

**As Passed by the House**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 438**

**Representative Sears**

**Cosponsors: Representatives Fende, Barnes, Carney, Garland, Schuring,  
Yuko, Amstutz, Antonio, Ashford, Buchy, Celebrezze, Conditt, Fedor,  
Hackett, Hall, Henne, Hill, Hottinger, Letson, Luckie, Maag, Mallory, Newbold,  
O'Brien, Patmon, Phillips, Slaby, Stebelton, Winburn Speaker Batchelder**

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**A B I L L**

To amend section 4731.293 of the Revised Code to 1  
specify requirements for obtaining and renewing a 2  
clinical research faculty certificate and to 3  
declare an emergency. 4

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

**Section 1.** That section 4731.293 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4731.293.** (A) The state medical board may issue, without 7  
examination, a ~~visiting medical~~ clinical research faculty 8  
certificate to any person who applies for the certificate and 9  
provides to the board all of the following: 10

(1) Evidence satisfactory to the board of all of the 11  
following: 12

(a) That the applicant holds a current, unrestricted license 13  
to practice medicine and surgery or osteopathic medicine and 14  
surgery issued by another state or country ~~and;~~ 15

(b) That the applicant has been appointed to serve in this 16  
state on the academic staff of a medical school accredited by the 17  
liaison committee on medical education or an osteopathic medical 18  
school accredited by the American osteopathic association; 19

(c) That the applicant is an international medical graduate 20  
who holds a medical degree from an educational institution listed 21  
in the international medical education directory; 22

(d) That the applicant will be permitted to work only under 23  
the authority of the department director or chairperson of a 24  
teaching hospital affiliated with the medical school where the 25  
applicant's teaching and research activities will occur. 26

(2) An affidavit and supporting documentation from the dean 27  
of the medical school or the department director or chairperson of 28  
a teaching hospital affiliated with the school that the applicant 29  
is qualified to perform teaching and research activities; 30

(3) A description from the medical school or teaching 31  
hospital of the scope of practice in which the applicant will be 32  
involved, including the types of teaching, research, and 33  
procedures in which the applicant will be engaged; 34

(4) A description of the type and amount of patient contact 35  
that will occur in connection with the applicant's teaching and 36  
research activities. Except as provided in division (E) of this 37  
section, the board shall not issue more than one visiting medical 38  
faculty certificate to any particular person. 39

(B) An applicant for a ~~visiting medical~~ an initial clinical 40  
research faculty certificate shall submit evidence satisfactory to 41  
the board that the applicant meets the requirements of division 42  
(A) of this section. The applicant shall pay a fee of three 43  
hundred seventy-five dollars. The board shall maintain a register 44  
of all persons who hold a visiting medical faculty certificate. 45

(C) The holder of a ~~visiting medical~~ clinical research 46

faculty certificate may practice medicine and surgery or 47  
osteopathic medicine and surgery only as is incidental to the 48  
certificate holder's teaching or research duties at the medical 49  
school or ~~the a~~ teaching hospitals hospital affiliated with the 50  
school. The board may revoke a certificate on receiving proof 51  
satisfactory to the board that the certificate holder ~~of the~~ 52  
~~certificate~~ has engaged in practice in this state outside the 53  
scope of the certificate or that there are grounds for action 54  
against the certificate holder under section 4731.22 of the 55  
Revised Code. 56

(D) A ~~visiting medical clinical research~~ faculty certificate 57  
is valid for ~~the shorter of~~ three years ~~or the duration of~~, except 58  
that the certificate ceases to be valid if the holder's 59  
appointment to the academic staff of the school is no longer 60  
valid. ~~The certificate may not be renewed.~~ 61

(E) ~~If a person was granted a visiting medical faculty~~ 62  
~~certificate before the effective date of this amendment, the~~ 63  
~~person may apply for a second visiting medical faculty~~ 64  
~~certificate, unless the person's first certificate was revoked.~~ 65  
~~The board may issue the second certificate if the applicant~~ 66  
~~complies with division (B) of this section~~ (1) A clinical research 67  
faculty certificate may be renewed for an additional three-year 68  
period. There is no limit on the number of times a certificate may 69  
be renewed. A person seeking renewal of a certificate shall apply 70  
to the board and is eligible for renewal if the applicant does all 71  
of the following: 72

(a) Pays a renewal fee of three hundred seventy-five dollars; 73

(b) Provides to the board an affidavit and supporting 74  
documentation from the dean of the medical school or the 75  
department director or chairperson of a teaching hospital 76  
affiliated with the school that the applicant is in compliance 77  
with the applicant's current clinical research faculty 78

<u>certificate;</u>	79
<u>(c) Provides evidence satisfactory to the board of all of the following:</u>	80
<u>(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;</u>	81
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<u>(ii) That the applicant's initial appointment to serve in this state on the academic staff of a medical school is still valid or has been renewed;</u>	86
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<u>(ii) That the applicant's initial appointment to serve in this state on the academic staff of a medical school is still valid or has been renewed;</u>	88
<u>(iii) That the applicant has satisfied the same continuing medical education requirements set forth in section 4731.281 of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.</u>	89
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<u>(iii) That the applicant has satisfied the same continuing medical education requirements set forth in section 4731.281 of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.</u>	93
<u>(2) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to the effective date of this amendment may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (E)(1) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked.</u>	94
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<u>(F) The board shall maintain a register of all persons who hold clinical research faculty certificates.</u>	103
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<u>(G) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	105
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<b>Section 2.</b> That existing section 4731.293 of the Revised Code	108

is hereby repealed. 109

**Section 3.** This act is hereby declared to be an emergency 110  
measure necessary for the immediate preservation of the public 111  
peace, health, and safety. The reason for this necessity is that 112  
swift enactment will allow several extraordinary doctors to renew 113  
their certificates and continue their work in Ohio without 114  
interruption. Otherwise, these doctors will not be permitted to 115  
work in Ohio and will leave the state. Therefore, this act shall 116  
go into immediate effect. 117