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**Sub. S. B. No. 279**

**Senator Schuring**

**Cosponsors: Senators Harris, Niehaus, Padgett, Stivers, Wilson**

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**A B I L L**

To amend sections 4730.03, 4730.09, 4731.19, 1  
4731.281, 4731.293, and 4760.131 of the Revised 2  
Code regarding certain State Medical Board 3  
procedures, restrictions on physician assistants, 4  
and 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, 4731.19, 4731.281, 7  
4731.293, and 4760.131 of the Revised Code be amended to read as 8  
follows: 9

**Sec. 4730.03.** Nothing in this chapter shall: 10

(A) Be construed to affect or interfere with the performance 11  
of duties of any medical personnel ~~in~~ who are either of the 12  
following: 13

(1) In active service in the army, navy, coast guard, marine 14  
corps, air force, public health service, or marine hospital 15  
service of the United States while so serving; 16

(2) Employed by the veterans administration of the United 17  
States while so employed; 18

(B) Prevent any person from performing any of the services a physician assistant may be authorized to perform, if the person's professional scope of practice established under any other chapter of the Revised Code authorizes the person to perform the services;

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

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

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

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

**Sec. 4730.09.** (A) Under a physician supervisory plan approved under section 4730.17 of the Revised Code, a physician assistant may provide any or all of the following services without approval

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

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

light-based medical devices for the purpose of hair removal;	105
(36) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;	106
(37) <u>Applying or removing a cast or splint;</u>	107
(38) 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
(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:	109
(1) Any or all of the services specified in division (A) of this section;	110
(2) Assisting in surgery in the health care facility;	111
(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.	112
<b>Sec. 4731.19. (A)</b> The state medical board shall determine the standing of the schools, colleges, or institutions giving instruction in the limited branches of medicine of massage therapy and cosmetic therapy. <del>If there shall at any time be such schools, colleges, or institutions giving instruction in such limited branches, the</del>	113
(B) <u>An</u> applicant for a certificate to practice a limited	114

branch of medicine shall, as a condition of admission to the 135  
examination, ~~produce a~~ have one of the following: 136

(1) A diploma or certificate from a school, college, or 137  
institution in good standing as determined by the board, showing 138  
the completion of the required courses of instruction; 139

(2) A current license, registration, or certificate that is 140  
in good standing in another state for massage therapy or cosmetic 141  
therapy, as applicable; 142

(3) Certification from a national certification body and a 143  
diploma or certificate from a school, college, or institution 144  
showing completion of a course of instruction that meets course 145  
requirements determined by the board through rules adopted under 146  
section 4731.05 of the Revised Code. 147

The entrance examiner of the board shall determine the 148  
sufficiency of the preliminary education of applicants for a 149  
certificate to practice massage therapy or cosmetic therapy in the 150  
same manner that sufficiency of preliminary education is 151  
determined under section 4731.09 of the Revised Code, except that 152  
the board may adopt rules defining and establishing for the 153  
limited branch of medicine preliminary educational requirements 154  
that are less exacting than those prescribed by such section, as 155  
the nature of the case may require. 156

**Sec. 4731.281.** (A) On or before the deadline established 157  
under division (B) of this section for applying for renewal of a 158  
certificate of registration, each person holding a certificate 159  
under this chapter to practice medicine and surgery, osteopathic 160  
medicine and surgery, or podiatric medicine and surgery shall 161  
certify to the state medical board that in the preceding two years 162  
the person has completed one hundred hours of continuing medical 163  
education. The certification shall be made upon the application 164  
for biennial registration submitted pursuant to division (B) of 165

this section. The board shall adopt rules providing for pro rata 166  
reductions by month of the number of hours of continuing education 167  
required for persons who are in their first registration period, 168  
who have a registration period of less than two years due to 169  
initial implementation of the staggered renewal schedule 170  
established under division (B) of this section, who have been 171  
disabled due to illness or accident, or who have been absent from 172  
the country. 173

In determining whether a course, program, or activity 174  
qualifies for credit as continuing medical education, the board 175  
shall approve all continuing medical education taken by persons 176  
holding a certificate to practice medicine and surgery that is 177  
certified by the Ohio state medical association, all continuing 178  
medical education taken by persons holding a certificate to 179  
practice osteopathic medicine and surgery that is certified by the 180  
Ohio osteopathic association, and all continuing medical education 181  
taken by persons holding a certificate to practice ~~pediatry~~ 182  
podiatric medicine and surgery that is certified by the Ohio 183  
podiatric medical association. Each person holding a certificate 184  
to practice under this chapter shall be given sufficient choice of 185  
continuing education programs to ensure that the person has had a 186  
reasonable opportunity to participate in continuing education 187  
programs that are relevant to the person's medical practice in 188  
terms of subject matter and level. 189

The board may require a random sample of persons holding a 190  
certificate to practice under this chapter to submit materials 191  
documenting completion of the continuing medical education 192  
requirement during the preceding registration period, but this 193  
provision shall not limit the board's authority to investigate 194  
pursuant to section 4731.22 of the Revised Code. 195

(B)(1) Every person holding a certificate under this chapter 196  
to practice medicine and surgery, osteopathic medicine and 197

surgery, or podiatric medicine and surgery wishing to renew that 198  
certificate shall apply to the board for a certificate of 199  
registration upon an application furnished by the board, and pay 200  
to the board at the time of application a fee of three hundred 201  
five dollars, according to the following schedule: 202

(a) Persons whose last name begins with the letters "A" 203  
through "B," on or before April 1, 2001, and the first day of 204  
April of every odd-numbered year thereafter; 205

(b) Persons whose last name begins with the letters "C" 206  
through "D," on or before January 1, 2001, and the first day of 207  
January of every odd-numbered year thereafter; 208

(c) Persons whose last name begins with the letters "E" 209  
through "G," on or before October 1, 2000, and the first day of 210  
October of every even-numbered year thereafter; 211

(d) Persons whose last name begins with the letters "H" 212  
through "K," on or before July 1, 2000, and the first day of July 213  
of every even-numbered year thereafter; 214

(e) Persons whose last name begins with the letters "L" 215  
through "M," on or before April 1, 2000, and the first day of 216  
April of every even-numbered year thereafter; 217

(f) Persons whose last name begins with the letters "N" 218  
through "R," on or before January 1, 2000, and the first day of 219  
January of every even-numbered year thereafter; 220

(g) Persons whose last name begins with the letter "S," on or 221  
before October 1, 1999, and the first day of October of every 222  
odd-numbered year thereafter; 223

(h) Persons whose last name begins with the letters "T" 224  
through "Z," on or before July 1, 1999, and the first day of July 225  
of every odd-numbered year thereafter. 226

The board shall deposit the fee in accordance with section 227

4731.24 of the Revised Code, except that the board shall deposit 228  
twenty dollars of the fee into the state treasury to the credit of 229  
the physician loan repayment fund created by section 3702.78 of 230  
the Revised Code. 231

(2) The board shall mail or cause to be mailed to every 232  
person registered to practice medicine and surgery, osteopathic 233  
medicine and surgery, or podiatric medicine and surgery, ~~an~~ 234  
~~application for a notice of~~ registration renewal addressed to the 235  
person's last known post-office address or may cause the 236  
~~application notice~~ to be sent to the person through the secretary 237  
of any recognized medical, osteopathic, or podiatric society, 238  
according to the following schedule: 239

(a) To persons whose last name begins with the letters "A" 240  
through "B," on or before January 1, 2001, and the first day of 241  
January of every odd-numbered year thereafter; 242

(b) To persons whose last name begins with the letters "C" 243  
through "D," on or before October 1, 2000, and the first day of 244  
October of every even-numbered year thereafter; 245

(c) To persons whose last name begins with the letters "E" 246  
through "G," on or before July 1, 2000, and the first day of July 247  
of every even-numbered year thereafter; 248

(d) To persons whose last name begins with the letters "H" 249  
through "K," on or before April 1, 2000, and the first day of 250  
April of every even-numbered year thereafter; 251

(e) To persons whose last name begins with the letters "L" 252  
through "M," on or before January 1, 2000, and the first day of 253  
January of every even-numbered year thereafter; 254

(f) To persons whose last name begins with the letters "N" 255  
through "R," on or before October 1, 1999, and the first day of 256  
October of every odd-numbered year thereafter; 257

(g) To persons whose last name begins with the letter "S," on 258  
or before July 1, 1999, and the first day of July of every 259  
odd-numbered year thereafter; 260

(h) To persons whose last name begins with the letters "T" 261  
through "Z," on or before April 1, 1999, and the first day of 262  
April of every odd-numbered year thereafter. 263

Failure of any person to receive ~~an application~~ a notice of 264  
renewal from the board shall not excuse the person from the 265  
requirements contained in this section. ~~The application shall~~ 266  
~~contain proper spaces for the applicant's signature and the~~ 267  
~~insertion of the required information, including a statement that~~ 268  
~~the person has fulfilled the continuing education requirements~~ 269  
~~imposed by this section.~~ 270

The notice shall inform the applicant of the renewal 271  
procedure. The board shall provide the application for 272  
registration renewal in a form determined by the board. The 273  
applicant shall ~~write or cause to be written upon~~ provide in the 274  
application ~~so furnished~~ the applicant's full name, principal 275  
practice address and residence address, the number of the 276  
applicant's certificate to practice, and any other ~~facts for the~~ 277  
~~identification of the applicant as a person holding a certificate~~ 278  
~~to practice under this chapter as~~ information required by the 279  
board ~~considers necessary~~. The applicant shall include with the 280  
application a list of the names and addresses of any clinical 281  
nurse specialists, certified nurse-midwives, or certified nurse 282  
practitioners with whom the applicant is currently collaborating, 283  
as defined in section 4723.01 of the Revised Code. The applicant 284  
shall execute and deliver the application to the board ~~by mail or~~ 285  
~~in person~~ in a manner prescribed by the board. Every person 286  
registered under this section shall give written notice to the 287  
board of any change of principal practice address or residence 288  
address or in the list within thirty days of the change. 289

The applicant shall report any criminal offense ~~that~~ 290  
~~constitutes grounds for refusal of registration under section~~ 291  
~~4731.22 of the Revised Code~~ to which the applicant has pleaded 292  
guilty, of which the applicant has been found guilty, or for which 293  
the applicant has been found eligible for intervention in lieu of 294  
conviction, since last ~~signing~~ filing an application for a 295  
certificate of registration. 296

(C) The board shall issue to any person holding a certificate 297  
under this chapter to practice medicine and surgery, osteopathic 298  
medicine and surgery, or podiatric medicine and surgery, upon 299  
application and qualification therefor in accordance with this 300  
section, a certificate of registration under the seal of the 301  
board. A certificate of registration shall be valid for a two-year 302  
period, commencing on the first day of the third month after the 303  
registration fee is due and expiring on the last day of the month 304  
two years thereafter. 305

~~The board shall publish and cause to be mailed to each person~~ 306  
~~registered under this section, upon request, a printed list of the~~ 307  
~~persons so registered.~~ 308

(D) Failure of any certificate holder to register and comply 309  
with this section shall operate automatically to suspend the 310  
holder's certificate to practice. Continued practice after the 311  
suspension of the certificate to practice shall be considered as 312  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 313  
the Revised Code. If the certificate has been suspended pursuant 314  
to this division for two years or less, it may be reinstated. The 315  
board shall reinstate a certificate to practice for failure to 316  
register upon an applicant's submission of a renewal application, 317  
the biennial registration fee, and the applicable monetary 318  
penalty. The penalty for reinstatement shall be fifty dollars. If 319  
the certificate has been suspended pursuant to this division for 320  
more than two years, it may be restored. In accordance with 321

section 4731.222 of the Revised Code, the board may restore a 322  
certificate to practice for failure to register upon an 323  
applicant's submission of a restoration application, the biennial 324  
registration fee, and the applicable monetary penalty and 325  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 326  
The board shall not restore to an applicant a certificate to 327  
practice unless the board, in its discretion, decides that the 328  
results of the criminal records check do not make the applicant 329  
ineligible for a certificate issued pursuant to section 4731.14, 330  
4731.56, or 4731.57 of the Revised Code. The penalty for 331  
restoration shall be one hundred dollars. The board shall deposit 332  
the penalties in accordance with section 4731.24 of the Revised 333  
Code. 334

(E) If an individual certifies completion of the number of 335  
hours and type of continuing medical education required to receive 336  
a certificate of registration or reinstatement of a certificate to 337  
practice, and the board finds through the random samples it 338  
conducts under this section or through any other means that the 339  
individual did not complete the requisite continuing medical 340  
education, the board may impose a civil penalty of not more than 341  
five thousand dollars. The board's finding shall be made pursuant 342  
to an adjudication under Chapter 119. of the Revised Code and by 343  
an affirmative vote of not fewer than six members. 344

A civil penalty imposed under this division may be in 345  
addition to or in lieu of any other action the board may take 346  
under section 4731.22 of the Revised Code. The board shall deposit 347  
civil penalties in accordance with section 4731.24 of the Revised 348  
Code. 349

(F) The state medical board may obtain information not 350  
protected by statutory or common law privilege from courts and 351  
other sources concerning malpractice claims against any person 352  
holding a certificate to practice under this chapter or practicing 353

as provided in section 4731.36 of the Revised Code. 354

(G) Each mailing sent by the board under division (B)(2) of 355  
this section to a person registered to practice medicine and 356  
surgery or osteopathic medicine and surgery shall inform the 357  
applicant of the reporting requirement established by division (H) 358  
of section 3701.79 of the Revised Code. At the discretion of the 359  
board, the information may be included on the application for 360  
registration or on an accompanying page. 361

**Sec. 4731.293.** (A) The state medical board may issue, without 362  
examination, a visiting medical faculty certificate to any person 363  
who holds a current, unrestricted license to practice medicine and 364  
surgery or osteopathic medicine and surgery issued by another 365  
state or country and has been appointed to serve in this state on 366  
the academic staff of a medical school accredited by the liaison 367  
committee on medical education or an osteopathic medical school 368  
accredited by the American osteopathic association. 369

(B) An applicant for a visiting medical faculty certificate 370  
shall submit evidence satisfactory to the board that ~~he~~ the 371  
applicant meets the requirements of division (A) of this section. 372  
The applicant shall pay a fee of ~~one hundred twenty five~~ three 373  
hundred seventy-five dollars. The board shall maintain a register 374  
of all persons who hold a visiting medical faculty certificate. 375

(C) The holder of a visiting medical faculty certificate may 376  
practice medicine and surgery or osteopathic medicine and surgery 377  
only as is incidental to ~~his~~ certificate holder's teaching duties 378  
at the school or the teaching hospitals affiliated with the 379  
school. The board may revoke a certificate on receiving proof 380  
satisfactory to the board that the holder of the certificate has 381  
engaged in practice in this state outside the scope of the 382  
certificate or that there are grounds for action against ~~him~~ the 383  
certificate holder under section 4731.22 of the Revised Code. 384

(D) A visiting medical faculty certificate is valid for the 385  
shorter of ~~one year~~ three years or the duration of the holder's 386  
appointment to the academic staff of the school. The certificate 387  
may not be renewed. 388

(E) The board may adopt any rules it considers necessary to 389  
implement this section. The rules shall be adopted in accordance 390  
with Chapter 119. of the Revised Code. 391

**Sec. 4760.131.** On receipt of a notice pursuant to section 392  
~~2301.373~~ 3123.43 of the Revised Code, the state medical board 393  
shall comply with ~~that section~~ sections 3123.41 to 3123.50 of the 394  
Revised Code and any applicable rules adopted under section 395  
3123.63 of the Revised Code with respect to a certificate of 396  
registration as an anesthesiologist assistant issued pursuant to 397  
this chapter. 398

**Section 2.** That existing sections 4730.03, 4730.09, 4731.19, 399  
4731.281, 4731.293, and 4760.131 of the Revised Code are hereby 400  
repealed. 401