

**MEMORANDUM**

TO: Christopher H. Logsdon, Executive Director, Ohio Respiratory Care Board

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: October 4, 2013

RE: **CSI Review – Continuing Education (OAC 4761-9-01, 4761-9-05, and 4761:1-13-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of three rules being proposed by the Ohio Respiratory Care Board. The rules have been reviewed under the five-year review requirement of ORC 119.032, with OAC 4761-9-01 and 4761-9-05 being proposed with no changes, and 4761:1-13-01 being amended. The rules were submitted to the CSI Office on August 16, 2013, and the comment period was held open through September 3, 2013. One stakeholder comment was submitted during the CSI review.

The three rules in this package address continuing education requirements for the Board's licensees. The two rules in OAC Chapter 4761-9 relate to respiratory care licensees, and include definitions for terms used throughout the chapter as well as approved sources of continuing education. Rule 4761:1-13-01 relates to home medical equipment (HME) service providers and lists minimum contact hours and approved sources of education. This rule is being amended to provide some flexibility for providers who conduct limited sales of home medical equipment.

Continuing education is a statutory requirement and is intended to protect the public by ensuring that the professional licensees under the jurisdiction of the Board maintain and regularly update

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their skills. The one stakeholder comment requested that the Board consider additional education options to qualify for continuing education, and Board staff expressed a willingness to explore this suggestion. As such, the regulatory purpose of this rule package justifies the adverse impacts to business.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Respiratory Care Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.