

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 279

Senator Schuring

—

A BILL

Top amend sections 4730.03, 4730.09, 4731.281, 1
4731.19, and 4731.293 of the Revised Code 2
regarding certain State Medical Board procedures, 3
restrictions on physician assistants, and 4
admission to the massage or cosmetic therapist 5
examination. 6

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

Section 1. That sections 4730.03, 4730.09, 4731.281, 4731.19, 7
and 4731.293 of the Revised Code be amended to read as follows: 8

Sec. 4730.03. Nothing in this chapter shall: 9

(A) Be construed to affect or interfere with the performance 10
of duties of any medical personnel ~~in~~ who are either of the 11
following: 12

(1) In active service in the army, navy, coast guard, marine 13
corps, air force, public health service, or marine hospital 14
service of the United States while so serving; 15

(2) Employed by the veterans administration of the United 16
States while so employed; 17

(B) Prevent any person from performing any of the services a 18
physician assistant may be authorized to perform, if the person's 19

professional scope of practice established under any other chapter 20
of the Revised Code authorizes the person to perform the services; 21

(C) Prohibit a physician from delegating responsibilities to 22
any nurse or other qualified person who does not hold a 23
certificate to practice as a physician assistant, provided that 24
the individual does not hold the individual out to be a physician 25
assistant; 26

(D) Be construed as authorizing a physician assistant 27
independently to order or direct the execution of procedures or 28
techniques by a registered nurse or licensed practical nurse in 29
the care and treatment of a person in any setting, except to the 30
extent that the physician assistant is authorized to do so by the 31
physician supervisory plan approved under section 4730.17 of the 32
Revised Code for the physician who is responsible for supervising 33
the physician assistant or the policies of the health care 34
facility in which the physician assistant is practicing; 35

(E) Authorize a physician assistant to engage in the practice 36
of optometry, except to the extent that the physician assistant is 37
authorized by a supervising physician acting in accordance with 38
this chapter to perform routine visual screening, provide medical 39
care prior to or following eye surgery, or assist in the care of 40
diseases of the eye; 41

(F) Be construed as authorizing a physician assistant to 42
prescribe any drug or device to perform or induce an abortion, or 43
as otherwise authorizing a physician assistant to perform or 44
induce an abortion. 45

Sec. 4730.09. (A) Under a physician supervisory plan approved 46
under section 4730.17 of the Revised Code, a physician assistant 47
may provide any or all of the following services without approval 48
by the state medical board as special services: 49

(1) Obtaining comprehensive patient histories;	50
(2) Performing physical examinations, including audiometry screening, routine visual screening, and pelvic, rectal, and genital-urinary examinations, when indicated;	51 52 53
(3) Ordering, performing, or ordering and performing routine diagnostic procedures, as indicated;	54 55
(4) Identifying normal and abnormal findings on histories, physical examinations, and commonly performed diagnostic studies;	56 57
(5) Assessing patients and developing and implementing treatment plans for patients;	58 59
(6) Monitoring the effectiveness of therapeutic interventions;	60 61
(7) Exercising physician-delegated prescriptive authority pursuant to a certificate to prescribe issued under this chapter;	62 63
(8) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted by law;	64 65 66
(9) Providing patient education;	67
(10) Instituting and changing orders on patient charts;	68
(11) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;	69 70
(12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;	71 72 73
(13) Removing superficial foreign bodies;	74
(14) Administering intravenous fluids;	75
(15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;	76 77

(16) Removing intrauterine devices;	78
(17) Performing biopsies of superficial lesions;	79
(18) Making appropriate referrals as directed by the supervising physician;	80 81
(19) Removing norplant capsules;	82
(20) Performing penile duplex ultrasound;	83
(21) Changing of a tracheostomy;	84
(22) Performing bone marrow aspirations from the posterior iliac crest;	85 86
(23) Performing bone marrow biopsies from the posterior iliac crest;	87 88
(24) Performing cystograms;	89
(25) Performing nephrostograms after physician placement of nephrostomy tubes;	90 91
(26) Fitting or inserting family planning devices, including intrauterine devices, diaphragms, and cervical caps;	92 93
(27) Removing cervical polyps;	94
(28) Performing nerve conduction testing;	95
(29) Performing endometrial biopsies;	96
(30) Inserting filiform and follower catheters;	97
(31) Performing arthrocentesis of the knee;	98
(32) Performing knee joint injections;	99
(33) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;	100 101
(34) Performing lumbar punctures;	102
(35) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;	103 104

(36) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;	105 106
(37) <u>Applying or removing a cast or splint;</u>	107
<u>(38)</u> Performing other services that are within the supervising physician's normal course of practice and expertise, if the services are included in any model physician supervisory plan approved under section 4730.06 of the Revised Code or the services are designated by the board by rule or other means as services that are not subject to approval as special services.	108 109 110 111 112 113
(B) Under the policies of a health care facility, the services a physician assistant may provide are limited to the services the facility has authorized the physician assistant to provide for the facility. The services a health care facility may authorize a physician assistant to provide for the facility include the following:	114 115 116 117 118 119
(1) Any or all of the services specified in division (A) of this section;	120 121
(2) Assisting in surgery in the health care facility;	122
(3) Any other services permitted by the policies of the health care facility, except that the facility may not authorize a physician assistant to perform a service that is prohibited by this chapter.	123 124 125 126
Sec. 4731.281. (A) On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall certify to the state medical board that in the preceding two years the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application	127 128 129 130 131 132 133 134

for biennial registration submitted pursuant to division (B) of 135
this section. The board shall adopt rules providing for pro rata 136
reductions by month of the number of hours of continuing education 137
required for persons who are in their first registration period, 138
who have a registration period of less than two years due to 139
initial implementation of the staggered renewal schedule 140
established under division (B) of this section, who have been 141
disabled due to illness or accident, or who have been absent from 142
the country. 143

In determining whether a course, program, or activity 144
qualifies for credit as continuing medical education, the board 145
shall approve all continuing medical education taken by persons 146
holding a certificate to practice medicine and surgery that is 147
certified by the Ohio state medical association, all continuing 148
medical education taken by persons holding a certificate to 149
practice osteopathic medicine and surgery that is certified by the 150
Ohio osteopathic association, and all continuing medical education 151
taken by persons holding a certificate to practice podiatry that 152
is certified by the Ohio podiatric medical association. Each 153
person holding a certificate to practice under this chapter shall 154
be given sufficient choice of continuing education programs to 155
ensure that the person has had a reasonable opportunity to 156
participate in continuing education programs that are relevant to 157
the person's medical practice in terms of subject matter and 158
level. 159

The board may require a random sample of persons holding a 160
certificate to practice under this chapter to submit materials 161
documenting completion of the continuing medical education 162
requirement during the preceding registration period, but this 163
provision shall not limit the board's authority to investigate 164
pursuant to section 4731.22 of the Revised Code. 165

(B)(1) Every person holding a certificate under this chapter 166

to practice medicine and surgery, osteopathic medicine and 167
surgery, or podiatric medicine and surgery wishing to renew that 168
certificate shall apply to the board for a certificate of 169
registration upon an application furnished by the board, and pay 170
to the board at the time of application a fee of three hundred 171
five dollars, according to the following schedule: 172

(a) Persons whose last name begins with the letters "A" 173
through "B," on or before April 1, 2001, and the first day of 174
April of every odd-numbered year thereafter; 175

(b) Persons whose last name begins with the letters "C" 176
through "D," on or before January 1, 2001, and the first day of 177
January of every odd-numbered year thereafter; 178

(c) Persons whose last name begins with the letters "E" 179
through "G," on or before October 1, 2000, and the first day of 180
October of every even-numbered year thereafter; 181

(d) Persons whose last name begins with the letters "H" 182
through "K," on or before July 1, 2000, and the first day of July 183
of every even-numbered year thereafter; 184

(e) Persons whose last name begins with the letters "L" 185
through "M," on or before April 1, 2000, and the first day of 186
April of every even-numbered year thereafter; 187

(f) Persons whose last name begins with the letters "N" 188
through "R," on or before January 1, 2000, and the first day of 189
January of every even-numbered year thereafter; 190

(g) Persons whose last name begins with the ~~letters~~ letter 191
"S," on or before October 1, 1999, and the first day of October of 192
every odd-numbered year thereafter; 193

(h) Persons whose last name begins with the letters "T" 194
through "Z," on or before July 1, 1999, and the first day of July 195
of every odd-numbered year thereafter. 196

The board shall deposit the fee in accordance with section 197
4731.24 of the Revised Code, except that the board shall deposit 198
twenty dollars of the fee into the state treasury to the credit of 199
the physician loan repayment fund created by section 3702.78 of 200
the Revised Code. 201

(2) The board shall mail or cause to be mailed to every 202
person registered to practice medicine and surgery, osteopathic 203
medicine and surgery, or podiatric medicine and surgery, ~~an~~ 204
~~application for registration~~ a notice of registration renewal 205
addressed to the person's last known post-office address or may 206
cause the ~~application~~ notice to be sent to the person through the 207
secretary of any recognized medical, osteopathic, or podiatric 208
society, according to the following schedule: 209

(a) To persons whose last name begins with the letters "A" 210
through "B," on or before January 1, 2001, and the first day of 211
January of every odd-numbered year thereafter; 212

(b) To persons whose last name begins with the letters "C" 213
through "D," on or before October 1, 2000, and the first day of 214
October of every even-numbered year thereafter; 215

(c) To persons whose last name begins with the letters "E" 216
through "G," on or before July 1, 2000, and the first day of July 217
of every even-numbered year thereafter; 218

(d) To persons whose last name begins with the letters "H" 219
through "K," on or before April 1, 2000, and the first day of 220
April of every even-numbered year thereafter; 221

(e) To persons whose last name begins with the letters "L" 222
through "M," on or before January 1, 2000, and the first day of 223
January of every even-numbered year thereafter; 224

(f) To persons whose last name begins with the letters "N" 225
through "R," on or before October 1, 1999, and the first day of 226
October of every odd-numbered year thereafter; 227

(g) To persons whose last name begins with the ~~letters~~ letter 228
"S," on or before July 1, 1999, and the first day of July of every 229
odd-numbered year thereafter; 230

(h) To persons whose last name begins with the letters "T" 231
through "Z," on or before April 1, 1999, and the first day of 232
April of every odd-numbered year thereafter; 233

Failure of any person to receive ~~an application~~ a notice of 234
renewal from the board shall not excuse the person from the 235
requirements contained in this section. ~~The application shall~~ 236
~~contain proper spaces for the applicant's signature and the~~ 237
~~insertion of the required information, including a statement that~~ 238
~~the person has fulfilled the continuing education requirements~~ 239
~~imposed by this section.~~ 240

The notice shall inform the applicant of the renewal 241
procedure. The board shall provide the application for 242
registration renewal in a form determined by the board. The 243
applicant shall ~~write or cause to be written upon~~ provide in the 244
application ~~so furnished~~ the applicant's full name, principal 245
practice address and residence address, the number of the 246
applicant's certificate to practice, and any other ~~facts for the~~ 247
~~identification of the applicant as a person holding a certificate~~ 248
~~to practice under this chapter as~~ information required by the 249
board ~~considers necessary~~. The applicant shall include with the 250
application a list of the names and addresses of any clinical 251
nurse specialists, certified nurse-midwives, or certified nurse 252
practitioners with whom the applicant is currently collaborating, 253
as defined in section 4723.01 of the Revised Code. The applicant 254
shall execute and deliver the application to the board ~~by mail or~~ 255
~~in person~~ in a manner prescribed by the board. Every person 256
registered under this section shall give written notice to the 257
board of any change of principal practice address or residence 258
address or in the list within thirty days of the change. 259

The applicant shall report any criminal offense ~~that~~ 260
~~constitutes grounds for refusal of registration under section~~ 261
~~4731.22 of the Revised Code~~ to which the applicant has pleaded 262
guilty, of which the applicant has been found guilty, or for which 263
the applicant has been found eligible for intervention in lieu of 264
conviction, since last ~~signing~~ filing an application for a 265
certificate of registration. 266

(C) The board shall issue to any person holding a certificate 267
under this chapter to practice medicine and surgery, osteopathic 268
medicine and surgery, or podiatric medicine and surgery, upon 269
application and qualification therefor in accordance with this 270
section, a certificate of registration under the seal of the 271
board. A certificate of registration shall be valid for a two-year 272
period, commencing on the first day of the third month after the 273
registration fee is due and expiring on the last day of the month 274
two years thereafter. 275

~~The board shall publish and cause to be mailed to each person~~ 276
~~registered under this section, upon request, a printed list of the~~ 277
~~persons so registered.~~ 278

(D) Failure of any certificate holder to register and comply 279
with this section shall operate automatically to suspend the 280
holder's certificate to practice. Continued practice after the 281
suspension of the certificate to practice shall be considered as 282
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 283
the Revised Code. If the certificate has been suspended pursuant 284
to this division for two years or less, it may be reinstated. The 285
board shall reinstate a certificate to practice for failure to 286
register upon an applicant's submission of the biennial 287
registration fee, the applicable monetary penalty, and 288
~~certification by signature of the applicant that the applicant has~~ 289
~~completed the requisite continuing medical education~~ completion of 290
an application for registration. The penalty for reinstatement 291

shall be fifty dollars. If the certificate has been suspended 292
pursuant to this division for more than two years, it may be 293
restored. In accordance with section 4731.222 of the Revised Code, 294
the board may restore a certificate to practice for failure to 295
register upon an applicant's submission of a restoration 296
application, the biennial registration fee, and the applicable 297
monetary penalty. The penalty for restoration shall be one hundred 298
dollars. The board shall deposit the penalties in accordance with 299
section 4731.24 of the Revised Code. 300

(E) If an individual certifies completion of the number of 301
hours and type of continuing medical education required to receive 302
a certificate of registration or reinstatement of a certificate to 303
practice, and the board finds through the random samples it 304
conducts under this section or through any other means that the 305
individual did not complete the requisite continuing medical 306
education, the board may impose a civil penalty of not more than 307
five thousand dollars. The board's finding shall be made pursuant 308
to an adjudication under Chapter 119. of the Revised Code and by 309
an affirmative vote of not fewer than six members. 310

A civil penalty imposed under this division may be in 311
addition to or in lieu of any other action the board may take 312
under section 4731.22 of the Revised Code. The board shall deposit 313
civil penalties in accordance with section 4731.24 of the Revised 314
Code. 315

(F) The state medical board may obtain information not 316
protected by statutory or common law privilege from courts and 317
other sources concerning malpractice claims against any person 318
holding a certificate to practice under this chapter or practicing 319
as provided in section 4731.36 of the Revised Code. 320

(G) Each mailing sent by the board under division (B)(2) of 321
this section to a person registered to practice medicine and 322
surgery or osteopathic medicine and surgery shall inform the 323

applicant of the reporting requirement established by division (H) 324
of section 3701.79 of the Revised Code. At the discretion of the 325
board, the information may be included on the application for 326
registration or on an accompanying page. 327

Sec. 4731.19. (A) The state medical board shall determine the 328
standing of the schools, colleges, or institutions giving 329
instruction in the limited branches of medicine of massage therapy 330
and cosmetic therapy. ~~If there shall at any time be such schools,~~ 331
~~colleges, or institutions giving instruction in such limited~~ 332
~~branches, the~~ 333

(B) An applicant for a certificate to practice a limited 334
branch of medicine shall, as a condition of admission to the 335
examination, ~~produce a~~ have one of the following: 336

(1) A diploma or certificate from a school, college, or 337
institution in good standing as determined by the board, showing 338
the completion of the required courses of instruction; 339

(2) A current license, registration, or certificate that is 340
in good standing in another state for massage therapy or cosmetic 341
therapy, as applicable; 342

(3) Certification from a national certification body and a 343
diploma or certificate from a school, college, or institution 344
showing completion of a course of instruction that meets course 345
requirements determined by the board through rules adopted under 346
section 4731.05 of the Revised Code. 347

The entrance examiner of the board shall determine the 348
sufficiency of the preliminary education of applicants for a 349
certificate to practice massage therapy or cosmetic therapy in the 350
same manner that sufficiency of preliminary education is 351
determined under section 4731.09 of the Revised Code, except that 352
the board may adopt rules defining and establishing for the 353

limited branch of medicine preliminary educational requirements 354
that are less exacting than those prescribed by such section, as 355
the nature of the case may require. 356

Sec. 4731.293. (A) The state medical board may issue, without 357
examination, a visiting medical faculty certificate to any person 358
who holds a current, unrestricted license to practice medicine and 359
surgery or osteopathic medicine and surgery issued by another 360
state or country and has been appointed to serve in this state on 361
the academic staff of a medical school accredited by the liaison 362
committee on medical education or an osteopathic medical school 363
accredited by the American osteopathic association. 364

(B) An applicant for a visiting medical faculty certificate 365
shall submit evidence satisfactory to the board that ~~he~~ the 366
applicant meets the requirements of division (A) of this section. 367
The applicant shall pay a fee of ~~one hundred twenty five~~ three 368
hundred seventy-five dollars. The board shall maintain a register 369
of all persons who hold a visiting medical faculty certificate. 370

(C) The holder of a visiting medical faculty certificate may 371
practice medicine and surgery or osteopathic medicine and surgery 372
only as is incidental to ~~his~~ certificate holder's teaching duties 373
at the school or the teaching hospitals affiliated with the 374
school. The board may revoke a certificate on receiving proof 375
satisfactory to the board that the holder of the certificate has 376
engaged in practice in this state outside the scope of the 377
certificate or that there are grounds for action against ~~him~~ the 378
certificate holder under section 4731.22 of the Revised Code. 379

(D) A visiting medical faculty certificate is valid for the 380
shorter of ~~one year~~ three years or the duration of the holder's 381
appointment to the academic staff of the school. The certificate 382
may not be renewed. 383

(E) The board may adopt any rules it considers necessary to 384

implement this section. The rules shall be adopted in accordance 385
with Chapter 119. of the Revised Code. 386

Section 2. That existing sections 4730.03, 4730.09, 4731.281, 387
4731.19, and 4731.293 of the Revised Code are hereby repealed. 388