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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

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A B I L L

To amend sections 2305.234, 3701.071, 3702.76, 1
3702.87, 4715.42, 4723.271, and 4731.295 and to 2
enact sections 5.252, 3701.072, and 4723.26 of the 3
Revised Code to require the Department of Health 4
to maintain information on its web site regarding 5
free clinics, to designate December as "Free 6
Clinic Appreciation Month," to require that all 7
free clinics be included in the state's loan 8
repayment programs for physicians and dentists, to 9
create a volunteer's certificate for retired 10
nurses, and to extend for a specified period 11
qualified immunity from civil liability for 12
certain volunteer health care services provided in 13
free clinics to individuals eligible for or 14
receiving Medicaid. 15

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

Section 1. That sections 2305.234, 3701.071, 3702.76, 16
3702.87, 4715.42, 4723.271, and 4731.295 be amended and sections 17
5.252, 3701.072, and 4723.26 of the Revised Code be enacted to 18
read as follows: 19

Sec. 5.252. 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, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	56 57 58 59
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	60 61
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	62 63
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	64 65
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	66 67
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	68 69
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	70 71 72 73
(l) Respiratory care professionals licensed under Chapter	74

4761. of the Revised Code;	75
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	76 77
(n) Licensed professional clinical counselors, licensed 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;	78 79 80 81 82
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	83 84
(p) Individuals licensed or certified under Chapter 4758. of the Revised Code who are acting within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention services.	85 86 87 88
(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.	89 90 91 92 93 94 95
(7) "Indigent and uninsured person" means a person who meets all <u>both</u> of the following requirements:	96 97
(a) The <u>Relative to being indigent, the</u> person's income is not greater than two hundred per cent of the current <u>federal</u> 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, <u>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.</u>	98 99 100 101 102 103 104 105

~~(b) The person is not eligible for the medicaid program or
any other governmental health care program.~~ 106
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~~(c) Either Relative to being uninsured, one of the following 108
applies: 109~~

(i) The person is not a policyholder, certificate holder, 110
insured, contract holder, subscriber, enrollee, member, 111
beneficiary, or other covered individual under a health insurance 112
or health care policy, contract, or plan. 113

(ii) The person is a policyholder, certificate holder, 114
insured, contract holder, subscriber, enrollee, member, 115
beneficiary, or other covered individual under a health insurance 116
or health care policy, contract, or plan, but the insurer, policy, 117
contract, or plan denies coverage or is the subject of insolvency 118
or bankruptcy proceedings in any jurisdiction. 119

(iii) Until June 30, 2019, the person is eligible for the 120
medicaid program or is a medicaid recipient. 121

(iv) Except as provided in division (A)(7)(b)(iii) of this 122
section, the person is not eligible for or a recipient, enrollee, 123
or beneficiary of any governmental health care program. 124

(8) "Nonprofit health care referral organization" means an 125
entity that is not operated for profit and refers patients to, or 126
arranges for the provision of, health-related diagnosis, care, or 127
treatment by a health care professional or health care worker. 128

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

"Operation" does not include routine dental restorative 137
procedures, the scaling of teeth, or extractions of teeth that are 138
not impacted. 139

(10) "Tort action" means a civil action for damages for 140
injury, death, or loss to person or property other than a civil 141
action for damages for a breach of contract or another agreement 142
between persons or government entities. 143

(11) "Volunteer" means an individual who provides any 144
medical, dental, or other health-care related diagnosis, care, or 145
treatment without the expectation of receiving and without receipt 146
of any compensation or other form of remuneration from an indigent 147
and uninsured person, another person on behalf of an indigent and 148
uninsured person, any health care facility or location, any 149
nonprofit health care referral organization, or any other person 150
or government entity. 151

(12) "Community control sanction" has the same meaning as in 152
section 2929.01 of the Revised Code. 153

(13) "Deep sedation" means a drug-induced depression of 154
consciousness during which a patient cannot be easily aroused but 155
responds purposefully following repeated or painful stimulation, a 156
patient's ability to independently maintain ventilatory function 157
may be impaired, a patient may require assistance in maintaining a 158
patent airway and spontaneous ventilation may be inadequate, and 159
cardiovascular function is usually maintained. 160

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

and cardiovascular function may be impaired. 168

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 169
health care professional who is a volunteer and complies with 170
division (B)(2) of this section is not liable in damages to any 171
person or government entity in a tort or other civil action, 172
including an action on a medical, dental, chiropractic, 173
optometric, or other health-related claim, for injury, death, or 174
loss to person or property that allegedly arises from an action or 175
omission of the volunteer in the provision to an indigent and 176
uninsured person of medical, dental, or other health-related 177
diagnosis, care, or treatment, including the provision of samples 178
of medicine and other medical products, unless the action or 179
omission constitutes willful or wanton misconduct. 180

(2) To qualify for the immunity described in division (B)(1) 181
of this section, a health care professional shall do all of the 182
following prior to providing diagnosis, care, or treatment: 183

(a) Determine, in good faith, that the indigent and uninsured 184
person is mentally capable of giving informed consent to the 185
provision of the diagnosis, care, or treatment and is not subject 186
to duress or under undue influence; 187

(b) Inform the person of the provisions of this section, 188
including notifying the person that, by giving informed consent to 189
the provision of the diagnosis, care, or treatment, the person 190
cannot hold the health care professional liable for damages in a 191
tort or other civil action, including an action on a medical, 192
dental, chiropractic, optometric, or other health-related claim, 193
unless the action or omission of the health care professional 194
constitutes willful or wanton misconduct; 195

(c) Obtain the informed consent of the person and a written 196
waiver, signed by the person or by another individual on behalf of 197
and in the presence of the person, that states that the person is 198

mentally competent to give informed consent and, without being 199
subject to duress or under undue influence, gives informed consent 200
to the provision of the diagnosis, care, or treatment subject to 201
the provisions of this section. A written waiver under division 202
(B)(2)(c) of this section shall state clearly and in conspicuous 203
type that the person or other individual who signs the waiver is 204
signing it with full knowledge that, by giving informed consent to 205
the provision of the diagnosis, care, or treatment, the person 206
cannot bring a tort or other civil action, including an action on 207
a medical, dental, chiropractic, optometric, or other 208
health-related claim, against the health care professional unless 209
the action or omission of the health care professional constitutes 210
willful or wanton misconduct. 211

(3) A physician or podiatrist who is not covered by medical 212
malpractice insurance, but complies with division (B)(2) of this 213
section, is not required to comply with division (A) of section 214
4731.143 of the Revised Code. 215

(C) Subject to divisions (F) and (G)(3) of this section, 216
health care workers who are volunteers are not liable in damages 217
to any person or government entity in a tort or other civil 218
action, including an action upon a medical, dental, chiropractic, 219
optometric, or other health-related claim, for injury, death, or 220
loss to person or property that allegedly arises from an action or 221
omission of the health care worker in the provision to an indigent 222
and uninsured person of medical, dental, or other health-related 223
diagnosis, care, or treatment, unless the action or omission 224
constitutes willful or wanton misconduct. 225

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

injury, death, or loss to person or property that allegedly arises 231
from an action or omission of the nonprofit health care referral 232
organization in referring indigent and uninsured persons to, or 233
arranging for the provision of, medical, dental, or other 234
health-related diagnosis, care, or treatment by a health care 235
professional described in division (B)(1) of this section or a 236
health care worker described in division (C) of this section, 237
unless the action or omission constitutes willful or wanton 238
misconduct. 239

(E) Subject to divisions (F) and (G)(3) of this section and 240
to the extent that the registration requirements of section 241
3701.071 of the Revised Code apply, a health care facility or 242
location associated with a health care professional described in 243
division (B)(1) of this section, a health care worker described in 244
division (C) of this section, or a nonprofit health care referral 245
organization described in division (D) of this section is not 246
liable in damages to any person or government entity in a tort or 247
other civil action, including an action on a medical, dental, 248
chiropractic, optometric, or other health-related claim, for 249
injury, death, or loss to person or property that allegedly arises 250
from an action or omission of the health care professional or 251
worker or nonprofit health care referral organization relative to 252
the medical, dental, or other health-related diagnosis, care, or 253
treatment provided to an indigent and uninsured person on behalf 254
of or at the health care facility or location, unless the action 255
or omission constitutes willful or wanton misconduct. 256

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

professionals or health care workers involved are providing one of	263
the following:	264
(a) Any medical, dental, or other health-related diagnosis,	265
care, or treatment pursuant to a community service work order	266
entered by a court under division (B) of section 2951.02 of the	267
Revised Code or imposed by a court as a community control	268
sanction;	269
(b) Performance of an operation to which any one of the	270
following applies:	271
(i) The operation requires the administration of deep	272
sedation or general anesthesia.	273
(ii) The operation is a procedure that is not typically	274
performed in an office.	275
(iii) The individual involved is a health care professional,	276
and the operation is beyond the scope of practice or the	277
education, training, and competence, as applicable, of the health	278
care professional.	279
(c) Delivery of a baby or any other purposeful termination of	280
a human pregnancy.	281
(2) Division (F)(1) of this section does not apply when a	282
health care professional or health care worker provides medical,	283
dental, or other health-related diagnosis, care, or treatment that	284
is necessary to preserve the life of a person in a medical	285
emergency.	286
(G)(1) This section does not create a new cause of action or	287
substantive legal right against a health care professional, health	288
care worker, nonprofit health care referral organization, or	289
health care facility or location.	290
(2) This section does not affect any immunities from civil	291
liability or defenses established by another section of the	292

Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

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

In the case of the diagnosis, care, or treatment of an indigent and uninsured person who is eligible for the medicaid program or is a medicaid recipient, this section grants an immunity from tort or other civil liability only if the person's diagnosis, care, or treatment is provided in a free clinic, as defined in section 3701.071 of the Revised Code.

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

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

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

(1) "Free clinic" means a nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a program component of a

nonprofit organization, to which both of the following apply: 323

(a) Its primary mission is to provide health care services 324
for free or for a minimal administrative fee to individuals with 325
limited resources. 326

(b) It facilitates the delivery of health care services 327
through the use of volunteer health care professionals and 328
voluntary care networks. 329

(2) "Indigent and uninsured person" has the same meaning as 330
in section 2305.234 of the Revised Code. 331

~~(2)~~(3) "Nonprofit shelter or health care facility" means a 332
charitable nonprofit corporation organized and operated pursuant 333
to Chapter 1702. of the Revised Code, or any charitable 334
organization not organized and not operated for profit, that 335
provides shelter, health care services, or shelter and health care 336
services to indigent and uninsured persons. "Nonprofit shelter or 337
health care facility" includes any such shelter or facility that 338
is operated as or includes a free clinic. "Nonprofit shelter or 339
health care facility" does not include a hospital, as defined in 340
section 3727.01 of the Revised Code, a facility licensed under 341
Chapter 3721. of the Revised Code, or a medical facility that is 342
operated for profit. 343

(B) A nonprofit shelter or health care facility operating in 344
this state shall register on the first day of January each year 345
with the department of health. The immunity provided by division 346
(E) of section 2305.234 of the Revised Code is not available to a 347
nonprofit shelter or health care facility until the shelter or 348
facility registers with the department in accordance with this 349
section. 350

(C) A nonprofit shelter or health care facility operating in 351
this state shall keep records of all patients who receive medical, 352
dental, or other health-related diagnosis, care, or treatment at 353

the shelter or facility. The department of health shall monitor 354
the quality of care provided to patients at nonprofit shelters or 355
health care facilities. The monitoring program may be conducted by 356
contracting with another entity or through any other method 357
authorized by law. The department may solicit and accept funds 358
from private sources to fund the monitoring program. 359

(D) A free clinic operating in this state shall compile 360
information on medicaid eligibility and application requirements 361
and procedures and display copies of that information in a 362
prominent location for the benefit of persons who seek or receive 363
services from the clinic. 364

Sec. 3701.072. (A) As used in this section, "free clinic" has 365
the same meaning as in section 3701.071 of the Revised Code. 366

(B) The department of health, on its internet web site, shall 367
make information available regarding free clinics. The information 368
shall include all of the following: 369

(1) A description of what constitutes a free clinic; 370

(2) The benefits that free clinics provide to the state's 371
health care system, including the services they make available to 372
both patients and health care providers; 373

(3) A directory of free clinics, including for each clinic 374
its address and contact information and its hours of operation; 375

(4) A notice each time that a new free clinic is opened. 376

(C) Each year, the department shall promote the designation 377
under section 5.252 of the Revised Code of December as "Free 378
Clinic Appreciation Month." The promotion shall include the 379
selection of a free clinic to be named as "free clinic of the 380
year" and the selection of a physician, nurse, and dentist to be 381
named as "free clinic volunteer of the year" in the respective 382
professions. 383

In conducting its promotion activities, the department may 384
consult with entities that have interests in the services provided 385
by and the benefits of free clinics, including the Ohio 386
association of free clinics. 387

Sec. 3702.76. (A) The director of health shall designate, as 388
health resource shortage areas, areas in this state that 389
experience special health problems and physician practice patterns 390
that limit access to medical care. ~~The~~ Except as provided in 391
division (B) of this section, the designations shall be made by 392
rule ~~and~~. The designations may apply to a geographic area, one or 393
more facilities within a particular area, or a population group 394
within a particular area. The director shall consider for 395
designation as a health resource shortage area, any area in this 396
state that has been designated by the United States secretary of 397
health and human services as a health manpower shortage area under 398
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 399
42 U.S.C.A. 201, as amended. 400

(B) As used in this division, "free clinic" has the same 401
meaning as in section 3701.071 of the Revised Code. 402

The director shall designate each free clinic as a health 403
resource shortage area, regardless of whether the clinic is 404
located in a geographic area that is designated as a health 405
resource shortage area. 406

Sec. 3702.87. (A) The director of health shall designate, as 407
dental health resource shortage areas, areas in this state that 408
experience special dental health problems and dentist practice 409
patterns that limit access to dental care. ~~The~~ Except as provided 410
in division (B) of this section, the designations shall be made by 411
rule ~~and~~. The designations may apply to a geographic area, one or 412
more facilities within a particular area, or a population group 413

within a particular area. The director shall consider for 414
designation as a dental health resource shortage area, any area in 415
this state that has been designated by the United States secretary 416
of health and human services as a health professional shortage 417
area under Title III of the "Public Health Service Act," 58 Stat. 418
682 (1944), 42 U.S.C. 201, as amended. 419

(B) As used in this division, "free clinic" has the same 420
meaning as in section 3701.071 of the Revised Code. 421

The director shall designate each free clinic as a dental 422
health resource shortage area, regardless of whether the clinic is 423
located in a geographic area that is designated as a dental health 424
resource shortage area. 425

Sec. 4715.42. (A)(1) As used in this section, ~~"indigent"~~ 426

(a) "Free clinic" has the same meaning as in section 3701.071 427
of the Revised Code. 428

(b) "Indigent and uninsured person" and "operation" have the 429
same meanings as in section 2305.234 of the Revised Code. 430

(2) For the purposes of this section, a person shall be 431
considered retired from practice if the person's license has been 432
surrendered or allowed to expire with the intention of ceasing to 433
practice as a dentist or dental hygienist for remuneration. 434

(B) Within thirty days after receiving an application for a 435
volunteer's certificate that includes all of the items listed in 436
divisions (C)(1), (2), and (3) of this section, the state dental 437
board shall issue, without examination, a volunteer's certificate 438
to a person who is retired from practice so that the person may 439
provide dental services to indigent and uninsured persons at any 440
location, including a free clinic. 441

(C) An application for a volunteer's certificate shall 442
include all of the following: 443

(1) A copy of the applicant's degree from dental college or dental hygiene school.	444 445
(2) One of the following, as applicable:	446
(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.	447 448 449 450
(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.	451 452 453 454
(3) Evidence of one of the following, as applicable:	455
(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.	456 457 458 459
(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.	460 461 462 463
(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.	464 465 466 467 468 469 470 471 472 473 474

(E)(1) A volunteer's certificate shall be valid for a period 475
of three years, and may be renewed upon the application of the 476
holder, unless the certificate was previously revoked under 477
division (D) of this section. The board shall maintain a register 478
of all persons who hold volunteer's certificates. The board shall 479
not charge a fee for issuing or renewing a certificate pursuant to 480
this section. 481

(2) To be eligible for renewal of a volunteer's certificate, 482
the holder of the certificate shall certify to the board 483
completion of sixty hours of continuing dental education that 484
meets the requirements of section 4715.141 of the Revised Code and 485
the rules adopted under that section, or completion of eighteen 486
hours of continuing dental hygiene education that meets the 487
requirements of section 4715.25 of the Revised Code and the rules 488
adopted under that section, as the case may be. The board may not 489
renew a certificate if the holder has not complied with the 490
appropriate continuing education requirements. Any entity for 491
which the holder provides dental services may pay for or reimburse 492
the holder for any costs incurred in obtaining the required 493
continuing education credits. 494

(3) The board shall issue to each person who qualifies under 495
this section for a volunteer's certificate a wallet certificate 496
and a wall certificate that state that the certificate holder is 497
authorized to provide dental services pursuant to the laws of this 498
state. The holder shall keep the wallet certificate on the 499
holder's person while providing dental services and shall display 500
the wall certificate prominently at the location where the holder 501
primarily practices. 502

(4) The holder of a volunteer's certificate issued pursuant 503
to this section is subject to the immunity provisions regarding 504
the provision of services to indigent and uninsured persons in 505
section 2305.234 of the Revised Code. 506

(F) The board shall adopt rules in accordance with Chapter 507
119. of the Revised Code to administer and enforce this section. 508

(G) ~~Within ninety days after the effective date of this~~ 509
~~amendment, the~~ The state dental board shall make available through 510
the board's ~~website~~ web site the application form for a 511
volunteer's certificate under this section, a description of the 512
application process, and a list of all items that are required by 513
division (C) of this section to be submitted with the application. 514

Sec. 4723.26. (A)(1) As used in this section: 515

(a) "Free clinic" has the same meaning as in section 3701.071 516
of the Revised Code. 517

(b) "Indigent and uninsured person" and "operation" have the 518
same meanings as in section 2305.234 of the Revised Code. 519

(2) For the purposes of this section, a person shall be 520
considered retired from practice if the person's license has 521
expired with the intention of ceasing to practice nursing as a 522
registered nurse, licensed practical nurse, or advanced practice 523
registered nurse for remuneration. 524

(B) The board of nursing may issue, without examination, a 525
volunteer's certificate to a qualified person who is retired from 526
practice so that the person may provide nursing services to 527
indigent and uninsured persons at any location, including a free 528
clinic. 529

(C) Except as provided in division (D) of this section, an 530
application for a volunteer's certificate shall include all of the 531
following: 532

(1) A copy or other evidence of the applicant's degree from a 533
school of registered nursing, practical nursing, or advanced 534
practice registered nursing; 535

(2) One of the following, as applicable: 536

(a) A copy or other evidence of the applicant's most recent license to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse issued by a jurisdiction in the United States that licenses persons to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse; 537
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(b) A copy or other evidence of the applicant's most recent license equivalent to a license to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse in one or more branches of the United States armed services that the United States government issued. 543
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(3) Evidence of one of the following, as applicable: 548

(a) The applicant has maintained for at least ten years prior to retirement a valid, unrestricted license in any jurisdiction in the United States that licenses persons to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse. 549
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(b) The applicant has practiced nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse under a valid, unrestricted license for at least ten years prior to retirement in one or more branches of the United States armed services. 554
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(D) For an applicant retired from practice for at least ten years, the applicant shall do both of the following: 559
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(1) Certify to the board completion of continuing nursing education that meets the requirements of section 4723.24 of the Revised Code and the rules adopted under that section; 561
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(2) Submit a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records pursuant to section 4723.091 of the Revised Code. 564
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(E) The holder of a volunteer's certificate may provide nursing services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing nursing services while in possession of the certificate. The board may suspend or 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 4723.28 of the Revised Code. In revoking a certificate, the board may specify that the revocation is permanent. 568
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(F)(1) A volunteer's certificate shall be valid for a period of two years, and may be renewed upon the application of the holder, unless the certificate is suspended or revoked under division (E) of this section. The board shall maintain a record of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section. 579
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(2) To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of continuing nursing education that meets the requirements of section 4723.24 of the Revised Code and the rules adopted under that section. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. Any entity for which the holder provides nursing services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education hours. 586
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(3) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code. 595
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(G) The board shall adopt rules in accordance with Chapter 599

119. of the Revised Code to administer and enforce this section. 600

Sec. 4723.271. (A) Upon request of the holder of a nursing 601
license, certificate of authority, dialysis technician 602
certificate, medication aide certificate, or community health 603
worker certificate issued under this chapter, the presentment of 604
proper identification as prescribed in rules adopted by the board 605
of nursing, and payment of the fee authorized under section 606
4723.08 of the Revised Code, the board of nursing shall provide to 607
the requestor a replacement copy of a wall certificate suitable 608
for framing. 609

(B) Upon request of the holder of a nursing license, 610
volunteer's certificate, certificate of authority, certificate to 611
prescribe, dialysis technician certificate, medication aide 612
certificate, or community health worker certificate issued under 613
this chapter and payment of the fee authorized under section 614
4723.08 of the Revised Code, the board shall verify to an agency 615
of another jurisdiction or foreign country the fact that the 616
person holds such nursing license, volunteer's certificate, 617
certificate of authority, certificate to prescribe, dialysis 618
technician certificate, medication aide certificate, or community 619
health worker certificate. 620

Sec. 4731.295. (A)(1) As used in this section, ~~"indigent:~~ 621

(a) "Free clinic" has the same meaning as in section 3701.071 622
of the Revised Code. 623

(b) "Indigent and uninsured person" and "operation" have the 624
same meanings as in section 2305.234 of the Revised Code. 625

(2) For the purposes of this section, a person shall be 626
considered retired from practice if the person's license or 627
certificate has expired with the person's intention of ceasing to 628
practice medicine and surgery or osteopathic medicine and surgery 629

for remuneration. 630

(B) The state medical board may issue, without examination, a 631
volunteer's certificate to a person who is retired from practice 632
so that the person may provide medical services to indigent and 633
uninsured persons at any location, including a free clinic. The 634
board shall deny issuance of a volunteer's certificate to a person 635
who is not qualified under this section to hold a volunteer's 636
certificate. 637

(C) An application for a volunteer's certificate shall 638
include all of the following: 639

(1) A copy of the applicant's degree of medicine or 640
osteopathic medicine. 641

(2) One of the following, as applicable: 642

(a) A copy of the applicant's most recent license or 643
certificate authorizing the practice of medicine and surgery or 644
osteopathic medicine and surgery issued by a jurisdiction in the 645
United States that licenses persons to practice medicine and 646
surgery or osteopathic medicine and surgery. 647

(b) A copy of the applicant's most recent license equivalent 648
to a license to practice medicine and surgery or osteopathic 649
medicine and surgery in one or more branches of the United States 650
armed services that the United States government issued. 651

(3) Evidence of one of the following, as applicable: 652

(a) That the applicant has maintained for at least ten years 653
prior to retirement full licensure in good standing in any 654
jurisdiction in the United States that licenses persons to 655
practice medicine and surgery or osteopathic medicine and surgery. 656

(b) That the applicant has practiced for at least ten years 657
prior to retirement in good standing as a doctor of medicine and 658
surgery or osteopathic medicine and surgery in one or more of the 659

branches of the United States armed services. 660

(4) A notarized statement from the applicant, on a form 661
prescribed by the board, that the applicant will not accept any 662
form of remuneration for any medical services rendered while in 663
possession of a volunteer's certificate. 664

(D) The holder of a volunteer's certificate may provide 665
medical services only to indigent and uninsured persons, but may 666
do so at any location, including a free clinic. The holder shall 667
not accept any form of remuneration for providing medical services 668
while in possession of the certificate. Except in a medical 669
emergency, the holder shall not perform any operation or deliver 670
babies. The board may revoke a volunteer's certificate on 671
receiving proof satisfactory to the board that the holder has 672
engaged in practice in this state outside the scope of the 673
certificate. 674

(E)(1) A volunteer's certificate shall be valid for a period 675
of three years, unless earlier revoked under division (D) of this 676
section or pursuant to section 4731.22 of the Revised Code. A 677
volunteer's certificate may be renewed upon the application of the 678
holder. The board shall maintain a register of all persons who 679
hold volunteer's certificates. The board shall not charge a fee 680
for issuing or renewing a certificate pursuant to this section. 681

(2) To be eligible for renewal of a volunteer's certificate 682
the holder of the certificate shall certify to the board 683
completion of one hundred fifty hours of continuing medical 684
education that meets the requirements of section 4731.281 of the 685
Revised Code regarding certification by private associations and 686
approval by the board. The board may not renew a certificate if 687
the holder has not complied with the continuing medical education 688
requirements. Any entity for which the holder provides medical 689
services may pay for or reimburse the holder for any costs 690
incurred in obtaining the required continuing medical education 691

credits. 692

(3) The board shall issue to each person who qualifies under 693
this section for a volunteer's certificate a wallet certificate 694
and a wall certificate that state that the certificate holder is 695
authorized to provide medical services pursuant to the laws of 696
this state. The holder shall keep the wallet certificate on the 697
holder's person while providing medical services and shall display 698
the wall certificate prominently at the location where the holder 699
primarily practices. 700

(4) The holder of a volunteer's certificate issued pursuant 701
to this section is subject to the immunity provisions regarding 702
the provision of services to indigent and uninsured persons in 703
section 2305.234 of the Revised Code. 704

(F) The board shall adopt rules in accordance with Chapter 705
119. of the Revised Code to administer and enforce this section. 706

Section 2. That existing sections 2305.234, 3701.071, 707
3702.76, 3702.87, 4715.42, 4723.271, and 4731.295 of the Revised 708
Code are hereby repealed. 709