued in accordance with division (B)(1)(b) of section 4761.05 of the Revised Code~~ shall be equal to the amount required of the applicant had the license ~~or limited permit~~ not expired~~lapsed~~ and must have been completed within the two years prior to the date of application for restoration. ~~The total number of contact hours required will include the hours due to be reported at the time the license or permit lapsed and any due thereafter until the time of application for reinstatement. The continuing education requirements set forth in Chapter 4761-9 of the Administrative Code shall apply equally to an individual seeking reactivation of a lapsed license or limited permit issued in accordance with division (B)(1)(b) of section 4761.05 of the Revised Code. If a lapsed licensee holds an active license in another state, the board may consider the continuing education requirements of that state for the purposes of determining equivalence with Ohio's requirements. The board may require applicants to complete continuing education contact hours needed to equal the biennial requirement in the state of Ohio under rule 4761-9-02 of the Administrative Code. If the lapsed licensee is a military service member or spouse of a military service member, the board may consider any applicable waiver of continuing education under paragraph (G)(2) of rule 4761-9-02 of the Administrative Code for the purposes of determining the number of RCCE contact hours required for the reactivation of a lapsed license or limited permit.~~

4761-9-02

**General RCCE requirements and reporting mechanism.**

- (A) Licensees and limited permit holders shall verify the successful attainment of RCCE from sources approved by the board as set forth in rule 4761-9-05 of the Administrative Code.
- (B) RCCE contact hours shall be obtained during the term of collection as set forth in paragraphs (C)(1) and (C)(2) of this rule. RCCE contact hours shall be earned prior to the license or limited permit expiration date for the renewal period. RCCE contact hours earned during the term of collection in excess of required contact hours cannot be applied towards a subsequent renewal period, unless the RCCE contact hours are earned after the filing date of a completed renewal application that is filed prior to the end of the renewal cycle for the specific authorization type held. A renewal application will be deemed complete when the renewal application form is filled out in its entirety, all continuing education required has been reported and is valid and the full renewal fee has been submitted.
- (C) Continuing education earned for license or limited permit renewal must minimally include the following content requirements:
  - (1) An applicant for license renewal shall complete twenty contact hours of relevant RCCE every two years, beginning with the license renewal date and ending on the license expiration date established under paragraph (D) of rule 4761-7-01 of the Administrative Code, unless a waiver is granted under paragraph (G) of this rule. RCCE earned for license renewal must include the following content requirement:
    - (a) One contact hour of RCCE on Ohio respiratory care law or professional ethics as set forth in rule 4761-9-04 of the Administrative Code; and
    - (b) At least fifteen of the required contact hours must include content relating to the provision of clinical respiratory care as defined under section 4761.01 of the Revised Code; and
    - (c) The remaining four contact hours may include indirectly related content, including, but not limited to, activities relevant to specialized aspects of respiratory care, such as education, supervision, management, health care cost containment, cost management, health quality standards, disease prevention, health promotion, or abuse reporting.
  - (2) An applicant for renewal of a limited permit issued under paragraph (A)(1)(c) of rule 4761-6-01 of the Administrative Code, shall complete ten contact hours of relevant RCCE every year, beginning with the limited permit renewal date and ending on the limited permit expiration date established under paragraph



(E) of rule 4761-7-01 of the Administrative Code, unless a waiver is granted under paragraph (G)(2) of this rule. RCCE earned for license renewal must include the following content requirement:

- (a) One contact hour of RCCE on Ohio respiratory care law or professional ethics as set forth in rule 4761-9-04 of the Administrative Code; and
- (b) At least seven of the required contact hours must include content relating to the provision of clinical respiratory care as defined under section 4761.01 of the Revised Code; and
- (c) The remaining two contact hours may include indirectly related content, including, but not limited to activities relevant to specialized aspects of respiratory care, such as education, supervision, management, health care cost containment, cost management, health quality standards, disease prevention, health promotion, or abuse reporting.

(D) In lieu of completing RCCE contact hours required under paragraphs (C)(1)(b), (C)(1)(c), (C)(2)(b) and (C)(2)(c) of this rule, applicants may submit proof of successfully passing any written professional examination administered by the national board for respiratory care, inc. (NBRC), including the written registry examination for advanced respiratory therapists, the recredentialing examination for certified respiratory therapists, the written examination for certified pulmonary function technologists, the written examination for registered pulmonary function technologists, or the written examination for perinatal/pediatric respiratory care. The registered polysomnographic technologist examination administered by the board of registered polysomnographic technologists (BRPT) and the certified asthma educator examination administered by the national asthma certification board (NACB) are also accepted written examinations.

~~(E) If applicable, the application form for license or limited permit renewal shall include a section for recording RCCE compliance. Licensees or limited permit holders shall complete the section to certify the completion of the required contact hours of RCCE for the current renewal period.~~

~~(F)~~(E) It shall be the responsibility of the licensee to maintain and keep all records to serve as documentation for any audit which may be conducted in accordance with rule 4761-9-07 of the Administrative Code pertaining to the completion of RCCE requirements; including, but not limited to certificates of completion, transcripts, letters of attendance, or attendance registers. Records shall be maintained for a period of one year after the end of a registration~~four years or two renewal periods for the holders of a license issued under section 4761.04 of the Revised Code and for a period of three years or three renewal periods for the holders of a limited~~

~~permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code.~~  
Legible copies shall be sent to the board only in response to an audit.

~~(G)~~(F) Waiver of RCCE requirements.

- (1) A first time license holder in the state of Ohio who has been licensed for more than six months, but less than one year from the license expiration date must complete at least one half of the RCCE requirements listed in paragraph (C)(1) of this rule, including one contact hour on Ohio respiratory care law or professional ethics. First time license holders who have held a license for less than six months from the biennial license expiration date will not be required to complete the RCCE requirements for the current term of collection, but will have to complete the RCCE requirements for the following biennial renewal period.
- (2) For purposes of obtaining a RCCE waiver, the applicant or licensee shall have the burden of establishing that the illness or absence affected the reasonable opportunity to participate in RCCE activities. No more than 2 hours will be subtracted from the RCCE requirement for each month which is approved for reduction of hours. Application for RCCE waiver shall be completed by the applicant or licensee and submitted to the board at least sixty days prior to the end of the RCCE period. Applicants shall not sign and submit the renewal application prior to receiving approval from the board of the waiver request.
- (3) The board shall not waive the total RCCE requirement for any RCCE period.
- (4) The board shall not grant a RCCE waiver for consecutive RCCE periods.
- (5) Applicants shall be eligible to apply for RCCE waiver only if the applicant's illness or absence from the United States lasted a minimum of six consecutive months and occurred in its entirety within a single RCCE period.
- ~~(2) At the time of filing an application for license or limited permit renewal, a request to waive the RCCE requirements may be filed. The board may grant the following waivers if documentation requested is provided:~~
  - ~~(a) The applicant is an active duty military service member or the spouse of an active duty service member serving outside of Ohio. Applicants for renewal of a license or limited permit presenting a copy of military service orders for self or a spouse may be eligible for the following:~~
    - ~~(i) Waiver of all RCCE required if on active duty military service and active duty service time exceed more than one half of the term of collection for the authorization type held.~~

- ~~(ii) Extension of due date for completion of required RCCE, if on active duty military service for periods of time less than one half of the term of collection for the authorization type held. In these cases, the board shall extend the RCCE completion due date for a period of time equal the the time spent in active duty military service.~~
- ~~(b) Waiver of all RCCE required if applicant has been prevented from completing the RCCE requirement due to a documented medical disability for more than one half of the term of collection for the authorization type held.~~

4761-12-01

**Initial application fee.**

~~(A) The fee for a license shall be seventy-five dollars.~~

~~(B) The fee for a limited permit shall be twenty dollars.~~

~~(C) A fifty per cent discount shall apply for veterans or persons on active duty military service.~~

4762-1-01

**Military provisions related to certificate to practice  
acupuncture or oriental medicine.**

~~(A) Definitions.~~

~~(1) "Armed forces" means any of the following:~~

- ~~(a) The armed forces of the United States, including the army, navy, air force, marine corps, or coast guard;~~
- ~~(b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;~~
- ~~(c) The national guard, including the Ohio national guard or the national guard of any other state;~~
- ~~(d) The commissioned corps of the United States public health service;~~
- ~~(e) The merchant marine service during wartime;~~
- ~~(f) Such other service as may be designated by congress; or~~
- ~~(g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.~~

~~(2) "Board" means the state medical board of Ohio.~~

~~(B) Eligibility for licensure.~~

~~In accordance with section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as an acupuncturist or oriental medicine practitioner.~~

~~(C) Renewal of an expired license.~~

~~An expired license to practice acupuncture or oriental medicine shall be renewed upon payment of the biennial renewal fee provided in section 4762.06 of the Revised Code and without a late fee or re-examination if the holder meets all of the following requirements:~~

- ~~(1) The licensee is not otherwise disqualified from renewal because of mental or physical disability;~~
- ~~(2) The licensee meets the requirements for renewal of the applicable licensure type under section 4762.06 of the Revised Code;~~

~~(3) Either of the following situations applies:~~

~~(a) The license was not renewed because of the licensee's service in the armed forces, or~~

~~(b) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.~~

~~(4) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.~~

~~(D) Extension of the continuing education period.~~

~~(1) An oriental medicine practitioner may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code.~~

~~(a) The licensee shall submit both of the following:~~

~~(i) A statement that the licensee has served on active duty, whether inside or outside of the United States, for a period in excess of thirty one days during the current continuing education reporting period.~~

~~(ii) Proper documentation certifying the active duty service and the length of that active duty service.~~

~~(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.~~

~~(2) An acupuncturist is not required to report continuing education coursework to the board.~~

4778-1-02.1

**Military provisions related to certificate to practice as a genetic counselor.**

~~(A) "Armed forces" means any of the following:~~

- ~~(1) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;~~
- ~~(2) A reserve component of the armed forces listed in paragraph (A)(1) of this rule.~~
- ~~(3) The national guard, including the Ohio national guard or the national guard of any other state;~~
- ~~(4) The commissioned corps of the United States public health service;~~
- ~~(5) The merchant marine service during wartime;~~
- ~~(6) Such other service as may be designated by Congress; or~~
- ~~(7) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.~~

~~(B) Eligibility for licensure:~~

~~For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a genetic counselor:~~

~~(C) Renewal of an expired license:~~

~~An expired license to practice as a genetic counselor shall be renewed upon payment of the biennial renewal fee provided in section 4778.06 of the Revised Code and without a late fee or re-examination if the holder meets all of the following three requirements:~~

- ~~(1) The licensee is not otherwise disqualified from renewal because of mental or physical disability;~~
- ~~(2) The licensee meets the requirements for renewal under section 4778.06 of the Revised Code;~~
- ~~(3) Either of the following situations applies:~~
  - ~~(a) The license was not renewed because of the licensee's service in the armed forces, or~~
  - ~~(b) The license was not renewed because the licensee's spouse served in the~~

~~armed forces, and the service resulted in the licensee's absence from this state.~~

- ~~(4) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.~~

~~(D) Extension of the continuing education period~~

- ~~(1) The holder of a genetic counselor license may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code by submitting both of the following:~~

~~(a) A statement that the licensee has served on active duty, whether inside or outside of the United States, for a period in excess of thirty one days during the current continuing education reporting period.~~

~~(b) Proper documentation certifying the active duty service and the length of that active duty service.~~

- ~~(2) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.~~