

4761-5-01

~~Waiver of licensing Examination requirements pursuant to division (BA) of section 4761.04 of the Revised Code.~~

- (A) To meet the requirement of division (A)(3) of section 4671.04 of the Revised Code, an applicant for licensure must provide evidence that the applicant has successfully completed both portions of the registered respiratory therapist (R.R.T.) examination administered by the national board for respiratory care, inc. ("NBRC") or its successor organization.~~Recognition of current licensure in another state for the purposes of waiving division (A) of section 4761.04 of the Revised Code:~~
- (1) ~~Applicants meeting the following provisions shall be recognized as holding a license in another state based upon standards that are equivalent to those in the state of Ohio on the date of application. The board will waive the requirements of division (A) of section 4761.04 of the Revised Code with respect to any applicant that provides proof of the following:~~
- (a) ~~The applicant, on the date of application for an Ohio license, holds an active and valid license issued by another state or states and the license was issued in part or in whole based upon successful completion of either of the following examinations offered by the national board for respiratory care, inc.'s (NBRC) or its successor organization:~~
- (i) ~~The certified respiratory therapist (C.R.T.) examination taken prior to January 1, 2015; or~~
- (ii) ~~The registered respiratory therapist (R.R.T.) examination consisting of both the written and clinical simulation portions; and~~
- (b) ~~Each state of origin requires its licensees to complete at least as many contact hours of continuing education as the state of Ohio and the applicant is current on obtaining and reporting completed continuing education to each state of origin based on the renewal schedule of each state. If the applicant holds a license from a state that does not require as many contact hours of continuing education as the state of Ohio, the board will require the applicant to complete needed contact hours to make up the difference.~~
- (B) All persons currently holding a license in this state to practice respiratory care who obtained an initial license in this state based on showing evidence of successful completion of the certified respiratory therapist (C.R.T.) examination may continue to practice respiratory care in this state if the following conditions are met: Recognition of examinations for the purpose of waiving divisions (A)(2) and (A)(3) of section 4761.04 of the Revised Code:

(1) the licensee continues to meet the requirements to renew a license under chapter 4761; and

(2) the licensee continues to timely renew the license through the state medical board.

~~(1) On and after January 1, 2015, the board recognizes successful completion of both portions of the R.R.T. examination administered by the NBRC or its successor organization as meeting the requirements of division (A)(3) of section 4761.04 of the Revised Code if the examination was passed within three years prior to the date of application for an Ohio license. The board will waive the requirements of divisions (A)(2) and (A)(3) of section 4761.04 for any applicant that has successfully completed both portions of the RRT examination in compliance with this rule.~~

~~(2) Prior to January 1, 2015, the board recognizes successful completion of the CRT examination administered by the NBRC as meeting the requirements of division (A)(3) of section 4761.04 of the Revised Code if the examination was passed within three years prior to the date of application for an Ohio license.~~

~~(3) The board will waive the three year examination recognition period contained in paragraphs (B)(1) and (B)(2) of this rule for persons demonstrating regular employment in the practice of respiratory care by an entity meeting the requirements of division (A)(2) of section 4761.11 of the Revised Code. Applicants meeting this requirement must show proof of successful completion of an examination recognized in paragraphs (B)(1) and (B)(2) of this rule.~~

~~(C) Recognition of examination for the purpose of Ohio credentialing:~~

~~(1) Applicants for licensure by Ohio credentialing must take and pass the Ohio state credentialing examination offered by the NBRC in accordance with rule 4761-5-02 of the Administrative Code. This examination shall be administered in accordance with the provisions of the agreement between the board and the NBRC; or~~

~~(2) Applicants must hold an active license from another state based on taking and passing a state credentialing examination that meets or exceeds the scope of the examination approved by the board under paragraph (C)(1) of this rule.~~

Effective: 9/30/2020  
Five Year Review (FYR) Dates: 6/19/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.03 , 4761.04(A), 4761.04(B)  
Prior Effective Dates: 03/10/1990, 01/01/1996, 05/19/1997, 09/21/1998,  
03/26/2001, 07/11/2003, 08/15/2008, 04/24/2013

4761-5-04

**License application procedure.**

(A) ~~An applicant for licensure by recognition of another state or jurisdiction's license shall: submit to the board an application under oath in the manner determined by the board and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board.~~

~~(1) File an initial license application form (form reb-0002, revised 4/2013) approved by the board and shall pay the initial application fee prescribed by the board.~~

~~(2) Provide, in accordance with the license application form and as set forth in paragraph (A) of rule 4761-5-01 of the Administrative Code, verification of respiratory care licensure status from any state or jurisdiction in which the applicant holds or has ever held a respiratory care license. Acceptable methods of providing verification of licensure status from another state or jurisdiction are:~~

~~(a) A letter of license verification containing the official seal of the state or jurisdiction of origin; or~~

~~(b) An electronic license verification from an official state website, if the state or jurisdiction of origin validates the authenticity and accuracy of the electronic verification through a secure validation process.~~

~~(c) Documentation of the number of contact hours of continuing education completed in the state or jurisdiction of origin in accordance with paragraph (A)(1)(b) of rule 4761-5-01 of the Administrative Code.~~

(B) No application submitted to the board shall be considered complete until the applicant has complied with the requirements of Chapter 4731-4 of the Administrative Code and the board has received the results of the criminal records checks. ~~A letter of licensure verification or electronic license verification must contain the following to be acceptable:~~

~~(1) Name of the state or jurisdiction of origin.~~

~~(2) Name of the licensee.~~

~~(3) Initial issuance date of the license.~~

~~(4) Current status of the license.~~

~~(5) Expiration date of the license.~~

~~(6) Examination basis upon which the license was issued. If the examination basis is not obtainable from the state or jurisdiction of origin, the applicant is responsible for obtaining an official credential verification letter from the national board for respiratory care, inc. (NBRC) to verify that the license was issued based on the successful completion of an examination recognized by the board.~~

~~(C) An applicant for licensure by successful completion of an examination recognized by the board shall:~~

~~(1) File an initial license application form (form reb-0002, revised 4/2013) approved by the board and shall pay the initial application fee prescribed by the board.~~

~~(2) Provide, in accordance with the license application form and as set forth in paragraph (B) of rule 4761-5-01 of the Administrative Code, verification of successful completion of any examination recognized by the board.~~

~~(D)~~(C) Licensure by examination:

An applicant for licensure by examination who filed a preliminary application for licensure and who qualified for the educational waiver provided for in Section 6 of Sub. House Bill 111 of the 118th General Assembly and who has passed the Ohio licensure examination in accordance with ~~paragraph (B) of rule 4761-5-01~~02 of the Administrative Code shall file with the board a signed application on forms approved by the board, and shall pay the fee prescribed by the board, submit to the board an application under oath in the manner determined by the board, and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board.

~~(E)~~(D) If an applicant fails to complete the application process within six months of initial 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. Incomplete 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 form, including fee.

~~(F)~~(E) If the application process extends for a period longer than six months, the board may require updated information as it deems necessary. Application forms are available on the board's website at [www.respiratorycare.ohio.gov](http://www.respiratorycare.ohio.gov).

(F) No application being investigated under section 4761.09 of the Revised Code, may be withdrawn without approval of the board.

(G) Application fees are not refundable.

Effective: 9/30/2020  
Five Year Review (FYR) Dates: 6/19/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.03 , 4761.04  
Prior Effective Dates: 03/10/1990, 01/01/1994, 01/01/1996, 05/02/1996,  
05/19/1997, 09/21/1998, 03/26/2001, 07/11/2003,  
05/23/2005, 07/01/2007, 08/15/2008, 04/24/2013,  
08/12/2013

4761-6-01

**Limited permit application procedure.**

- (A) An applicant for a limited permit shall submit to the board an application under oath in the manner determined by the board, and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board. Application fees are not refundable.
- (1) An applicant for a limited permit must provide proof of meeting one of the following requirements:
    - (a) Is enrolled in and is in good standing in a respiratory care educational program that meets the requirements of rule 4761-4-01 of the Administrative Code; or
    - (b) Is a graduate of a respiratory care educational program that meets the requirements of rule 4761-4-01 of the Administrative Code and is making application within one year of such graduation date; or
    - (c) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989, as provided by division (B)(1)(b) of section 4761.05 of the Revised Code.
  - (2) An applicant meeting the requirements of paragraph (A)(1)(a) of this rule shall file with the application a verification of education form provided by the board as proof of his/her enrollment and good standing in an approved educational program.
  - (3) An applicant meeting the requirements of paragraph (A)(1)(b) of this rule shall submit an official transcript.
  - (4) An applicant meeting the requirements of paragraph (A)(1)(c) of this rule shall submit proof of his/her record of employment as a provider of respiratory care in this state.
  - (5) A person issued a limited permit under paragraph (A)(1)(a) or (A)(1)(b) of this rule shall practice respiratory care only under the supervision of a respiratory care professional until whichever of the following occurs first:
    - (a) Three years after the date the limited permit is issued; or
    - (b) Until the holder discontinues enrollment in the educational program; or
    - (c) One year following the date of receipt of a degree or certificate of completion from a board-approved respiratory care education program;

- (B) The respiratory care services which may be performed by the holders of a limited permit issued under paragraph (A)(1)(a) of this rule are limited to only those services which have been successfully completed by such persons as part of the curriculum of their respiratory care educational program, as certified by the director of the respiratory care educational program, ~~on the verification of education form filed with the board. A copy of the board approved verification of education form will be provided to the holder of a limited permit. The board may supply a sample form to document these competencies to be certified by the director of the respiratory care educational program.~~ The limited permit holder must provide a copy of the board approved verification of education form documentation of competencies certified by the director of the respiratory care educational program to all employers of respiratory care services. An updated Updated documentation of competencies shall verification of education form may be provided by the limited permit holder to employers of respiratory care services filed with the board upon successful completion of additional clinical courses as certified by the director of the respiratory care educational program.
- (C) A person issued a limited permit under paragraph (A)(1)(c) of this rule shall practice respiratory care only under the supervision of a respiratory care professional and may practice for not more than three years, unless the holder has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital certified or accredited pursuant to section 3727.02 of the Revised Code.
- (D) If an applicant fails to complete the application process within six months of initial 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.
- (E) If the application process extends for a period longer than six months, the board may require updated information as it deems necessary.
- (F) No application being investigated under section 4761.09 of the Revised Code, may be withdrawn without approval of the board.
- ~~(G) A person issued a limited permit in accordance with this rule must file a completed supervisor registration form within fifteen days of the beginning date of employment in the practice of respiratory care. A limited permit holder must file a new form for any change in respiratory care employment or upon being employed by more than one respiratory care employer.~~

Effective: 9/30/2020

Five Year Review (FYR) Dates: 2/28/2024

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03

Statutory Authority: 4761.03

Rule Amplifies: 4761.05

Prior Effective Dates: 03/10/1990, 03/14/1991, 01/01/1994, 09/20/1995,  
01/01/1996, 05/02/1996, 05/19/1997, 09/21/1997,  
09/21/1998, 03/26/2001, 07/11/2003, 05/23/2005,  
07/01/2007, 02/28/2019

4761-7-04

**Supervision.**

As provided for in division (B) of section 4761.05 of the Revised Code, a limited permit holder must work under the supervision of a respiratory care professional (RCP) and may not be supervised by any other person, including those persons licensed to practice in any other profession.

"To practice under the supervision of a respiratory care professional" as used in division (B) of section 4761.05 of the Revised Code requires that an RCP be readily available in the facility and responsible at all times for the direction and actions of a limited permit holder under their supervision. Three types of limited permits are issued by the board: student-based, employment-based, and graduate-based. The level of supervision and the duties assigned may vary based upon the type of limited permit holder that is being supervised. The RCP shall determine the appropriate level of supervision and assigned respiratory care duties for an employment-based limited permit holder taking into consideration institutional competency reviews and work performance. For student limited permit holders, the appropriate level of supervision and assigned respiratory care duties shall be based, in part, on competencies approved and on the verification of education form completed documented by the student's respiratory care educational program director. At no time shall a supervising RCP assign duties that exceed the approved competencies documented ~~on the verification of education form~~. Graduate-based limited permit holders may practice a full scope of respiratory care duties, but must still be supervised in accordance with this rule. Regardless of the type of limited permit held, an RCP shall not delegate to a less qualified person any service which requires the skill, knowledge and judgment of an RCP.

Effective: 9/30/2020

Five Year Review (FYR) Dates: 6/19/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.05  
Prior Effective Dates: 01/01/1994, 05/02/1996, 09/21/1998, 03/26/2001,  
07/11/2003, 05/23/2005, 07/01/2007

4761-9-01

**Definition of respiratory care continuing education.**

(A) "Respiratory care continuing education" (hereafter referred to as RCCE), as required under section 4761.06 of the Revised Code, means post-licensure learning experiences which are approved by the state medical board of Ohio (hereafter referred to as the board) and which enhance or build upon the licensee's current knowledge or educational background as it pertains to the practice of respiratory care, as set forth in section 4761.01 of the Revised Code.

(B) For the purposes of this chapter, the following definitions shall apply:

- (1) "Post-licensure" means the period following the granting of a license under section 4761.04 of the Revised Code or a limited permit issued under division (B) of section 4761.05 of the Revised Code.
- (2) "Learning experiences" means activities or programs which allow respiratory care providers to obtain or enhance skills, knowledge, or behavior needed to provide respiratory care.
- (3) "Approved by the state medical board of Ohio" means that the RCCE program or activity qualifies for official recognition by the board in accordance with one of the approval mechanisms set forth in rule 4761-9-04 and 4761-9-05 of the Administrative Code.
- (4) "Licensee" means the holder of a license issued under section 4761.04 of the Revised Code or a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code.
- (5) "Contact hour" means fifty or sixty minutes of planned classroom, clinical, or provider-directed independent study.
  - (a) Calculation of contact hours from credit hours earned in an academic institution shall be done using the following formula:
    - (i) Quarter system: one credit hour = ten contact hours;
    - (ii) Trimester system: one credit hour = twelve contact hours;
    - (iii) Semester system: one credit hour = fifteen contact hours.

Effective: 9/30/2020

Five Year Review (FYR) Dates: 2/28/2024

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.03 , 4761.06  
Prior Effective Dates: 03/10/1990, 01/01/1994, 05/02/1996, 08/15/2008,  
02/28/2019

4761-9-05

**Approved sources of RCCE.**

- (A) Applicants for renewal shall successfully complete the required number of RCCE contact hours according to rule 4761-9-02 of the Administrative Code. RCCE earned from any combination of the following sources may be applicable towards meeting RCCE requirements:
- (1) Relevant college credit awarded by an academic institution accredited by its regional accrediting association. This is limited to respiratory care related classes.
  - (2) RCCE contact hours awarded by respiratory care educational programs approved by the board in accordance with rule 4761-4-01 of the Administrative Code.
  - (3) The successful completion of advanced life support programs and/or instructors for life support programs will qualify to meet the RCCE requirement. Those meeting this requirement are, but may not be limited to advanced cardiac life support (ACLS), pediatric advanced life support (PALS), neonatal resuscitation program (NRP), and advanced trauma life support (ATLS). The number of contact hours for each program must be assigned by the educational provider. Licensees will be responsible for acquiring documentation supporting completion of the program, the date of completion, and the number of contact hours earned.
  - (4) Recertification for ACLS, PALS, NRP, or ATLS. The number of contact hours for each program must be assigned by the educational provider. Licensees will be responsible for acquiring documentation supporting completion of the program, the date of completion, and the number of contact hours earned.
  - (5) All or portions of a continuing education activity relevant to the practice of respiratory care which meet the requirements of paragraph (A) of rule 4761-9-01 of the Administrative Code and which have been approved by a professional organization or association awarding continuing education contact hours, including, but not limited to the American association for respiratory care (A.A.R.C.), the American medical association (A.M.A.), the American nurses association (A.N.A.), the Ohio association of physician assistants (O.A.P.A.), the Ohio society for respiratory care (O.S.R.C.), the Ohio state medical association (O.S.M.A.), the Ohio nurses association (O.N.A.), the Ohio thoracic society (O.T.S.), the American college of chest physicians (A.C.C.P.), the American heart association (A.H.A.), the American lung association (A.L.A.), the Ohio lung association (O.L.A.), and the American association of critical care nurses (A.A.C.C.N.).

(6) Relevant education and training provided by a branch of the U.S. military for active duty military service members.

~~(7) Professional ethics or Ohio respiratory care law continuing education programs approved by the state medical board of Ohio for the purposes of meeting the requirements of rule 4761-9-04 of the Administrative Code. Providers must file a written request for approval with the board, including a description of the course and qualifications of the course instructors. The board, in its discretion, may approve or reject any course offering.~~

Effective: 9/30/2020

Five Year Review (FYR) Dates: 2/28/2024

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03

Statutory Authority: 4761.03

Rule Amplifies: 4761.03 , 4761.06

Prior Effective Dates: 01/01/1994, 05/19/1997, 09/21/1998, 07/11/2003,  
07/01/2008, 08/15/2008, 06/04/2014, 02/28/2019

4761-9-07

**Auditing for compliance with RCCE requirements.**

(A) To monitor compliance with the RCCE requirements, audits ~~shall~~may be conducted retrospectively on random samples of licensees and permit holders, or in response to complaints received by the board.~~the following:~~

~~(1) A random sample of license and permit holders;~~

~~(2) Licensees who indicate non-compliance with the RCCE portion of the annual license or limited permit renewal form; and~~

~~(3) Licensees who fail to complete the RCCE portion of the license or limited permit renewal form.~~

~~(B) Audits may also be conducted in response to complaints received by the board or upon reporting less than the required number of contact hours on a renewal application.~~

~~(C)~~(B) Audits may be required at any time within the year following the renewal of a license or limited permit ~~or within the three year period following the renewal of a license.~~

~~(D)~~(C) The audit procedure shall be as follows:

(1) Licensees shall receive a notice of audit ~~by regular mail~~ which includes ~~the rationale for the audit,~~ the term of RCCE collection under consideration; and instructions for compliance with the audit;

(2) Audited licensees or limited permit holders shall be required to submit ~~notarized proof of RCCE validating the evidence of~~ completions of the required contact hours ~~by license type under rule 4761-9-04 of this chapter;~~

~~(3) Licensees shall have thirty days to comply with the audit request;~~

~~(4) Audit investigations shall be conducted on a schedule determined by the board.~~

~~(5) Proof of RCCE submitted to the board in response to an audit shall not be returned to the licensee or retained by the board after verification of RCCE is established in accordance with this chapter;~~

~~(E) The board shall verify all proof of RCCE submitted in response to a notice of audit.~~

~~(1) If the information submitted to the board in response to a notice of audit meets the requirements of the board, no further action shall be taken.~~

~~(2) If the information submitted to the board in response to a notice of audit indicates non-compliance of any kind, the licensee shall receive a report outlining the~~

~~areas of non-compliance. The licensee will have fifteen days from the receipt of the report to file a written response with the board.~~

~~(3) If the board does not receive a satisfactory response to the notice of audit within thirty days, as set forth in paragraph (D)(3) of this rule, or to the report of non-compliance within fifteen days, as set forth in paragraph (E)(2) of this rule, there shall be an opportunity for hearing notice issued in accordance with Chapter 119. of the Revised Code and rule 4761-11-02 of the Administrative Code. Pursuant to a hearing in accordance with Chapter 119. of the Revised Code, the board may impose one or more of the sanctions provided in section 4761.09 of the Revised Code, including the imposition of fines, as set forth under rule 4761-11-03 of the Administrative Code.~~

Effective: 9/30/2020  
Five Year Review (FYR) Dates: 6/19/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.03 , 4761.06  
Prior Effective Dates: 01/01/1994, 01/01/1996, 09/21/1998, 03/26/2001,  
07/11/2003

4761-10-03

**Providing information to the board.**

- (A) A licensee or permit holder ~~shall~~ ~~may be considered negligent or guilty of gross misconduct for failing to report to the board~~ alleged violations of Chapter 4761. of the Revised Code ~~the respiratory care law or these~~ any rules to of the board in the manner prescribed by rule 4731-15-01 of the Administrative Code.
- (B) A licensee or permit holder shall notify the board office as soon as practicable, but no more than ~~within~~ sixty days after of any changes in address, academic standing or employment or other facts that might affect licensee or permit holder's ~~his~~ eligibility to practice respiratory care.
- (C) A licensee or permit holder may be considered ~~negligent in violation of division (A) (19) of section 4761.09 of the Revised Code~~ for failing to respond to a request for information or other correspondence relating to Chapter 4761. of the Revised Code or ~~agency level Chapter 4761.~~ of the Administrative Code.

Effective: 9/30/2020

Five Year Review (FYR) Dates: 6/19/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

---

Certification

09/11/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4761.03  
Rule Amplifies: 4761.03  
Prior Effective Dates: 03/10/1990, 01/31/1992, 01/01/1996, 09/21/1998,  
05/23/2005