



Ohio Administrative Code Rule 4729:11-4-01 Disciplinary Actions.

Effective: December 15, 2019

(A) The state board of pharmacy may, in accordance with Chapter 119. of the Revised Code, impose any one or more of the following sanctions on an applicant for a license or certificate of registration issued under Chapter 4752. of the Revised Code or a license or certificate of registration holder for any of the causes set forth in paragraph (B) of this rule:

- (1) Suspend, revoke, restrict, limit, or refuse to grant or renew a license or certificate of registration;
- (2) Reprimand or place the license or certificate holder on probation;
- (3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or not more than five thousand dollars if the acts committed are not classified as an offense by the Revised Code.

(B) The board may impose the sanctions listed in paragraph (A) of this rule for any of the following:

- (1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed or registered under this chapter.
- (2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services.
- (3) Making a material misstatement in furnishing information to the board.
- (4) Professional incompetence.
- (5) Being guilty of negligence or gross misconduct in providing home medical equipment services.
- (6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or



an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed or registered under this chapter.

(7) Failing to provide information in response to a written request by the board.

(8) Engaging in conduct likely to deceive, defraud, or harm the public.

(9) Denial, revocation, suspension, or restriction of a license or certificate of registration to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction.

(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered.

(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments.

(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers if applicable.

(13) Failing to satisfy the qualifications for licensure or registration under Chapter 4752. of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the license or registration is granted or renewed.

(14) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed.

(15) Commission of an act of moral turpitude that constitutes a felony or misdemeanor, regardless of the jurisdiction in which the act was committed.



- (16) Commission of a crime of moral turpitude as defined in section 4776.10 of the Revised Code.
- (17) Violation of any restrictions placed by the state board of pharmacy on a license or registration or violating any terms of a board order issued against the licensee or registrant.
- (18) Exclusion from participation in medicare or a state health care program.
- (19) Commission of an act that constitutes a misdemeanor theft offense, regardless of the jurisdiction in which the act was committed.
- (20) Commission of 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.
- (21) Employs a designated representative that does not meet the requirements set forth in rule 4729:11-2-02 of the Administrative Code.
- (22) Retaliating against or disciplining an employee for filing a complaint with a state board of pharmacy or other licensing body or reporting a violation of state or federal statute or any ordinance or regulation of a political subdivision that the employees employer has authority to correct. As used in this paragraph, retaliation or discipline of an employee includes, but is not limited to, the following:
- (a) Removing or suspending the employee from employment;
 - (b) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
 - (c) Transferring or reassigning the employee;
 - (d) Denying the employee a promotion that otherwise would have been received;
 - (e) Reducing the employee in pay or position.



(23) The ownership of such entity has been transferred from a person whose license or registration issued in accordance with Chapter 4752. of the Revised Code has been revoked or disciplined by the state board of pharmacy or any other state or federal professional licensing or regulatory agency to the spouse or other family member.

(24) The ownership of such facility has been transferred from a licensee or registrant whose license or registration has been revoked or disciplined by the state board of pharmacy or any other state or federal professional licensing or regulatory agency to another who employs the former owner or who allows the former owner to be present within the physical confines of the location to be licensed or registered.

(25) If applicable, failing to comply with the accreditation standards of a national accrediting body recognized pursuant to rule 4729:11-2-04 of the Administrative Code upon which a registration by the board has been granted.

(26) Unless otherwise approved by the board, a HME services provider knowingly employs a person who provides HME services to the public who:

(a) 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.

(b) 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.

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

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

(e) Is addicted to or abusing alcohol or drugs.



(f) 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

(g) 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.

(h) Has been excluded from participation in medicare or a state health care program.

(i) Has been the subject of any of the following by an accrediting agency or a licensing or certification agency of any state or jurisdiction:

(i) A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license, registration, certification, or accreditation; or

(ii) A disciplinary action that was based, in whole or in part, on the person's provision of home medical equipment services.

(j) Has committed an act that constitutes a misdemeanor that is related to, or committed in, the employee's professional practice.

(k) 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.

(C) On receiving notification, the board shall suspend or revoke any registration found to have the accreditation upon which the certificate of registration was issued revoked, suspended, or otherwise no longer valid.