

As Reported by the House Health and Aging Committee

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Sub. H. B. No. 438

Representative Sears

Cosponsors: Representatives Fende, Barnes, Carney, Garland, Schuring,

Yuko

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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 school accredited by the American osteopathic association;

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

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

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

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

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

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

~~(C) The holder of a visiting medical~~ clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the

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
~~ertificate~~ 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
certificate; 79

(c) Provides evidence satisfactory to the board of all of the 80
following: 81

(i) That the applicant continues to maintain a current, 82
unrestricted license to practice medicine and surgery or 83
osteopathic medicine and surgery issued by another state or 84
country; 85

(ii) That the applicant's initial appointment to serve in 86
this state on the academic staff of a medical school is still 87
valid or has been renewed; 88

(iii) That the applicant has satisfied the same continuing 89
medical education requirements set forth in section 4731.281 of 90
the Revised Code that apply to a person who holds a certificate to 91
practice medicine and surgery or osteopathic medicine and surgery 92
issued under this chapter. 93

(2) Regardless of whether the certificate has expired, a 94
person who was granted a visiting medical faculty certificate 95
under this section as it existed immediately prior to the 96
effective date of this amendment may apply for a clinical research 97
faculty certificate as a renewal. The board may issue the clinical 98
research faculty certificate if the applicant meets the 99
requirements of division (E)(1) of this section. The board may not 100
issue a clinical research faculty certificate if the visiting 101
medical faculty certificate was revoked. 102

(F) The board shall maintain a register of all persons who 103
hold clinical research faculty certificates. 104

(G) The board may adopt any rules it considers necessary to 105
implement this section. The rules shall be adopted in accordance 106
with Chapter 119. of the Revised Code. 107

Section 2. 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