



## Ohio Administrative Code

### Rule 4729:11-2-05 Change in description of a HME services provider or discontinuation of business.

Effective: December 15, 2019

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(A) Any change in the ownership, business or trade name, category, or address of a HME services provider requires a new application, required fee, and license or certificate of registration. The new application and required fee shall be submitted within thirty days of any change in the ownership, business or trade name, category, or address.

(B) A change of ownership includes any of the following:

(1) A change of controlling interest of ten percent or more of a licensed or registered corporation's outstanding shares of voting stock.

(2) Any business entity change from its original form, as licensed or registered, to a sole proprietor ownership, partnership, limited liability company, corporation or any other business entity.

(3) An existing corporation ceases and a new corporation or other business entity is formed.

(4) An existing corporation continues and there is a one hundred percent stock purchase by another corporation or other business entity.

(5) Two wholly-owned subsidiaries of a parent company are merged.

(6) A currently licensed or registered HME services provider is purchased or operated by a different business entity than what is listed on the original application, even if the location maintains the original "doing business as" (DBA) and/or designated representative.

(7) Any partnership change other than that which was originally licensed.

(a) A partnership change is deemed to have occurred when:



(i) There is an addition or removal of one or more partners in a partnership to which a license is issued.

(ii) The entity is sold and the sale becomes final.

(b) For partnerships, a transfer of a proportion of ownership among existing partners is not a change of ownership, if there is no addition or removal of a partner.

(8) Any other business model change as determined by the board to be a change of ownership.

(C) For publicly traded corporations, a routine sale of stock is not a change of ownership.

A publicly traded corporation is a corporation owned by stockholders who are members of the general public and who trade shares publicly, often through a listing on a stock exchange.

(D) If any change of ownership in accordance with paragraph (B) of this rule results in a new or different DBA, or a new or different employer identification number (EIN), a new application fee is required.

(E) A change of ownership set forth in this rule or as otherwise determined by the board's executive director or the director's designee, may require the board to issue a new license or registration number.

(F) A change of ownership as described in paragraph (B) of this rule of a licensee's parent or holding company shall not require a new application, required fee, or license/registration.

(G) A HME services provider who plans to discontinue business activities shall file a notice with the board. The notice shall be submitted, in a manner determined by the board, at least thirty days in advance of the proposed date of discontinuing business, unless waived by the board's executive director or the director's designee due to extraordinary circumstances beyond the provider's control. This notice shall include the following information:

(1) The name, address, and license or registration number of the HME services provider



discontinuing business.

(2) The name and address of the location where the records will be maintained in accordance with rule 4729:11-3-02 of the Administrative Code.

(3) The proposed date of discontinuing business.