



## Ohio Administrative Code Rule 4729:11-2-02 Designated representative.

Effective: December 15, 2019

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(A) A location licensed or registered as a HME provider shall have a designated representative at all times.

(B) When there is a change of designated representative, the state board of pharmacy shall be notified by the new designated representative within ten days of the effective date of the appointment of the new designated representative in a manner determined by the board.

(C) The designated representative shall be responsible for compliance with all applicable state and federal laws, regulations, and rules governing the provision of HME services.

(D) The designated representative shall be physically present at the licensed or registered location for a sufficient amount of time to provide supervision of the activities conducted by a HME services provider.

(E) Unless otherwise approved by the board, a HME services provider shall not have a designated representative who:

(1) Has been denied the right to work in any facility by the state board of pharmacy as part of an official order of the board.

(2) Has been denied the right to work in such a facility by another professional licensing agency as part of an official order of that agency.

(3) Has committed an act that constitutes a misdemeanor theft offense, regardless of the jurisdiction in which the act was committed.

(4) Has committed an act that constitutes a felony, regardless of the jurisdiction in which the act was committed.



- (5) Is addicted to or abusing alcohol or drugs.
  
- (6) Has committed an act that constitutes a misdemeanor involving dishonesty, fraud, or directly related to the provision of HME services, regardless of the jurisdiction in which the act was committed.
  
- (7) Has been disciplined by the state board of pharmacy pursuant to Chapter 4729. of the Revised Code, except for a disciplinary action related to the failure to timely obtain continuing education required pursuant to agency 4729 of the Administrative Code.
  
- (8) Has been excluded from participation in medicare or a state health care program.
  
- (9) Has been the subject of any of the following by an accrediting agency or a licensing or certification agency of any state or jurisdiction:
  - (a) A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license, registration, certification, or accreditation; or
  
  - (b) A disciplinary action that was based, in whole or in part, on the person's provision of home medical equipment services.
  
- (10) Has committed an act that constitutes a misdemeanor that is related to, or committed in, the employee's professional practice.
  
- (11) Has committed an act of moral turpitude that constitutes a felony or misdemeanor in this state, regardless of the jurisdiction in which the act was committed.