

As Introduced

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S. B. No. 278

Senator Husted

**Cosponsors: Senators Smith, Hughes, Wagoner, Buehrer, Miller, D., Jones,
Strahorn, Miller, R.**

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A B I L L

To amend section 4731.36 of the Revised Code to 1
authorize a licensed physician from another state 2
to provide medical services to an out-of-state 3
athletic team and accompanying individuals when 4
the team is participating in a sporting event in 5
Ohio. 6

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

Section 1. That section 4731.36 of the Revised Code be 7
amended to read as follows: 8

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised 9
Code shall not prohibit service in case of emergency, domestic 10
administration of family remedies, or provision of assistance to 11
another individual who is self-administering drugs. 12

Sections 4731.01 to 4731.47 of the Revised Code shall not 13
apply to any of the following: 14

(1) A commissioned medical officer of the United States armed 15
forces, as defined in section 5903.11 of the Revised Code, or an 16
employee of the veterans administration of the United States or 17
the United States public health service in the discharge of the 18

officer's or employee's professional duties; 19

(2) A dentist authorized under Chapter 4715. of the Revised 20
Code to practice dentistry when engaged exclusively in the 21
practice of dentistry or when administering anesthetics in the 22
practice of dentistry; 23

(3) A physician or surgeon in another state or territory who 24
is a legal practitioner of medicine or surgery therein when 25
providing consultation to an individual holding a certificate to 26
practice issued under this chapter who is responsible for the 27
examination, diagnosis, and treatment of the patient who is the 28
subject of the consultation, if one of the following applies: 29

(a) The physician or surgeon does not provide consultation in 30
this state on a regular or frequent basis. 31

(b) The physician or surgeon provides the consultation 32
without compensation of any kind, direct or indirect, for the 33
consultation. 34

(c) The consultation is part of the curriculum of a medical 35
school or osteopathic medical school of this state or a program 36
described in division (A)(2) of section 4731.291 of the Revised 37
Code. 38

(4) A physician or surgeon in another state or territory who 39
is a legal practitioner of medicine or surgery therein and 40
provided services to a patient in that state or territory, when 41
providing, not later than one year after the last date services 42
were provided in another state or territory, follow-up services in 43
person or through the use of any communication, including oral, 44
written, or electronic communication, in this state to the patient 45
for the same condition; 46

(5) A physician or surgeon residing on the border of a 47
contiguous state and authorized under the laws thereof to practice 48
medicine and surgery therein, whose practice extends within the 49

limits of this state. Such practitioner shall not either in person 50
or through the use of any communication, including oral, written, 51
or electronic communication, open an office or appoint a place to 52
see patients or receive calls within the limits of this state. 53

(6) A board, committee, or corporation engaged in the conduct 54
described in division (A) of section 2305.251 of the Revised Code 55
when acting within the scope of the functions of the board, 56
committee, or corporation; 57

(7) The conduct of an independent review organization 58
accredited by the superintendent of insurance under section 59
3901.80 of the Revised Code for the purpose of external reviews 60
conducted under sections 1751.84, 1751.85, 3923.67, 3923.68, 61
3923.76, and 3923.77 of the Revised Code. 62

(B)(1) Subject to division (B)(2) of this section, this 63
chapter does not apply to a physician licensed under the laws of 64
another state to practice medicine and surgery or osteopathic 65
medicine and surgery when the physician, pursuant to a written 66
agreement with an athletic team from another state, provides 67
medical services to either of the following while the team is 68
traveling to or from or participating in a sporting event in this 69
state: 70

(a) A member of the athletic team; 71

(b) An individual accompanying the athletic team. 72

(2) In providing medical services pursuant to division (B)(1) 73
of this section, a physician shall not provide medical services at 74
a health care facility, including a hospital, an ambulatory 75
surgical facility, or any other facility in which medical care, 76
diagnosis, or treatment is provided on an inpatient or outpatient 77
basis. 78

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 79
apply to any graduate of a podiatric school or college while 80

performing those acts that may be prescribed by or incidental to 81
participation in an accredited podiatric internship, residency, or 82
fellowship program situated in this state approved by the state 83
medical board. 84

~~(C)~~(D) This chapter does not apply to an acupuncturist who 85
complies with Chapter 4762. of the Revised Code. 86

~~(D)~~(E) This chapter does not prohibit the administration of 87
drugs by any of the following: 88

(1) An individual who is licensed or otherwise specifically 89
authorized by the Revised Code to administer drugs; 90

(2) An individual who is not licensed or otherwise 91
specifically authorized by the Revised Code to administer drugs, 92
but is acting pursuant to the rules for delegation of medical 93
tasks adopted under section 4731.053 of the Revised Code; 94

(3) An individual specifically authorized to administer drugs 95
pursuant to a rule adopted under the Revised Code that is in 96
effect on the effective date of this amendment, as long as the 97
rule remains in effect, specifically authorizing an individual to 98
administer drugs. 99

~~(E)~~(F) The exemptions described in divisions (A)(3), (4), and 100
(5) of this section do not apply to a physician or surgeon whose 101
certificate to practice issued under this chapter is under 102
suspension or has been revoked or permanently revoked by action of 103
the state medical board. 104

Section 2. That existing section 4731.36 of the Revised Code 105
is hereby repealed. 106