

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 264

Representative Cirelli

A BILL

To amend sections 125.22, 2317.02, 4731.36, and 1
4762.02, and to enact sections 4780.01, 4780.02, 2
4780.04, 4780.05, 4780.06, 4780.07, 4780.08, 3
4780.081, 4780.10, 4780.11, 4780.12, 4780.13, 4
4780.14, 4780.15, 4780.16, 4780.17, 4780.18, 5
4780.20, 4780.21, 4780.22, 4780.23, 4780.24, 6
4780.25, 4780.26, 4780.27, 4780.28, 4780.29, 7
4780.30, 4780.31, 4780.32, 4780.33, 4780.34, 8
4780.35, 4780.40, 4780.42, 4780.43, 4780.44, 9
4780.45, 4780.46, 4780.50, 4780.51, 4780.52, 10
4780.53, 4780.54, 4780.55, 4780.56, 4780.57, 11
4780.58, 4780.59, 4780.60, 4780.61, 4780.62, 12
4780.63, 4780.65, and 4780.99 of the Revised Code 13
to create the State Board of Naturopathic Medicine 14
to regulate the practice of naturopathic medicine. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 125.22, 2317.02, 4731.36, and 16
4762.02 be amended and sections 4780.01, 4780.02, 4780.04, 17
4780.05, 4780.06, 4780.07, 4780.08, 4780.081, 4780.10, 4780.11, 18
4780.12, 4780.13, 4780.14, 4780.15, 4780.16, 4780.17, 4780.18, 19
4780.20, 4780.21, 4780.22, 4780.23, 4780.24, 4780.25, 4780.26, 20
4780.27, 4780.28, 4780.29, 4780.30, 4780.31, 4780.32, 4780.33, 21

4780.34, 4780.35, 4780.40, 4780.42, 4780.43, 4780.44, 4780.45, 22
4780.46, 4780.50, 4780.51, 4780.52, 4780.53, 4780.54, 4780.55, 23
4780.56, 4780.57, 4780.58, 4780.59, 4780.60, 4780.61, 4780.62, 24
4780.63, 4780.65, and 4780.99 of the Revised Code be enacted to 25
read as follows: 26

Sec. 125.22. (A) The department of administrative services 27
shall establish the central service agency to perform routine 28
support for the following boards and commissions: 29

(1) State board of examiners of architects; 30

(2) Barber board; 31

(3) State chiropractic board; 32

(4) State board of cosmetology; 33

(5) Accountancy board; 34

(6) State dental board; 35

(7) State board of optometry; 36

(8) Ohio occupational therapy, physical therapy, and athletic 37
trainers board; 38

(9) State board of registration for professional engineers 39
and surveyors; 40

(10) State board of sanitarian registration; 41

(11) Board of embalmers and funeral directors; 42

(12) State board of psychology; 43

(13) Ohio optical dispensers board; 44

(14) Board of speech pathology and audiology; 45

(15) Counselor, social worker, and marriage and family 46
therapist board; 47

(16) State veterinary medical licensing board; 48

(17) Ohio board of dietetics;	49
(18) Commission on Hispanic-Latino affairs;	50
(19) Ohio respiratory care board;	51
(20) Ohio commission on African-American males;	52
(21) Chemical dependency professionals board;	53
<u>(22) State board of naturopathic medicine.</u>	54
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	55 56 57 58 59 60
(a) Preparing and processing payroll and other personnel documents;	61 62
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	63 64
(c) Maintaining ledgers of accounts and balances;	65
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	66 67
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	68 69 70
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	71 72 73
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	74 75 76 77

(C) The director of administrative services shall be the 78
appointing authority for the agency. 79

(D) The agency shall determine the fees to be charged to the 80
boards and commissions, which shall be in proportion to the 81
services performed for each board or commission. 82

(E) Each board or commission named in division (A) of this 83
section and any other board or commission requesting services from 84
the agency shall pay these fees to the agency from the general 85
revenue fund maintenance account of the board or commission or 86
from such other fund as the operating expenses of the board or 87
commission are paid. Any amounts set aside for a fiscal year by a 88
board or commission to allow for the payment of fees shall be used 89
only for the services performed by the agency in that fiscal year. 90
All receipts collected by the agency shall be deposited in the 91
state treasury to the credit of the central service agency fund, 92
which is hereby created. All expenses incurred by the agency in 93
performing services for the boards or commissions shall be paid 94
from the fund. 95

(F) Nothing in this section shall be construed as a grant of 96
authority for the central service agency to initiate or deny 97
personnel or fiscal actions for the boards and commissions. 98

Sec. 2317.02. The following persons shall not testify in 99
certain respects: 100

(A) An attorney, concerning a communication made to the 101
attorney by a client in that relation or the attorney's advice to 102
a client, except that the attorney may testify by express consent 103
of the client or, if the client is deceased, by the express 104
consent of the surviving spouse or the executor or administrator 105
of the estate of the deceased client and except that, if the 106
client voluntarily testifies or is deemed by section 2151.421 of 107

the Revised Code to have waived any testimonial privilege under 108
this division, the attorney may be compelled to testify on the 109
same subject; 110

(B)(1) A physician or a dentist concerning a communication 111
made to the physician or dentist by a patient in that relation or 112
the physician's or dentist's advice to a patient, except as 113
otherwise provided in this division, division (B)(2), and division 114
(B)(3) of this section, and except that, if the patient is deemed 115
by section 2151.421 of the Revised Code to have waived any 116
testimonial privilege under this division, the physician may be 117
compelled to testify on the same subject. 118

The testimonial privilege established under this division 119
does not apply, and a physician or dentist may testify or may be 120
compelled to testify, in any of the following circumstances: 121

(a) In any civil action, in accordance with the discovery 122
provisions of the Rules of Civil Procedure in connection with a 123
civil action, or in connection with a claim under Chapter 4123. of 124
the Revised Code, under any of the following circumstances: 125

(i) If the patient or the guardian or other legal 126
representative of the patient gives express consent; 127

(ii) If the patient is deceased, the spouse of the patient or 128
the executor or administrator of the patient's estate gives 129
express consent; 130

(iii) If a medical claim, dental claim, chiropractic claim, 131
or optometric claim, as defined in section 2305.113 of the Revised 132
Code, an action for wrongful death, any other type of civil 133
action, or a claim under Chapter 4123. of the Revised Code is 134
filed by the patient, the personal representative of the estate of 135
the patient if deceased, or the patient's guardian or other legal 136
representative. 137

(b) In any civil action concerning court-ordered treatment or 138

services received by a patient, if the court-ordered treatment or 139
services were ordered as part of a case plan journalized under 140
section 2151.412 of the Revised Code or the court-ordered 141
treatment or services are necessary or relevant to dependency, 142
neglect, or abuse or temporary or permanent custody proceedings 143
under Chapter 2151. of the Revised Code. 144

(c) In any criminal action concerning any test or the results 145
of any test that determines the presence or concentration of 146
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 147
patient's blood, breath, urine, or other bodily substance at any 148
time relevant to the criminal offense in question. 149

(d) In any criminal action against a physician or dentist. In 150
such an action, the testimonial privilege established under this 151
division does not prohibit the admission into evidence, in 152
accordance with the Rules of Evidence, of a patient's medical or 153
dental records or other communications between a patient and the 154
physician or dentist that are related to the action and obtained 155
by subpoena, search warrant, or other lawful means. A court that 156
permits or compels a physician or dentist to testify in such an 157
action or permits the introduction into evidence of patient 158
records or other communications in such an action shall require 159
that appropriate measures be taken to ensure that the 160
confidentiality of any patient named or otherwise identified in 161
the records is maintained. Measures to ensure confidentiality that 162
may be taken by the court include sealing its records or deleting 163
specific information from its records. 164

(e) In any will contest action under sections 2107.71 to 165
2107.77 of the Revised Code if all of the following apply: 166

(i) The patient is deceased. 167

(ii) A party to the will contest action requests the 168
testimony, demonstrates to the court that that party would be an 169

heir of the patient if the patient died without a will, is a 170
beneficiary under the will that is the subject of the will contest 171
action, or is a beneficiary under another testamentary document 172
allegedly executed by the patient, and demonstrates to the court 173
that the testimony is necessary to establish the party's rights as 174
described in this division. 175

(2)(a) If any law enforcement officer submits a written 176
statement to a health care provider that states that an official 177
criminal investigation has begun regarding a specified person or 178
that a criminal action or proceeding has been commenced against a 179
specified person, that requests the provider to supply to the 180
officer copies of any records the provider possesses that pertain 181
to any test or the results of any test administered to the 182
specified person to determine the presence or concentration of 183
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 184
person's blood, breath, or urine at any time relevant to the 185
criminal offense in question, and that conforms to section 186
2317.022 of the Revised Code, the provider, except to the extent 187
specifically prohibited by any law of this state or of the United 188
States, shall supply to the officer a copy of any of the requested 189
records the provider possesses. If the health care provider does 190
not possess any of the requested records, the provider shall give 191
the officer a written statement that indicates that the provider 192
does not possess any of the requested records. 193

(b) If a health care provider possesses any records of the 194
type described in division (B)(2)(a) of this section regarding the 195
person in question at any time relevant to the criminal offense in 196
question, in lieu of personally testifying as to the results of 197
the test in question, the custodian of the records may submit a 198
certified copy of the records, and, upon its submission, the 199
certified copy is qualified as authentic evidence and may be 200
admitted as evidence in accordance with the Rules of Evidence. 201

Division (A) of section 2317.422 of the Revised Code does not 202
apply to any certified copy of records submitted in accordance 203
with this division. Nothing in this division shall be construed to 204
limit the right of any party to call as a witness the person who 205
administered the test to which the records pertain, the person 206
under whose supervision the test was administered, the custodian 207
of the records, the person who made the records, or the person 208
under whose supervision the records were made. 209

(3)(a) If the testimonial privilege described in division 210
(B)(1) of this section does not apply as provided in division 211
(B)(1)(a)(iii) of this section, a physician or dentist may be 212
compelled to testify or to submit to discovery under the Rules of 213
Civil Procedure only as to a communication made to the physician 214
or dentist by the patient in question in that relation, or the 215
physician's or dentist's advice to the patient in question, that 216
related causally or historically to physical or mental injuries 217
that are relevant to issues in the medical claim, dental claim, 218
chiropractic claim, or optometric claim, action for wrongful 219
death, other civil action, or claim under Chapter 4123. of the 220
Revised Code. 221

(b) If the testimonial privilege described in division (B)(1) 222
of this section does not apply to a physician or dentist as 223
provided in division (B)(1)(c) of this section, the physician or 224
dentist, in lieu of personally testifying as to the results of the 225
test in question, may submit a certified copy of those results, 226
and, upon its submission, the certified copy is qualified as 227
authentic evidence and may be admitted as evidence in accordance 228
with the Rules of Evidence. Division (A) of section 2317.422 of 229
the Revised Code does not apply to any certified copy of results 230
submitted in accordance with this division. Nothing in this 231
division shall be construed to limit the right of any party to 232
call as a witness the person who administered the test in 233

question, the person under whose supervision the test was 234
administered, the custodian of the results of the test, the person 235
who compiled the results, or the person under whose supervision 236
the results were compiled. 237

(c) If the testimonial privilege described in division (B)(1) 238
of this section does not apply as provided in division (B)(1)(e) 239
of this section, a physician or dentist may be compelled to 240
testify or to submit to discovery in the will contest action under 241
sections 2107.71 to 2107.77 of the Revised Code only as to the 242
patient in question on issues relevant to the competency of the 243
patient at the time of the execution of the will. Testimony or 244
discovery conducted pursuant to this division shall be conducted 245
in accordance with the Rules of Civil Procedure. 246

(4) The testimonial privilege described in division (B)(1) of 247
this section is not waived when a communication is made by a 248
physician to a pharmacist or when there is communication between a 249
patient and a pharmacist in furtherance of the physician-patient 250
relation. 251

(5)(a) As used in divisions (B)(1) to (4) of this section, 252
"communication" means acquiring, recording, or transmitting any 253
information, in any manner, concerning any facts, opinions, or 254
statements necessary to enable a physician or dentist to diagnose, 255
treat, prescribe, or act for a patient. A "communication" may 256
include, but is not limited to, any medical or dental, office, or 257
hospital communication such as a record, chart, letter, 258
memorandum, laboratory test and results, x-ray, photograph, 259
financial statement, diagnosis, or prognosis. 260

(b) As used in division (B)(2) of this section, "health care 261
provider" means a hospital, ambulatory care facility, long-term 262
care facility, pharmacy, emergency facility, or health care 263
practitioner. 264

(c) As used in division (B)(5)(b) of this section:	265
(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	266 267 268 269 270 271 272 273 274 275
(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	276 277 278
(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.	279 280
(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	281 282
(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	283 284 285 286 287 288 289 290 291
(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	292 293
(6) Divisions (B)(1), (2), (3), (4), and (5) of this section	294

apply to doctors of medicine, doctors of osteopathic medicine, 295
doctors of podiatry, and dentists. 296

(7) Nothing in divisions (B)(1) to (6) of this section 297
affects, or shall be construed as affecting, the immunity from 298
civil liability conferred by section 307.628 or 2305.33 of the 299
Revised Code upon physicians who report an employee's use of a 300
drug of abuse, or a condition of an employee other than one 301
involving the use of a drug of abuse, to the employer of the 302
employee in accordance with division (B) of that section. As used 303
in division (B)(7) of this section, "employee," "employer," and 304
"physician" have the same meanings as in section 2305.33 of the 305
Revised Code. 306

(C) A member of the clergy, rabbi, priest, or regularly 307
ordained, accredited, or licensed minister of an established and 308
legally cognizable church, denomination, or sect, when the member 309
of the clergy, rabbi, priest, or minister remains accountable to 310
the authority of that church, denomination, or sect, concerning a 311
confession made, or any information confidentially communicated, 312
to the member of the clergy, rabbi, priest, or minister for a 313
religious counseling purpose in the member of the clergy's, 314
rabbi's, priest's, or minister's professional character; however, 315
the member of the clergy, rabbi, priest, or minister may testify 316
by express consent of the person making the communication, except 317
when the disclosure of the information is in violation of a sacred 318
trust; 319

(D) Husband or wife, concerning any communication made by one 320
to the other, or an act done by either in the presence of the 321
other, during coverture, unless the communication was made, or act 322
done, in the known presence or hearing of a third person competent 323
to be a witness; and such rule is the same if the marital relation 324
has ceased to exist; 325

(E) A person who assigns a claim or interest, concerning any 326

matter in respect to which the person would not, if a party, be 327
permitted to testify; 328

(F) A person who, if a party, would be restricted under 329
section 2317.03 of the Revised Code, when the property or thing is 330
sold or transferred by an executor, administrator, guardian, 331
trustee, heir, devisee, or legatee, shall be restricted in the 332
same manner in any action or proceeding concerning the property or 333
thing. 334

(G)(1) A school guidance counselor who holds a valid educator 335
license from the state board of education as provided for in 336
section 3319.22 of the Revised Code, a person licensed under 337
Chapter 4757. of the Revised Code as a professional clinical 338
counselor, professional counselor, social worker, independent 339
social worker, marriage and family therapist or independent 340
marriage and family therapist, or registered under Chapter 4757. 341
of the Revised Code as a social work assistant concerning a 342
confidential communication received from a client in that relation 343
or the person's advice to a client unless any of the following 344
applies: 345

(a) The communication or advice indicates clear and present 346
danger to the client or other persons. For the purposes of this 347
division, cases in which there are indications of present or past 348
child abuse or neglect of the client constitute a clear and 349
present danger. 350

(b) The client gives express consent to the testimony. 351

(c) If the client is deceased, the surviving spouse or the 352
executor or administrator of the estate of the deceased client 353
gives express consent. 354

(d) The client voluntarily testifies, in which case the 355
school guidance counselor or person licensed or registered under 356
Chapter 4757. of the Revised Code may be compelled to testify on 357

the same subject. 358

(e) The court in camera determines that the information 359
communicated by the client is not germane to the counselor-client, 360
marriage and family therapist-client, or social worker-client 361
relationship. 362

(f) A court, in an action brought against a school, its 363
administration, or any of its personnel by the client, rules after 364
an in-camera inspection that the testimony of the school guidance 365
counselor is relevant to that action. 366

(g) The testimony is sought in a civil action and concerns 367
court-ordered treatment or services received by a patient as part 368
of a case plan journalized under section 2151.412 of the Revised 369
Code or the court-ordered treatment or services are necessary or 370
relevant to dependency, neglect, or abuse or temporary or 371
permanent custody proceedings under Chapter 2151. of the Revised 372
Code. 373

(2) Nothing in division (G)(1) of this section shall relieve 374
a school guidance counselor or a person licensed or registered 375
under Chapter 4757. of the Revised Code from the requirement to 376
report information concerning child abuse or neglect under section 377
2151.421 of the Revised Code. 378

(H) A mediator acting under a mediation order issued under 379
division (A) of section 3109.052 of the Revised Code or otherwise 380
issued in any proceeding for divorce, dissolution, legal 381
separation, annulment, or the allocation of parental rights and 382
responsibilities for the care of children, in any action or 383
proceeding, other than a criminal, delinquency, child abuse, child 384
neglect, or dependent child action or proceeding, that is brought 385
by or against either parent who takes part in mediation in 386
accordance with the order and that pertains to the mediation 387
process, to any information discussed or presented in the 388

mediation process, to the allocation of parental rights and 389
responsibilities for the care of the parents' children, or to the 390
awarding of parenting time rights in relation to their children; 391

(I) A communications assistant, acting within the scope of 392
the communication assistant's authority, when providing 393
telecommunications relay service pursuant to section 4931.35 of 394
the Revised Code or Title II of the "Communications Act of 1934," 395
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 396
made through a telecommunications relay service. Nothing in this 397
section shall limit the obligation of a communications assistant 398
to divulge information or testify when mandated by federal law or 399
regulation or pursuant to subpoena in a criminal proceeding. 400

Nothing in this section shall limit any immunity or privilege 401
granted under federal law or regulation. 402

(J)(1) A chiropractor in a civil proceeding concerning a 403
communication made to the chiropractor by a patient in that 404
relation or the chiropractor's advice to a patient, except as 405
otherwise provided in this division. The testimonial privilege 406
established under this division does not apply, and a chiropractor 407
may testify or may be compelled to testify, in any civil action, 408
in accordance with the discovery provisions of the Rules of Civil 409
Procedure in connection with a civil action, or in connection with 410
a claim under Chapter 4123. of the Revised Code, under any of the 411
following circumstances: 412

(a) If the patient or the guardian or other legal 413
representative of the patient gives express consent. 414

(b) If the patient is deceased, the spouse of the patient or 415
the executor or administrator of the patient's estate gives 416
express consent. 417

(c) If a medical claim, dental claim, chiropractic claim, or 418
optometric claim, as defined in section 2305.113 of the Revised 419

Code, an action for wrongful death, any other type of civil 420
action, or a claim under Chapter 4123. of the Revised Code is 421
filed by the patient, the personal representative of the estate of 422
the patient if deceased, or the patient's guardian or other legal 423
representative. 424

(2) If the testimonial privilege described in division (J)(1) 425
of this section does not apply as provided in division (J)(1)(c) 426
of this section, a chiropractor may be compelled to testify or to 427
submit to discovery under the Rules of Civil Procedure only as to 428
a communication made to the chiropractor by the patient in 429
question in that relation, or the chiropractor's advice to the 430
patient in question, that related causally or historically to 431
physical or mental injuries that are relevant to issues in the 432
medical claim, dental claim, chiropractic claim, or optometric 433
claim, action for wrongful death, other civil action, or claim 434
under Chapter 4123. of the Revised Code. 435

(3) The testimonial privilege established under this division 436
does not apply, and a chiropractor may testify or be compelled to 437
testify, in any criminal action or administrative proceeding. 438

(4) As used in this division, "communication" means 439
acquiring, recording, or transmitting any information, in any 440
manner, concerning any facts, opinions, or statements necessary to 441
enable a chiropractor to diagnose, treat, or act for a patient. A 442
communication may include, but is not limited to, any 443
chiropractic, office, or hospital communication such as a record, 444
chart, letter, memorandum, laboratory test and results, x-ray, 445
photograph, financial statement, diagnosis, or prognosis. 446

(K)(1) A naturopathic physician concerning any of the 447
following made or given as part of the practice of naturopathic 448
medicine: 449

(a) A communication a patient makes to the naturopathic 450

<u>physician;</u>	451
<u>(b) Advice the naturopathic physician gives to a patient;</u>	452
<u>(c) A communication a licensed health professional makes to</u> <u>the naturopathic physician in regard to a patient.</u>	453 454
<u>(2) As used in division (K) of this section, "naturopathic</u> <u>medicine" and "naturopathic physician" have the same meaning as in</u> <u>section 4780.01 of the Revised Code.</u>	455 456 457
Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs.	458 459 460 461
Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following:	462 463
(1) A commissioned medical officer of the United States armed forces, as defined in section 5903.11 of the Revised Code, or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;	464 465 466 467 468
(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;	469 470 471 472
(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a certificate to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:	473 474 475 476 477 478
(a) The physician or surgeon does not provide consultation in	479

this state on a regular or frequent basis. 480

(b) The physician or surgeon provides the consultation 481
without compensation of any kind, direct or indirect, for the 482
consultation. 483

(c) The consultation is part of the curriculum of a medical 484
school or osteopathic medical school of this state or a program 485
described in division (A)(2) of section 4731.291 of the Revised 486
Code. 487

(4) A physician or surgeon in another state or territory who 488
is a legal practitioner of medicine or surgery therein and 489
provided services to a patient in that state or territory, when 490
providing, not later than one year after the last date services 491
were provided in another state or territory, follow-up services in 492
person or through the use of any communication, including oral, 493
written, or electronic communication, in this state to the patient 494
for the same condition; 495

(5) A physician or surgeon residing on the border of a 496
contiguous state and authorized under the laws thereof to practice 497
medicine and surgery therein, whose practice extends within the 498
limits of this state. Such practitioner shall not either in person 499
or through the use of any communication, including oral, written, 500
or electronic communication, open an office or appoint a place to 501
see patients or receive calls within the limits of this state. 502

(6) A board, committee, or corporation engaged in the conduct 503
described in division (A) of section 2305.251 of the Revised Code 504
when acting within the scope of the functions of the board, 505
committee, or corporation; 506

(7) The conduct of an independent review organization 507
accredited by the superintendent of insurance under section 508
3901.80 of the Revised Code for the purpose of external reviews 509
conducted under sections 1751.84, 1751.85, 3923.67, 3923.68, 510

3923.76, and 3923.77 of the Revised Code. 511

(B) Sections 4731.51 to 4731.61 of the Revised Code do not 512
apply to any graduate of a podiatric school or college while 513
performing those acts that may be prescribed by or incidental to 514
participation in an accredited podiatric internship, residency, or 515
fellowship program situated in this state approved by the state 516
medical board. 517

(C) This chapter does not apply to an acupuncturist who 518
complies with Chapter 4762. of the Revised Code or a naturopathic 519
physician who complies with Chapter 4780. of the Revised Code. 520

(D) This chapter does not prohibit the administration of 521
drugs by any of the following: 522

(1) An individual who is licensed or otherwise specifically 523
authorized by the Revised Code to administer drugs; 524

(2) An individual who is not licensed or otherwise 525
specifically authorized by the Revised Code to administer drugs, 526
but is acting pursuant to the rules for delegation of medical 527
tasks adopted under section 4731.053 of the Revised Code; 528

(3) An individual specifically authorized to administer drugs 529
pursuant to a rule adopted under the Revised Code that is in 530
effect on the effective date of this amendment, as long as the 531
rule remains in effect, specifically authorizing an individual to 532
administer drugs. 533

(E) The exemptions described in divisions (A)(3), (4), and 534
(5) of this section do not apply to a physician or surgeon whose 535
certificate to practice issued under this chapter is under 536
suspension or has been revoked or permanently revoked by action of 537
the state medical board. 538

Sec. 4762.02. (A) Except as provided in division (B) of this 539
section, no person shall engage in the practice of acupuncture 540

unless the person holds a valid certificate of registration as an 541
acupuncturist issued by the state medical board under this 542
chapter. 543

(B) Division (A) of this section does not apply to ~~a~~ any of 544
the following: 545

(1) A physician ~~or to a~~; 546

(2) A person ~~who performs~~ performing acupuncture as part of a 547
training program in acupuncture operated by an educational 548
institution that holds an effective certificate of authorization 549
issued by the Ohio board of regents under section 1713.02 of the 550
Revised Code or a school that holds an effective certificate of 551
registration issued by the state board of career colleges and 552
schools under section 3332.05 of the Revised Code; 553

(3) A naturopathic physician holding a valid certificate of 554
authority to practice naturopathic medicine from the state board 555
of naturopathic medicine under Chapter 4780. of the Revised Code; 556

(4) A naturopathic medical student performing acupuncture as 557
part of a training program in acupuncture operated by a 558
naturopathic medical college acceptable to the state board of 559
naturopathic medicine; 560

(5) A naturopathic physician's assistant assisting in the 561
practice of acupuncture in accordance with rules adopted by the 562
state board of naturopathic medicine under section 4780.08 of the 563
Revised Code. 564

Sec. 4780.01. As used in this chapter: 565

"Acupuncture" has the same meaning as in section 4762.01 of 566
the Revised Code. 567

"Certificate of authority" means a certificate issued by the 568
state board of naturopathic medicine authorizing an individual to 569

<u>practice naturopathic medicine.</u>	570
<u>"Homeopathic preparations" means medicines prepared according</u>	571
<u>to the homeopathic pharmacopoeia of the United States or any</u>	572
<u>preparations chemically identical to or manufactured as</u>	573
<u>homeopathic medicines.</u>	574
<u>"Minor surgery" means the use of operative, electrical, or</u>	575
<u>other methods for the surgical repair and care of superficial</u>	576
<u>lacerations, abrasions, and lesions; the removal of foreign bodies</u>	577
<u>located in the superficial tissues; and the use of antiseptics and</u>	578
<u>local anesthetics in connection with these methods.</u>	579
<u>"Natural antibiotics" means antimicrobial, antifungal,</u>	580
<u>antiviral, and antiprotozoal agents that are naturally occurring</u>	581
<u>substances or manufactured substances that are chemically</u>	582
<u>identical to those naturally occurring substances.</u>	583
<u>"Natural medicine" means food, food extracts, food</u>	584
<u>supplements, vitamins, minerals, essential oils, enzymes,</u>	585
<u>digestive aids, nutraceuticals, glandular substances, plant</u>	586
<u>substances, herbal preparations, homeopathic preparations,</u>	587
<u>oligotherapeutic preparations, gemmotherapeutic preparations, and</u>	588
<u>natural antibiotics.</u>	589
<u>"Naturopathic medical college" means any college, school, or</u>	590
<u>educational program that offers a degree of doctor of naturopathic</u>	591
<u>medicine or doctor of naturopathy.</u>	592
<u>"Naturopathic medicine" means a system of primary health care</u>	593
<u>that uses education, counseling, biofeedback, acupuncture, natural</u>	594
<u>medicine, topical medicine, naturopathic physical medicine,</u>	595
<u>therapeutic devices, chelation, minor surgery, immunizations,</u>	596
<u>nutritional assessment and counseling, hypnotherapy, and dietary</u>	597
<u>therapy to support and stimulate the patient's intrinsic healing</u>	598
<u>processes and includes prevention, diagnosis, treatment, and</u>	599
<u>management of human health conditions, injuries, and diseases.</u>	600

"Naturopathic musculoskeletal therapy" means the manually administered, mechanical treatment of body structures or tissues in accordance with naturopathic principles for the purpose of restoring normal physiological and movement functions of the body.

"Naturopathic physical medicine" means the therapeutic use of the physical, chemical, or other properties of air, water, heat, cold, sound, light, and electromagnetic non-ionizing radiation and of the physical modalities of electrotherapy, diathermy, ultraviolet light, infrared light, ultrasound, hydrotherapy, massage, naturopathic musculoskeletal therapy, reflexology, and therapeutic exercise.

"Naturopathic physician" means an individual who holds a valid certificate of authority.

"Topical medicine" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals, compounded preparations, and antibacterials.

Sec. 4780.02. There is hereby created the state board of naturopathic medicine consisting of five members appointed by the governor with the advice and consent of the senate. The governor shall make the initial appointments not later than sixty days after the effective date of this section.

Four members of the board shall be persons who hold the degree of doctor of naturopathic medicine from a naturopathic medical college. The governor shall consider the recommendations of the Ohio state naturopathic physicians association when appointing the members who hold the degree of doctor of naturopathic medicine. Of the initial members who hold the degree of doctor of naturopathic medicine, one shall be appointed for a two-year term, one shall be appointed for a three-year term, one shall be appointed for a four-year term, and one shall be

appointed for a five-year term. Thereafter, the members who hold 631
the degree of doctor of naturopathic medicine shall be appointed 632
to five-year terms. 633

One member of the board shall represent the interests of 634
consumers and shall not be a member of, or associated with, any 635
health care provider or profession. The consumer member shall be 636
appointed to a five-year term. 637

All members of the board shall have resided in this state for 638
not less than three years prior to their appointment to the board. 639
A member shall cease to be a member if the member ceases to reside 640
in this state. 641

Each member of the board shall hold office from the date of 642
appointment until the end of the term for which the member was 643
appointed. Any member appointed to fill a vacancy occurring before 644
the expiration of a term shall hold office for the remainder of 645
that term. A member shall continue in office subsequent to the 646
expiration date of the member's term until the member's successor 647
takes office, or until a period of sixty days has elapsed, 648
whichever occurs first. 649

Sec. 4780.04. The state board of naturopathic medicine shall 650
meet each June and December and at times and places as the board 651
may direct. Three members of the board shall constitute a quorum. 652
No action of the board is valid without a concurrence of a quorum. 653

The board shall elect a president, secretary, and supervising 654
member from among its members. The term of office of these 655
positions is three years. 656

The board shall keep any records and minutes necessary to 657
fulfill the duties established by this chapter and rules adopted 658
under it. 659

The board may hire staff as needed. 660

The board shall have a seal. 661

Sec. 4780.05. Each member of the state board of naturopathic 662
medicine shall receive an amount fixed under division (J) of 663
section 124.15 of the Revised Code for each day employed in the 664
discharge of official duties as a board member but shall not 665
receive step advancements. Each member shall be reimbursed for 666
necessary and actual expenses incurred in the performance of 667
official duties as a board member. 668

Sec. 4780.06. In the absence of fraud or bad faith, neither 669
the state board of naturopathic medicine nor any current or former 670
member, agent, representative, or employee of the board shall be 671
held liable in damages to any person as the result of any act, 672
omission, proceeding, conduct, or decision related to official 673
duties undertaken or performed pursuant to this chapter or rules 674
adopted under this chapter. If a current or former member, agent, 675
representative, or employee requests that the state defend against 676
any claim or action arising out of any act, omission, proceeding, 677
conduct, or decision related to the person's official duties and 678
the request is made in writing at a reasonable time before trial 679
and the person requesting defense cooperates in good faith in the 680
defense of the claim or action, the state shall provide and pay 681
for the defense and pay any resulting judgment, compromise, or 682
settlement. At no time shall the state pay that part of a claim or 683
judgment that is for punitive or exemplary damages. 684

Sec. 4780.07. (A) All moneys received by the state board of 685
naturopathic medicine, including fines, shall be deposited into 686
the state treasury to the credit of the naturopathic medicine 687
fund, which is hereby created. A receipt for moneys received by 688
the board shall be filed with the secretary of the board in the 689
office of the auditor of state. 690

(B) The state board of naturopathic medicine may accept gifts of money or real property from any source for the implementation and administration of this chapter. The board shall pay all gifts accepted under this division into the state treasury, to the credit of the naturopathic medicine fund.

(C) The payment of any fee to the board shall be made in a manner acceptable to the board.

Sec. 4780.08. The state board of naturopathic medicine shall adopt rules in accordance with Chapter 119. of the Revised Code to establish or specify all of the following:

(A) For the purpose of section 4780.33 of the Revised Code, the training requirements to be, and practice parameters of, naturopathic physician assistants;

(B) For the purpose of section 4780.34 of the Revised Code, the areas of naturopathic medicine in which a naturopathic physician may specialize;

(C) The number of hours of continuing naturopathic medical education a naturopathic physician must complete for the purpose of division (A)(2) of section 4780.40 of the Revised Code. The number of hours shall be a pro rata reduction by month of the number of hours of continuing naturopathic medical education the naturopathic physician would have to meet under division (A)(1) of section 4780.40 of the Revised Code if division (A)(2) of that section did not apply to the naturopathic physician.

(D) For the purpose of section 4780.34 of the Revised Code, guidelines for programs providing postdoctoral training in naturopathic specialties for naturopathic physicians;

(E) For the purpose of section 4780.42 of the Revised Code, additional information to be included in an application for a certificate of registration;

(F) For the purpose of section 4780.63 of the Revised Code, the extent to which a naturopathic physician may waive the payment of all or a part of a deductible or copayment for another naturopathic physician; 721
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(G) Anything else necessary for the efficient administration of this chapter. 725
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Sec. 4780.081. When the state board of naturopathic medicine adopts rules, it may consider the naturopathic practice standards set forth by the Ohio state naturopathic physicians association or any association, organization, or professional society approved by the board. 727
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Sec. 4780.10. (A) Any person may report to the state board of naturopathic medicine in a signed writing any evidence the person has that appears to show either of the following: 732
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(1) A violation of section 4780.20 of the Revised Code; 735

(2) Grounds for taking action under section 4780.50 or 4780.51 of the Revised Code against a naturopathic physician or an applicant for a certificate of authority. 736
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(B) In the absence of bad faith, a person who reports evidence to the board under this section or testifies before the board in an adjudication hearing conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony. 739
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Sec. 4780.11. (A) The state board of naturopathic medicine shall conduct an investigation when it receives or otherwise has evidence appearing to show any of the following: 744
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(1) A violation of section 4780.20 of the Revised Code; 747

(2) Grounds for taking action under section 4780.50 or 748

4780.51 of the Revised Code against a naturopathic physician or an applicant for a certificate of authority.

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(B) The board shall assign a case number to and make a record of each investigation. The board's supervising member shall supervise the investigations unless the board's president designates another board member to supervise an investigation in place of the supervising member. No member of the board who supervises an investigation shall participate in further adjudication of the case.

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Sec. 4780.12. For the purpose of an investigation conducted under section 4780.11 of the Revised Code, the state board of naturopathic medicine may administer oaths, order the taking of depositions, issue subpoenas to compel the attendance of witnesses, and issue subpoenas duces tecum to compel the production of books, accounts, papers, records, and documents. Except in the case of an investigation into whether there are grounds to take action against an applicant for a certificate of authority or naturopathic physician under section 4780.51 of the Revised Code by reason of division (B)(2)(a) or (b) or (B)(3)(b) of that section, the board may issue a subpoena duces tecum to compel the production of patient record information only after consulting with the attorney general's office and receiving the approval of the board's secretary and supervising member and a member of the board who is a naturopathic physician. The three board members may approve the subpoena duces tecum only after determining that there is probable cause to believe the patient record information is material to the investigation and covers a reasonable period of time relevant to the matter being investigated.

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On failure to comply with any subpoena or subpoena duces tecum issued by the board and after reasonable notice to the

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person being subpoenaed, the board may move for an order
compelling the production of persons or records pursuant to the
Rules of Civil Procedure. Each officer who serves such subpoena or
subpoena duces tecum shall receive the same fees as a sheriff and
each witness who appears in obedience to a subpoena before the
board shall receive the fees and mileage provided for witnesses in
civil cases in the courts of common pleas.

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Sec. 4780.13. On determination pursuant to an investigation
under section 4780.11 of the Revised Code that there is probable
cause to believe a person is violating section 4780.20 of the
Revised Code, the state board of naturopathic medicine shall
report the violation to the prosecuting attorney of the county in
which the violation is occurring. On receipt of the report, the
prosecuting attorney shall cause appropriate proceedings to be
instituted in the proper court without delay and to be prosecuted
in the manner provided by law.

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Sec. 4780.14. The state board of naturopathic medicine may
apply to the court of common pleas in the county in which a
violation of section 4780.20 of the Revised Code is occurring for
an injunction restraining any person from the violation.

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Sec. 4780.15. (A) Each year, the state board of naturopathic
medicine shall prepare a report that documents the disposition of
all investigations conducted under section 4780.11 of the Revised
Code during the preceding twelve months. The report shall contain
both of the following:

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(1) For each completed investigation, all of the following
information:

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(a) The case number assigned to the investigation;

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(b) An explanation of the reasons the investigation was

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conducted; 809

(c) The disposition of the investigation. 810

(2) The number of investigations that are still pending. 811

(B) The board shall prepare the reports in a manner that 812
protects the identity of each person involved in each 813
investigation. The reports are a public record under section 814
149.43 of the Revised Code. 815

Sec. 4780.16. Proceedings and records of the state board of 816
naturopathic medicine regarding an investigation conducted under 817
section 4780.11 of the Revised Code shall be held in confidence 818
and shall not be subject to discovery or introduction in evidence 819
in any civil action against a naturopathic physician arising out 820
of matters that are the subject of the investigation. No person in 821
attendance at a meeting regarding the investigation or board 822
member shall be permitted or required to testify in any civil 823
action as to any evidence or other matters produced or presented 824
during the investigation or as to any finding, recommendation, 825
evaluation, opinion, or other action of the board or a board 826
member. Information, documents, or records otherwise available 827
from original sources are not to be construed as being unavailable 828
for discovery or for use in any civil action merely because they 829
were presented during proceedings of the investigation nor should 830
any person testifying before the board or serving on the board be 831
prevented from testifying as to matters within the person's 832
knowledge, but the witness cannot be asked about the witness' 833
testimony before the board or opinion formed by the witness as a 834
result of the investigation. 835

Sec. 4780.17. The state board of naturopathic medicine shall 836
not make identifying information about a patient public unless the 837
patient or patient's representative consents to the board making 838

the identifying information public. No such consent is required, 839
however, if the board possesses reliable and substantial evidence 840
that no bona fide naturopathic physician-patient relationship 841
exists. 842

Sec. 4780.18. The attorney general shall be the legal advisor 843
of the state board of naturopathic medicine. 844

Sec. 4780.20. No person shall do either of the following 845
without a valid certificate of authority: 846

(A) Except as provided in section 4780.21 of the Revised 847
Code, practice naturopathic medicine; 848

(B) Hold the person's self out in any manner as a doctor of 849
naturopathic medicine, including using either of the following: 850

(1) The terms "doctor of naturopathy," "naturopath," "doctor 851
of naturopathic medicine," "N.M.D.," "N.D.," or other equivalent 852
words or initials in connection with that person's own name; 853

(2) Any sign, advertisement, card, letterhead, circular, or 854
other writing, document, or design, the evident purpose of which 855
is to induce others to believe that person holds a valid 856
certificate of authority. 857

Sec. 4780.21. Division (A) of section 4780.20 of the Revised 858
Code does not apply to any of the following: 859

(A) An individual authorized under Chapter 4731. of the 860
Revised Code to practice medicine and surgery, osteopathic 861
medicine and surgery, or podiatry; 862

(B) A naturopathic medical student performing naturopathic 863
medicine as part of a training program in naturopathic medicine 864
operated by a naturopathic medical college that holds a valid 865

certificate of approval;

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(C) A naturopathic physician's assistant assisting in the practice of naturopathic medicine in accordance with rules adopted by the state board of naturopathic medicine under section 4780.08 of the Revised Code;

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(D) An acupuncturist performing acupuncture in accordance with a valid certificate of registration as an acupuncturist issued by the state medical board under Chapter 4762. of the Revised Code;

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(E) A person performing acupuncture as part of a training program in acupuncture operated by an educational institution that holds an effective certificate of authorization issued by the Ohio board of regents under section 1713.02 of the Revised Code or a school that holds an effective certificate of registration issued by the state board of proprietary school registration under section 3332.05 of the Revised Code.

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Sec. 4780.22. On the affirmative vote of not fewer than three members of the state board of naturopathic medicine and subject to sections 4780.50 and 4780.51 of the Revised Code, the board shall issue a certificate of authority to an individual who meets all of the following requirements:

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(A) Submits to the board a properly completed application for a certificate of authority prescribed and furnished by the board;

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(B) Is twenty-one years of age or older and of good moral character;

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(C) Has not pled guilty to or been convicted of a violation of section 4780.20 of the Revised Code;

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(D) Except as provided in sections 4780.23 and 4780.24 of the Revised Code, meets all of the following requirements:

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(1) Presents to the board a diploma from a naturopathic medical college acceptable to the board that is accredited by an organization the board deems satisfactory; 895
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(2) Presents to the board an affidavit that the individual is the person named in the diploma and is the lawful possessor thereof, stating age, residence, the naturopathic medical college at which the individual obtained education in naturopathic medicine, the time spent in the study of naturopathic medicine, and such other facts as the board requires; 898
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(3) Passes the examination conducted under section 4780.26 of the Revised Code. 904
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(E) Pays the certificate of authority issuance fee applicable to the individual as determined in accordance with section 4780.25 of the Revised Code. 906
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Sec. 4780.23. On the affirmative vote of not fewer than three members of the state board of naturopathic medicine, the board shall waive the requirements of division (D) of section 4780.22 of the Revised Code for an individual who meets either of the following requirements: 909
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(A) Applies for a certificate of authority not later than one year after the effective date of this section and presents proof satisfactory to the board of having a diploma showing the receipt of the degree of doctor of naturopathic medicine or doctor of naturopathy from a naturopathic medical college that is approved by the board; 914
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(B) Wishes to remove to this state and is authorized to practice naturopathic medicine in another state, province, or country that the board determines has authorization standards comparable to the requirements of section 4780.22 of the Revised Code. 920
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Sec. 4780.24. On the affirmative vote of not fewer than three members of the state board of naturopathic medicine, the board shall waive the requirements of divisions (D)(1), (2), and (3) of section 4780.22 of the Revised Code for an individual who meets both of the following requirements:

(A) Is able to demonstrate experience and knowledge in naturopathic medicine that the board determines is satisfactory;

(B) Is not, at the time the individual applies for a certificate of authority, authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery or licensed by any other state, province, or country to practice medicine and surgery or osteopathic medicine and surgery.

Sec. 4780.25. The certificate of authority issuance fee shall be three hundred dollars for an individual to whom division (B) of section 4780.23 is applicable. Otherwise, the certificate of authority issuance fee shall be one hundred dollars.

Sec. 4780.26. (A) The state board of naturopathic medicine shall procure, administer, and grade an examination for individuals seeking a certificate of authority. The board shall admit to the examination an individual who meets both of the following requirements:

(1) The requirements established under section 4780.22 of the Revised Code, other than the following requirements:

(a) The requirement to have passed the examination administered under this section;

(b) In the case of an individual who meets the requirements of section 4780.24 of the Revised Code, the requirements of divisions (D)(1), (2), and (3) of section 4780.22 of the Revised

<u>Code.</u>	954
<u>(2) Pays the examination fee.</u>	955
<u>(B) The board shall establish a fee for the examination in an amount determined by the board to be sufficient to cover the costs it incurs in procuring, administering, and grading the examination. The fee shall not be returned, regardless of whether an individual passes or fails the examination, or whether the individual fails to appear for the examination.</u>	956 957 958 959 960 961
<u>(C) The board shall administer the first examination not later than one year after the effective date of this section and not less often than twice a year thereafter. An individual who holds the degree of doctor of naturopathic medicine or the degree of doctor of naturopathy shall be examined in subjects pertinent to current naturopathic medicine educational standards as deemed appropriate by the board.</u>	962 963 964 965 966 967 968
<u>Sec. 4780.27. The president and secretary of the state board of naturopathic medicine shall sign each certificate of authority the board issues. Each certificate of authority shall be attested by the board's seal.</u>	969 970 971 972
<u>Sec. 4780.28. Each naturopathic physician shall prominently display the naturopathic physician's certificate of authority in the naturopathic physician's office or the place where the major portion of the naturopathic physician's practice is conducted.</u>	973 974 975 976
<u>Sec. 4780.29. Each naturopathic physician shall give written notice to the state board of naturopathic medicine of any change of principal practice or residence address within thirty days of the change.</u>	977 978 979 980
<u>Sec. 4780.30. A naturopathic physician may use for preventive</u>	981

and therapeutic purposes naturopathic medicine and any therapeutic 982
or clinical modalities taught at any board accepted naturopathic 983
medical college and, for diagnostic purposes, physical and 984
orificial examinations, x-rays, electrocardiograms, ultrasound, 985
phlebotomy, clinical laboratory tests and examinations, 986
physiological function tests, and any diagnostic procedures 987
commonly used by physicians in general practice. A naturopathic 988
physician may prescribe, administer, or dispense nonprescription 989
medications, natural medicines, or therapeutic devices. 990

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Sec. 4780.31. A naturopathic physician may use the title 992
"doctor," "physician," "naturopathic physician," "naturopathic 993
doctor," "naturopath," "doctor of naturopathic medicine," or 994
"doctor of naturopathy," or use the terms "N.D." or "N.M.D.," to 995
show that the naturopathic physician is a practitioner of 996
naturopathic medicine. 997

Sec. 4780.32. A naturopathic physician is a "physician" who 998
performs "medical services" for the purposes of Chapters 4121., 999
4123., and 5111. of the Revised Code and shall receive payment or 1000
reimbursement as provided under those chapters and rules adopted 1001
under those chapters. 1002

Sec. 4780.33. A naturopathic physician may use an assistant 1003
to assist in the naturopathic physician's practice of naturopathic 1004
medicine if the assistant meets the training requirements for, and 1005
complies with the practice parameters of, naturopathic physician 1006
assistants specified in rules adopted under section 4780.08 of the 1007
Revised Code. 1008

Sec. 4780.34. A naturopathic physician shall be 1009
"board-certified" in a naturopathic specialty if the naturopathic 1010

physician submits to the state board of naturopathic medicine 1011
documentation satisfactory to the board that the naturopathic 1012
physician has completed training in that naturopathic specialty 1013
from a program that does both of the following: 1014

(A) Provides postdoctoral training in naturopathic 1015
specialties for naturopathic physicians; 1016

(B) Meets the guidelines for such a program established by 1017
rules adopted under section 4780.08 of the Revised Code. 1018

Sec. 4780.35. A certificate signed by the secretary of the 1019
state board of naturopathic medicine, under the board's official 1020
seal to the effect that it appears from the board's records that 1021
no certificate of authority has been issued to an individual 1022
specified therein, or that a certificate, if issued, has been 1023
revoked or suspended, shall be received as prima-facie evidence of 1024
the record in any court or before any officer of the state. 1025

Sec. 4780.40. (A) Each naturopathic physician shall complete 1026
the following number of hours of continuing naturopathic medical 1027
education as a condition of obtaining a certificate of 1028
registration under section 4780.42 of the Revised Code: 1029

(1) If the naturopathic physician has held the certificate of 1030
authority for at least two years and except as provided in 1031
division (A)(2) of this section, thirty-five hours; 1032

(2) If the naturopathic physician has held the certificate of 1033
authority for less than two years or, during any part of the 1034
two-year period preceding the date the certification to the state 1035
board of naturopathic medicine under this section is due, was 1036
disabled due to illness or accident or absent from the country, 1037
the number of hours of continuing naturopathic medical education 1038
specified in rules adopted under section 4780.08 of the Revised 1039

Code. 1040

(B) A naturopathic physician shall complete the number of hours of continuing naturopathic medical education required by division (A) of this section prior to the date the naturopathic physician submits an application for the certificate of registration under section 4780.42 of the Revised Code each time the naturopathic physician submits such application. 1041
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Sec. 4780.42. The state board of naturopathic medicine shall mail an application for a certificate of registration to each naturopathic physician or contract with a naturopathic professional association for the association to mail the application to each naturopathic physician. The application shall be mailed on or before the first day of March of each even-numbered year and addressed to the last known post-office address that the board or association has for the naturopathic physician to whom it is mailed. The application shall contain proper spaces for all of the following: 1047
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(A) The naturopathic physician's full name and principal practice and residence addresses; 1057
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(B) The number of the naturopathic physician's certificate of authority; 1059
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(C) Any information the board specifies in rules adopted under section 4780.08 of the Revised Code as necessary for the board to issue the certificate of registration, including a statement that the naturopathic physician has fulfilled the continuing naturopathic medical education requirements of section 4780.40 of the Revised Code; 1061
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(D) The naturopathic physician's signature. 1067

Sec. 4780.43. (A) On or before the first day of October of 1068

each even-numbered year and subject to section 4780.51 of the 1069
Revised Code, the state board of naturopathic medicine shall issue 1070
a certificate of registration to a naturopathic physician who does 1071
both of the following not later than the first day of July of that 1072
year: 1073

(1) Completes and returns to the board the application for 1074
the certificate of registration; 1075

(2) Pays to the board a one hundred fifty dollar registration 1076
fee. 1077

(B) Unless suspended or revoked earlier, a certificate of 1078
registration is valid for a two-year period commencing on the 1079
first day of October and expiring on the thirtieth day of 1080
September of the second year following. 1081

Sec. 4780.44. A naturopathic physician's certificate of 1082
authority shall be automatically suspended effective the first day 1083
of October of each even-numbered year unless the state board of 1084
naturopathic medicine issues to the naturopathic physician a 1085
certificate of registration by that date. 1086

Practicing naturopathic medicine after a certificate of 1087
authority is suspended pursuant to this section constitutes 1088
practicing naturopathic medicine without a valid certificate of 1089
authority. 1090

The board shall reinstate a certificate of authority that has 1091
been suspended pursuant to this section for less than two years if 1092
the naturopathic physician submits to the board all of the 1093
following: 1094

(A) The application for the certificate of registration; 1095

(B) The one hundred fifty dollar registration fee; 1096

(C) A twenty-five dollar penalty. 1097

Sec. 4780.45. The state board of naturopathic medicine shall 1098
maintain a registry listing each naturopathic physician holding a 1099
valid certificate of registration issued under section 4780.43 of 1100
the Revised Code. 1101

Sec. 4780.46. On the first day of November of each 1102
even-numbered year, or as soon as practicable thereafter, the 1103
state board of naturopathic medicine shall publish a printed list 1104
of each naturopathic physician included on the registry maintained 1105
under section 4780.45 of the Revised Code. On request, the board 1106
shall cause the printed list to be mailed to a naturopathic 1107
physician issued a certificate of registration that year. 1108

Sec. 4780.50. On the affirmative vote of not less than three 1109
of its members, the state board of naturopathic medicine may 1110
refuse to issue a certificate of authority or revoke a certificate 1111
of authority in accordance with Chapter 119. of the Revised Code 1112
if the board determines that the applicant or certificate holder 1113
did either of the following: 1114

(A) Committed fraud in passing the examination administered 1115
under section 4780.26 of the Revised Code; 1116

(B) Committed fraud, misrepresentation, or deception in 1117
applying for the certificate of authority or certificate of 1118
registration. 1119

Sec. 4780.51. (A) On the affirmative vote of not less than 1120
three of its members, the state board of naturopathic medicine may 1121
take any of the following actions in accordance with Chapter 119. 1122
of the Revised Code when authorized by division (B) of this 1123
section: 1124

(1) Refuse to issue a certificate of authority; 1125

<u>(2) Limit, revoke, or suspend a certificate of authority;</u>	1126
<u>(3) Refuse to issue a certificate of registration;</u>	1127
<u>(4) Reprimand or place on probation a naturopathic physician.</u>	1128
<u>(B) The board may take action under division (A) of this</u>	1129
<u>section against an applicant for a certificate of authority or a</u>	1130
<u>naturopathic physician if any of the following is the case:</u>	1131
<u>(1) In the case of an applicant, the applicant does not meet</u>	1132
<u>the requirements for the certificate of authority.</u>	1133
<u>(2) In the case of an applicant or a naturopathic physician,</u>	1134
<u>any of the following is the case:</u>	1135
<u>(a) The applicant or naturopathic physician has pled guilty</u>	1136
<u>to, or been found guilty of, a felony.</u>	1137
<u>(b) The applicant or naturopathic physician has pled guilty</u>	1138
<u>to, or been found guilty of, a violation of a federal or state law</u>	1139
<u>regulating the possession, distribution, or use of a controlled</u>	1140
<u>substance as defined in section 3719.01 of the Revised Code.</u>	1141
<u>(c) The applicant or naturopathic physician has had a health</u>	1142
<u>care license or certificate denied, revoked, or suspended in</u>	1143
<u>another state, province, or country on grounds for which the board</u>	1144
<u>may deny, revoke, or suspend a certificate of authority.</u>	1145
<u>(d) The applicant or naturopathic physician is unable to</u>	1146
<u>practice naturopathic medicine according to acceptable and</u>	1147
<u>prevailing standards of care approved by the board by reason of</u>	1148
<u>either of the following:</u>	1149
<u>(i) Mental or physical illness, including physical</u>	1150
<u>deterioration that adversely affects cognitive, motor, or</u>	1151
<u>perceptive skills;</u>	1152
<u>(ii) Habitual or excessive use or abuse of drugs, alcohol, or</u>	1153
<u>other substances that impair the ability to practice.</u>	1154

<u>(3) In the case of a naturopathic physician, the naturopathic physician does any of the following:</u>	1155
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<u>(a) Violates this chapter or a rule adopted under this chapter;</u>	1157
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<u>(b) Pleads guilty to, or is found guilty of, a misdemeanor committed in the course of the practice of naturopathic medicine;</u>	1159
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<u>(c) Permits the naturopathic physician's name, certificate of authority, or certificate of registration to be used by a person when the naturopathic physician is not actually directing the treatment given;</u>	1161
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<u>(d) Willfully betrays a professional confidence or intentionally violates a privileged communication, except where required by law;</u>	1165
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<u>(e) Fails to use universal blood and body fluid precautions;</u>	1168
<u>(f) Violates the conditions of limitations placed by the board upon the individual's certificate of authority;</u>	1169
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<u>(g) Departs from, or fails to conform to, accepted and prevailing standards of naturopathic medicine approved by the board of similar naturopathic physicians under the same circumstances, whether or not actual injury to a patient is established;</u>	1171
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<u>(h) Solicits patients;</u>	1176
<u>(i) Publishes a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived;</u>	1177
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<u>(j) Except as provided in section 4780.63 of the Revised</u>	1184

Code, waives the payment of all or a part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the naturopathic physician's services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from the naturopathic physician; 1185
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(k) Except as provided in section 4780.63 of the Revised Code, advertises that the naturopathic physician will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the naturopathic physician's services, would otherwise be required to pay. 1191
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Sec. 4780.52. Each naturopathic physician shall inform the state board of naturopathic medicine if the naturopathic physician pleads guilty or no contest to, or is found guilty of, any criminal offense that constitutes grounds for action against the naturopathic physician under section 4780.51 of the Revised Code. 1197
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Sec. 4780.53. Neither an applicant for a certificate of authority nor a naturopathic physician shall be judged by the standards of any other medical profession when appearing before the state board of naturopathic medicine pursuant to an adjudication hearing conducted under Chapter 119. of the Revised Code. 1202
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Sec. 4780.54. Division (B)(3)(d) of section 4780.51 of the Revised Code does not prevent the members of the state board of naturopathic medicine from the full and free exchange of information with the agencies of other states, provinces, or countries, or with any professional naturopathic medical association, organization, or society, as determined by the board. 1208
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Sec. 4780.55. The sealing of conviction records shall have no effect on a prior action the state board of naturopathic medicine took under section 4780.51 of the Revised Code or on the board's authority to complete action under that section initiated before the sealing of the conviction records.

Sec. 4780.56. (A) A naturopathic physician's certificate of authority is automatically suspended as of the date the naturopathic physician pleads guilty to, or is found guilty of, either of the following:

(1) In this state, aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary;

(2) In another jurisdiction, any criminal offense substantially equivalent to those specified in division (A)(1) of this section.

(B) A naturopathic physician who practices naturopathic medicine after the naturopathic physician's certificate of authority is suspended pursuant to division (A) of this section is practicing naturopathic medicine without a valid certificate of authority.

(C) On determination that a naturopathic physician's certificate of authority has been suspended pursuant to division (A) of this section, the state board of naturopathic medicine shall commence the process of revoking the certificate of authority in accordance with Chapter 119. of the Revised Code.

Sec. 4780.57. If the secretary and supervising member of the state board of naturopathic medicine determine that there is clear and convincing evidence that there are grounds to take action

against a naturopathic physician under section 4780.51 of the 1243
Revised Code by reason of division (B)(2)(a) or (b) or (B)(3)(b) 1244
of that section and that the naturopathic physician's continued 1245
practice presents a danger of immediate and serious harm to the 1246
public, the members may recommend that the board suspend the 1247
naturopathic physician's certificate of authority without a prior 1248
hearing. Written allegations shall be prepared for consideration 1249
by the board members. 1250

The board, on review of the allegations and by a vote of not 1251
fewer than four of its members, may suspend the naturopathic 1252
physician's certificate of authority without a prior hearing. A 1253
telephone conference call may be utilized for reviewing the 1254
allegations and taking the vote. If the board suspends the 1255
naturopathic physician's certificate of authority without a prior 1256
hearing, the board shall send to the naturopathic physician notice 1257
of the suspension in accordance with section 119.07 of the Revised 1258
Code. 1259

The suspension shall remain in effect until the board's final 1260
adjudicative order issued under section 119.09 of the Revised Code 1261
becomes effective unless the board fails to issue its final 1262
adjudicative order within sixty days after completion of the 1263
adjudication hearing under that section. Failure to issue the 1264
final adjudicative order within that time shall result in 1265
dissolution of the suspension, but shall not invalidate any 1266
subsequent, final adjudicative order. 1267

Sec. 4780.58. For purposes of divisions (B)(2)(a) and (b) and 1268
(B)(3)(b) of section 4780.51 of the Revised Code, the commission 1269
of the act may be established by a finding by the state board of 1270
naturopathic medicine, pursuant to an adjudication under Chapter 1271
119. of the Revised Code, that the applicant or naturopathic 1272

physician committed the act in question.

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Sec. 4780.59. The state board of naturopathic medicine may not take action against an applicant for a certificate of authority or a naturopathic physician under section 4780.51 of the Revised Code by reason of division (B)(2)(a) or (b) or (B)(3)(b) of that section if the trial court renders a final judgment in the applicant's or naturopathic physician's favor and that judgment is based on an adjudication on the merits. The board may take such action if the trial court issues an order of dismissal on technical or procedural grounds.

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Sec. 4780.60. If the state board of naturopathic medicine takes action against an applicant for a certificate of authority or a naturopathic physician under section 4780.51 of the Revised Code by reason of division (B)(2)(a) or (b) or (B)(3)(b) of that section and the finding of guilt or plea of guilt or no contest is overturned on appeal, on exhaustion of the criminal appeal, the applicant or naturopathic physician may petition the board for reconsideration of the board's action against the applicant or naturopathic physician. Appropriate court documents shall accompany the petition. On receipt of such a petition and court documents from a naturopathic physician, the board shall terminate the action against the naturopathic physician, including reinstating the certificate of authority if it was suspended or revoked. On receipt of such a petition and court documents from an applicant for a certificate of authority, the board shall resume the determination of whether the applicant meets the requirements for the certificate of authority.

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Sec. 4780.61. (A) If the state board of naturopathic medicine has reason to believe that an applicant for a certificate of

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authority or a naturopathic physician is unable to practice 1302
naturopathic medicine according to acceptable and prevailing 1303
standards of care approved by the board by reason of mental or 1304
physical illness or habitual or excessive use or abuse of drugs, 1305
alcohol, or other substances that impair the ability to practice, 1306
the board may compel the applicant or naturopathic physician to 1307
submit to a mental examination, physical examination, or both. The 1308
examination shall be at the expense of the applicant or 1309
naturopathic physician and conducted by a physician or, if the 1310
alleged impairment is due to habitual or excessive use or abuse of 1311
drugs, alcohol, or other substances, a physician or treatment 1312
provider. The physician or treatment provider who conducts the 1313
examination must be a person who is qualified to conduct the 1314
examination and shall be chosen by the board. Failure to submit to 1315
the examination constitutes an admission of the allegations 1316
against the applicant or naturopathic physician unless the failure 1317
is due to circumstances beyond the applicant or naturopathic 1318
physician's control, and a default and final order may be entered 1319
without the taking of testimony or presentation of evidence. 1320

(B) If the board determines that the applicant's or 1321
naturopathic physician's ability to practice is impaired by reason 1322
of mental or physical illness, the board may require the applicant 1323
or naturopathic physician to submit to care, counseling, or 1324
treatment as a condition of the board issuing, continuing, or 1325
reinstating a certificate of authority. The care, counseling, or 1326
treatment shall be provided by a physician qualified to provide it 1327
who is chosen by the board. If the board denies or suspends the 1328
certificate of authority and the applicant or naturopathic 1329
physician submits to the care, counseling, or treatment, the board 1330
shall afford the applicant or naturopathic physician an 1331
opportunity to demonstrate the ability to practice naturopathic 1332
medicine according to acceptable and prevailing standards of care 1333

approved by the board. The board may issue or reinstate the 1334
certificate of authority if the applicant or naturopathic 1335
physician successfully demonstrates the ability to practice 1336
naturopathic medicine according to acceptable and prevailing 1337
standards of care approved by the board. 1338

(C)(1) If the board determines that the applicant or 1339
naturopathic physician's ability to practice is impaired by reason 1340
of habitual or excessive use or abuse of drugs, alcohol, or other 1341
substances, the board shall deny or suspend the certificate of 1342
authority and require the applicant or naturopathic physician to 1343
submit to treatment as a condition of issuance or reinstatement of 1344
the certificate of authority. The board shall afford an applicant 1345
or naturopathic physician who submits to treatment an opportunity 1346
to demonstrate the ability to practice naturopathic medicine 1347
according to acceptable and prevailing standards of care approved 1348
by the board. The demonstration shall include all of the 1349
following: 1350

(a) Certification from a treatment provider chosen by the 1351
board that the applicant or naturopathic physician has 1352
successfully completed the treatment; 1353

(b) Evidence of continuing full compliance with an aftercare 1354
contract or consent agreement; 1355

(c) Two written reports indicating that the applicant's or 1356
naturopathic physician's ability to practice has been assessed and 1357
that the applicant or naturopathic physician has been found able 1358
to practice naturopathic medicine according to acceptable and 1359
prevailing standards of care approved by the board. The reports 1360
shall be made by individuals chosen by the board for making such 1361
assessments and shall describe the basis for the determination. 1362

(2) The board may issue or reinstate the certificate of 1363
authority if the applicant or naturopathic physician successfully 1364

demonstrates in accordance with division (C)(1) of this section 1365
that the applicant or naturopathic physician is able to practice 1366
naturopathic medicine according to acceptable and prevailing 1367
standards of care approved by the board and enters into a written 1368
consent agreement. If the board issues or reinstates the 1369
certificate of authority, the board may require the applicant or 1370
naturopathic physician to do all of the following pursuant to the 1371
board's continued monitoring of the applicant or naturopathic 1372
physician: 1373

(a) Comply with the written consent agreement; 1374

(b) Comply with any conditions the board imposes after a 1375
hearing; 1376

(c) For both of the two years following termination of the 1377
consent agreement, submit to the board written progress reports 1378
made under penalty of perjury stating whether the applicant or 1379
naturopathic physician has maintained sobriety. 1380

Sec. 4780.62. An applicant for a certificate of authority and 1381
a naturopathic physician are deemed to have given consent to 1382
submit to a mental or physical examination when directed to do so 1383
in writing by the state board of naturopathic medicine in 1384
accordance with section 4780.61 of the Revised Code and to have 1385
waived all objections to the admissibility of testimony or 1386
examination reports that constitute a privileged communication. 1387

Sec. 4780.63. (A) The state board of naturopathic medicine 1388
may not take action against a naturopathic physician under section 1389
4780.51 of the Revised Code by reason of division (B)(3)(j) or (k) 1390
of that section if the naturopathic physician waives deductibles 1391
or copayments as follows: 1392

(1) In compliance with a health insurance or health care 1393
policy, contract, or plan that expressly allows the waiver and 1394

with the full knowledge and consent of the policy, contract, or 1395
plan purchaser, payer, and third-party administrator; 1396

(2) For naturopathic medicine rendered to another 1397
naturopathic physician to the extent allowed by rules adopted 1398
under section 4780.08 of the Revised Code. 1399

(B) A naturopathic physician who waives deductibles or 1400
copayments pursuant to division (A)(1) of this section shall 1401
provide the board, on request, documentation showing that the 1402
policy, contract, or plan purchaser, payer, and third-party 1403
administrator consent to the waiver. 1404

Sec. 4780.65. On receipt of a notice pursuant to section 1405
3123.43 of the Revised Code, the state board of naturopathic 1406
medicine shall comply with sections 3123.41 to 3123.50 of the 1407
Revised Code and any applicable rules adopted under section 1408
3123.63 of the Revised Code with respect to a certificate of 1409
authority issued pursuant to this chapter. 1410

Sec. 4780.99. Whoever violates section 4780.20 of the Revised 1411
Code is guilty of a felony of the fifth degree on a first offense 1412
and a felony of the fourth degree on each subsequent offense. 1413
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Section 2. That existing sections 125.22, 2317.02, 4731.36, 1415
and 4762.02 of the Revised Code are hereby repealed. 1416

Section 3. Section 4780.20 of the Revised Code shall take 1417
effect one year after the effective date of this section. 1418

Section 4. Section 125.22 of the Revised Code is presented in 1419
this act as a composite of the section as amended by both Am. Sub. 1420
H.B. 374 and Am. Sub. H.B. 496 of the 124th General Assembly. 1421
Section 2317.02 of the Revised Code is presented in this act as a 1422

composite of the section as amended by Am. Sub. H.B. 374, Am. H.B. 1423
533, and Am. Sub. S.B. 281, all of the 124th General Assembly. The 1424
General Assembly, applying the principle stated in division (B) of 1425
section 1.52 of the Revised Code that amendments are to be 1426
harmonized if reasonably capable of simultaneous operation, finds 1427
that the composites are the resulting versions of the sections in 1428
effect prior to the effective date of the sections as presented in 1429
this act. 1430