



## Ohio Revised Code

### Section 4761.06 License renewal - continuing education.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

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(A) Each license to practice respiratory care shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be renewed annually. Each person seeking to renew a license or limited permit to practice respiratory care shall apply to the state medical board in a manner prescribed by the board. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board shall renew a license if the holder pays the license renewal fee prescribed under section 4761.07 of the Revised Code and certifies that the holder has completed the continuing education or reexamination requirements of division (B) of this section.

At least one month before a license expires, the board shall provide to the license holder a renewal notice. Failure of any license holder to receive a notice of renewal from the board shall not excuse the holder from the requirements contained in this section. Each license holder shall give notice to the board of a change in the holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

The board shall renew a limited permit if the holder pays the limited permit renewal fee prescribed under section 4761.07 of the Revised Code and does either of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, certifies that the holder is enrolled and in good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or has graduated from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, certifies that the applicant is employed as a provider of respiratory care under the supervision of a respiratory care professional.



(B) On or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall certify to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the date a license expires, a license holder shall certify to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements.

(C)(1) A license to practice respiratory care that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4761.10 of the Revised Code.

(2) If a license has been suspended pursuant to division (C)(1) of this section for two years or less, it may be reinstated. The board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of one hundred dollars.

If a license has been suspended pursuant to division (C)(1) of this section for more than two years, it may be restored. Subject to section 4761.061 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of one hundred twenty-five dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to division (A) of this section.

(D)(1) The board may require a random sample of limited permit holders to submit materials documenting that the holder has completed the number of hours of continuing education as described in division (B) of this section.

(2) The board may require a random sample of license holders to submit materials documenting that the holder has completed the number of hours of continuing education as described in division (B) of



this section or has passed a reexamination.

(3) Division (D)(1) or (2) of this section does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

(E)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified passing the reexamination or completion of the number of hours and type of continuing education required to renew, reinstate, or restore a limited permit or license did not pass the reexamination or complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.