

**As Passed by the House**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 320**

**Representative Young**

**Cosponsors: Representatives Amstutz, Becker, Boose, Brenner, Buchy, Burkley, Derickson, Hood, Roegner, Thompson, Antonio, Bishoff, Brown, Hagan, R., Hill, Johnson, Lynch, Maag, Wachtmann, Schuring, Sears, Smith, Sprague, Barnes, Adams, R., Anielski, Beck, Blair, Blessing, Celebrezze, Conditt, Damschroder, DeVitis, Green, Grossman, Hackett, Hall, Henne, Letson, Mallory, McClain, Milkovich, Retherford, Romanchuk, Sheehy, Strahorn, Terhar**

—

**A B I L L**

To amend sections 2305.234, 3701.071, 3702.71, 1  
3702.74, 3702.76, 3702.85, 3702.87, 3702.91, 2  
4715.42, 4723.271, and 4731.295 and to enact 3  
sections 5.2290, 3701.072, and 4723.26 of the 4  
Revised Code to require the Department of Health 5  
to maintain information on its web site regarding 6  
free clinics, to designate December as "Free 7  
Clinic Appreciation Month," to modify the state's 8  
loan repayment programs for physicians and 9  
dentists who participate by providing care at free 10  
clinics, to create a volunteer's certificate for 11  
retired nurses, and to extend for a specified 12  
period qualified immunity from civil liability for 13  
certain volunteer health care services provided to 14  
individuals eligible for or receiving Medicaid. 15

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

**Section 1.** That sections 2305.234, 3701.071, 3702.71, 16  
3702.74, 3702.76, 3702.85, 3702.87, 3702.91, 4715.42, 4723.271, 17  
and 4731.295 be amended and sections 5.2290, 3701.072, and 4723.26 18  
of the Revised Code be enacted to read as follows: 19

**Sec. 5.2290.** The month of December is designated as "Free 20  
Clinic Appreciation Month." 21

**Sec. 2305.234.** (A) As used in this section: 22

(1) "Chiropractic claim," "medical claim," and "optometric 23  
claim" have the same meanings as in section 2305.113 of the 24  
Revised Code. 25

(2) "Dental claim" has the same meaning as in section 26  
2305.113 of the Revised Code, except that it does not include any 27  
claim arising out of a dental operation or any derivative claim 28  
for relief that arises out of a dental operation. 29

(3) "Governmental health care program" has the same meaning 30  
as in section 4731.65 of the Revised Code. 31

(4) "Health care facility or location" means a hospital, 32  
clinic, ambulatory surgical facility, office of a health care 33  
professional or associated group of health care professionals, 34  
training institution for health care professionals, a free clinic 35  
or other nonprofit shelter or health care facility as those terms 36  
are defined in section 3701.071 of the Revised Code, or any other 37  
place where medical, dental, or other health-related diagnosis, 38  
care, or treatment is provided to a person. 39

(5) "Health care professional" means any of the following who 40  
provide medical, dental, or other health-related diagnosis, care, 41  
or treatment: 42

(a) Physicians authorized under Chapter 4731. of the Revised 43  
Code to practice medicine and surgery or osteopathic medicine and 44

surgery;	45
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	46 47 48 49 50 51
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	52 53
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	54 55
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	56 57 58
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	59 60
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	61 62
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	63 64
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	65 66
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	67 68
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	69 70 71 72
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	73 74

(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code; 75 76

(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code; 77 78 79 80 81

(o) Psychologists licensed under Chapter 4732. of the Revised Code; 82 83

(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code. 84 85 86 87

(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities. 88 89 90 91 92 93 94

(7) "Indigent and uninsured person" means a person who meets ~~all~~ both of the following requirements: 95 96

(a) ~~The~~ Relative to being indigent, the person's income is not greater than two hundred per cent of the ~~current~~ federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A)(7)(b)(iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line. 97 98 99 100 101 102 103 104

(b) ~~The person is not eligible for the medicaid program or~~ 105

~~any other governmental health care program.~~ 106

~~(e) Either Relative to being uninsured, one of the following 107  
applies: 108~~

~~(i) The person is not a policyholder, certificate holder, 109  
insured, contract holder, subscriber, enrollee, member, 110  
beneficiary, or other covered individual under a health insurance 111  
or health care policy, contract, or plan. 112~~

~~(ii) The person is a policyholder, certificate holder, 113  
insured, contract holder, subscriber, enrollee, member, 114  
beneficiary, or other covered individual under a health insurance 115  
or health care policy, contract, or plan, but the insurer, policy, 116  
contract, or plan denies coverage or is the subject of insolvency 117  
or bankruptcy proceedings in any jurisdiction. 118~~

~~(iii) Until June 30, 2019, the person is eligible for the 119  
medicaid program or is a medicaid recipient. 120~~

~~(iv) Except as provided in division (A)(7)(b)(iii) of this 121  
section, the person is not eligible for or a recipient, enrollee, 122  
or beneficiary of any governmental health care program. 123~~

~~(8) "Nonprofit health care referral organization" means an 124  
entity that is not operated for profit and refers patients to, or 125  
arranges for the provision of, health-related diagnosis, care, or 126  
treatment by a health care professional or health care worker. 127~~

~~(9) "Operation" means any procedure that involves cutting or 128  
otherwise infiltrating human tissue by mechanical means, including 129  
surgery, laser surgery, ionizing radiation, therapeutic 130  
ultrasound, or the removal of intraocular foreign bodies. 131  
"Operation" does not include the administration of medication by 132  
injection, unless the injection is administered in conjunction 133  
with a procedure infiltrating human tissue by mechanical means 134  
other than the administration of medicine by injection. 135  
"Operation" does not include routine dental restorative 136~~

procedures, the scaling of teeth, or extractions of teeth that are 137  
not impacted. 138

(10) "Tort action" means a civil action for damages for 139  
injury, death, or loss to person or property other than a civil 140  
action for damages for a breach of contract or another agreement 141  
between persons or government entities. 142

(11) "Volunteer" means an individual who provides any 143  
medical, dental, or other health-care related diagnosis, care, or 144  
treatment without the expectation of receiving and without receipt 145  
of any compensation or other form of remuneration from an indigent 146  
and uninsured person, another person on behalf of an indigent and 147  
uninsured person, any health care facility or location, any 148  
nonprofit health care referral organization, or any other person 149  
or government entity. 150

(12) "Community control sanction" has the same meaning as in 151  
section 2929.01 of the Revised Code. 152

(13) "Deep sedation" means a drug-induced depression of 153  
consciousness during which a patient cannot be easily aroused but 154  
responds purposefully following repeated or painful stimulation, a 155  
patient's ability to independently maintain ventilatory function 156  
may be impaired, a patient may require assistance in maintaining a 157  
patent airway and spontaneous ventilation may be inadequate, and 158  
cardiovascular function is usually maintained. 159

(14) "General anesthesia" means a drug-induced loss of 160  
consciousness during which a patient is not arousable, even by 161  
painful stimulation, the ability to independently maintain 162  
ventilatory function is often impaired, a patient often requires 163  
assistance in maintaining a patent airway, positive pressure 164  
ventilation may be required because of depressed spontaneous 165  
ventilation or drug-induced depression of neuromuscular function, 166  
and cardiovascular function may be impaired. 167

(B)(1) Subject to divisions (F) and (G)(3) of this section, a health care professional who is a volunteer and complies with division (B)(2) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

(2) To qualify for the immunity described in division (B)(1) of this section, a health care professional shall do all of the following prior to providing diagnosis, care, or treatment:

(a) Determine, in good faith, that the indigent and uninsured person is mentally capable of giving informed consent to the provision of the diagnosis, care, or treatment and is not subject to duress or under undue influence;

(b) Inform the person of the provisions of this section, including notifying the person that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot hold the health care professional liable for damages in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, unless the action or omission of the health care professional constitutes willful or wanton misconduct;

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent

to the provision of the diagnosis, care, or treatment subject to 200  
the provisions of this section. A written waiver under division 201  
(B)(2)(c) of this section shall state clearly and in conspicuous 202  
type that the person or other individual who signs the waiver is 203  
signing it with full knowledge that, by giving informed consent to 204  
the provision of the diagnosis, care, or treatment, the person 205  
cannot bring a tort or other civil action, including an action on 206  
a medical, dental, chiropractic, optometric, or other 207  
health-related claim, against the health care professional unless 208  
the action or omission of the health care professional constitutes 209  
willful or wanton misconduct. 210

(3) A physician or podiatrist who is not covered by medical 211  
malpractice insurance, but complies with division (B)(2) of this 212  
section, is not required to comply with division (A) of section 213  
4731.143 of the Revised Code. 214

(C) Subject to divisions (F) and (G)(3) of this section, 215  
health care workers who are volunteers are not liable in damages 216  
to any person or government entity in a tort or other civil 217  
action, including an action upon a medical, dental, chiropractic, 218  
optometric, or other health-related claim, for injury, death, or 219  
loss to person or property that allegedly arises from an action or 220  
omission of the health care worker in the provision to an indigent 221  
and uninsured person of medical, dental, or other health-related 222  
diagnosis, care, or treatment, unless the action or omission 223  
constitutes willful or wanton misconduct. 224

(D) Subject to divisions (F) and (G)(3) of this section, a 225  
nonprofit health care referral organization is not liable in 226  
damages to any person or government entity in a tort or other 227  
civil action, including an action on a medical, dental, 228  
chiropractic, optometric, or other health-related claim, for 229  
injury, death, or loss to person or property that allegedly arises 230  
from an action or omission of the nonprofit health care referral 231

organization in referring indigent and uninsured persons to, or 232  
arranging for the provision of, medical, dental, or other 233  
health-related diagnosis, care, or treatment by a health care 234  
professional described in division (B)(1) of this section or a 235  
health care worker described in division (C) of this section, 236  
unless the action or omission constitutes willful or wanton 237  
misconduct. 238

(E) Subject to divisions (F) and (G)(3) of this section and 239  
to the extent that the registration requirements of section 240  
3701.071 of the Revised Code apply, a health care facility or 241  
location associated with a health care professional described in 242  
division (B)(1) of this section, a health care worker described in 243  
division (C) of this section, or a nonprofit health care referral 244  
organization described in division (D) of this section is not 245  
liable in damages to any person or government entity in a tort or 246  
other civil action, including an action on a medical, dental, 247  
chiropractic, optometric, or other health-related claim, for 248  
injury, death, or loss to person or property that allegedly arises 249  
from an action or omission of the health care professional or 250  
worker or nonprofit health care referral organization relative to 251  
the medical, dental, or other health-related diagnosis, care, or 252  
treatment provided to an indigent and uninsured person on behalf 253  
of or at the health care facility or location, unless the action 254  
or omission constitutes willful or wanton misconduct. 255

(F)(1) Except as provided in division (F)(2) of this section, 256  
the immunities provided by divisions (B), (C), (D), and (E) of 257  
this section are not available to a health care professional, 258  
health care worker, nonprofit health care referral organization, 259  
or health care facility or location if, at the time of an alleged 260  
injury, death, or loss to person or property, the health care 261  
professionals or health care workers involved are providing one of 262  
the following: 263

(a) Any medical, dental, or other health-related diagnosis,	264
care, or treatment pursuant to a community service work order	265
entered by a court under division (B) of section 2951.02 of the	266
Revised Code or imposed by a court as a community control	267
sanction;	268
(b) Performance of an operation to which any one of the	269
following applies:	270
(i) The operation requires the administration of deep	271
sedation or general anesthesia.	272
(ii) The operation is a procedure that is not typically	273
performed in an office.	274
(iii) The individual involved is a health care professional,	275
and the operation is beyond the scope of practice or the	276
education, training, and competence, as applicable, of the health	277
care professional.	278
(c) Delivery of a baby or any other purposeful termination of	279
a human pregnancy.	280
(2) Division (F)(1) of this section does not apply when a	281
health care professional or health care worker provides medical,	282
dental, or other health-related diagnosis, care, or treatment that	283
is necessary to preserve the life of a person in a medical	284
emergency.	285
(G)(1) This section does not create a new cause of action or	286
substantive legal right against a health care professional, health	287
care worker, nonprofit health care referral organization, or	288
health care facility or location.	289
(2) This section does not affect any immunities from civil	290
liability or defenses established by another section of the	291
Revised Code or available at common law to which a health care	292
professional, health care worker, nonprofit health care referral	293

organization, or health care facility or location may be entitled 294  
in connection with the provision of emergency or other medical, 295  
dental, or other health-related diagnosis, care, or treatment. 296

(3) This section does not grant an immunity from tort or 297  
other civil liability to a health care professional, health care 298  
worker, nonprofit health care referral organization, or health 299  
care facility or location for actions that are outside the scope 300  
of authority of health care professionals or health care workers. 301

(4) This section does not affect any legal responsibility of 302  
a health care professional, health care worker, or nonprofit 303  
health care referral organization to comply with any applicable 304  
law of this state or rule of an agency of this state. 305

(5) This section does not affect any legal responsibility of 306  
a health care facility or location to comply with any applicable 307  
law of this state, rule of an agency of this state, or local code, 308  
ordinance, or regulation that pertains to or regulates building, 309  
housing, air pollution, water pollution, sanitation, health, fire, 310  
zoning, or safety. 311

**Sec. 3701.071.** (A) As used in this section: 312

(1) "Free clinic" means a nonprofit organization exempt from 313  
federal income taxation under section 501(c)(3) of the "Internal 314  
Revenue Code of 1986," as amended, or a program component of a 315  
nonprofit organization, to which both of the following apply: 316

(a) Its primary mission is to provide health care services 317  
for free or for a minimal administrative fee to individuals with 318  
limited resources. 319

(b) It facilitates the delivery of health care services 320  
through the use of volunteer health care professionals and 321  
voluntary care networks. 322

(2) "Indigent and uninsured person" has the same meaning as 323

in section 2305.234 of the Revised Code. 324

~~(2)~~(3) "Nonprofit shelter or health care facility" means a 325  
charitable nonprofit corporation organized and operated pursuant 326  
to Chapter 1702. of the Revised Code, or any charitable 327  
organization not organized and not operated for profit, that 328  
provides shelter, health care services, or shelter and health care 329  
services to indigent and uninsured persons. "Nonprofit shelter or 330  
health care facility" includes any such shelter or facility that 331  
is operated as or includes a free clinic. "Nonprofit shelter or 332  
health care facility" does not include a hospital, as defined in 333  
section 3727.01 of the Revised Code, a facility licensed under 334  
Chapter 3721. of the Revised Code, or a medical facility that is 335  
operated for profit. 336

(B) A nonprofit shelter or health care facility operating in 337  
this state shall register on the first day of January each year 338  
with the department of health. The immunity provided by division 339  
(E) of section 2305.234 of the Revised Code is not available to a 340  
nonprofit shelter or health care facility until the shelter or 341  
facility registers with the department in accordance with this 342  
section. 343

(C) A nonprofit shelter or health care facility operating in 344  
this state shall keep records of all patients who receive medical, 345  
dental, or other health-related diagnosis, care, or treatment at 346  
the shelter or facility. The department of health shall monitor 347  
the quality of care provided to patients at nonprofit shelters or 348  
health care facilities. The monitoring program may be conducted by 349  
contracting with another entity or through any other method 350  
authorized by law. The department may solicit and accept funds 351  
from private sources to fund the monitoring program. 352

**Sec. 3701.072.** (A) As used in this section, "free clinic" has 353  
the same meaning as in section 3701.071 of the Revised Code. 354

(B) The department of health, on its internet web site, shall 355  
make information available regarding free clinics. The information 356  
shall include all of the following: 357

(1) A description of what constitutes a free clinic; 358

(2) The benefits that free clinics provide to the state's 359  
health care system, including the services they make available to 360  
both patients and health care providers; 361

(3) A directory of free clinics, including for each clinic 362  
its address and contact information and its hours of operation; 363

(4) A notice each time that a new free clinic is opened. 364

(C) Each year, the department shall promote the designation 365  
under section 5.2290 of the Revised Code of December as "Free 366  
Clinic Appreciation Month." The promotion shall include the 367  
selection of a free clinic to be named as "free clinic of the 368  
year" and the selection of a physician, nurse, and dentist to be 369  
named as "free clinic volunteer of the year" in the respective 370  
professions. 371

In conducting its promotion activities, the department may 372  
consult with entities that have interests in the services provided 373  
by and the benefits of free clinics, including the Ohio 374  
association of free clinics. 375

**Sec. 3702.71.** As used in sections 3702.71 to 3702.81 of the 376  
Revised Code: 377

(A) "Primary care physician" means an individual who is 378  
authorized under Chapter 4731. of the Revised Code to practice 379  
medicine and surgery or osteopathic medicine and surgery and is 380  
board certified or board eligible in a primary care specialty. 381

(B) "Primary care service" means professional comprehensive 382  
personal health services, which may include health education and 383  
disease prevention, treatment of uncomplicated health problems, 384

diagnosis of chronic health problems, overall management of health 385  
care services for an individual or a family, and the services of a 386  
psychiatrist. "Primary care service" also includes providing the 387  
initial contact for health care services and making referrals for 388  
secondary and tertiary care and for continuity of health care 389  
services. 390

(C) "Primary care specialty" means general internal medicine, 391  
pediatrics, adolescent medicine, obstetrics and gynecology, 392  
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 393  
combined internal medicine and pediatrics, geriatrics, or family 394  
practice. 395

(D) "Free clinic" has the same meaning as in section 3701.071 396  
of the Revised Code. 397

**Sec. 3702.74.** (A) A primary care physician who has signed a 398  
letter of intent under section 3702.73 of the Revised Code and the 399  
director of health may enter into a contract for the physician's 400  
participation in the physician loan repayment program. The 401  
physician's employer or other funding source may also be a party 402  
to the contract. 403

(B) The contract shall include all of the following 404  
obligations: 405

(1) The primary care physician agrees to provide primary care 406  
services in the health resource shortage area identified in the 407  
letter of intent for at least two years; 408

(2) When providing primary care services in the health 409  
resource shortage area, the primary care physician agrees to do 410  
all of the following: 411

(a) Provide primary care services for a number of hours per 412  
week, as follows: 413

(i) Except as provided in division (B)(2)(a)(ii) of this 414

section, a minimum of forty hours per week, of which at least 415  
twenty-one hours will be spent providing patient care in an 416  
outpatient or ambulatory setting; 417

(ii) A minimum of twenty-one hours per week if the services 418  
are to be provided solely in a health resource shortage area that 419  
is a free clinic. 420

(b) ~~Provide~~ While providing primary care services for the 421  
minimum number of hours required under division (B) of this 422  
section, provide the services without regard to a patient's 423  
ability to pay; 424

(c) Meet the requirements for a medicaid provider agreement 425  
and enter into the agreement with the department of medicaid to 426  
provide primary care services to medicaid recipients. 427

(3) The department of health agrees, as provided in section 428  
3702.75 of the Revised Code, to repay, so long as the primary care 429  
physician performs the service obligation agreed to under division 430  
(B)(1) of this section, all or part of the principal and interest 431  
of a government or other educational loan taken by the primary 432  
care physician for expenses described in section 3702.75 of the 433  
Revised Code; 434

(4) The primary care physician agrees to pay the department 435  
of health an amount established by rules adopted under section 436  
3702.79 of the Revised Code if the physician fails to complete the 437  
service obligation agreed to under division (B)(1) of this 438  
section. 439

(C) The contract may include any other terms agreed upon by 440  
the parties. 441

**Sec. 3702.76. (A)** The director of health shall designate, as 442  
health resource shortage areas, areas in this state that 443  
experience special health problems and physician practice patterns 444

that limit access to medical care. The Except as provided in 445  
division (B) of this section, the designations shall be made by 446  
rule ~~and~~. The designations may apply to a geographic area, one or 447  
more facilities within a particular area, or a population group 448  
within a particular area. The director shall consider for 449  
designation as a health resource shortage area, any area in this 450  
state that has been designated by the United States secretary of 451  
health and human services as a health manpower shortage area under 452  
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 453  
42 U.S.C.A. 201, as amended. 454

(B) The director shall designate each free clinic as a health 455  
resource shortage area, regardless of whether the clinic is 456  
located in a geographic area that is designated as a health 457  
resource shortage area. 458

**Sec. 3702.85.** (A) As used in sections 3702.85 to 3702.95 of 459  
the Revised Code, "free clinic" has the same meaning as in section 460  
3701.071 of the Revised Code. 461

(B) There is hereby created the dentist loan repayment 462  
program, which shall be administered by the department of health 463  
in cooperation with the dentist loan repayment advisory board. The 464  
program shall provide loan repayment on behalf of individuals who 465  
agree to provide dental services in areas designated as dental 466  
health resource shortage areas by the director of health pursuant 467  
to section 3702.87 of the Revised Code. 468

(C) Under the program, the department of health, by means of 469  
a contract entered into under section 3702.91 of the Revised Code, 470  
may agree to repay all or part of the principal and interest of a 471  
government or other educational loan taken by an individual for 472  
the following expenses incurred while the individual was enrolled 473  
in an accredited dental college or a dental college located 474  
outside of the United States that meets the standards of section 475

4715.11 of the Revised Code: 476

~~(A)~~(1) Tuition; 477

~~(B)~~(2) Other educational expenses, such as fees, books, and 478  
laboratory expenses that are for purposes and in amounts 479  
determined reasonable by the director of health; 480

~~(C)~~(3) Room and board, in an amount determined reasonable by 481  
the director of health. 482

**Sec. 3702.87.** (A) The director of health shall designate, as 483  
dental health resource shortage areas, areas in this state that 484  
experience special dental health problems and dentist practice 485  
patterns that limit access to dental care. The Except as provided 486  
in division (B) of this section, the designations shall be made by 487  
rule ~~and~~. The designations may apply to a geographic area, one or 488  
more facilities within a particular area, or a population group 489  
within a particular area. The director shall consider for 490  
designation as a dental health resource shortage area, any area in 491  
this state that has been designated by the United States secretary 492  
of health and human services as a health professional shortage 493  
area under Title III of the "Public Health Service Act," 58 Stat. 494  
682 (1944), 42 U.S.C. 201, as amended. 495

(B) The director shall designate each free clinic as a dental 496  
health resource shortage area, regardless of whether the clinic is 497  
located in a geographic area that is designated as a dental health 498  
resource shortage area. 499

**Sec. 3702.91.** (A) An individual who has signed a letter of 500  
intent under section 3702.90 of the Revised Code may enter into a 501  
contract with the director of health for participation in the 502  
dentist loan repayment program. The dentist's employer or other 503  
funding source may also be a party to the contract. 504

(B) The contract shall include all of the following 505

obligations:	506
(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least two years.	507 508 509
(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:	510 511 512
(a) Provide dental services for a <u>number of hours per week, as follows:</u>	513 514
(i) <u>Except as provided in division (B)(2)(a)(ii) of this section, a minimum of forty hours per week;</u>	515 516
(ii) <u>A minimum of twenty-one hours per week if the services are to be provided solely in a dental health resource shortage area that is a free clinic.</u>	517 518 519
(b) <u>Provide While providing dental services for the minimum number of hours required under division (B) of this section, provide the services</u> without regard to a patient's ability to pay;	520 521 522
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide dental services to medicaid recipients.	523 524 525
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.	526 527 528 529 530 531
(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section.	532 533 534 535

(C) The contract may include any other terms agreed upon by the parties. 536  
537

(D) Not later than the thirty-first day of January of each year, the department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service. 538  
539  
540  
541  
542  
543  
544  
545

**Sec. 4715.42.** (A)(1) As used in this section, ~~"indigent"~~ 546

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code. 547  
548

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code. 549  
550

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist or dental hygienist for remuneration. 551  
552  
553  
554

(B) Within thirty days after receiving an application for a volunteer's certificate that includes all of the items listed in divisions (C)(1), (2), and (3) of this section, the state dental board shall issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at any location, including a free clinic. 555  
556  
557  
558  
559  
560  
561

(C) An application for a volunteer's certificate shall include all of the following: 562  
563

(1) A copy of the applicant's degree from dental college or dental hygiene school. 564  
565

(2) One of the following, as applicable:	566
(a) A copy of the applicant's most recent license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.	567 568 569 570
(b) A copy of the applicant's most recent license equivalent to a license to practice dentistry or dental hygiene in one or more branches of the United States armed services that the United States government issued.	571 572 573 574
(3) Evidence of one of the following, as applicable:	575
(a) The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.	576 577 578 579
(b) The applicant has practiced as a dentist or dental hygienist in good standing for at least ten years prior to retirement in one or more branches of the United States armed services.	580 581 582 583
(D) The holder of a volunteer's certificate may provide dental services only to indigent and uninsured persons, <u>but may do so at any location, including a free clinic</u> . The holder shall not accept any form of remuneration for providing dental services while in possession of the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.	584 585 586 587 588 589 590 591 592 593 594
(E)(1) A volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the	595 596

holder, unless the certificate was previously revoked under 597  
division (D) of this section. The board shall maintain a register 598  
of all persons who hold volunteer's certificates. The board shall 599  
not charge a fee for issuing or renewing a certificate pursuant to 600  
this section. 601

(2) To be eligible for renewal of a volunteer's certificate, 602  
the holder of the certificate shall certify to the board 603  
completion of sixty hours of continuing dental education that 604  
meets the requirements of section 4715.141 of the Revised Code and 605  
the rules adopted under that section, or completion of eighteen 606  
hours of continuing dental hygiene education that meets the 607  
requirements of section 4715.25 of the Revised Code and the rules 608  
adopted under that section, as the case may be. The board may not 609  
renew a certificate if the holder has not complied with the 610  
appropriate continuing education requirements. Any entity for 611  
which the holder provides dental services may pay for or reimburse 612  
the holder for any costs incurred in obtaining the required 613  
continuing education credits. 614

(3) The board shall issue to each person who qualifies under 615  
this section for a volunteer's certificate a wallet certificate 616  
and a wall certificate that state that the certificate holder is 617  
authorized to provide dental services pursuant to the laws of this 618  
state. The holder shall keep the wallet certificate on the 619  
holder's person while providing dental services and shall display 620  
the wall certificate prominently at the location where the holder 621  
primarily practices. 622

(4) The holder of a volunteer's certificate issued pursuant 623  
to this section is subject to the immunity provisions regarding 624  
the provision of services to indigent and uninsured persons in 625  
section 2305.234 of the Revised Code. 626

(F) The board shall adopt rules in accordance with Chapter 627  
119. of the Revised Code to administer and enforce this section. 628

(G) ~~Within ninety days after the effective date of this~~ 629  
~~amendment, the~~ The state dental board shall make available through 630  
the board's ~~website~~ web site the application form for a 631  
volunteer's certificate under this section, a description of the 632  
application process, and a list of all items that are required by 633  
division (C) of this section to be submitted with the application. 634

**Sec. 4723.26.** (A)(1) As used in this section: 635

(a) "Free clinic" has the same meaning as in section 3701.071 636  
of the Revised Code. 637

(b) "Indigent and uninsured person" and "operation" have the 638  
same meanings as in section 2305.234 of the Revised Code. 639

(2) For the purposes of this section, a person shall be 640  
considered retired from practice if the person's license has 641  
expired with the intention of ceasing to practice nursing as a 642  
registered nurse, licensed practical nurse, or advanced practice 643  
registered nurse for remuneration. 644

(B) Within thirty days after receiving an application for a 645  
volunteer's certificate, the board of nursing shall issue, without 646  
examination, a volunteer's certificate to a qualified person who 647  
is retired from practice so that the person may provide nursing 648  
services to indigent and uninsured persons at any location, 649  
including a free clinic. 650

(C) Except as provided in division (D) of this section, an 651  
application for a volunteer's certificate shall include all of the 652  
following: 653

(1) A copy of the applicant's degree from a school of 654  
registered nursing or practical nursing; 655

(2) One of the following, as applicable: 656

(a) A copy or other evidence of the applicant's most recent 657  
license to practice nursing as a registered nurse or licensed 658

practical nurse issued by a jurisdiction in the United States that 659  
licenses persons to practice nursing as a registered nurse or 660  
licensed practical nurse; 661

(b) A copy or other evidence of the applicant's most recent 662  
license equivalent to a license to practice nursing as a 663  
registered nurse or licensed practical nurse in one or more 664  
branches of the United States armed services that the United 665  
States government issued. 666

(3) Evidence of one of the following, as applicable: 667

(a) The applicant has maintained for at least ten years prior 668  
to retirement a valid, unrestricted license in any jurisdiction in 669  
the United States that licenses persons to practice nursing as a 670  
registered nurse, licensed practical nurse, or advanced practice 671  
registered nurse. 672

(b) The applicant has practiced nursing as a registered 673  
nurse, licensed practical nurse, or advanced practice registered 674  
nurse under a valid, unrestricted license for at least ten years 675  
prior to retirement in one or more branches of the United States 676  
armed services. 677

(D) For an applicant retired from practice for at least ten 678  
years, the applicant shall do both of the following: 679

(1) Certify to the board completion of continuing nursing 680  
education that meets the requirements of section 4723.24 of the 681  
Revised Code and the rules adopted under that section; 682

(2) Submit a request to the bureau of criminal identification 683  
and investigation for a criminal records check and check of 684  
federal bureau of investigation records pursuant to section 685  
4723.091 of the Revised Code. 686

(E) The holder of a volunteer's certificate may provide 687  
nursing services only to indigent and uninsured persons, but may 688

do so at any location, including a free clinic. The holder shall 689  
not accept any form of remuneration for providing nursing services 690  
while in possession of the certificate. The board may suspend or 691  
revoke a volunteer's certificate on receiving proof satisfactory 692  
to the board that the holder has engaged in practice in this state 693  
outside the scope of the holder's certificate or that there are 694  
grounds for action against the person under section 4723.28 of the 695  
Revised Code. In revoking a certificate, the board may specify 696  
that the revocation is permanent. 697

(F)(1) A volunteer's certificate shall be valid for a period 698  
of two years, and may be renewed upon the application of the 699  
holder, unless the certificate is suspended or revoked under 700  
division (E) of this section. The board shall maintain a register 701  
of all persons who hold volunteer's certificates. The board shall 702  
not charge a fee for issuing or renewing a certificate pursuant to 703  
this section. 704

(2) To be eligible for renewal of a volunteer's certificate, 705  
the holder of the certificate shall certify to the board 706  
completion of continuing nursing education that meets the 707  
requirements of section 4723.24 of the Revised Code and the rules 708  
adopted under that section. The board may not renew a certificate 709  
if the holder has not complied with the appropriate continuing 710  
education requirements. Any entity for which the holder provides 711  
nursing services may pay for or reimburse the holder for any costs 712  
incurred in obtaining the required continuing education hours. 713

(3) The holder of a volunteer's certificate issued pursuant 714  
to this section is subject to the immunity provisions regarding 715  
the provision of services to indigent and uninsured persons in 716  
section 2305.234 of the Revised Code. 717

(G) The board shall adopt rules in accordance with Chapter 718  
119. of the Revised Code to administer and enforce this section. 719

**Sec. 4723.271.** (A) Upon request of the holder of a nursing 720  
license, volunteer's certificate, certificate of authority, 721  
dialysis technician certificate, medication aide certificate, or 722  
community health worker certificate issued under this chapter, the 723  
presentment of proper identification as prescribed in rules 724  
adopted by the board of nursing, and payment of the fee authorized 725  
under section 4723.08 of the Revised Code, the board of nursing 726  
shall provide to the requestor a replacement copy of a wall 727  
certificate suitable for framing. 728

(B) Upon request of the holder of a nursing license, 729  
volunteer's certificate, certificate of authority, certificate to 730  
prescribe, dialysis technician certificate, medication aide 731  
certificate, or community health worker certificate issued under 732  
this chapter and payment of the fee authorized under section 733  
4723.08 of the Revised Code, the board shall verify to an agency 734  
of another jurisdiction or foreign country the fact that the 735  
person holds such nursing license, volunteer's certificate, 736  
certificate of authority, certificate to prescribe, dialysis 737  
technician certificate, medication aide certificate, or community 738  
health worker certificate. 739

**Sec. 4731.295.** (A)(1) As used in this section, ~~"indigent:~~ 740

(a) "Free clinic" has the same meaning as in section 3701.071 741  
of the Revised Code. 742

(b) "Indigent and uninsured person" and "operation" have the 743  
same meanings as in section 2305.234 of the Revised Code. 744

(2) For the purposes of this section, a person shall be 745  
considered retired from practice if the person's license or 746  
certificate has expired with the person's intention of ceasing to 747  
practice medicine and surgery or osteopathic medicine and surgery 748  
for remuneration. 749

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to indigent and uninsured persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license or certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) A notarized statement from the applicant, on a form 780  
prescribed by the board, that the applicant will not accept any 781  
form of remuneration for any medical services rendered while in 782  
possession of a volunteer's certificate. 783

(D) The holder of a volunteer's certificate may provide 784  
medical services only to indigent and uninsured persons, but may 785  
do so at any location, including a free clinic. The holder shall 786  
not accept any form of remuneration for providing medical services 787  
while in possession of the certificate. Except in a medical 788  
emergency, the holder shall not perform any operation or deliver 789  
babies. The board may revoke a volunteer's certificate on 790  
receiving proof satisfactory to the board that the holder has 791  
engaged in practice in this state outside the scope of the 792  
certificate. 793

(E)(1) A volunteer's certificate shall be valid for a period 794  
of three years, unless earlier revoked under division (D) of this 795  
section or pursuant to section 4731.22 of the Revised Code. A 796  
volunteer's certificate may be renewed upon the application of the 797  
holder. The board shall maintain a register of all persons who 798  
hold volunteer's certificates. The board shall not charge a fee 799  
for issuing or renewing a certificate pursuant to this section. 800

(2) To be eligible for renewal of a volunteer's certificate 801  
the holder of the certificate shall certify to the board 802  
completion of one hundred fifty hours of continuing medical 803  
education that meets the requirements of section 4731.281 of the 804  
Revised Code regarding certification by private associations and 805  
approval by the board. The board may not renew a certificate if 806  
the holder has not complied with the continuing medical education 807  
requirements. Any entity for which the holder provides medical 808  
services may pay for or reimburse the holder for any costs 809  
incurred in obtaining the required continuing medical education 810  
credits. 811

(3) The board shall issue to each person who qualifies under 812  
this section for a volunteer's certificate a wallet certificate 813  
and a wall certificate that state that the certificate holder is 814  
authorized to provide medical services pursuant to the laws of 815  
this state. The holder shall keep the wallet certificate on the 816  
holder's person while providing medical services and shall display 817  
the wall certificate prominently at the location where the holder 818  
primarily practices. 819

(4) The holder of a volunteer's certificate issued pursuant 820  
to this section is subject to the immunity provisions regarding 821  
the provision of services to indigent and uninsured persons in 822  
section 2305.234 of the Revised Code. 823

(F) The board shall adopt rules in accordance with Chapter 824  
119. of the Revised Code to administer and enforce this section. 825

**Section 2.** That existing sections 2305.234, 3701.071, 826  
3702.71, 3702.74, 3702.76, 3702.85, 3702.87, 3702.91, 4715.42, 827  
4723.271, and 4731.295 of the Revised Code are hereby repealed. 828