

**As Passed by the Senate**

**130th General Assembly**

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**Am. Sub. H. B. No. 394**

**Representatives Smith, Antonio**

**Cosponsors: Representatives Wachtmann, Brown, Hagan, R., Schuring,**

**Sears, Sprague, Barnes, Ramos, Baker, Beck, Bishoff, Buchy, Fedor,**

**Hackett, Heard, Hill, Letson, McClain, Milkovich, Patmon, Rogers,**

**Rosenberger, Scherer, Sheehy Speaker Batchelder**

**Senators Bacon, Balderson, Beagle, Eklund, Hite, Jones, Kearney, Lehner,**

**Manning, Oelslager, Patton, Peterson, Seitz, Tavares, Uecker, Widener**

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**A B I L L**

To amend sections 2925.02, 3701.63, 3701.64, 3719.01, 1  
3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 2  
4723.481, 4723.486, 4725.16, 4725.19, 4729.12, 3  
4729.16, 4729.18, 4729.41, 4729.85, 4729.86, 4  
4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 5  
4773.03, 4773.08, 5104.015, 5104.017, 5104.018, 6  
5165.08, 5165.513, 5165.515, and 5165.99; to enact 7  
sections 3701.66, 3701.67, 3701.68, 3702.40, and 8  
5104.014; and to repeal sections 4715.15, 9  
4723.433, 4730.093, and 4731.77 of the Revised 10  
Code to modify the authority of pharmacists and 11  
pharmacy interns to administer immunizations; to 12  
require the inclusion of certain information in 13  
mammography report summaries; to revise the law 14  
governing the licensure of recreational vehicle 15  
parts, recreation camps, combined park-camps, and 16  
temporary park-camps; to generally require 17  
immunizations for children enrolled in child care; 18

to create the Commission on Infant Mortality and 19  
require the establishment of infant safe sleep 20  
procedures and policies; to modify the offense of 21  
"corrupting another with drugs"; to require the 22  
State Board of Pharmacy to prepare semiannual 23  
reports on opioid prescriptions; to revise the 24  
laws governing the Ohio Automated Rx Reporting 25  
System and opioid prescriptions issued for minors; 26  
to require under certain conditions the 27  
reinstatement of licenses to practice certain 28  
radiologic professions; to eliminate patient 29  
notice requirements concerning Lyme disease 30  
testing; to revise certain laws on nursing 31  
facility admission policies and exclusions from 32  
Medicaid provider agreements; to amend the 33  
versions of sections 4715.30, 4715.302, 4723.28, 34  
4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 35  
4731.055, and 4731.22 of the Revised Code that are 36  
scheduled to take effect April 1, 2015, to 37  
continue the provisions of this act on and after 38  
that effective date; and to declare an emergency. 39

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

**Section 1.** That sections 2925.02, 3701.63, 3701.64, 3719.01, 40  
3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 4723.481, 4723.486, 41  
4725.16, 4725.19, 4729.12, 4729.16, 4729.18, 4729.41, 4729.85, 42  
4729.86, 4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 4773.03, 43  
4773.08, 5104.015, 5104.017, 5104.018, 5165.08, 5165.513, 44  
5165.515, and 5165.99 be amended and sections 3701.66, 3701.67, 45  
3701.68, 3702.40, and 5104.014 of the Revised Code be enacted to 46  
read as follows: 47

**Sec. 2925.02.** (A) No person shall knowingly do any of the 48  
following: 49

(1) By force, threat, or deception, administer to another or 50  
induce or cause another to use a controlled substance; 51

(2) By any means, administer or furnish to another or induce 52  
or cause another to use a controlled substance with purpose to 53  
cause serious physical harm to the other person, or with purpose 54  
to cause the other person to become drug dependent; 55

(3) By any means, administer or furnish to another or induce 56  
or cause another to use a controlled substance, and thereby cause 57  
serious physical harm to the other person, or cause the other 58  
person to become drug dependent; 59

(4) By any means, do any of the following: 60

(a) Furnish or administer a controlled substance to a 61  
juvenile who is at least two years the offender's junior, when the 62  
offender knows the age of the juvenile or is reckless in that 63  
regard; 64

(b) Induce or cause a juvenile who is at least two years the 65  
offender's junior to use a controlled substance, when the offender 66  
knows the age of the juvenile or is reckless in that regard; 67

(c) Induce or cause a juvenile who is at least two years the 68  
offender's junior to commit a felony drug abuse offense, when the 69  
offender knows the age of the juvenile or is reckless in that 70  
regard; 71

(d) Use a juvenile, whether or not the offender knows the age 72  
of the juvenile, to perform any surveillance activity that is 73  
intended to prevent the detection of the offender or any other 74  
person in the commission of a felony drug abuse offense or to 75  
prevent the arrest of the offender or any other person for the 76  
commission of a felony drug abuse offense. 77

(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard. 78  
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(B) Division (A)(1), (3), ~~or (4)~~, or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code. 82  
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(C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense shall be determined as follows: 88  
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~~(1) Except as otherwise provided in this division, if~~ If the offense is a violation of division (A)(1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows: 91  
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(a) Except as otherwise provided in division (C)(1)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. ~~If the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole,~~ 101  
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~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 110  
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or~~ 111  
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and~~ 112  
~~if~~ 113

(b) If the offense was committed in the vicinity of a school, 114  
corrupting another with drugs committed in those circumstances is 115  
a felony of the first degree, and, subject to division (E) of this 116  
section, the court shall impose as a mandatory prison term one of 117  
the prison terms prescribed for a felony of the first degree. 118

~~(2) Except as otherwise provided in this division, if~~ If the 119  
offense is a violation of division (A)(1), (2), (3), or (4) of 120  
this section and the drug involved is any compound, mixture, 121  
preparation, or substance included in schedule III, IV, or V, the 122  
offender shall be punished as follows: 123

(a) Except as otherwise provided in division (C)(2)(b) of 124  
this section, corrupting another with drugs committed in those 125  
circumstances is a felony of the second degree, and there is a 126  
presumption for a prison term for the offense. ~~If the drug~~ 127  
~~involved is any compound, mixture, preparation, or substance~~ 128  
~~included in schedule III, IV, or V and if~~ 129

(b) If the offense was committed in the vicinity of a school, 130  
corrupting another with drugs committed in those circumstances is 131  
a felony of the second degree, and the court shall impose as a 132  
mandatory prison term one of the prison terms prescribed for a 133  
felony of the second degree. 134

~~(3) Except as otherwise provided in this division, if~~ If the 135  
offense is a violation of division (A)(1), (2), (3), or (4) of 136  
this section and the drug involved is marihuana, 137  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 138  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 139  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 140

5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 141  
offender shall be punished as follows: 142

(a) Except as otherwise provided in division (C)(3)(b) of 143  
this section, corrupting another with drugs committed in those 144  
circumstances is a felony of the fourth degree, and division (C) 145  
of section 2929.13 of the Revised Code applies in determining 146  
whether to impose a prison term on the offender. ~~If the drug~~ 147  
~~involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole,~~ 148  
~~1-Butyl-3-(1-naphthoyl)indole,~~ 149  
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 150  
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or~~ 151  
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and~~ 152  
~~if~~ 153

(b) If the offense was committed in the vicinity of a school, 154  
corrupting another with drugs committed in those circumstances is 155  
a felony of the third degree, and division (C) of section 2929.13 156  
of the Revised Code applies in determining whether to impose a 157  
prison term on the offender. 158

(4) If the offense is a violation of division (A)(5) of this 159  
section and the drug involved is any compound, mixture, 160  
preparation, or substance included in schedule I or II, with the 161  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 162  
1-Butyl-3-(1-naphthoyl)indole, 163  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 164  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 165  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 166  
corrupting another with drugs is a felony of the first degree and, 167  
subject to division (E) of this section, the court shall impose as 168  
a mandatory prison term one of the prison terms prescribed for a 169  
felony of the first degree. 170

(5) If the offense is a violation of division (A)(5) of this 171  
section and the drug involved is any compound, mixture, 172

preparation, or substance included in schedule III, IV, or V, 173  
corrupting another with drugs is a felony of the second degree and 174  
the court shall impose as a mandatory prison term one of the 175  
prison terms prescribed for a felony of the second degree. 176

(6) If the offense is a violation of division (A)(5) of this 177  
section and the drug involved is marihuana, 178  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 179  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 180  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 181  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 182  
corrupting another with drugs is a felony of the third degree and 183  
division (C) of section 2929.13 of the Revised Code applies in 184  
determining whether to impose a prison term on the offender. 185

(D) In addition to any prison term authorized or required by 186  
division (C) or (E) of this section and sections 2929.13 and 187  
2929.14 of the Revised Code and in addition to any other sanction 188  
imposed for the offense under this section or sections 2929.11 to 189  
2929.18 of the Revised Code, the court that sentences an offender 190  
who is convicted of or pleads guilty to a violation of division 191  
(A) of this section or the clerk of that court shall do all of the 192  
following that are applicable regarding the offender: 193

(1)(a) If the violation is a felony of the first, second, or 194  
third degree, the court shall impose upon the offender the 195  
mandatory fine specified for the offense under division (B)(1) of 196  
section 2929.18 of the Revised Code unless, as specified in that 197  
division, the court determines that the offender is indigent. 198

(b) Notwithstanding any contrary provision of section 3719.21 199  
of the Revised Code, any mandatory fine imposed pursuant to 200  
division (D)(1)(a) of this section and any fine imposed for a 201  
violation of this section pursuant to division (A) of section 202  
2929.18 of the Revised Code shall be paid by the clerk of the 203  
court in accordance with and subject to the requirements of, and 204

shall be used as specified in, division (F) of section 2925.03 of 205  
the Revised Code. 206

(c) If a person is charged with any violation of this section 207  
that is a felony of the first, second, or third degree, posts 208  
bail, and forfeits the bail, the forfeited bail shall be paid by 209  
the clerk of the court pursuant to division (D)(1)(b) of this 210  
section as if it were a fine imposed for a violation of this 211  
section. 212

(2) The court shall suspend for not less than six months nor 213  
more than five years the offender's driver's or commercial 214  
driver's license or permit. If an offender's driver's or 215  
commercial driver's license or permit is suspended pursuant to 216  
this division, the offender, at any time after the expiration of 217  
two years from the day on which the offender's sentence was 218  
imposed or from the day on which the offender finally was released 219  
from a prison term under the sentence, whichever is later, may 220  
file a motion with the sentencing court requesting termination of 221  
the suspension. Upon the filing of the motion and the court's 222  
finding of good cause for the termination, the court may terminate 223  
the suspension. 224

(3) If the offender is a professionally licensed person, in 225  
addition to any other sanction imposed for a violation of this 226  
section, the court immediately shall comply with section 2925.38 227  
of the Revised Code. 228

(E) Notwithstanding the prison term otherwise authorized or 229  
required for the offense under division (C) of this section and 230  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 231  
of division (A) of this section involves the sale, offer to sell, 232  
or possession of a schedule I or II controlled substance, with the 233  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 234  
1-Butyl-3-(1-naphthoyl)indole, 235  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 236

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 237  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 238  
if the court imposing sentence upon the offender finds that the 239  
offender as a result of the violation is a major drug offender and 240  
is guilty of a specification of the type described in section 241  
2941.1410 of the Revised Code, the court, in lieu of the prison 242  
term that otherwise is authorized or required, shall impose upon 243  
the offender the mandatory prison term specified in division 244  
(B)(3)(a) of section 2929.14 of the Revised Code. 245

**Sec. 3701.63.** (A) As used in this section and ~~section~~ 246  
sections 3701.64, 3701.66, and 3701.67 of the Revised Code: 247

(1) "Child day-care center," "type A family day-care home," 248  
and "licensed type B family day-care home" have the same meanings 249  
as in section 5104.01 of the Revised Code. 250

(2) "Child care facility" means a child day-care center, a 251  
type A family day-care home, or a licensed type B family day-care 252  
home. 253

(3) "Foster caregiver" has the same meaning as in section 254  
5103.02 of the Revised Code. 255

(4) "Freestanding birthing center" has the same meaning as in 256  
section 3702.141 of the Revised Code. 257

~~(4)~~(5) "Hospital" means a hospital classified pursuant to 258  
rules adopted under section 3701.07 of the Revised Code as a 259  
general hospital or children's hospital and to which either of the 260  
following applies: 261

(a) The hospital has a maternity unit. 262

(b) The hospital receives for care infants who have been 263  
transferred to it from other facilities and who have never been 264  
discharged to their residences following birth. 265

~~(5)~~(6) "Infant" means a child who is less than one year of 266

age. 267

(7) "Maternity unit" means any unit or place in the distinct 268  
portion of a hospital where women are regularly received and 269  
provided care during all or part of the maternity cycle, except 270  
that "maternity unit" does not include an emergency department or 271  
similar place dedicated to providing emergency health care 272  
licensed as a maternity unit under Chapter 3711. of the Revised 273  
Code. 274

+6)(8) "Other person responsible for the infant" includes a 275  
foster caregiver. 276

(9) "Parent" means either parent, unless the parents are 277  
separated or divorced or their marriage has been dissolved or 278  
annulled, in which case "parent" means the parent who is the 279  
residential parent and legal custodian of the child. "Parent" also 280  
means a prospective adoptive parent with whom a child is placed. 281

+7)(10) "Shaken baby syndrome" means signs and symptoms, 282  
including, but not limited to, retinal hemorrhages in one or both 283  
eyes, subdural hematoma, or brain swelling, resulting from the 284  
violent shaking or the shaking and impacting of the head of an 285  
infant or small child. 286

(B) The director of health shall establish the shaken baby 287  
syndrome education program by doing all of the following: 288

(1) ~~By not later than one year after February 29, 2008,~~ 289  
~~developing~~ Developing educational materials that present readily 290  
comprehensible information on shaken baby syndrome; 291

(2) Making available on the department of health web site in 292  
an easily accessible format the educational materials developed 293  
under division (B)(1) of this section; 294

(3) ~~Beginning in 2009, annually~~ Annually assessing the 295  
effectiveness of the shaken baby syndrome education program by 296

evaluating the reports received pursuant to section 5101.135 of 297  
the Revised Code. 298

(C) In meeting the requirements under division (B) of this 299  
section, the director shall ~~not~~ develop educational materials that 300  
~~will impose an, to the extent possible, minimize~~ administrative or 301  
financial ~~burden~~ burdens on any of the entities or persons listed 302  
in section 3701.64 of the Revised Code. 303

**Sec. 3701.64.** (A) A copy of the shaken baby syndrome 304  
educational materials developed under section 3701.63 of the 305  
Revised Code shall be distributed in the following manner: 306

(1) By child birth educators and the staff of ~~pediatric~~ 307  
~~physicians' offices and obstetricians~~ obstetricians' offices, to 308  
an expectant parent who uses their services; 309

(2) By the staff of pediatric physicians' offices, to any of 310  
the following who use their services: an infant's parent, 311  
guardian, or other person responsible for the infant; 312

(3) By the staff of a hospital or freestanding birthing 313  
center ~~in which a child is born,~~ to ~~the child's~~ an infant's 314  
parent, guardian, or other person responsible for the infant, 315  
before the child is discharged from the facility to the infant's 316  
residence following birth; 317

~~(3)~~(4) By the staff of the "help me grow" program established 318  
pursuant to section 3701.61 of the Revised Code, to ~~the child's~~ an 319  
infant's parent, guardian, or other person responsible for the 320  
infant, during home-visiting services conducted in accordance with 321  
that section; 322

~~(4)~~(5) By each child care facility operating in this state, 323  
to each of its employees; 324

(6) By a public children services agency, when the agency has 325  
initial contact with an infant's parent, guardian, or other person 326

responsible for the infant. 327

(B) ~~Each~~ An entity ~~and~~ or person required to distribute 328  
educational materials pursuant to division (A) of this section is 329  
~~immune from any~~ not liable for damages in a civil and criminal 330  
~~liability~~ action for injury, death, or loss to person or property 331  
~~resulting that allegedly arises from an act or omission associated~~ 332  
~~with~~ the dissemination of, ~~or failure to disseminate,~~ those 333  
educational materials unless the act or omission constitutes 334  
willful or wanton misconduct. 335

An entity or person required to distribute educational 336  
materials in accordance with division (A) of this section is not 337  
subject to criminal prosecution or, to the extent that a person is 338  
regulated under Title XLVII of the Revised Code, professional 339  
disciplinary action under that title, for an act or omission 340  
associated with the dissemination of those educational materials. 341

This division does not eliminate, limit, or reduce any other 342  
immunity or defense that an entity or person may be entitled to 343  
under Chapter 2744. of the Revised Code, or any other provision of 344  
the Revised Code, or the common law of this state. 345

**Sec. 3701.66.** (A) As used in this section, "sudden unexpected 346  
infant death" means the death of an infant that occurs suddenly 347  
and unexpectedly, the cause of which is not immediately obvious 348  
prior to investigation. 349

(B) The department of health shall establish the safe sleep 350  
education program by doing all of the following: 351

(1) By not later than sixty days after the effective date of 352  
this section, developing educational materials that present 353  
readily comprehensible information on safe sleeping practices for 354  
infants and possible causes of sudden unexpected infant death; 355

(2) Making available on the department's internet web site in 356

an easily accessible format the educational materials developed 357  
under division (B)(1) of this section; 358

(3) Beginning in 2015, annually assessing the effectiveness 359  
of the safe sleep education program by evaluating the reports 360  
submitted by child fatality review boards to the department 361  
pursuant to section 307.626 of the Revised Code. 362

(C) In meeting the requirements under division (B) of this 363  
section, the department shall develop educational materials that, 364  
to the extent possible, minimize administrative or financial 365  
burdens on any of the entities or persons required by division (D) 366  
of this section to distribute the materials. 367

(D) A copy of the safe sleep educational materials developed 368  
under this section shall be distributed by entities and persons 369  
with and in the same manner as the shaken baby syndrome 370  
educational materials are distributed pursuant to section 3701.64 371  
of the Revised Code. 372

An entity or person required to distribute the educational 373  
materials is not liable for damages in a civil action for injury, 374  
death, or loss to person or property that allegedly arises from an 375  
act or omission associated with the dissemination of those 376  
educational materials unless the act or omission constitutes 377  
willful or wanton misconduct. 378

An entity or person required to distribute the educational 379  
materials is not subject to criminal prosecution or, to the extent 380  
that a person is regulated under Title XLVII of the Revised Code, 381  
professional disciplinary action under that title, for an act or 382  
omission associated with the dissemination of those educational 383  
materials. 384

This division does not eliminate, limit, or reduce any other 385  
immunity or defense that an entity or person may be entitled to 386  
under Chapter 2744. of the Revised Code, or any other provision of 387

the Revised Code, or the common law of this state. 388

(E) Each entity or person that is required to distribute the 389  
educational materials and has infants regularly sleeping at a 390  
facility or location under the entity's or person's control shall 391  
adopt an internal infant safe sleep policy. The policy shall 392  
specify when and to whom educational materials on infant safe 393  
sleep practices are to be delivered to individuals working or 394  
volunteering at the facility or location and be consistent with 395  
the model internal infant safe sleep policy adopted under division 396  
(F) of this section. 397

(F) The director of health shall adopt a model internal 398  
infant safe sleep policy for use by entities and persons that must 399  
comply with division (E) of this section. The policy shall specify 400  
safe infant sleep practices, include images depicting safe infant 401  
sleep practices, and specify sample content for an infant safe 402  
sleep education program that entities and persons may use when 403  
conducting new staff orientation programs. 404

**Sec. 3701.67.** (A) As used in this section: 405

(1) "Contractor" means a person who provides personal 406  
services pursuant to a contract. 407

(2) "Critical access hospital" means a facility designated as 408  
a critical access hospital by the director of health under section 409  
3701.073 of the Revised Code. 410

(3) "Crib" includes a portable play yard or other suitable 411  
sleeping place. 412

(B) Each hospital and freestanding birthing center shall 413  
implement an infant safe sleep screening procedure. The purpose of 414  
the procedure is to determine whether there will be a safe crib 415  
for an infant to sleep in once the infant is discharged from the 416  
facility to the infant's residence following birth. The procedure 417

shall consist of questions that facility staff or volunteers must 418  
ask the infant's parent, guardian, or other person responsible for 419  
the infant regarding the infant's intended sleeping place and 420  
environment. 421

The director of health shall develop questions that 422  
facilities may use when implementing the infant safe sleep 423  
screening procedure required by this division. The director may 424  
consult with persons and government entities that have expertise 425  
in infant safe sleep practices when developing the questions. 426

(C) If, prior to an infant's discharge from a facility to the 427  
infant's residence following birth, a facility other than a 428  
critical access hospital or a facility identified under division 429  
(D) of this section determines through the procedure implemented 430  
under division (B) of this section that the infant is unlikely to 431  
have a safe crib at the infant's residence, the facility shall 432  
make a good faith effort to arrange for the parent, guardian, or 433  
other person responsible for the infant to obtain a safe crib at 434  
no charge to that individual. In meeting this requirement, the 435  
facility may do any of the following: 436

(1) Obtain a safe crib with its own resources; 437

(2) Collaborate with or obtain assistance from persons or 438  
government entities that are able to procure a safe crib or 439  
provide money to purchase a safe crib; 440

(3) Refer the parent, guardian, or other person responsible 441  
for the infant to a person or government entity described in 442  
division (C)(2) of this section to obtain a safe crib free of 443  
charge from that source; 444

(4) If funds are available for the cribs for kids program or 445  
a successor program administered by the department of health, 446  
refer the parent, guardian, or other person responsible for the 447  
infant to a site, designated by the department for purposes of the 448

program, at which a safe crib may be obtained at no charge. 449

(D) The director of health shall identify the facilities in 450  
this state that are not critical access hospitals and are not 451  
served by a site described in division (C)(4) of this section. The 452  
director shall identify not less than annually the facilities that 453  
meet both criteria and notify those that do so. 454

(E) When a facility that is a hospital registers with the 455  
department of health under section 3701.07 of the Revised Code or 456  
a facility that is a freestanding birthing center renews its 457  
license in accordance with rules adopted under section 3702.30 of 458  
the Revised Code, the facility shall report the following 459  
information to the department in a manner the department 460  
prescribes: 461

(1) The number of safe cribs that the facility obtained and 462  
distributed by using its own resources as described in division 463  
(C)(1) of this section since the last time the facility reported 464  
this information to the department; 465

(2) The number of safe cribs that the facility obtained and 466  
distributed by collaborating with or obtaining assistance from 467  
another person or government entity as described in division 468  
(C)(2) of this section since the last time the facility reported 469  
this information to the department; 470

(3) The number of referrals that the facility made to a 471  
person or government entity as described in division (C)(3) of 472  
this section since the last time the facility reported this 473  
information to the department; 474

(4) The number of referrals that the facility made to a site 475  
designated by the department as described in division (C)(4) of 476  
this section since the last time the facility reported this 477  
information to the department; 478

(5) Demographic information specified by the director of 479

health regarding the individuals to whom safe cribs were 480  
distributed as described in division (E)(1) or (2) of this section 481  
or for whom a referral described in division (E)(3) or (4) of this 482  
section was made; 483

(6) In the case of a critical access hospital or a facility 484  
identified under division (D) of this section, demographic 485  
information specified by the director of health regarding each 486  
parent, guardian, or other person responsible for the infant 487  
determined to be unlikely to have a safe crib at the infant's 488  
residence pursuant to the procedure implemented under division (B) 489  
of this section; 490

(7) Any other information collected by the facility regarding 491  
infant sleep environments and intended infant sleep environments 492  
that the director determines to be appropriate. 493

(F) Not later than July 1 of each year beginning in 2015, the 494  
director of health shall prepare a written report that summarizes 495  
the information collected under division (E) of this section for 496  
the preceding twelve months and provides any other information the 497  
director considers appropriate for inclusion in the report. On 498  
completion, the report shall be submitted to the governor and, in 499  
accordance with section 101.68 of the Revised Code, the general 500  
assembly. 501

(G) A facility, and any employee, contractor, or volunteer of 502  
a facility, that implements an infant safe sleep procedure in 503  
accordance with division (B) of this section is not liable for 504  
damages in a civil action for injury, death, or loss to person or 505  
property that allegedly arises from an act or omission associated 506  
with implementation of the procedure, unless the act or omission 507  
constitutes willful or wanton misconduct. 508

A facility, and any employee, contractor, or volunteer of a 509  
facility, that implements an infant safe sleep screening procedure 510

in accordance with division (B) of this section is not subject to 511  
criminal prosecution or, to the extent that a person is regulated 512  
under Title XLVII of the Revised Code, professional disciplinary 513  
action under that title, for an act or omission associated with 514  
implementation of the procedure. 515

This division does not eliminate, limit, or reduce any other 516  
immunity or defense that a facility, or an employee, contractor, 517  
or volunteer of a facility, may be entitled to under Chapter 2744. 518  
of the Revised Code, or any other provision of the Revised Code, 519  
or the common law of this state. 520

**Sec. 3701.68. (A) As used in this section:** 521

(1) "Academic medical center" means a medical school and its 522  
affiliated teaching hospitals. 523

(2) "State registrar" has the same meaning as in section 524  
3705.01 of the Revised Code. 525

(B) There is hereby created the commission on infant 526  
mortality. The commission shall do all of the following: 527

(1) Conduct a complete inventory of services provided or 528  
administered by the state that are available to address the infant 529  
mortality rate in this state; 530

(2) For each service identified under division (B)(1) of this 531  
section, determine both of the following: 532

(a) The sources of the funds that are used to pay for the 533  
service; 534

(b) Whether the service and its funding sources have a 535  
connection with programs provided or administered by local or 536  
community-based public or private entities and, to the extent they 537  
do not, whether they should. 538

(3) With assistance from academic medical centers, track and 539

analyze infant mortality rates by county for the purpose of 540  
determining the impact of state and local initiatives to reduce 541  
those rates. 542

(C) The commission shall consist of the following members: 543

(1) Two members of the senate, one from the majority party 544  
and one from the minority party, each appointed by the senate 545  
president; 546

(2) Two members of the house of representatives, one from the 547  
majority party and one from the minority party, each appointed by 548  
the speaker of the house of representatives; 549

(3) The executive director of the office of health 550  
transformation or the executive director's designee; 551

(4) The medicaid director or the director's designee; 552

(5) The director of health or the director's designee; 553

(6) The executive director of the commission on minority 554  
health or the executive director's designee; 555

(7) The attorney general or the attorney general's designee; 556

(8) A health commissioner of a city or general health 557  
district, appointed by the governor; 558

(9) A coroner, deputy coroner, or other person who conducts 559  
death scene investigations, appointed by the governor; 560

(10) An individual who represents the Ohio hospital 561  
association, appointed by the association's president; 562

(11) An individual who represents the Ohio children's 563  
hospital association, appointed by the association's president; 564

(12) Two individuals who represent community-based programs 565  
that serve pregnant women or new mothers whose infants tend to be 566  
at a higher risk for infant mortality, appointed by the governor. 567

(D) The commission members described in divisions (C)(1), 568

(2), (8), (9), (10), (11), and (12) of this section shall be 569  
appointed not later than thirty days after the effective date of 570  
this section. An appointed member shall hold office until a 571  
successor is appointed. A vacancy shall be filled in the same 572  
manner as the original appointment. 573

From among the members, the president of the senate and 574  
speaker of the house of representatives shall appoint two to serve 575  
as co-chairpersons of the commission. 576

A member shall serve without compensation except to the 577  
extent that serving on the commission is considered part of the 578  
member's regular duties of employment. 579

(E) The commission may request assistance from the staff of 580  
the legislative service commission. 581

(F) For purposes of division (B)(3) of this section, the 582  
state registrar shall ensure that the commission and academic 583  
medical centers located in this state have access to any 584  
electronic system of vital records the state registrar or 585  
department of health maintains, including the Ohio public health 586  
information warehouse. Not later than six months after the 587  
effective date of this section, the commission on infant mortality 588  
shall prepare a written report of its findings and recommendations 589  
concerning the matters described in division (B) of this section. 590  
On completion, the commission shall submit the report to the 591  
governor and, in accordance with section 101.68 of the Revised 592  
Code, the general assembly. 593

(G) The president of the senate and speaker of the house of 594  
representatives shall determine the responsibilities of the 595  
commission following submission of the report under division (F) 596  
of this section. 597

(H) The commission is not subject to sections 101.82 to 598  
101.87 of the Revised Code. 599

Sec. 3702.40. (A) As used in this section, "mammogram" and "facility" have the same meanings as in section 263b(a) of the "Mammography Quality Standards Act of 1992," 106 Stat. 3547 (1992), 42 U.S.C. 263b(a), as amended.

(B) As required by 21 C.F.R. 900.12(c)(2), a facility shall send to each patient who has a mammogram at the facility a summary of the written report containing the results of the patient's mammogram. If, based on the breast imaging reporting and data system established by the American college of radiology, the patient's mammogram demonstrates that the patient has dense breast tissue, the summary shall include the following statement:

"Your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern; rather, it is to raise your awareness and promote discussion with your health care provider regarding the presence of dense breast tissue in addition to other risk factors."

As required by 21 C.F.R. 900.12(c)(3), the facility shall send to the patient's health care provider, if known, a copy of the written report containing the results of the patient's mammogram not later than thirty days after the mammogram was performed.

(C) This section does not do either of the following:

(1) Create a new cause of action or substantive legal right against a person, facility, or other entity;

(2) Create a standard of care, obligation, or duty for a person, facility, or other entity that would provide the basis for a cause of action or substantive legal right, other than the duty to send the summary and written report described in division (B)

of this section. 630

**Sec. 3719.01.** As used in this chapter: 631

(A) "Administer" means the direct application of a drug, 632  
whether by injection, inhalation, ingestion, or any other means to 633  
a person or an animal. 634

(B) "Drug enforcement administration" means the drug 635  
enforcement administration of the United States department of 636  
justice or its successor agency. 637

(C) "Controlled substance" means a drug, compound, mixture, 638  
preparation, or substance included in schedule I, II, III, IV, or 639  
V. 640

(D) "Dangerous drug" has the same meaning as in section 641  
4729.01 of the Revised Code. 642

(E) "Dispense" means to sell, leave with, give away, dispose 643  
of, or deliver. 644

(F) "Distribute" means to deal in, ship, transport, or 645  
deliver but does not include administering or dispensing a drug. 646

(G) "Drug" has the same meaning as in section 4729.01 of the 647  
Revised Code. 648

(H) "Drug abuse offense," "felony drug abuse offense," 649  
"cocaine," and "hashish" have the same meanings as in section 650  
2925.01 of the Revised Code. 651

(I) "Federal drug abuse control laws" means the 652  
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 653  
Stat. 1242, 21 U.S.C. 801, as amended. 654

(J) "Hospital" means an institution for the care and 655  
treatment of the sick and injured that is certified by the 656  
department of health and approved by the state board of pharmacy 657  
as proper to be entrusted with the custody of controlled 658

substances and the professional use of controlled substances. 659

(K) "Hypodermic" means a hypodermic syringe or needle, or 660  
other instrument or device for the injection of medication. 661

(L) "Isomer," except as otherwise expressly stated, means the 662  
optical isomer. 663

(M) "Laboratory" means a laboratory approved by the state 664  
board of pharmacy as proper to be entrusted with the custody of 665  
controlled substances and the use of controlled substances for 666  
scientific and clinical purposes and for purposes of instruction. 667

(N) "Manufacturer" means a person who manufactures a 668  
controlled substance, as "manufacture" is defined in section 669  
3715.01 of the Revised Code. 670

(O) "Marihuana" means all parts of a plant of the genus 671  
cannabis, whether growing or not; the seeds of a plant of that 672  
type; the resin extracted from a part of a plant of that type; and 673  
every compound, manufacture, salt, derivative, mixture, or 674  
preparation of a plant of that type or of its seeds or resin. 675  
"Marihuana" does not include the mature stalks of the plant, fiber 676  
produced from the stalks, oils or cake made from the seeds of the 677  
plant, or any other compound, manufacture, salt, derivative, 678  
mixture, or preparation of the mature stalks, except the resin 679  
extracted from the mature stalks, fiber, oil or cake, or the 680  
sterilized seed of the plant that is incapable of germination. 681

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, 682  
amidone, isoamidone, ketobemidone, as defined in this division, 683  
and every substance not chemically distinguished from them and 684  
every drug, other than cannabis, that may be included in the 685  
meaning of "narcotic drug" under the federal drug abuse control 686  
laws. As used in this division: 687

(1) "Coca leaves" includes cocaine and any compound, 688  
manufacture, salt, derivative, mixture, or preparation of coca 689

leaves, except derivatives of coca leaves, that does not contain 690  
cocaine, ecgonine, or substances from which cocaine or ecgonine 691  
may be synthesized or made. 692

(2) "Isonipecaine" means any substance identified chemically 693  
as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or 694  
any salt thereof, by whatever trade name designated. 695

(3) "Amidone" means any substance identified chemically as 696  
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by 697  
whatever trade name designated. 698

(4) "Isoamidone" means any substance identified chemically as 699  
4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 700  
thereof, by whatever trade name designated. 701

(5) "Ketobemidone" means any substance identified chemically 702  
as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone 703  
hydrochloride, or any salt thereof, by whatever trade name 704  
designated. 705

(Q) "Official written order" means an order written on a form 706  
provided for that purpose by the director of the United States 707  
drug enforcement administration, under any laws of the United 708  
States making provision for the order, if the order forms are 709  
authorized and required by federal law. 710

(R) "Opiate" means any substance having an addiction-forming 711  
or addiction-sustaining liability similar to morphine or being 712  
capable of conversion into a drug having addiction-forming or 713  
addiction-sustaining liability. "Opiate" does not include, unless 714  
specifically designated as controlled under section 3719.41 of the 715  
Revised Code, the dextrorotatory isomer of 716  
3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). 717  
"Opiate" does include its racemic and levoratory forms. 718

(S) "Opium poppy" means the plant of the species papaver 719  
sommiferum L., except its seeds. 720

(T) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity. 721  
722  
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(U) "Pharmacist" means a person licensed under Chapter 4729. of the Revised Code to engage in the practice of pharmacy. 724  
725

(V) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 726  
727

(W) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less. 728  
729  
730

(X) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing. 731  
732

(Y) "Licensed health professional authorized to prescribe drugs," "prescriber," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 733  
734  
735

(Z) "Registry number" means the number assigned to each person registered under the federal drug abuse control laws. 736  
737

(AA) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee. 738  
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(BB) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, established pursuant to section 3719.41 of the Revised Code, as amended pursuant to section 3719.43 or 3719.44 of the Revised Code. 742  
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(CC) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced, or prepared personally and includes a "wholesale distributor of dangerous 747  
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750

drugs" as defined in section 4729.01 of the Revised Code. 751

(DD) "Animal shelter" means a facility operated by a humane 752  
society or any society organized under Chapter 1717. of the 753  
Revised Code or a dog pound operated pursuant to Chapter 955. of 754  
the Revised Code. 755

(EE) "Terminal distributor of dangerous drugs" has the same 756  
meaning as in section 4729.01 of the Revised Code. 757

(FF) "Category III license" means a license issued to a 758  
terminal distributor of dangerous drugs as set forth in section 759  
4729.54 of the Revised Code. 760

(GG) "Prosecutor" has the same meaning as in section 2935.01 761  
of the Revised Code. 762

(HH)(1) "Controlled substance analog" means, except as 763  
provided in division (HH)(2) of this section, a substance to which 764  
both of the following apply: 765

(a) The chemical structure of the substance is substantially 766  
similar to the structure of a controlled substance in schedule I 767  
or II. 768

(b) One of the following applies regarding the substance: 769

(i) The substance has a stimulant, depressant, or 770  
hallucinogenic effect on the central nervous system that is 771  
substantially similar to or greater than the stimulant, 772  
depressant, or hallucinogenic effect on the central nervous system 773  
of a controlled substance in schedule I or II. 774

(ii) With respect to a particular person, that person 775  
represents or intends the substance to have a stimulant, 776  
depressant, or hallucinogenic effect on the central nervous system 777  
that is substantially similar to or greater than the stimulant, 778  
depressant, or hallucinogenic effect on the central nervous system 779  
of a controlled substance in schedule I or II. 780

(2) "Controlled substance analog" does not include any of the following: 781  
782

(a) A controlled substance; 783

(b) Any substance for which there is an approved new drug application; 784  
785

(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption; 786  
787  
788  
789

(d) Any substance to the extent it is not intended for human consumption before the exemption described in division (HH)(2)(b) of this section takes effect with respect to that substance. 790  
791  
792

(II) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam. 793  
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(JJ) "Opioid analgesic" means a controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and their varying salt forms or chemical congeners: buprenorphine, butorphanol, codeine (including acetaminophen and other combination products), dihydrocodeine, fentanyl, hydrocodone (including acetaminophen combination products), hydromorphone, meperidine, methadone, morphine sulfate, oxycodone (including acetaminophen, aspirin, and other combination products), oxymorphone, tapentadol, and tramadol. 802  
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(KK) "Emergency facility" means a hospital emergency 812  
department or any other facility that provides emergency care. 813

**Sec. 3719.061.** (A)(1) As used in this section: 814

(a) "Another adult authorized to consent to the minor's 815  
medical treatment" means an adult to whom a minor's parent or 816  
guardian has given written authorization to consent to the minor's 817  
medical treatment. 818

(b) "Medical emergency" means a situation that in a 819  
prescriber's good faith medical judgment creates an immediate 820  
threat of serious risk to the life or physical health of a minor. 821

(c) "Minor" means an individual under eighteen years of age 822  
who is not emancipated. 823

(2) For purposes of this section, an individual under 824  
eighteen years of age is emancipated only if the individual has 825  
married, has entered the armed services of the United States, 826  
~~became~~ has become employed and self-sustaining, or ~~has~~ otherwise 827  
has become independent from the care and control of the 828  
individual's parent, guardian, or custodian. 829

(B) Except as provided in division (C) of this section, 830  
before issuing for a minor the first prescription in a single 831  
course of treatment for ~~a particular compound that is a controlled~~ 832  
~~substance containing~~ an opioid analgesic, regardless of whether 833  
the dosage is modified during that course of treatment, a 834  
prescriber shall do all of the following: 835

(1) As part of the prescriber's examination of the minor, 836  
assess whether the minor has ever suffered, or is currently 837  
suffering, from mental health or substance abuse disorders and 838  
whether the minor has taken or is currently taking prescription 839  
drugs for treatment of those disorders; 840

(2) Discuss with the minor and the minor's parent, guardian, 841

or another adult authorized to consent to the minor's medical 842  
treatment all of the following: 843

(a) The risks of addiction and overdose associated with ~~the~~ 844  
~~compound~~ opioid analgesics; 845

(b) The increased risk of addiction to controlled substances 846  
of individuals suffering from both mental and substance abuse 847  
disorders; 848

(c) The dangers of taking ~~controlled substances containing~~ 849  
~~opioids~~ opioid analgesics with benzodiazepines, alcohol, or other 850  
central nervous system depressants; 851

(d) Any other information in the patient counseling 852  
information section of the labeling for the ~~compound~~ opioid 853  
analgesic required under 21 C.F.R. 201.57(c)(18). 854

(3) Obtain written consent for the prescription from the 855  
minor's parent, guardian, or, subject to division (E) of this 856  
section, another adult authorized to consent to the minor's 857  
medical treatment. 858

The prescriber shall record the consent on a form, which 859  
shall be known as the "Start Talking!" consent form. The form 860  
shall be separate from any other document the prescriber uses to 861  
obtain informed consent for other treatment provided to the minor. 862  
The form shall contain all of the following: 863

(a) The name and quantity of the ~~compound~~ opioid analgesic 864  
being prescribed and the amount of the initial dose; 865

(b) A statement indicating that a controlled substance is a 866  
drug or other substance that the United States drug enforcement 867  
administration has identified as having a potential for abuse; 868

(c) A statement certifying that the prescriber discussed with 869  
the minor and the minor's parent, guardian, or another adult 870  
authorized to consent to the minor's medical treatment the matters 871

described in division (B)(2) of this section; 872

(d) The number of refills, if any, authorized by the 873  
prescription; 874

(e) The signature of the minor's parent, guardian, or another 875  
adult authorized to consent to the minor's medical treatment and 876  
the date of signing. 877

(C)(1) The requirements in division (B) of this section do 878  
not apply if the minor's treatment with a ~~compound that is a~~ 879  
~~controlled substance containing~~ an opioid analgesic meets any of 880  
the following criteria: 881

(a) The treatment is associated with or incident to a medical 882  
emergency. 883

(b) The treatment is associated with or incident to surgery, 884  
regardless of whether the surgery is performed on an inpatient or 885  
outpatient basis. 886

(c) In the prescriber's professional judgment, fulfilling the 887  
requirements of division (B) of this section with respect to the 888  
minor's treatment would be a detriment to the minor's health or 889  
safety. 890

(d) Except as provided in division (D) of this section, the 891  
treatment is rendered in a hospital, emergency facility, 892  
ambulatory surgical facility, nursing home, pediatric respite care 893  
program, residential care facility, freestanding rehabilitation 894  
facility, or similar institutional facility. 895

(2) The requirements in division (B) of this section do not 896  
apply to a prescription for a ~~compound that is a controlled~~ 897  
~~substance containing~~ an opioid analgesic that a prescriber issues 898  
to a minor at the time of discharge from a facility or other 899  
location described in division (C)(1)(d) of this section. 900

(D) The exemption in division (C)(1)(d) of this section does 901

not apply to treatment rendered in a prescriber's office that is 902  
located on the premises of or adjacent to a facility or other 903  
location described in that division. 904

(E) If the individual who signs the consent form required by 905  
division (B)(3) of this section is another adult authorized to 906  
consent to the minor's medical treatment, the prescriber shall 907  
prescribe not more than a single, seventy-two-hour supply and 908  
indicate on the prescription the quantity that is to be dispensed 909  
pursuant to the prescription. 910

(F) A signed "Start Talking!" consent form obtained under 911  
this section shall be maintained in the minor's medical record. 912

**Sec. 3729.05.** (A)(1) ~~On~~ Except as otherwise provided in this 913  
section, on or after the first day of April, but before the first 914  
day of May of each year, every person who intends to operate a 915  
recreational vehicle park, recreation camp, or combined park-camp 916  
shall procure a license to operate the park or camp from the 917  
licensor. If the applicable license fee prescribed under section 918  
3729.07 of the Revised Code is not received by the licensor by the 919  
close of business on the last day of April, the applicant for the 920  
license shall pay a penalty equal to twenty-five per cent of the 921  
applicable license fee. The penalty shall accompany the license 922  
fee. If the last day of April is not a business day, the penalty 923  
attaches upon the close of business on the next business day. 924

(2) Every person who intends to operate a temporary park-camp 925  
shall obtain a license to operate the temporary park-camp from the 926  
licensor at any time before the person begins operation of the 927  
temporary park-camp during the calendar year. 928

(3) No recreational vehicle park, recreation camp, combined 929  
park-camp, or temporary park-camp shall be maintained or operated 930  
in this state without a license. However, no person who neither 931  
intends to receive nor receives anything of value arising from the 932

use of, or the sale of goods or services in connection with the 933  
use of, a recreational vehicle park, recreation camp, combined 934  
park-camp, or temporary park-camp is required to procure a license 935  
under this division. If any health hazard exists at such an 936  
unlicensed park, camp, or park-camp, the health hazard shall be 937  
corrected in a manner consistent with the appropriate rule adopted 938  
under division (A) or (B) of section 3729.02 of the Revised Code. 939

(4) No person who has received a license under division 940  
(A)(1) of this section, upon the sale or disposition of the 941  
recreational vehicle park, recreation camp, or combined park-camp, 942  
may have the license transferred to the new operator. A person 943  
shall obtain a separate license to operate each recreational 944  
vehicle park, recreation camp, or combined park-camp. No license 945  
to operate a temporary park-camp shall be transferred. A person 946  
shall obtain a separate license for each temporary park-camp that 947  
the person intends to operate, and the license shall be valid for 948  
a period of not longer than seven consecutive days. A person who 949  
operates a temporary park-camp on a tract of land for more than 950  
twenty-one days or parts thereof in a calendar year shall obtain a 951  
license to operate a recreational vehicle park, recreation camp, 952  
or combined park-camp. 953

(B)(1) Before a license is initially issued under division 954  
(A)(1) of this section and annually thereafter, or more often if 955  
necessary, the licensor shall cause each recreational vehicle 956  
park, recreation camp, or combined park-camp to be inspected to 957  
determine compliance with this chapter and rules adopted under it. 958  
A record shall be made of each inspection on a form prescribed by 959  
the director of health. 960

(2) When a license is initially issued under division (A)(2) 961  
of this section, and more often if necessary, the licensor shall 962  
cause each temporary park-camp to be inspected to determine 963  
compliance with this chapter and rules adopted under it during the 964

period that the temporary park-camp is in operation. A record 965  
shall be made of each inspection on a form prescribed by the 966  
director. 967

(C) Each person applying for an initial license to operate a 968  
recreational vehicle park, recreation camp, combined park-camp, or 969  
temporary park-camp shall provide acceptable proof to the 970  
director, or to the licensor in the case of a temporary park-camp, 971  
that adequate fire protection will be provided and that applicable 972  
fire codes will be adhered to in the construction and operation of 973  
the park, camp, or park-camp. 974

(D) Any person that operates a county or state fair or any 975  
independent agricultural society organized pursuant to section 976  
1711.02 of the Revised Code that operates a fair shall not be 977  
required to obtain a license under this chapter if recreational 978  
vehicles, portable camping units, or any combination of them are 979  
parked at the site of the fair only during the time of preparation 980  
for, operation of, and dismantling of the fair and if the 981  
recreational vehicles, portable camping units, or any combination 982  
of them belong to participants in the fair. 983

(E) The following entities that operate a fair and that hold 984  
a license issued under this chapter are not required to comply 985  
with the requirements normally imposed on a licensee under this 986  
chapter and rules adopted under it during the time of preparation 987  
for, operation of, and dismantling of the fair: 988

(1) A county agricultural society organized pursuant to 989  
section 1711.01 of the Revised Code; 990

(2) An independent agricultural society organized pursuant to 991  
section 1711.02 of the Revised Code; 992

(3) The Ohio expositions commission. 993

(F) A motorsports park is exempt from the license 994  
requirements established in divisions (A)(1) and (2) of this 995

section if the motorsports park does both of the following: 996

(1) Holds at least one annual event sanctioned by the 997  
national association for stock car auto racing or the national hot 998  
rod association during a motor sports racing event; 999

(2) Provides parking for recreational vehicles, dependent 1000  
recreational vehicles, and portable camping units that belong to 1001  
participants in that event. 1002

The exemption established in this division applies to 1003  
participant-only areas during the time of preparation for and 1004  
operation of the event. 1005

(G) A person subject to this chapter or rules adopted under 1006  
it may apply to the director for a waiver or variance from a 1007  
provision of this chapter or rules adopted under it. The director 1008  
may grant a waiver or variance if the person demonstrates, to the 1009  
satisfaction of the director, that the waiver or variance will not 1010  
result in any adverse effect on the public health and safety. The 1011  
director shall adopt rules in accordance with Chapter 119. of the 1012  
Revised Code establishing requirements and procedures governing 1013  
the application for and granting of a waiver or variance under 1014  
this division. 1015

**Sec. 4715.14.** (A)(1) Each person who is licensed to practice 1016  
dentistry in Ohio shall, on or before the first day of January of 1017  
each even-numbered year, register with the state dental board. The 1018  
registration shall be made on a form prescribed by the board and 1019  
furnished by the secretary, shall include the licensee's name, 1020  
address, license number, and such other reasonable information as 1021  
the board may consider necessary, and shall include payment of a 1022  
biennial registration fee of two hundred forty-five dollars. 1023  
Except as provided in division (E) of this section, this fee shall 1024  
be paid to the treasurer of state. Subject to division (C) of this 1025  
section, a registration shall be in effect for the two-year period 1026

beginning on the first day of January of the even-numbered year 1027  
and ending on the last day of December of the following 1028  
odd-numbered year, and shall be renewed in accordance with the 1029  
standard renewal procedure of sections 4745.01 to 4745.03 of the 1030  
Revised Code. 1031

(2)(a) Except as provided in division (A)(2)(b) of this 1032  
section, in the case of a licensee seeking registration who 1033  
prescribes or personally furnishes opioid analgesics or 1034  
benzodiazepines, as defined in section 3719.01 of the Revised 1035  
Code, the licensee shall certify to the board whether the licensee 1036  
has been granted access to the drug database established and 1037  
maintained by the state board of pharmacy pursuant to section 1038  
4729.75 of the Revised Code. 1039

(b) The requirement in division (A)(2)(a) of this section 1040  
does not apply if ~~either~~ any of the following is the case: 1041

(i) The state board of pharmacy notifies the state dental 1042  
board pursuant to section 4729.861 of the Revised Code that the 1043  
licensee has been restricted from obtaining further information 1044  
from the drug database. 1045

(ii) The state board of pharmacy no longer maintains the drug 1046  
database. 1047

(iii) The licensee does not practice dentistry in this state. 1048

(3) If a licensee certifies to the state dental board that 1049  
the licensee has been granted access to the drug database and the 1050  
board finds through an audit or other means that the licensee has 1051  
not been granted access, the board may take action under section 1052  
4715.30 of the Revised Code. 1053

(B) A licensed dentist who desires to temporarily retire from 1054  
practice and who has given the board notice in writing to that 1055  
effect shall be granted such a retirement, provided only that at 1056  
that time all previous registration fees and additional costs of 1057

reinstatement have been paid. 1058

(C) Not later than the thirty-first day of January of an 1059  
even-numbered year, the board shall send a notice by certified 1060  
mail to a dentist who fails to renew a license in accordance with 1061  
division (A) of this section. The notice shall state all of the 1062  
following: 1063

(1) That the board has not received the registration form and 1064  
fee described in that division; 1065

(2) That the license shall remain valid and in good standing 1066  
until the first day of April following the last day of December of 1067  
the odd-numbered year in which the dentist was scheduled to renew 1068  
if the dentist remains in compliance with all other applicable 1069  
provisions of this chapter and any rule adopted under it; 1070

(3) That the license may be renewed until the first day of 1071  
April following the last day of December of the odd-numbered year 1072  
in which the dentist was scheduled to renew by the payment of the 1073  
biennial registration fee and an additional fee of one hundred 1074  
dollars to cover the cost of late renewal; 1075

(4) That unless the board receives the registration form and 1076  
fee before the first day of April following the last day of 1077  
December of the odd-numbered year in which the dentist was 1078  
scheduled to renew, the board may, on or after the relevant first 1079  
day of April, initiate disciplinary action against the dentist 1080  
pursuant to Chapter 119. of the Revised Code; 1081

(5) That a dentist whose license has been suspended as a 1082  
result of disciplinary action initiated pursuant to division 1083  
(C)(4) of this section may be reinstated by the payment of the 1084  
biennial registration fee and an additional fee of three hundred 1085  
dollars to cover the cost of reinstatement. 1086

(D) Each dentist licensed to practice, whether a resident or 1087  
not, shall notify the secretary in writing or electronically of 1088

any change in the dentist's office address or employment within 1089  
ten days after such change has taken place. On the first day of 1090  
July of every even-numbered year, the secretary shall issue a 1091  
printed roster of the names and addresses so registered. 1092

(E) Twenty dollars of each biennial registration fee shall be 1093  
paid to the dentist loan repayment fund created under section 1094  
3702.95 of the Revised Code. 1095

**Sec. 4715.30.** (A) An applicant for or holder of a certificate 1096  
or license issued under this chapter is subject to disciplinary 1097  
action by the state dental board for any of the following reasons: 1098  
1099

(1) Employing or cooperating in fraud or material deception 1100  
in applying for or obtaining a license or certificate; 1101

(2) Obtaining or attempting to obtain money or anything of 1102  
value by intentional misrepresentation or material deception in 1103  
the course of practice; 1104

(3) Advertising services in a false or misleading manner or 1105  
violating the board's rules governing time, place, and manner of 1106  
advertising; 1107

(4) Commission of an act that constitutes a felony in this 1108  
state, regardless of the jurisdiction in which the act was 1109  
committed; 1110

(5) Commission of an act in the course of practice that 1111  
constitutes a misdemeanor in this state, regardless of the 1112  
jurisdiction in which the act was committed; 1113

(6) Conviction of, a plea of guilty to, a judicial finding of 1114  
guilt of, a judicial finding of guilt resulting from a plea of no 1115  
contest to, or a judicial finding of eligibility for intervention 1116  
in lieu of conviction for, any felony or of a misdemeanor 1117  
committed in the course of practice; 1118

(7) Engaging in lewd or immoral conduct in connection with	1119
the provision of dental services;	1120
(8) Selling, prescribing, giving away, or administering drugs	1121
for other than legal and legitimate therapeutic purposes, or	1122
conviction of, a plea of guilty to, a judicial finding of guilt	1123
of, a judicial finding of guilt resulting from a plea of no	1124
contest to, or a judicial finding of eligibility for intervention	1125
in lieu of conviction for, a violation of any federal or state law	1126
regulating the possession, distribution, or use of any drug;	1127
(9) Providing or allowing dental hygienists, expanded	1128
function dental auxiliaries, or other practitioners of auxiliary	1129
dental occupations working under the certificate or license	1130
holder's supervision, or a dentist holding a temporary limited	1131
continuing education license under division (C) of section 4715.16	1132
of the Revised Code working under the certificate or license	1133
holder's direct supervision, to provide dental care that departs	1134
from or fails to conform to accepted standards for the profession,	1135
whether or not injury to a patient results;	1136
(10) Inability to practice under accepted standards of the	1137
profession because of physical or mental disability, dependence on	1138
alcohol or other drugs, or excessive use of alcohol or other	1139
drugs;	1140
(11) Violation of any provision of this chapter or any rule	1141
adopted thereunder;	1142
(12) Failure to use universal blood and body fluid	1143
precautions established by rules adopted under section 4715.03 of	1144
the Revised Code;	1145
(13) Except as provided in division (H) of this section,	1146
either of the following:	1147
(a) Waiving the payment of all or any part of a deductible or	1148
copayment that a patient, pursuant to a health insurance or health	1149

care policy, contract, or plan that covers dental services, would 1150  
otherwise be required to pay if the waiver is used as an 1151  
enticement to a patient or group of patients to receive health 1152  
care services from that certificate or license holder; 1153

(b) Advertising that the certificate or license holder will 1154  
waive the payment of all or any part of a deductible or copayment 1155  
that a patient, pursuant to a health insurance or health care 1156  
policy, contract, or plan that covers dental services, would 1157  
otherwise be required to pay. 1158

(14) Failure to comply with section 4729.79 of the Revised 1159  
Code, unless the state board of pharmacy no longer maintains a 1160  
drug database pursuant to section 4729.75 of the Revised Code; 1161

(15) Any of the following actions taken by an agency 1162  
responsible for authorizing, certifying, or regulating an 1163  
individual to practice a health care occupation or provide health 1164  
care services in this state or another jurisdiction, for any 1165  
reason other than the nonpayment of fees: the limitation, 1166  
revocation, or suspension of an individual's license to practice; 1167  
acceptance of an individual's license surrender; denial of a 1168  
license; refusal to renew or reinstate a license; imposition of 1169  
probation; or issuance of an order of censure or other reprimand; 1170

(16) Failure to cooperate in an investigation conducted by 1171  
the board under division (D) of section 4715.03 of the Revised 1172  
Code, including failure to comply with a subpoena or order issued 1173  
by the board or failure to answer truthfully a question presented 1174  
by the board at a deposition or in written interrogatories, except 1175  
that failure to cooperate with an investigation shall not 1176  
constitute grounds for discipline under this section if a court of 1177  
competent jurisdiction has issued an order that either quashes a 1178  
subpoena or permits the individual to withhold the testimony or 1179  
evidence in issue; 1180

(17) Failure to comply with the requirements in section 1181  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 1182  
prescription for a ~~controlled substance containing~~ an opioid 1183  
analgesic, as defined in section 3719.01 of the Revised Code. 1184

(B) A manager, proprietor, operator, or conductor of a dental 1185  
facility shall be subject to disciplinary action if any dentist, 1186  
dental hygienist, expanded function dental auxiliary, or qualified 1187  
personnel providing services in the facility is found to have 1188  
committed a violation listed in division (A) of this section and 1189  
the manager, proprietor, operator, or conductor knew of the 1190  
violation and permitted it to occur on a recurring basis. 1191

(C) Subject to Chapter 119. of the Revised Code, the board 1192  
may take one or more of the following disciplinary actions if one 1193  
or more of the grounds for discipline listed in divisions (A) and 1194  
(B) of this section exist: 1195

(1) Censure the license or certificate holder; 1196

(2) Place the license or certificate on probationary status 1197  
for such period of time the board determines necessary and require 1198  
the holder to: 1199

(a) Report regularly to the board upon the matters which are 1200  
the basis of probation; 1201

(b) Limit practice to those areas specified by the board; 1202

(c) Continue or renew professional education until a 1203  
satisfactory degree of knowledge or clinical competency has been 1204  
attained in specified areas. 1205

(3) Suspend the certificate or license; 1206

(4) Revoke the certificate or license. 1207

Where the board places a holder of a license or certificate 1208  
on probationary status pursuant to division (C)(2) of this 1209  
section, the board may subsequently suspend or revoke the license 1210

or certificate if it determines that the holder has not met the 1211  
requirements of the probation or continues to engage in activities 1212  
that constitute grounds for discipline pursuant to division (A) or 1213  
(B) of this section. 1214

Any order suspending a license or certificate shall state the 1215  
conditions under which the license or certificate will be 1216  
restored, which may include a conditional restoration during which 1217  
time the holder is in a probationary status pursuant to division 1218  
(C)(2) of this section. The board shall restore the license or 1219  
certificate unconditionally when such conditions are met. 1220

(D) If the physical or mental condition of an applicant or a 1221  
license or certificate holder is at issue in a disciplinary 1222  
proceeding, the board may order the license or certificate holder 1223  
to submit to reasonable examinations by an individual designated 1224  
or approved by the board and at the board's expense. The physical 1225  
examination may be conducted by any individual authorized by the 1226  
Revised Code to do so, including a physician assistant, a clinical 1227  
nurse specialist, a certified nurse practitioner, or a certified 1228  
nurse-midwife. Any written documentation of the physical 1229  
examination shall be completed by the individual who conducted the 1230  
examination. 1231

Failure to comply with an order for an examination shall be 1232  
grounds for refusal of a license or certificate or summary 1233  
suspension of a license or certificate under division (E) of this 1234  
section. 1235

(E) If a license or certificate holder has failed to comply 1236  
with an order under division (D) of this section, the board may 1237  
apply to the court of common pleas of the county in which the 1238  
holder resides for an order temporarily suspending the holder's 1239  
license or certificate, without a prior hearing being afforded by 1240  
the board, until the board conducts an adjudication hearing 1241  
pursuant to Chapter 119. of the Revised Code. If the court 1242

temporarily suspends a holder's license or certificate, the board 1243  
shall give written notice of the suspension personally or by 1244  
certified mail to the license or certificate holder. Such notice 1245  
shall inform the license or certificate holder of the right to a 1246  
hearing pursuant to Chapter 119. of the Revised Code. 1247

(F) Any holder of a certificate or license issued under this 1248  
chapter who has pleaded guilty to, has been convicted of, or has 1249  
had a judicial finding of eligibility for intervention in lieu of 1250  
conviction entered against the holder in this state for aggravated 1251  
murder, murder, voluntary manslaughter, felonious assault, 1252  
kidnapping, rape, sexual battery, gross sexual imposition, 1253  
aggravated arson, aggravated robbery, or aggravated burglary, or 1254  
who has pleaded guilty to, has been convicted of, or has had a 1255  
judicial finding of eligibility for treatment or intervention in 1256  
lieu of conviction entered against the holder in another 1257  
jurisdiction for any substantially equivalent criminal offense, is 1258  
automatically suspended from practice under this chapter in this 1259  
state and any certificate or license issued to the holder under 1260  
this chapter is automatically suspended, as of the date of the 1261  
guilty plea, conviction, or judicial finding, whether the 1262  
proceedings are brought in this state or another jurisdiction. 1263  
Continued practice by an individual after the suspension of the 1264  
individual's certificate or license under this division shall be 1265  
considered practicing without a certificate or license. The board 1266  
shall notify the suspended individual of the suspension of the 1267  
individual's certificate or license under this division by 1268  
certified mail or in person in accordance with section 119.07 of 1269  
the Revised Code. If an individual whose certificate or license is 1270  
suspended under this division fails to make a timely request for 1271  
an adjudicatory hearing, the board shall enter a final order 1272  
revoking the individual's certificate or license. 1273

(G) If the supervisory investigative panel determines both of 1274

the following, the panel may recommend that the board suspend an individual's certificate or license without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four dentist members of the board and seven of its members in total, excluding any member on the supervisory investigative panel, may suspend a certificate or license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent,

final adjudicative order. 1306

(H) Sanctions shall not be imposed under division (A)(13) of 1307  
this section against any certificate or license holder who waives 1308  
deductibles and copayments as follows: 1309

(1) In compliance with the health benefit plan that expressly 1310  
allows such a practice. Waiver of the deductibles or copayments 1311  
shall be made only with the full knowledge and consent of the plan 1312  
purchaser, payer, and third-party administrator. Documentation of 1313  
the consent shall be made available to the board upon request. 1314

(2) For professional services rendered to any other person 1315  
who holds a certificate or license issued pursuant to this chapter 1316  
to the extent allowed by this chapter and the rules of the board. 1317

(I) In no event shall the board consider or raise during a 1318  
hearing required by Chapter 119. of the Revised Code the 1319  
circumstances of, or the fact that the board has received, one or 1320  
more complaints about a person unless the one or more complaints 1321  
are the subject of the hearing or resulted in the board taking an 1322  
action authorized by this section against the person on a prior 1323  
occasion. 1324

(J) The board may share any information it receives pursuant 1325  
to an investigation under division (D) of section 4715.03 of the 1326  
Revised Code, including patient records and patient record 1327  
information, with law enforcement agencies, other licensing 1328  
boards, and other governmental agencies that are prosecuting, 1329  
adjudicating, or investigating alleged violations of statutes or 1330  
administrative rules. An agency or board that receives the 1331  
information shall comply with the same requirements regarding 1332  
confidentiality as those with which the state dental board must 1333  
comply, notwithstanding any conflicting provision of the Revised 1334  
Code or procedure of the agency or board that applies when it is 1335  
dealing with other information in its possession. In a judicial 1336

proceeding, the information may be admitted into evidence only in 1337  
accordance with the Rules of Evidence, but the court shall require 1338  
that appropriate measures are taken to ensure that confidentiality 1339  
is maintained with respect to any part of the information that 1340  
contains names or other identifying information about patients or 1341  
complainants whose confidentiality was protected by the state 1342  
dental board when the information was in the board's possession. 1343  
Measures to ensure confidentiality that may be taken by the court 1344  
include sealing its records or deleting specific information from 1345  
its records. 1346

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 1347  
quorum, may impose one or more of the following sanctions if it 1348  
finds that a person committed fraud in passing an examination 1349  
required to obtain a license, certificate of authority, or 1350  
dialysis technician certificate issued by the board or to have 1351  
committed fraud, misrepresentation, or deception in applying for 1352  
or securing any nursing license, certificate of authority, or 1353  
dialysis technician certificate issued by the board: deny, revoke, 1354  
suspend, or place restrictions on any nursing license, certificate 1355  
of authority, or dialysis technician certificate issued by the 1356  
board; reprimand or otherwise discipline a holder of a nursing 1357  
license, certificate of authority, or dialysis technician 1358  
certificate; or impose a fine of not more than five hundred 1359  
dollars per violation. 1360

(B) The board of nursing, by a vote of a quorum, may impose 1361  
one or more of the following sanctions: deny, revoke, suspend, or 1362  
place restrictions on any nursing license, certificate of 1363  
authority, or dialysis technician certificate issued by the board; 1364  
reprimand or otherwise discipline a holder of a nursing license, 1365  
certificate of authority, or dialysis technician certificate; or 1366  
impose a fine of not more than five hundred dollars per violation. 1367  
The sanctions may be imposed for any of the following: 1368

(1) Denial, revocation, suspension, or restriction of	1369
authority to engage in a licensed profession or practice a health	1370
care occupation, including nursing or practice as a dialysis	1371
technician, for any reason other than a failure to renew, in Ohio	1372
or another state or jurisdiction;	1373
(2) Engaging in the practice of nursing or engaging in	1374
practice as a dialysis technician, having failed to renew a	1375
nursing license or dialysis technician certificate issued under	1376
this chapter, or while a nursing license or dialysis technician	1377
certificate is under suspension;	1378
(3) Conviction of, a plea of guilty to, a judicial finding of	1379
guilt of, a judicial finding of guilt resulting from a plea of no	1380
contest to, or a judicial finding of eligibility for a pretrial	1381
diversion or similar program or for intervention in lieu of	1382
conviction for, a misdemeanor committed in the course of practice;	1383
(4) Conviction of, a plea of guilty to, a judicial finding of	1384
guilt of, a judicial finding of guilt resulting from a plea of no	1385
contest to, or a judicial finding of eligibility for a pretrial	1386
diversion or similar program or for intervention in lieu of	1387
conviction for, any felony or of any crime involving gross	1388
immorality or moral turpitude;	1389
(5) Selling, giving away, or administering drugs or	1390
therapeutic devices for other than legal and legitimate	1391
therapeutic purposes; or conviction of, a plea of guilty to, a	1392
judicial finding of guilt of, a judicial finding of guilt	1393
resulting from a plea of no contest to, or a judicial finding of	1394
eligibility for a pretrial diversion or similar program or for	1395
intervention in lieu of conviction for, violating any municipal,	1396
state, county, or federal drug law;	1397
(6) Conviction of, a plea of guilty to, a judicial finding of	1398
guilt of, a judicial finding of guilt resulting from a plea of no	1399

contest to, or a judicial finding of eligibility for a pretrial 1400  
diversion or similar program or for intervention in lieu of 1401  
conviction for, an act in another jurisdiction that would 1402  
constitute a felony or a crime of moral turpitude in Ohio; 1403

(7) Conviction of, a plea of guilty to, a judicial finding of 1404  
guilt of, a judicial finding of guilt resulting from a plea of no 1405  
contest to, or a judicial finding of eligibility for a pretrial 1406  
diversion or similar program or for intervention in lieu of 1407  
conviction for, an act in the course of practice in another 1408  
jurisdiction that would constitute a misdemeanor in Ohio; 1409

(8) Self-administering or otherwise taking into the body any 1410  
dangerous drug, as defined in section 4729.01 of the Revised Code, 1411  
in any way that is not in accordance with a legal, valid 1412  
prescription issued for that individual, or self-administering or 1413  
otherwise taking into the body any drug that is a schedule I 1414  
controlled substance; 1415

(9) Habitual or excessive use of controlled substances, other 1416  
habit-forming drugs, or alcohol or other chemical substances to an 1417  
extent that impairs the individual's ability to provide safe 1418  
nursing care or safe dialysis care; 1419

(10) Impairment of the ability to practice according to 1420  
acceptable and prevailing standards of safe nursing care or safe 1421  
dialysis care because of the use of drugs, alcohol, or other 1422  
chemical substances; 1423

(11) Impairment of the ability to practice according to 1424  
acceptable and prevailing standards of safe nursing care or safe 1425  
dialysis care because of a physical or mental disability; 1426

(12) Assaulting or causing harm to a patient or depriving a 1427  
patient of the means to summon assistance; 1428

(13) Misappropriation or attempted misappropriation of money 1429  
or anything of value in the course of practice; 1430

(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	1431 1432 1433 1434 1435
(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	1436 1437 1438
(16) Violation of this chapter or any rules adopted under it;	1439
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	1440 1441
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	1442 1443 1444
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	1445 1446
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	1447 1448 1449
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	1450 1451 1452
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	1453 1454 1455
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	1456 1457 1458
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified	1459 1460

nurse practitioner, except as provided in division (M) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section

4723.431 of the Revised Code or to practice in accordance with the	1491
standard care arrangement;	1492
(29) In the case of a clinical nurse specialist, certified	1493
nurse-midwife, or certified nurse practitioner who holds a	1494
certificate to prescribe issued under section 4723.48 of the	1495
Revised Code, failure to prescribe drugs and therapeutic devices	1496
in accordance with section 4723.481 of the Revised Code;	1497
(30) Prescribing any drug or device to perform or induce an	1498
abortion, or otherwise performing or inducing an abortion;	1499
(31) Failure to establish and maintain professional	1500
boundaries with a patient, as specified in rules adopted under	1501
section 4723.07 of the Revised Code;	1502
(32) Regardless of whether the contact or verbal behavior is	1503
consensual, engaging with a patient other than the spouse of the	1504
registered nurse, licensed practical nurse, or dialysis technician	1505
in any of the following:	1506
(a) Sexual contact, as defined in section 2907.01 of the	1507
Revised Code;	1508
(b) Verbal behavior that is sexually demeaning to the patient	1509
or may be reasonably interpreted by the patient as sexually	1510
demeaning.	1511
(33) Assisting suicide, as defined in section 3795.01 of the	1512
Revised Code;	1513
(34) Failure to comply with the requirements in section	1514
3719.061 of the Revised Code before issuing <del>to</del> <u>for</u> a minor a	1515
prescription for <del>a controlled substance containing</del> an opioid	1516
<u>analgesic, as defined in section 3719.01 of the Revised Code.</u>	1517
(C) Disciplinary actions taken by the board under divisions	1518
(A) and (B) of this section shall be taken pursuant to an	1519
adjudication conducted under Chapter 119. of the Revised Code,	1520

except that in lieu of a hearing, the board may enter into a 1521  
consent agreement with an individual to resolve an allegation of a 1522  
violation of this chapter or any rule adopted under it. A consent 1523  
agreement, when ratified by a vote of a quorum, shall constitute 1524  
the findings and order of the board with respect to the matter 1525  
addressed in the agreement. If the board refuses to ratify a 1526  
consent agreement, the admissions and findings contained in the 1527  
agreement shall be of no effect. 1528

(D) The hearings of the board shall be conducted in 1529  
accordance with Chapter 119. of the Revised Code, the board may 1530  
appoint a hearing examiner, as provided in section 119.09 of the 1531  
Revised Code, to conduct any hearing the board is authorized to 1532  
hold under Chapter 119. of the Revised Code. 1533

In any instance in which the board is required under Chapter 1534  
119. of the Revised Code to give notice of an opportunity for a 1535  
hearing and the applicant, licensee, or certificate holder does 1536  
not make a timely request for a hearing in accordance with section 1537  
119.07 of the Revised Code, the board is not required to hold a 1538  
hearing, but may adopt, by a vote of a quorum, a final order that 1539  
contains the board's findings. In the final order, the board may 1540  
order any of the sanctions listed in division (A) or (B) of this 1541  
section. 1542

(E) If a criminal action is brought against a registered 1543  
nurse, licensed practical nurse, or dialysis technician for an act 1544  
or crime described in divisions (B)(3) to (7) of this section and 1545  
the action is dismissed by the trial court other than on the 1546  
merits, the board shall conduct an adjudication to determine 1547  
whether the registered nurse, licensed practical nurse, or 1548  
dialysis technician committed the act on which the action was 1549  
based. If the board determines on the basis of the adjudication 1550  
that the registered nurse, licensed practical nurse, or dialysis 1551  
technician committed the act, or if the registered nurse, licensed 1552

practical nurse, or dialysis technician fails to participate in 1553  
the adjudication, the board may take action as though the 1554  
registered nurse, licensed practical nurse, or dialysis technician 1555  
had been convicted of the act. 1556

If the board takes action on the basis of a conviction, plea, 1557  
or a judicial finding as described in divisions (B)(3) to (7) of 1558  
this section that is overturned on appeal, the registered nurse, 1559  
licensed practical nurse, or dialysis technician may, on 1560  
exhaustion of the appeal process, petition the board for 1561  
reconsideration of its action. On receipt of the petition and 1562  
supporting court documents, the board shall temporarily rescind 1563  
its action. If the board determines that the decision on appeal 1564  
was a decision on the merits, it shall permanently rescind its 1565  
action. If the board determines that the decision on appeal was 1566  
not a decision on the merits, it shall conduct an adjudication to 1567  
determine whether the registered nurse, licensed practical nurse, 1568  
or dialysis technician committed the act on which the original 1569  
conviction, plea, or judicial finding was based. If the board 1570  
determines on the basis of the adjudication that the registered 1571  
nurse, licensed practical nurse, or dialysis technician committed 1572  
such act, or if the registered nurse, licensed practical nurse, or 1573  
dialysis technician does not request an adjudication, the board 1574  
shall reinstate its action; otherwise, the board shall permanently 1575  
rescind its action. 1576

Notwithstanding the provision of division (C)(2) of section 1577  
2953.32 of the Revised Code specifying that if records pertaining 1578  
to a criminal case are sealed under that section the proceedings 1579  
in the case shall be deemed not to have occurred, sealing of the 1580  
following records on which the board has based an action under 1581  
this section shall have no effect on the board's action or any 1582  
sanction imposed by the board under this section: records of any 1583  
conviction, guilty plea, judicial finding of guilt resulting from 1584

a plea of no contest, or a judicial finding of eligibility for a 1585  
pretrial diversion program or intervention in lieu of conviction. 1586

The board shall not be required to seal, destroy, redact, or 1587  
otherwise modify its records to reflect the court's sealing of 1588  
conviction records. 1589

(F) The board may investigate an individual's criminal 1590  
background in performing its duties under this section. As part of 1591  
such investigation, the board may order the individual to submit, 1592  
at the individual's expense, a request to the bureau of criminal 1593  
identification and investigation for a criminal records check and 1594  
check of federal bureau of investigation records in accordance 1595  
with the procedure described in section 4723.091 of the Revised 1596  
Code. 1597

(G) During the course of an investigation conducted under 1598  
this section, the board may compel any registered nurse, licensed 1599  
practical nurse, or dialysis technician or applicant under this 1600  
chapter to submit to a mental or physical examination, or both, as 1601  
required by the board and at the expense of the individual, if the 1602  
board finds reason to believe that the individual under 1603  
investigation may have a physical or mental impairment that may 1604  
affect the individual's ability to provide safe nursing care. 1605  
Failure of any individual to submit to a mental or physical 1606  
examination when directed constitutes an admission of the 1607  
allegations, unless the failure is due to circumstances beyond the 1608  
individual's control, and a default and final order may be entered 1609  
without the taking of testimony or presentation of evidence. 1610

If the board finds that an individual is impaired, the board 1611  
shall require the individual to submit to care, counseling, or 1612  
treatment approved or designated by the board, as a condition for 1613  
initial, continued, reinstated, or renewed authority to practice. 1614  
The individual shall be afforded an opportunity to demonstrate to 1615  
the board that the individual can begin or resume the individual's 1616

occupation in compliance with acceptable and prevailing standards 1617  
of care under the provisions of the individual's authority to 1618  
practice. 1619

For purposes of this division, any registered nurse, licensed 1620  
practical nurse, or dialysis technician or applicant under this 1621  
chapter shall be deemed to have given consent to submit to a 1622  
mental or physical examination when directed to do so in writing 1623  
by the board, and to have waived all objections to the 1624  
admissibility of testimony or examination reports that constitute 1625  
a privileged communication. 1626

(H) The board shall investigate evidence that appears to show 1627  
that any person has violated any provision of this chapter or any 1628  
rule of the board. Any person may report to the board any 1629  
information the person may have that appears to show a violation 1630  
of any provision of this chapter or rule of the board. In the 1631  
absence of bad faith, any person who reports such information or 1632  
who testifies before the board in any adjudication conducted under 1633  
Chapter 119. of the Revised Code shall not be liable for civil 1634  
damages as a result of the report or testimony. 1635

(I) All of the following apply under this chapter with 1636  
respect to the confidentiality of information: 1637

(1) Information received by the board pursuant to a complaint 1638  
or an investigation is confidential and not subject to discovery 1639  
in any civil action, except that the board may disclose 1640  
information to law enforcement officers and government entities 1641  
for purposes of an investigation of either a licensed health care 1642  
professional, including a registered nurse, licensed practical 1643  
nurse, or dialysis technician, or a person who may have engaged in 1644  
the unauthorized practice of nursing or dialysis care. No law 1645  
enforcement officer or government entity with knowledge of any 1646  
information disclosed by the board pursuant to this division shall 1647  
divulge the information to any other person or government entity 1648

except for the purpose of a government investigation, a 1649  
prosecution, or an adjudication by a court or government entity. 1650

(2) If an investigation requires a review of patient records, 1651  
the investigation and proceeding shall be conducted in such a 1652  
manner as to protect patient confidentiality. 1653

(3) All adjudications and investigations of the board shall 1654  
be considered civil actions for the purposes of section 2305.252 1655  
of the Revised Code. 1656

(4) Any board activity that involves continued monitoring of 1657  
an individual as part of or following any disciplinary action 1658  
taken under this section shall be conducted in a manner that 1659  
maintains the individual's confidentiality. Information received 1660  
or maintained by the board with respect to the board's monitoring 1661  
activities is not subject to discovery in any civil action and is 1662  
confidential, except that the board may disclose information to 1663  
law enforcement officers and government entities for purposes of 1664  
an investigation of a licensee or certificate holder. 1665

(J) Any action taken by the board under this section 1666  
resulting in a suspension from practice shall be accompanied by a 1667  
written statement of the conditions under which the person may be 1668  
reinstated to practice. 1669

(K) When the board refuses to grant a license or certificate 1670  
to an applicant, revokes a license or certificate, or refuses to 1671  
reinstate a license or certificate, the board may specify that its 1672  
action is permanent. An individual subject to permanent action 1673  
taken by the board is forever ineligible to hold a license or 1674  
certificate of the type that was refused or revoked and the board 1675  
shall not accept from the individual an application for 1676  
reinstatement of the license or certificate or for a new license 1677  
or certificate. 1678

(L) No unilateral surrender of a nursing license, certificate 1679

of authority, or dialysis technician certificate issued under this 1680  
chapter shall be effective unless accepted by majority vote of the 1681  
board. No application for a nursing license, certificate of 1682  
authority, or dialysis technician certificate issued under this 1683  
chapter may be withdrawn without a majority vote of the board. The 1684  
board's jurisdiction to take disciplinary action under this 1685  
section is not removed or limited when an individual has a license 1686  
or certificate classified as inactive or fails to renew a license 1687  
or certificate. 1688

(M) Sanctions shall not be imposed under division (B)(24) of 1689  
this section against any licensee who waives deductibles and 1690  
copayments as follows: 1691

(1) In compliance with the health benefit plan that expressly 1692  
allows such a practice. Waiver of the deductibles or copayments 1693  
shall be made only with the full knowledge and consent of the plan 1694  
purchaser, payer, and third-party administrator. Documentation of 1695  
the consent shall be made available to the board upon request. 1696

(2) For professional services rendered to any other person 1697  
licensed pursuant to this chapter to the extent allowed by this 1698  
chapter and the rules of the board. 1699

**Sec. 4723.481.** This section establishes standards and 1700  
conditions regarding the authority of a clinical nurse specialist, 1701  
certified nurse-midwife, or certified nurse practitioner to 1702  
prescribe drugs and therapeutic devices under a certificate to 1703  
prescribe issued under section 4723.48 of the Revised Code. 1704

(A) A clinical nurse specialist, certified nurse-midwife, or 1705  
certified nurse practitioner shall not prescribe any drug or 1706  
therapeutic device that is not included in the types of drugs and 1707  
devices listed on the formulary established in rules adopted under 1708  
section 4723.50 of the Revised Code. 1709

(B) The prescriptive authority of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not exceed the prescriptive authority of the collaborating physician or podiatrist, including the collaborating physician's authority to treat chronic pain with controlled substances and products containing tramadol as described in section 4731.052 of the Revised Code.

(C)(1) Except as provided in division (C)(2) or (3) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.

(b) The collaborating physician of the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner initially prescribed the substance for the patient.

(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.

(2) The restrictions on prescriptive authority in division (C)(1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following locations:

(a) A hospital registered under section 3701.07 of the Revised Code;

(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(c) A health care facility operated by the department of

mental health and addiction services or the department of 1740  
developmental disabilities; 1741

(d) A nursing home licensed under section 3721.02 of the 1742  
Revised Code or by a political subdivision certified under section 1743  
3721.09 of the Revised Code; 1744

(e) A county home or district home operated under Chapter 1745  
5155. of the Revised Code that is certified under the medicare or 1746  
medicaid program; 1747

(f) A hospice care program, as defined in section 3712.01 of 1748  
the Revised Code; 1749

(g) A community mental health services provider, as defined 1750  
in section 5122.01 of the Revised Code; 1751

(h) An ambulatory surgical facility, as defined in section 1752  
3702.30 of the Revised Code; 1753

(i) A freestanding birthing center, as defined in section 1754  
3702.141 of the Revised Code; 1755

(j) A federally qualified health center, as defined in 1756  
section 3701.047 of the Revised Code; 1757

(k) A federally qualified health center look-alike, as 1758  
defined in section 3701.047 of the Revised Code; 1759

(l) A health care office or facility operated by the board of 1760  
health of a city or general health district or the authority 1761  
having the duties of a board of health under section 3709.05 of 1762  
the Revised Code; 1763

(m) A site where a medical practice is operated, but only if 1764  
the practice is comprised of one or more physicians who also are 1765  
owners of the practice; the practice is organized to provide 1766  
direct patient care; and the clinical nurse specialist, certified 1767  
nurse-midwife, or certified nurse practitioner providing services 1768  
at the site has a standard care arrangement and collaborates with 1769

at least one of the physician owners who practices primarily at 1770  
that site. 1771

(3) A clinical nurse specialist, certified nurse-midwife, or 1772  
certified nurse practitioner shall not issue to a patient a 1773  
prescription for a schedule II controlled substance from a 1774  
convenience care clinic even if the clinic is owned or operated by 1775  
an entity specified in division (C)(2) of this section. 1776

(D) A pharmacist who acts in good faith reliance on a 1777  
prescription issued by a clinical nurse specialist, certified 1778  
nurse-midwife, or certified nurse practitioner under division 1779  
(C)(2) of this section is not liable for or subject to any of the 1780  
following for relying on the prescription: damages in any civil 1781  
action, prosecution in any criminal proceeding, or professional 1782  
disciplinary action by the state board of pharmacy under Chapter 1783  
4729. of the Revised Code. 1784

(E) A clinical nurse specialist, certified nurse-midwife, or 1785  
certified nurse practitioner may personally furnish to a patient a 1786  
sample of any drug or therapeutic device included in the types of 1787  
drugs and devices listed on the formulary, except that all of the 1788  
following conditions apply: 1789

(1) The amount of the sample furnished shall not exceed a 1790  
seventy-two-hour supply, except when the minimum available 1791  
quantity of the sample is packaged in an amount that is greater 1792  
than a seventy-two-hour supply, in which case the packaged amount 1793  
may be furnished. 1794

(2) No charge may be imposed for the sample or for furnishing 1795  
it. 1796

(3) Samples of controlled substances may not be personally 1797  
furnished. 1798

(F) A clinical nurse specialist, certified nurse-midwife, or 1799  
certified nurse practitioner may personally furnish to a patient a 1800

complete or partial supply of a drug or therapeutic device 1801  
included in the types of drugs and devices listed on the 1802  
formulary, except that all of the following conditions apply: 1803

(1) The clinical nurse specialist, certified nurse-midwife, 1804  
or certified nurse practitioner shall personally furnish only 1805  
antibiotics, antifungals, scabicides, contraceptives, prenatal 1806  
vitamins, antihypertensives, drugs and devices used in the 1807  
treatment of diabetes, drugs and devices used in the treatment of 1808  
asthma, and drugs used in the treatment of dyslipidemia. 1809

(2) The clinical nurse specialist, certified nurse-midwife, 1810  
or certified nurse practitioner shall not furnish the drugs and 1811  
devices in locations other than a health department operated by 1812  
the board of health of a city or general health district or the 1813  
authority having the duties of a board of health under section 1814  
3709.05 of the Revised Code, a federally funded comprehensive 1815  
primary care clinic, or a nonprofit health care clinic or program. 1816

(3) The clinical nurse specialist, certified nurse-midwife, 1817  
or certified nurse practitioner shall comply with all safety 1818  
standards for personally furnishing supplies of drugs and devices, 1819  
as established in rules adopted under section 4723.50 of the 1820  
Revised Code. 1821

(G) A clinical nurse specialist, certified nurse-midwife, or 1822  
certified nurse practitioner shall comply with section 3719.061 of 1823  
the Revised Code if the nurse prescribes for a minor, as defined 1824  
in that section, ~~a compound that is a controlled substance~~ 1825  
~~containing~~ an opioid analgesic, as defined in section 3719.01 of 1826  
the Revised Code. 1827

**Sec. 4723.486.** (A) A certificate to prescribe issued under 1828  
section 4723.48 of the Revised Code that is not issued as an 1829  
externship certificate is valid for two years, unless otherwise 1830  
provided in rules adopted under section 4723.50 of the Revised 1831

Code or earlier suspended or revoked by the board. The board of 1832  
nursing shall renew certificates to prescribe according to 1833  
procedures and a renewal schedule established in rules adopted 1834  
under section 4723.50 of the Revised Code. 1835

(B) Except as provided in division (C) of this section, the 1836  
board may renew a certificate to prescribe if the holder submits 1837  
to the board all of the following: 1838

(1) Evidence of having completed during the previous two 1839  
years at least twelve hours of continuing education in advanced 1840  
pharmacology, or, if the certificate has been held for less than a 1841  
full renewal period, the number of hours required by the board in 1842  
rules adopted under section 4723.50 of the Revised Code; 1843

(2) The fee required under section 4723.08 of the Revised 1844  
Code for renewal of a certificate to prescribe; 1845

(3) Any additional information the board requires pursuant to 1846  
rules adopted under section 4723.50 of the Revised Code. 1847

(C)(1) Except as provided in division (C)(2) of this section, 1848  
in the case of a certificate holder seeking renewal who prescribes 1849  
opioid analgesics or benzodiazepines, as defined in section 1850  
3719.01 of the Revised Code, the holder shall certify to the board 1851  
whether the holder has been granted access to the drug database 1852  
established and maintained by the state board of pharmacy pursuant 1853  
to section 4729.75 of the Revised Code. 1854

(2) The requirement in division (C)(1) of this section does 1855  
not apply if ~~either~~ any of the following is the case: 1856

(a) The state board of pharmacy notifies the board of nursing 1857  
pursuant to section 4729.861 of the Revised Code that the 1858  
certificate holder has been restricted from obtaining further 1859  
information from the drug database. 1860

(b) The state board of pharmacy no longer maintains the drug 1861

database. 1862

(c) The certificate holder does not practice nursing in this 1863  
state. 1864

(3) If a certificate holder certifies to the board of nursing 1865  
that the holder has been granted access to the drug database and 1866  
the board finds through an audit or other means that the holder 1867  
has not been granted access, the board may take action under 1868  
section 4723.28 of the Revised Code. 1869

(D) The continuing education in pharmacology required under 1870  
division (B)(1) of this section must be received from an 1871  
accredited institution recognized by the board. The hours of 1872  
continuing education required are in addition to any other 1873  
continuing education requirement that must be completed pursuant 1874  
to this chapter. 1875

**Sec. 4725.16.** (A)(1) Each certificate of licensure, topical 1876  
ocular pharmaceutical agents certificate, and therapeutic 1877  
pharmaceutical agents certificate issued by the state board of 1878  
optometry shall expire annually on the last day of December, and 1879  
may be renewed in accordance with this section and the standard 1880  
renewal procedure established under Chapter 4745. of the Revised 1881  
Code. 1882

(2) An optometrist seeking to continue to practice optometry 1883  
shall file with the board an application for license renewal. The 1884  
application shall be in such form and require such pertinent 1885  
professional biographical data as the board may require. 1886

(3)(a) Except as provided in division (A)(3)(b) of this 1887  
section, in the case of an optometrist seeking renewal who holds a 1888  
~~topical ocular~~ therapeutic pharmaceutical agents certificate and 1889  
who prescribes or personally furnishes analgesic controlled 1890  
substances authorized pursuant to section 4725.091 of the Revised 1891

Code that are opioid analgesics or benzodiazepines, as defined in 1892  
section 3719.01 of the Revised Code, the optometrist shall certify 1893  
to the board whether the optometrist has been granted access to 1894  
the drug database established and maintained by the state board of 1895  
pharmacy pursuant to section 4729.75 of the Revised Code. 1896

(b) The requirement in division (A)(3)(a) of this section 1897  
does not apply if ~~either~~ any of the following is the case: 1898

(i) The state board of pharmacy notifies the state board of 1899  
optometry pursuant to section 4729.861 of the Revised Code that 1900  
the certificate holder has been restricted from obtaining further 1901  
information from the drug database. 1902

(ii) The state board of pharmacy no longer maintains the drug 1903  
database. 1904

(iii) The certificate holder does not practice optometry in 1905  
this state. 1906

(c) If an optometrist certifies to the state board of 1907  
optometry that the optometrist has been granted access to the drug 1908  
database and the board finds through an audit or other means that 1909  
the optometrist has not been granted access, the board may take 1910  
action under section 4725.19 of the Revised Code. 1911

(B) All licensed optometrists shall annually complete 1912  
continuing education in subjects relating to the practice of 1913  
optometry, to the end that the utilization and application of new 1914  
techniques, scientific and clinical advances, and the achievements 1915  
of research will assure comprehensive care to the public. The 1916  
board shall prescribe by rule the continuing optometric education 1917  
that licensed optometrists must complete. The length of study 1918  
shall be twenty-five clock hours each year, including ten clock 1919  
hours of instruction in pharmacology to be completed by all 1920  
licensed optometrists. 1921

Unless the continuing education required under this division 1922

is waived or deferred under division (D) of this section, the 1923  
continuing education must be completed during the twelve-month 1924  
period beginning on the first day of October and ending on the 1925  
last day of September. If the board receives notice from a 1926  
continuing education program indicating that an optometrist 1927  
completed the program after the last day of September, and the 1928  
optometrist wants to use the continuing education completed after 1929  
that day to renew the license that expires on the last day of 1930  
December of that year, the optometrist shall pay the penalty 1931  
specified under section 4725.34 of the Revised Code for late 1932  
completion of continuing education. 1933

At least once annually, the board shall post on its web site 1934  
and shall mail, or send by electronic mail, to each licensed 1935  
optometrist a list of courses approved in accordance with 1936  
standards prescribed by board rule. Upon the request of a licensed 1937  
optometrist, the executive director of the board shall supply a 1938  
list of additional courses that the board has approved subsequent 1939  
to the most recent web site posting, electronic mail transmission, 1940  
or mailing of the list of approved courses. 1941

(C)(1) Annually, not later than the first day of November, 1942  
the board shall mail or send by electronic mail a notice regarding 1943  
license renewal to each licensed optometrist who may be eligible 1944  
for renewal. The notice shall be sent to the optometrist's most 1945  
recent electronic mail or mailing address shown in the board's 1946  
records. If the board knows that the optometrist has completed the 1947  
required continuing optometric education for the year, the board 1948  
may include with the notice an application for license renewal. 1949

(2) Filing a license renewal application with the board shall 1950  
serve as notice by the optometrist that the continuing optometric 1951  
education requirement has been successfully completed. If the 1952  
board finds that an optometrist has not completed the required 1953  
continuing optometric education, the board shall disapprove the 1954

optometrist's application. The board's disapproval of renewal is 1955  
effective without a hearing, unless a hearing is requested 1956  
pursuant to Chapter 119. of the Revised Code. 1957

(3) The board shall refuse to accept an application for 1958  
renewal from any applicant whose license is not in good standing 1959  
or who is under disciplinary review pursuant to section 4725.19 of 1960  
the Revised Code. 1961

(4) Notice of an applicant's failure to qualify for renewal 1962  
shall be served upon the applicant by mail. The notice shall be 1963  
sent not later than the fifteenth day of November to the 1964  
applicant's last address shown in the board's records. 1965

(D) In cases of certified illness or undue hardship, the 1966  
board may waive or defer for up to twelve months the requirement 1967  
of continuing optometric education, except that in such cases the 1968  
board may not waive or defer the continuing education in 1969  
pharmacology required to be completed by optometrists who hold 1970  
topical ocular pharmaceutical agents certificates or therapeutic 1971  
pharmaceutical agents certificates. The board shall waive the 1972  
requirement of continuing optometric education for any optometrist 1973  
who is serving on active duty in the armed forces of the United 1974  
States or a reserve component of the armed forces of the United 1975  
States, including the Ohio national guard or the national guard of 1976  
any other state or who has received an initial certificate of 1977  
licensure during the nine-month period which ended on the last day 1978  
of September. 1979

(E) An optometrist whose renewal application has been 1980  
approved may renew each certificate held by paying to the 1981  
treasurer of state the fees for renewal specified under section 1982  
4725.34 of the Revised Code. On payment of all applicable fees, 1983  
the board shall issue a renewal of the optometrist's certificate 1984  
of licensure, topical ocular pharmaceutical agents certificate, 1985  
and therapeutic pharmaceutical agents certificate, as appropriate. 1986

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board 2018  
rules requiring continuing optometric education in a sufficient 2019  
number of hours to make up for any delinquent compliance; 2020

(b) Pay the renewal fees for the year in which application 2021  
for reinstatement is made and the reinstatement fee specified 2022  
under division (A)(8) of section 4725.34 of the Revised Code; 2023

(c) Pass all or part of the licensing examination accepted by 2024  
the board under section 4725.11 of the Revised Code as the board 2025  
considers appropriate to determine whether the application for 2026  
reinstatement should be approved; 2027

(d) If the applicant has been practicing optometry in another 2028  
state or country, submit evidence that the applicant's license to 2029  
practice optometry in the other state or country is in good 2030  
standing. 2031

(3) The board shall approve an application for reinstatement 2032  
if the conditions specified in division (I)(2) of this section are 2033  
met. An optometrist who receives reinstatement is subject to the 2034  
continuing education requirements specified under division (B) of 2035  
this section for the year in which reinstatement occurs. 2036

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 2037  
Revised Code and by an affirmative vote of a majority of its 2038  
members, the state board of optometry, for any of the reasons 2039  
specified in division (B) of this section, shall refuse to grant a 2040  
certificate of licensure to an applicant and may, with respect to 2041  
a licensed optometrist, do one or more of the following: 2042

(1) Suspend the operation of any certificate of licensure, 2043  
topical ocular pharmaceutical agents certificate, or therapeutic 2044  
pharmaceutical agents certificate, or all certificates granted by 2045  
it to the optometrist; 2046

(2) Permanently revoke any or all of the certificates; 2047

(3) Limit or otherwise place restrictions on any or all of the certificates;	2048 2049
(4) Reprimand the optometrist;	2050
(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.	2051 2052 2053 2054 2055 2056
(6) Require the optometrist to take corrective action courses.	2057 2058
The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.	2059 2060 2061
(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	2062 2063
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	2064 2065 2066
(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;	2067 2068
(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;	2069 2070
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	2071 2072
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;	2073 2074 2075
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the	2076 2077

board;	2078
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	2079 2080 2081 2082 2083
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	2084 2085 2086 2087
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	2088 2089 2090 2091 2092
(10) Failing to maintain comprehensive patient records;	2093
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	2094 2095 2096
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	2097 2098 2099 2100 2101
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;	2102 2103 2104 2105
(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised	2106 2107

Code;	2108
(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;	2109 2110 2111
(16) Except as provided in division (D) of this section:	2112
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that optometrist.	2113 2114 2115 2116 2117 2118
(b) Advertising that the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay.	2119 2120 2121 2122 2123
(17) Failing to comply with the requirements in section 3719.061 of the Revised Code before issuing <del>to</del> <u>for</u> a minor a prescription for a <del>controlled substance containing an analgesic</del> <u>controlled substance authorized pursuant to section 4725.091 of the Revised Code that is an opioid analgesic, as defined in section 3719.01 of the Revised Code.</u>	2124 2125 2126 2127 2128 2129
(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.	2130 2131 2132 2133 2134
(D) Sanctions shall not be imposed under division (B)(16) of this section against any optometrist who waives deductibles and copayments:	2135 2136 2137

(1) In compliance with the health benefit plan that expressly 2138  
allows such a practice. Waiver of the deductibles or copayments 2139  
shall be made only with the full knowledge and consent of the plan 2140  
purchaser, payer, and third-party administrator. Documentation of 2141  
the consent shall be made available to the board upon request. 2142

(2) For professional services rendered to any other 2143  
optometrist licensed by the board, to the extent allowed by 2144  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 2145  
the board. 2146

**Sec. 4729.12.** An identification card issued by the state 2147  
board of pharmacy under section 4729.08 of the Revised Code 2148  
entitles the individual to whom it is issued to practice as a 2149  
pharmacist or as a pharmacy intern in this state until the next 2150  
annual renewal date. 2151

Identification cards shall be renewed annually on the 2152  
fifteenth day of September, according to the standard renewal 2153  
procedure of Chapter 4745. of the Revised Code. 2154

Each pharmacist and pharmacy intern shall carry the 2155  
identification card or renewal identification card while engaged 2156  
in the practice of pharmacy. The license shall be conspicuously 2157  
exposed at the principal place where the pharmacist or pharmacy 2158  
intern practices pharmacy. 2159

A pharmacist or pharmacy intern who desires to continue in 2160  
the practice of pharmacy shall file with the board an application 2161  
in such form and containing such data as the board may require for 2162  
renewal of an identification card. Am In the case of a pharmacist 2163  
who dispenses or plans to dispense controlled substances in this 2164  
state, the pharmacist shall certify, as part of the application, 2165  
that the pharmacist has been granted access to the drug database 2166  
established and maintained by the board pursuant to section 2167  
4729.75 of the Revised Code, unless the board has restricted the 2168

pharmacist from obtaining further information from the database or 2169  
the board no longer maintains the database. If the pharmacist 2170  
certifies to the board that the applicant has been granted access 2171  
to the drug database and the board finds through an audit or other 2172  
means that the pharmacist has not been granted access, the board 2173  
may take action under section 4729.16 of the Revised Code. 2174

An application filed under this section for renewal of an 2175  
identification card may not be withdrawn without the approval of 2176  
the board. ~~¶~~ 2177

If the board finds that ~~the~~ an applicant's identification 2178  
card has not been revoked or placed under suspension and that the 2179  
applicant has paid the renewal fee, has continued pharmacy 2180  
education in accordance with the rules of the board, ~~has been~~ 2181  
~~granted access to the drug database established and maintained by~~ 2182  
~~the board pursuant to section 4729.75 of the Revised Code (unless~~ 2183  
~~the board has restricted the applicant from obtaining any further~~ 2184  
~~information from the database or the board no longer maintains the~~ 2185  
~~database),~~ and is entitled to continue in the practice of 2186  
pharmacy, the board shall issue a renewal identification card to 2187  
the applicant. 2188

When an identification card has lapsed for more than sixty 2189  
days but application is made within three years after the 2190  
expiration of the card, the applicant shall be issued a renewal 2191  
identification card without further examination if the applicant 2192  
meets the requirements of this section and pays the fee designated 2193  
under division (A)(5) of section 4729.15 of the Revised Code. 2194

**Sec. 4729.16.** (A) The state board of pharmacy, after notice 2195  
and hearing in accordance with Chapter 119. of the Revised Code, 2196  
may revoke, suspend, limit, place on probation, or refuse to grant 2197  
or renew an identification card, or may impose a monetary penalty 2198  
or forfeiture not to exceed in severity any fine designated under 2199

the Revised Code for a similar offense, or in the case of a	2200
violation of a section of the Revised Code that does not bear a	2201
penalty, a monetary penalty or forfeiture of not more than five	2202
hundred dollars, if the board finds a pharmacist or pharmacy	2203
intern:	2204
(1) Guilty of a felony or gross immorality;	2205
(2) Guilty of dishonesty or unprofessional conduct in the	2206
practice of pharmacy;	2207
(3) Addicted to or abusing <del>liquor</del> <u>alcohol</u> or drugs or	2208
impaired physically or mentally to such a degree as to render the	2209
pharmacist or pharmacy intern unfit to practice pharmacy;	2210
(4) Has been convicted of a misdemeanor related to, or	2211
committed in, the practice of pharmacy;	2212
(5) Guilty of willfully violating, conspiring to violate,	2213
attempting to violate, or aiding and abetting the violation of any	2214
of the provisions of this chapter, sections 3715.52 to 3715.72 of	2215
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or	2216
any rule adopted by the board under those provisions;	2217
(6) Guilty of permitting anyone other than a pharmacist or	2218
pharmacy intern to practice pharmacy;	2219
(7) Guilty of knowingly lending the pharmacist's or pharmacy	2220
intern's name to an illegal practitioner of pharmacy or having	2221
professional connection with an illegal practitioner of pharmacy;	2222
(8) Guilty of dividing or agreeing to divide remuneration	2223
made in the practice of pharmacy with any other individual,	2224
including, but not limited to, any licensed health professional	2225
authorized to prescribe drugs or any owner, manager, or employee	2226
of a health care facility, residential care facility, or nursing	2227
home;	2228
(9) Has violated the terms of a consult agreement entered	2229

into pursuant to section 4729.39 of the Revised Code; 2230

(10) Has committed fraud, misrepresentation, or deception in 2231  
applying for or securing a license or identification card issued 2232  
by the board under this chapter or under Chapter 3715. or 3719. of 2233  
the Revised Code. 2234

(B) Any individual whose identification card is revoked, 2235  
suspended, or refused, shall return the identification card and 2236  
license to the offices of the state board of pharmacy within ten 2237  
days after receipt of notice of such action. 2238

(C) As used in this section: 2239

"Unprofessional conduct in the practice of pharmacy" includes 2240  
any of the following: 2241

(1) Advertising or displaying signs that promote dangerous 2242  
drugs to the public in a manner that is false or misleading; 2243

(2) Except as provided in section 4729.281 of the Revised 2244  
Code, the sale of any drug for which a prescription is required, 2245  
without having received a prescription for the drug; 2246

(3) Knowingly dispensing medication pursuant to false or 2247  
forged prescriptions; 2248

(4) Knowingly failing to maintain complete and accurate 2249  
records of all dangerous drugs received or dispensed in compliance 2250  
with federal laws and regulations and state laws and rules; 2251

(5) Obtaining any remuneration by fraud, misrepresentation, 2252  
or deception. 2253

(D) The board may suspend a license or identification card 2254  
under division (B) of section 3719.121 of the Revised Code by 2255  
utilizing a telephone conference call to review the allegations 2256  
and take a vote. 2257

(E) If, pursuant to an adjudication under Chapter 119. of the 2258  
Revised Code, the board has reasonable cause to believe that a 2259

pharmacist or pharmacy intern is physically or mentally impaired, 2260  
the board may require the pharmacist or pharmacy intern to submit 2261  
to a physical or mental examination, or both. 2262

**Sec. 4729.18.** The state board of pharmacy shall adopt rules 2263  
in accordance with Chapter 119. of the Revised Code establishing 2264  
standards for approving and designating physicians and facilities 2265  
as treatment providers for pharmacists with substance abuse 2266  
problems and shall approve and designate treatment providers in 2267  
accordance with the rules. The rules shall include standards for 2268  
both inpatient and outpatient treatment. The rules shall provide 2269  
that to be approved, a treatment provider must be capable of 2270  
making an initial examination to determine the type of treatment 2271  
required for a pharmacist with substance abuse problems. Subject 2272  
to the rules, the board shall review and approve treatment 2273  
providers on a regular basis and may, at its discretion, withdraw 2274  
or deny approval. 2275

An approved treatment provider shall: 2276

(A) Report to the board the name of any pharmacist suffering 2277  
or showing evidence of suffering impairment by reason of being 2278  
addicted to or abusing ~~liquor~~ alcohol or drugs as described in 2279  
division (A)(3) of section 4729.16 of the Revised Code who fails 2280  
to comply within one week with a referral for examination; 2281

(B) Report to the board the name of any impaired pharmacist 2282  
who fails to enter treatment within forty-eight hours following 2283  
the provider's determination that the pharmacist needs treatment; 2284

(C) Require every pharmacist who enters treatment to agree to 2285  
a treatment contract establishing the terms of treatment and 2286  
aftercare, including any required supervision or restrictions of 2287  
practice during treatment or aftercare; 2288

(D) Require a pharmacist to suspend practice on entering any 2289

required inpatient treatment;	2290
(E) Report to the board any failure by an impaired pharmacist to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;	2291 2292 2293
(F) Report to the board the resumption of practice of any impaired pharmacist before the treatment provider has made a clear determination that the pharmacist is capable of practicing according to acceptable and prevailing standards;	2294 2295 2296 2297
(G) Require a pharmacist who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;	2298 2299 2300 2301
(H) Report to the board any pharmacist who suffers a relapse at any time during or following aftercare.	2302 2303
Any pharmacist who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements that would otherwise prevent the treatment provider from making reports required under this section.	2304 2305 2306 2307 2308
In the absence of fraud or bad faith, no professional association of pharmacists licensed under this chapter that sponsors a committee or program to provide peer assistance to pharmacists with substance abuse problems, no representative or agent of such a committee or program, and no member of the state board of pharmacy shall be liable to any person for damages in a civil action by reason of actions taken to refer a pharmacist to a treatment provider designated by the board or actions or omissions of the provider in treating a pharmacist.	2309 2310 2311 2312 2313 2314 2315 2316 2317
In the absence of fraud or bad faith, no person who reports to the board a pharmacist with a suspected substance abuse problem shall be liable to any person for damages in a civil action as a	2318 2319 2320

result of the report. 2321

**Sec. 4729.41.** (A)(1) A pharmacist licensed under this chapter 2322  
who meets the requirements of division (B) of this section, and a 2323  
pharmacy intern licensed under this chapter who meets the 2324  
requirements of division (B) of this section and is working under 2325  
the direct supervision of a pharmacist who meets the requirements 2326  
of that division, may do any of the following: 2327

(a) Administer immunizations for influenza to individuals 2328  
~~fourteen~~ who are seven years of age or older; 2329

(b) ~~Administer immunizations~~ Only pursuant to a prescription, 2330  
administer to individuals ~~eighteen~~ who are seven years of age or 2331  
older ~~for~~ but not more than thirteen years of age any of the 2332  
following: 2333

(i) ~~Pneumonia;~~ 2334

(ii) ~~Tetanus;~~ 2335

(iii) ~~Hepatitis A;~~ 2336

(iv) ~~Hepatitis B;~~ 2337

(v) ~~Meningitis;~~ 2338

(vi) ~~Diphtheria;~~ 2339

(vii) ~~Pertussis.~~ immunizations included in division (A)(2) of 2340  
this section; 2341

(c) Administer to individuals ~~eighteen~~ who are thirteen years 2342  
of age or older any ~~other immunization listed~~ of the immunizations 2343  
included in the rule division (A)(2) of this section. 2344

2345

(2) A pharmacist or pharmacy intern may administer in 2346  
accordance with divisions (A)(1)(b) and (c) of this section either 2347  
of the following: 2348

(a) Any immunization that on the effective date of this amendment is included in either of the following immunization schedules recommended by the advisory committee on immunization practices of the centers for disease control and prevention in the United States department of health and human services:

(i) The recommended immunization schedule for persons aged zero through eighteen years;

(ii) The recommended adult immunization schedule.

(b) Any other immunization specified in rules adopted under division (E)(1)(d) of this section.

~~(2) A pharmacy intern licensed under this chapter who meets the requirements of division (B) of this section and is working under the direct supervision of a pharmacist who meets the requirements of that division may administer immunizations for influenza to individuals eighteen years of age or older.~~

(3) As part of engaging in the administration of immunizations or supervising a pharmacy intern's administration of immunizations, a pharmacist may administer epinephrine or diphenhydramine, or both, to individuals in emergency situations resulting from adverse reactions to the immunizations administered by the pharmacist or pharmacy intern.

(B) For a pharmacist or pharmacy intern to be authorized to engage in the administration of immunizations ~~as specified in pursuant to~~ division (A) of this section, the pharmacist or pharmacy intern shall do all of the following:

(1) Successfully complete a course in the administration of immunizations that has been approved by the state board of pharmacy as meeting the standards established for such courses by the centers for disease control and prevention ~~in the public health service of the United States department of health and human services;~~

(2) Receive and maintain certification to perform basic 2380  
life-support procedures by successfully completing a basic 2381  
life-support training course certified by the American red cross 2382  
or American heart association; 2383

(3) Practice in accordance with a definitive set of treatment 2384  
guidelines specified in a protocol established by a physician and 2385  
approved by the state board of pharmacy. 2386

(C) The protocol required by division (B)(3) of this section 2387  
shall include provisions for implementation of the following 2388  
requirements: 2389

(1) The pharmacist or pharmacy intern who administers an 2390  
immunization shall observe the individual who receives the 2391  
immunization to determine whether the individual has an adverse 2392  
reaction to the immunization. The length of time and location of 2393  
the observation shall comply with the standards specified in rules 2394  
adopted by the state board of pharmacy under division (E) of this 2395  
section for the approval of protocols. The protocol shall specify 2396  
procedures to be followed by a pharmacist when administering 2397  
epinephrine, diphenhydramine, or both, to an individual who has an 2398  
adverse reaction to an immunization administered by the pharmacist 2399  
or a pharmacy intern. 2400

(2) For each immunization administered to an individual by a 2401  
pharmacist or pharmacy intern, other than an immunization for 2402  
influenza administered to an individual eighteen years of age or 2403  
older, the pharmacist or pharmacy intern shall notify the 2404  
individual's family physician or, if the individual has no family 2405  
physician, the board of health of the health district in which the 2406  
individual resides or the authority having the duties of a board 2407  
of health for that district under section 3709.05 of the Revised 2408  
Code. The notice shall be given not later than thirty days after 2409  
the immunization is administered. 2410

(3) For each immunization ~~for influenza~~ administered by a 2411  
pharmacist or pharmacy intern to an individual ~~who is fourteen~~ 2412  
~~years of age or older but~~ younger than eighteen years of age 2413  
pursuant to division (A)(1) of this section, the pharmacist or a 2414  
pharmacy intern shall obtain permission from the individual's 2415  
parent or legal guardian in accordance with the procedures 2416  
specified in rules adopted under division (E) of this section. 2417

(D)(1) No pharmacist shall do either of the following: 2418

(a) Engage in the administration of immunizations unless the 2419  
requirements of division (B) of this section have been met; 2420

(b) Delegate to any person the pharmacist's authority to 2421  
engage in or supervise the administration of immunizations. 2422

(2) No pharmacy intern shall engage in the administration of 2423  
immunizations ~~for influenza~~ unless the requirements of division 2424  
(B) of this section have been met. 2425

(E)(1) The state board of pharmacy shall adopt rules to 2426  
implement this section. The rules shall be adopted in accordance 2427  
with Chapter 119. of the Revised Code and shall include the 2428  
following: 2429

(a) Provisions for approval of courses in administration of 2430  
immunizations; 2431

(b) Provisions for approval of protocols to be followed by 2432  
pharmacists and pharmacy interns in engaging in the administration 2433  
of immunizations, including protocols that contain provisions 2434  
specifying the locations at which a pharmacist or pharmacy intern 2435  
may engage in the administration of immunizations; 2436

(c) Procedures to be followed by pharmacists and pharmacy 2437  
interns in obtaining from the individual's parent or legal 2438  
guardian permission to administer ~~influenza~~ immunizations to an 2439  
individual younger than eighteen years of age pursuant to division 2440

(A)(1)~~(a)~~ of this section; 2441

(d) ~~A list of Provisions specifying any~~ immunizations that 2442  
may be administered under division (A)~~(1)(e)~~(2)(b) of this 2443  
section. 2444

(2) Prior to adopting rules regarding approval of protocols 2445  
to be followed by pharmacists and pharmacy interns in engaging in 2446  
the administration of immunizations, the state board of pharmacy 2447  
shall consult with the state medical board and the board of 2448  
nursing. 2449

(3) Prior to adopting ~~a rule listing~~ rules specifying any 2450  
immunizations that may be administered under division 2451  
(A)~~(1)(e)~~(2)(b) of this section, the state board of pharmacy shall 2452  
consult with the state medical board. 2453

(F) In addition to the rules it adopts under division (E) of 2454  
this section, the board may adopt rules that change the 2455  
immunizations authorized by division (A)(2)(a) of this section to 2456  
reflect changes in the recommendations of the advisory committee 2457  
on immunization practices. The rules shall be adopted in 2458  
accordance with Chapter 119 of the Revised Code. 2459

**Sec. 4729.85.** ~~(A)~~ If the state board of pharmacy establishes 2460  
and maintains a drug database pursuant to section 4729.75 of the 2461  
Revised Code, the board shall prepare reports regarding the 2462  
database and present or submit them in accordance with both of the 2463  
following: 2464

(A) The board shall present a biennial report to the standing 2465  
committees of the house of representatives and the senate that are 2466  
primarily responsible for considering health and human services 2467  
issues. ~~The initial report shall be presented not later than two~~ 2468  
~~years after the database is established.~~ 2469

~~(B)~~ Each report ~~presented under this section~~ shall include 2470

all of the following:	2471
(1) The cost to the state of establishing and maintaining the database;	2472 2473
(2) Information from terminal distributors of dangerous drugs, prescribers, and the board regarding the board's effectiveness in providing information from the database;	2474 2475 2476
(3) The board's timeliness in transmitting information from the database.	2477 2478
<u>(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the state board of optometry, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the following for the period covered by the report:</u>	2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490
<u>(1) An aggregate of the information submitted to the board under section 4729.77 of the Revised Code regarding prescriptions for controlled substances containing opioids, including all of the following:</u>	2491 2492 2493 2494
<u>(a) The number of prescribers who issued the prescriptions;</u>	2495
<u>(b) The number of patients to whom the controlled substances were dispensed;</u>	2496 2497
<u>(c) The average quantity of the controlled substances dispensed per prescription;</u>	2498 2499
<u>(d) The average daily morphine equivalent dose of the</u>	2500

controlled substances dispensed per prescription. 2501

(2) An aggregate of the information submitted to the board 2502  
under section 4729.79 of the Revised Code regarding controlled 2503  
substances containing opioids that have been personally furnished 2504  
to a patient by a prescriber, other than a prescriber who is a 2505  
veterinarian, including all of the following: 2506

(a) The number of prescribers who personally furnished the 2507  
controlled substances; 2508

(b) The number of patients to whom the controlled substances 2509  
were personally furnished; 2510

(c) The average quantity of the controlled substances that 2511  
were furnished at one time; 2512

(d) The average daily morphine equivalent dose of the 2513  
controlled substances that were furnished at one time. 2514

**Sec. 4729.86.** If the state board of pharmacy establishes and 2515  
maintains a drug database pursuant to section 4729.75 of the 2516  
Revised Code, all of the following apply: 2517

(A)(1) No person identified in divisions (A)(1) to (12) or 2518  
(B) of section 4729.80 of the Revised Code shall disseminate any 2519  
written or electronic information the person receives from the 2520  
drug database or otherwise provide another person access to the 2521  
information that the person receives from the database, except as 2522  
follows: 2523

(a) When necessary in the investigation or prosecution of a 2524  
possible or alleged criminal offense; 2525

(b) When a person provides the information to the prescriber 2526  
or pharmacist for whom the person is approved by the board to 2527  
serve as a delegate of the prescriber or pharmacist for purposes 2528  
of requesting and receiving information from the drug database 2529  
under division (A)(5) or (6) of section 4729.80 of the Revised 2530

Code;	2531
(c) When a prescriber or pharmacist provides the information to a person who is approved by the board to serve as such a delegate of the prescriber or pharmacist;	2532 2533 2534
<u>(d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative;</u>	2535 2536
<u>(e) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.</u>	2537 2538 2539
(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.	2540 2541 2542
(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.	2543 2544 2545
(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.	2546 2547 2548
(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:	2549 2550 2551 2552 2553
(a) The person violates division (A)(1), (2), or (3) of this section;	2554 2555
(b) The person is a requestor identified in division (A)(13) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;	2556 2557 2558 2559
(c) The person fails to comply with division (B) of this	2560

section, regardless of the jurisdiction in which the failure to 2561  
comply occurred; 2562

(d) The person creates, by clear and convincing evidence, a 2563  
threat to the security of information contained in the database. 2564

(2) If the board determines that allegations regarding a 2565  
person's actions warrant restricting the person from obtaining 2566  
further information from the drug database without a prior 2567  
hearing, the board may summarily impose the restriction. A 2568  
telephone conference call may be used for reviewing the 2569  
allegations and taking a vote on the summary restriction. The 2570  
summary restriction shall remain in effect, unless removed by the 2571  
board, until the board's final adjudication order becomes 2572  
effective. 2573

(3) The board shall determine the extent to which the person 2574  
is restricted from obtaining further information from the 2575  
database. 2576

**Sec. 4730.25.** (A) The state medical board, by an affirmative 2577  
vote of not fewer than six members, may revoke or may refuse to 2578  
grant a certificate to practice as a physician assistant or a 2579  
certificate to prescribe to a person found by the board to have 2580  
committed fraud, misrepresentation, or deception in applying for 2581  
or securing the certificate. 2582

(B) The board, by an affirmative vote of not fewer than six 2583  
members, shall, to the extent permitted by law, limit, revoke, or 2584  
suspend an individual's certificate to practice as a physician 2585  
assistant or certificate to prescribe, refuse to issue a 2586  
certificate to an applicant, refuse to reinstate a certificate, or 2587  
reprimand or place on probation the holder of a certificate for 2588  
any of the following reasons: 2589

(1) Failure to practice in accordance with the conditions 2590

under which the supervising physician's supervision agreement with 2591  
the physician assistant was approved, including the requirement 2592  
that when practicing under a particular supervising physician, the 2593  
physician assistant must practice only according to the physician 2594  
supervisory plan the board approved for that physician or the 2595  
policies of the health care facility in which the supervising 2596  
physician and physician assistant are practicing; 2597

(2) Failure to comply with the requirements of this chapter, 2598  
Chapter 4731. of the Revised Code, or any rules adopted by the 2599  
board; 2600

(3) Violating or attempting to violate, directly or 2601  
indirectly, or assisting in or abetting the violation of, or 2602  
conspiring to violate, any provision of this chapter, Chapter 2603  
4731. of the Revised Code, or the rules adopted by the board; 2604

(4) Inability to practice according to acceptable and 2605  
prevailing standards of care by reason of mental illness or 2606  
physical illness, including physical deterioration that adversely 2607  
affects cognitive, motor, or perceptive skills; 2608

(5) Impairment of ability to practice according to acceptable 2609  
and prevailing standards of care because of habitual or excessive 2610  
use or abuse of drugs, alcohol, or other substances that impair 2611  
ability to practice; 2612

(6) Administering drugs for purposes other than those 2613  
authorized under this chapter; 2614

(7) Willfully betraying a professional confidence; 2615

(8) Making a false, fraudulent, deceptive, or misleading 2616  
statement in soliciting or advertising for employment as a 2617  
physician assistant; in connection with any solicitation or 2618  
advertisement for patients; in relation to the practice of 2619  
medicine as it pertains to physician assistants; or in securing or 2620  
attempting to secure a certificate to practice as a physician 2621

assistant, a certificate to prescribe, or approval of a 2622  
supervision agreement. 2623

As used in this division, "false, fraudulent, deceptive, or 2624  
misleading statement" means a statement that includes a 2625  
misrepresentation of fact, is likely to mislead or deceive because 2626  
of a failure to disclose material facts, is intended or is likely 2627  
to create false or unjustified expectations of favorable results, 2628  
or includes representations or implications that in reasonable 2629  
probability will cause an ordinarily prudent person to 2630  
misunderstand or be deceived. 2631

(9) Representing, with the purpose of obtaining compensation 2632  
or other advantage personally or for any other person, that an 2633  
incurable disease or injury, or other incurable condition, can be 2634  
permanently cured; 2635

(10) The obtaining of, or attempting to obtain, money or 2636  
anything of value by fraudulent misrepresentations in the course 2637  
of practice; 2638

(11) A plea of guilty to, a judicial finding of guilt of, or 2639  
a judicial finding of eligibility for intervention in lieu of 2640  
conviction for, a felony; 2641

(12) Commission of an act that constitutes a felony in this 2642  
state, regardless of the jurisdiction in which the act was 2643  
committed; 2644

(13) A plea of guilty to, a judicial finding of guilt of, or 2645  
a judicial finding of eligibility for intervention in lieu of 2646  
conviction for, a misdemeanor committed in the course of practice; 2647

(14) A plea of guilty to, a judicial finding of guilt of, or 2648  
a judicial finding of eligibility for intervention in lieu of 2649  
conviction for, a misdemeanor involving moral turpitude; 2650

(15) Commission of an act in the course of practice that 2651

constitutes a misdemeanor in this state, regardless of the 2652  
jurisdiction in which the act was committed; 2653

(16) Commission of an act involving moral turpitude that 2654  
constitutes a misdemeanor in this state, regardless of the 2655  
jurisdiction in which the act was committed; 2656

(17) A plea of guilty to, a judicial finding of guilt of, or 2657  
a judicial finding of eligibility for intervention in lieu of 2658  
conviction for violating any state or federal law regulating the 2659  
possession, distribution, or use of any drug, including 2660  
trafficking in drugs; 2661

(18) Any of the following actions taken by the state agency 2662  
responsible for regulating the practice of physician assistants in 2663  
another state, for any reason other than the nonpayment of fees: 2664  
the limitation, revocation, or suspension of an individual's 2665  
license to practice; acceptance of an individual's license 2666  
surrender; denial of a license; refusal to renew or reinstate a 2667  
license; imposition of probation; or issuance of an order of 2668  
censure or other reprimand; 2669

(19) A departure from, or failure to conform to, minimal 2670  
standards of care of similar physician assistants under the same 2671  
or similar circumstances, regardless of whether actual injury to a 2672  
patient is established; 2673

(20) Violation of the conditions placed by the board on a 2674  
certificate to practice as a physician assistant, a certificate to 2675  
prescribe, a physician supervisory plan, or supervision agreement; 2676

(21) Failure to use universal blood and body fluid 2677  
precautions established by rules adopted under section 4731.051 of 2678  
the Revised Code; 2679

(22) Failure to cooperate in an investigation conducted by 2680  
the board under section 4730.26 of the Revised Code, including 2681  
failure to comply with a subpoena or order issued by the board or 2682

failure to answer truthfully a question presented by the board at 2683  
a deposition or in written interrogatories, except that failure to 2684  
cooperate with an investigation shall not constitute grounds for 2685  
discipline under this section if a court of competent jurisdiction 2686  
has issued an order that either quashes a subpoena or permits the 2687  
individual to withhold the testimony or evidence in issue; 2688

(23) Assisting suicide, as defined in section 3795.01 of the 2689  
Revised Code; 2690

(24) Prescribing any drug or device to perform or induce an 2691  
abortion, or otherwise performing or inducing an abortion; 2692

(25) Failure to comply with the requirements in section 2693  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 2694  
prescription for ~~a controlled substance containing~~ an opioid 2695  
analgesic, as defined in section 3719.01 of the Revised Code. 2696

(C) Disciplinary actions taken by the board under divisions 2697  
(A) and (B) of this section shall be taken pursuant to an 2698  
adjudication under Chapter 119. of the Revised Code, except that 2699  
in lieu of an adjudication, the board may enter into a consent 2700  
agreement with a physician assistant or applicant to resolve an 2701  
allegation of a violation of this chapter or any rule adopted 2702  
under it. A consent agreement, when ratified by an affirmative 2703  
vote of not fewer than six members of the board, shall constitute 2704  
the findings and order of the board with respect to the matter 2705  
addressed in the agreement. If the board refuses to ratify a 2706  
consent agreement, the admissions and findings contained in the 2707  
consent agreement shall be of no force or effect. 2708

(D) For purposes of divisions (B)(12), (15), and (16) of this 2709  
section, the commission of the act may be established by a finding 2710  
by the board, pursuant to an adjudication under Chapter 119. of 2711  
the Revised Code, that the applicant or certificate holder 2712  
committed the act in question. The board shall have no 2713

jurisdiction under these divisions in cases where the trial court 2714  
renders a final judgment in the certificate holder's favor and 2715  
that judgment is based upon an adjudication on the merits. The 2716  
board shall have jurisdiction under these divisions in cases where 2717  
the trial court issues an order of dismissal upon technical or 2718  
procedural grounds. 2719

(E) The sealing of conviction records by any court shall have 2720  
no effect upon a prior board order entered under the provisions of 2721  
this section or upon the board's jurisdiction to take action under 2722  
the provisions of this section if, based upon a plea of guilty, a 2723  
judicial finding of guilt, or a judicial finding of eligibility 2724  
for intervention in lieu of conviction, the board issued a notice 2725  
of opportunity for a hearing prior to the court's order to seal 2726  
the records. The board shall not be required to seal, destroy, 2727  
redact, or otherwise modify its records to reflect the court's 2728  
sealing of conviction records. 2729

(F) For purposes of this division, any individual who holds a 2730  
certificate issued under this chapter, or applies for a 2731  
certificate issued under this chapter, shall be deemed to have 2732  
given consent to submit to a mental or physical examination when 2733  
directed to do so in writing by the board and to have waived all 2734  
objections to the admissibility of testimony or examination 2735  
reports that constitute a privileged communication. 2736

(1) In enforcing division (B)(4) of this section, the board, 2737  
upon a showing of a possible violation, may compel any individual 2738  
who holds a certificate issued under this chapter or who has 2739  
applied for a certificate pursuant to this chapter to submit to a 2740  
mental examination, physical examination, including an HIV test, 2741  
or both a mental and physical examination. The expense of the 2742  
examination is the responsibility of the individual compelled to 2743  
be examined. Failure to submit to a mental or physical examination 2744  
or consent to an HIV test ordered by the board constitutes an 2745

admission of the allegations against the individual unless the 2746  
failure is due to circumstances beyond the individual's control, 2747  
and a default and final order may be entered without the taking of 2748  
testimony or presentation of evidence. If the board finds a 2749  
physician assistant unable to practice because of the reasons set 2750  
forth in division (B)(4) of this section, the board shall require 2751  
the physician assistant to submit to care, counseling, or 2752  
treatment by physicians approved or designated by the board, as a 2753  
condition for an initial, continued, reinstated, or renewed 2754  
certificate. An individual affected under this division shall be 2755  
afforded an opportunity to demonstrate to the board the ability to 2756  
resume practicing in compliance with acceptable and prevailing 2757  
standards of care. 2758

(2) For purposes of division (B)(5) of this section, if the 2759  
board has reason to believe that any individual who holds a 2760  
certificate issued under this chapter or any applicant for a 2761  
certificate suffers such impairment, the board may compel the 2762  
individual to submit to a mental or physical examination, or both. 2763  
The expense of the examination is the responsibility of the 2764  
individual compelled to be examined. Any mental or physical 2765  
examination required under this division shall be undertaken by a 2766  
treatment provider or physician qualified to conduct such 2767  
examination and chosen by the board. 2768

Failure to submit to a mental or physical examination ordered 2769  
by the board constitutes an admission of the allegations against 2770  
the individual unless the failure is due to circumstances beyond 2771  
the individual's control, and a default and final order may be 2772  
entered without the taking of testimony or presentation of 2773  
evidence. If the board determines that the individual's ability to 2774  
practice is impaired, the board shall suspend the individual's 2775  
certificate or deny the individual's application and shall require 2776  
the individual, as a condition for initial, continued, reinstated, 2777

or renewed certification to practice or prescribe, to submit to 2778  
treatment. 2779

Before being eligible to apply for reinstatement of a 2780  
certificate suspended under this division, the physician assistant 2781  
shall demonstrate to the board the ability to resume practice or 2782  
prescribing in compliance with acceptable and prevailing standards 2783  
of care. The demonstration shall include the following: 2784

(a) Certification from a treatment provider approved under 2785  
section 4731.25 of the Revised Code that the individual has 2786  
successfully completed any required inpatient treatment; 2787

(b) Evidence of continuing full compliance with an aftercare 2788  
contract or consent agreement; 2789

(c) Two written reports indicating that the individual's 2790  
ability to practice has been assessed and that the individual has 2791  
been found capable of practicing according to acceptable and 2792  
prevailing standards of care. The reports shall be made by 2793  
individuals or providers approved by the board for making such 2794  
assessments and shall describe the basis for their determination. 2795

The board may reinstate a certificate suspended under this 2796  
division after such demonstration and after the individual has 2797  
entered into a written consent agreement. 2798

When the impaired physician assistant resumes practice or 2799  
prescribing, the board shall require continued monitoring of the 2800  
physician assistant. The monitoring shall include compliance with 2801  
the written consent agreement entered into before reinstatement or 2802  
with conditions imposed by board order after a hearing, and, upon 2803  
termination of the consent agreement, submission to the board for 2804  
at least two years of annual written progress reports made under 2805  
penalty of falsification stating whether the physician assistant 2806  
has maintained sobriety. 2807

(G) If the secretary and supervising member determine that 2808

there is clear and convincing evidence that a physician assistant 2809  
has violated division (B) of this section and that the 2810  
individual's continued practice or prescribing presents a danger 2811  
of immediate and serious harm to the public, they may recommend 2812  
that the board suspend the individual's certificate to practice or 2813  
prescribe without a prior hearing. Written allegations shall be 2814  
prepared for consideration by the board. 2815

The board, upon review of those allegations and by an 2816  
affirmative vote of not fewer than six of its members, excluding 2817  
the secretary and supervising member, may suspend a certificate 2818  
without a prior hearing. A telephone conference call may be 2819  
utilized for reviewing the allegations and taking the vote on the 2820  
summary suspension. 2821

The board shall issue a written order of suspension by 2822  
certified mail or in person in accordance with section 119.07 of 2823  
the Revised Code. The order shall not be subject to suspension by 2824  
the court during pendency of any appeal filed under section 119.12 2825  
of the Revised Code. If the physician assistant requests an 2826  
adjudicatory hearing by the board, the date set for the hearing 2827  
shall be within fifteen days, but not earlier than seven days, 2828  
after the physician assistant requests the hearing, unless 2829  
otherwise agreed to by both the board and the certificate holder. 2830

A summary suspension imposed under this division shall remain 2831  
in effect, unless reversed on appeal, until a final adjudicative 2832  
order issued by the board pursuant to this section and Chapter 2833  
119. of the Revised Code becomes effective. The board shall issue 2834  
its final adjudicative order within sixty days after completion of 2835  
its hearing. Failure to issue the order within sixty days shall 2836  
result in dissolution of the summary suspension order, but shall 2837  
not invalidate any subsequent, final adjudicative order. 2838

(H) If the board takes action under division (B)(11), (13), 2839  
or (14) of this section, and the judicial finding of guilt, guilty 2840

plea, or judicial finding of eligibility for intervention in lieu 2841  
of conviction is overturned on appeal, upon exhaustion of the 2842  
criminal appeal, a petition for reconsideration of the order may 2843  
be filed with the board along with appropriate court documents. 2844  
Upon receipt of a petition and supporting court documents, the 2845  
board shall reinstate the certificate to practice or prescribe. 2846  
The board may then hold an adjudication under Chapter 119. of the 2847  
Revised Code to determine whether the individual committed the act 2848  
in question. Notice of opportunity for hearing shall be given in 2849  
accordance with Chapter 119. of the Revised Code. If the board 2850  
finds, pursuant to an adjudication held under this division, that 2851  
the individual committed the act, or if no hearing is requested, 2852  
it may order any of the sanctions identified under division (B) of 2853  
this section. 2854

(I) The certificate to practice issued to a physician 2855  
assistant and the physician assistant's practice in this state are 2856  
automatically suspended as of the date the physician assistant 2857  
pleads guilty to, is found by a judge or jury to be guilty of, or 2858  
is subject to a judicial finding of eligibility for intervention 2859  
in lieu of conviction in this state or treatment or intervention 2860  
in lieu of conviction in another state for any of the following 2861  
criminal offenses in this state or a substantially equivalent 2862  
criminal offense in another jurisdiction: aggravated murder, 2863  
murder, voluntary manslaughter, felonious assault, kidnapping, 2864  
rape, sexual battery, gross sexual imposition, aggravated arson, 2865  
aggravated robbery, or aggravated burglary. Continued practice 2866  
after the suspension shall be considered practicing without a 2867  
certificate. 2868

The board shall notify the individual subject to the 2869  
suspension by certified mail or in person in accordance with 2870  
section 119.07 of the Revised Code. If an individual whose 2871  
certificate is suspended under this division fails to make a 2872

timely request for an adjudication under Chapter 119. of the 2873  
Revised Code, the board shall enter a final order permanently 2874  
revoking the individual's certificate to practice. 2875

(J) In any instance in which the board is required by Chapter 2876  
119. of the Revised Code to give notice of opportunity for hearing 2877  
and the individual subject to the notice does not timely request a 2878  
hearing in accordance with section 119.07 of the Revised Code, the 2879  
board is not required to hold a hearing, but may adopt, by an 2880  
affirmative vote of not fewer than six of its members, a final 2881  
order that contains the board's findings. In that final order, the 2882  
board may order any of the sanctions identified under division (A) 2883  
or (B) of this section. 2884

(K) Any action taken by the board under division (B) of this 2885  
section resulting in a suspension shall be accompanied by a 2886  
written statement of the conditions under which the physician 2887  
assistant's certificate may be reinstated. The board shall adopt 2888  
rules in accordance with Chapter 119. of the Revised Code 2889  
governing conditions to be imposed for reinstatement. 2890  
Reinstatement of a certificate suspended pursuant to division (B) 2891  
of this section requires an affirmative vote of not fewer than six 2892  
members of the board. 2893

(L) When the board refuses to grant to an applicant a 2894  
certificate to practice as a physician assistant or a certificate 2895  
to prescribe, revokes an individual's certificate, refuses to 2896  
issue a certificate, or refuses to reinstate an individual's 2897  
certificate, the board may specify that its action is permanent. 2898  
An individual subject to a permanent action taken by the board is 2899  
forever thereafter ineligible to hold the certificate and the 2900  
board shall not accept an application for reinstatement of the 2901  
certificate or for issuance of a new certificate. 2902

(M) Notwithstanding any other provision of the Revised Code, 2903  
all of the following apply: 2904

(1) The surrender of a certificate issued under this chapter 2905  
is not effective unless or until accepted by the board. 2906  
Reinstatement of a certificate surrendered to the board requires 2907  
an affirmative vote of not fewer than six members of the board. 2908

(2) An application made under this chapter for a certificate, 2909  
approval of a physician supervisory plan, or approval of a 2910  
supervision agreement may not be withdrawn without approval of the 2911  
board. 2912

(3) Failure by an individual to renew a certificate in 2913  
accordance with section 4730.14 or section 4730.48 of the Revised 2914  
Code shall not remove or limit the board's jurisdiction to take 2915  
disciplinary action under this section against the individual. 2916

**Sec. 4730.41.** (A) A certificate to prescribe issued under 2917  
this chapter authorizes a physician assistant to prescribe and 2918  
personally furnish drugs and therapeutic devices in the exercise 2919  
of physician-delegated prescriptive authority. 2920

(B) In exercising physician-delegated prescriptive authority, 2921  
a physician assistant is subject to all of the following: 2922

(1) The physician assistant shall exercise 2923  
physician-delegated prescriptive authority only to the extent that 2924  
the physician supervising the physician assistant has granted that 2925  
authority. 2926

(2) The physician assistant shall comply with all conditions 2927  
placed on the physician-delegated prescriptive authority, as 2928  
specified by the supervising physician who is supervising the 2929  
physician assistant in the exercise of physician-delegated 2930  
prescriptive authority. 2931

(3) If the physician assistant possesses physician-delegated 2932  
prescriptive authority for controlled substances, the physician 2933  
assistant shall register with the federal drug enforcement 2934

administration. 2935

(4) If the physician assistant possesses physician-delegated 2936  
prescriptive authority for schedule II controlled substances, the 2937  
physician assistant shall comply with section 4730.411 of the 2938  
Revised Code. 2939

(5) If the physician assistant possesses physician-delegated 2940  
prescriptive authority to prescribe for a minor an opioid 2941  
analgesic, as those terms are defined in ~~section~~ sections 3719.061 2942  
and 3719.01 of the Revised Code, ~~a compound that is a controlled~~ 2943  
~~substance containing an opioid~~ respectively, the physician 2944  
assistant shall comply with section 3719.061 of the Revised Code. 2945  
2946

**Sec. 4730.48.** (A)(1) Except in the case of a provisional 2947  
certificate to prescribe, a physician assistant's certificate to 2948  
prescribe expires on the same date as the physician assistant's 2949  
certificate to practice as a physician assistant, as provided in 2950  
section 4730.14 of the Revised Code. The certificate to prescribe 2951  
may be renewed in accordance with this section. 2952

(2) A person seeking to renew a certificate to prescribe 2953  
shall, on or before the thirty-first day of January of each 2954  
even-numbered year, apply for renewal of the certificate. The 2955  
state medical board shall send renewal notices at least one month 2956  
prior to the expiration date. The notice may be sent as part of 2957  
the notice sent for renewal of the certificate to practice. 2958

(3) Applications for renewal shall be submitted to the board 2959  
on forms the board shall prescribe and furnish. An application for 2960  
renewal of a certificate to prescribe may be submitted in 2961  
conjunction with an application for renewal of a certificate to 2962  
practice. 2963

(4)(a) Except as provided in division (A)(4)(b) of this 2964

section, in the case of an applicant who prescribes opioid 2965  
analgesics or benzodiazepines, as defined in section 3719.01 of 2966  
the Revised Code, the applicant shall certify to the board whether 2967  
the applicant has been granted access to the drug database 2968  
established and maintained by the state board of pharmacy pursuant 2969  
to section 4729.75 of the Revised Code. 2970

(b) The requirement in division (A)(4)(a) of this section 2971  
does not apply if ~~either~~ any of the following is the case: 2972

(i) The state board of pharmacy notifies the state medical 2973  
board pursuant to section 4729.861 of the Revised Code that the 2974  
applicant has been restricted from obtaining further information 2975  
from the drug database. 2976

(ii) The state board of pharmacy no longer maintains the drug 2977  
database. 2978

(iii) The applicant does not practice as a physician 2979  
assistant in this state. 2980

(c) If an applicant certifies to the state medical board that 2981  
the applicant has been granted access to the drug database and the 2982  
board finds through an audit or other means that the applicant has 2983  
not been granted access, the board may take action under section 2984  
4730.25 of the Revised Code. 2985

(5) Each application for renewal of a certificate to 2986  
prescribe shall be accompanied by a biennial renewal fee of fifty 2987  
dollars. The board shall deposit the fees in accordance with 2988  
section 4731.24 of the Revised Code. 2989

(6) The applicant shall report any criminal offense that 2990  
constitutes grounds under section 4730.25 of the Revised Code for 2991  
refusing to issue a certificate to prescribe to which the 2992  
applicant has pleaded guilty, of which the applicant has been 2993  
found guilty, or for which the applicant has been found eligible 2994  
for intervention in lieu of conviction, since last signing an 2995

application for a certificate to prescribe. 2996

(B) The board shall review all renewal applications received. 2997  
If an applicant submits a complete renewal application and meets 2998  
the requirements for renewal specified in section 4730.49 of the 2999  
Revised Code, the board shall issue to the applicant a renewed 3000  
certificate to prescribe. 3001

**Sec. 4731.22.** (A) The state medical board, by an affirmative 3002  
vote of not fewer than six of its members, may limit, revoke, or 3003  
suspend an individual's certificate to practice, refuse to grant a 3004  
certificate to an individual, refuse to register an individual, 3005  
refuse to reinstate a certificate, or reprimand or place on 3006  
probation the holder of a certificate if the individual or 3007  
certificate holder is found by the board to have committed fraud 3008  
during the administration of the examination for a certificate to 3009  
practice or to have committed fraud, misrepresentation, or 3010  
deception in applying for or securing any certificate to practice 3011  
or certificate of registration issued by the board. 3012

(B) The board, by an affirmative vote of not fewer than six 3013  
members, shall, to the extent permitted by law, limit, revoke, or 3014  
suspend an individual's certificate to practice, refuse to 3015  
register an individual, refuse to reinstate a certificate, or 3016  
reprimand or place on probation the holder of a certificate for 3017  
one or more of the following reasons: 3018

(1) Permitting one's name or one's certificate to practice or 3019  
certificate of registration to be used by a person, group, or 3020  
corporation when the individual concerned is not actually 3021  
directing the treatment given; 3022

(2) Failure to maintain minimal standards applicable to the 3023  
selection or administration of drugs, or failure to employ 3024  
acceptable scientific methods in the selection of drugs or other 3025  
modalities for treatment of disease; 3026

(3) Selling, giving away, personally furnishing, prescribing, 3027  
or administering drugs for other than legal and legitimate 3028  
therapeutic purposes or a plea of guilty to, a judicial finding of 3029  
guilt of, or a judicial finding of eligibility for intervention in 3030  
lieu of conviction of, a violation of any federal or state law 3031  
regulating the possession, distribution, or use of any drug; 3032

(4) Willfully betraying a professional confidence. 3033

For purposes of this division, "willfully betraying a 3034  
professional confidence" does not include providing any 3035  
information, documents, or reports to a child fatality review 3036  
board under sections 307.621 to 307.629 of the Revised Code and 3037  
does not include the making of a report of an employee's use of a 3038  
drug of abuse, or a report of a condition of an employee other 3039  
than one involving the use of a drug of abuse, to the employer of 3040  
the employee as described in division (B) of section 2305.33 of 3041  
the Revised Code. Nothing in this division affects the immunity 3042  
from civil liability conferred by that section upon a physician 3043  
who makes either type of report in accordance with division (B) of 3044  
that section. As used in this division, "employee," "employer," 3045  
and "physician" have the same meanings as in section 2305.33 of 3046  
the Revised Code. 3047

(5) Making a false, fraudulent, deceptive, or misleading 3048  
statement in the solicitation of or advertising for patients; in 3049  
relation to the practice of medicine and surgery, osteopathic 3050  
medicine and surgery, podiatric medicine and surgery, or a limited 3051  
branch of medicine; or in securing or attempting to secure any 3052  
certificate to practice or certificate of registration issued by 3053  
the board. 3054

As used in this division, "false, fraudulent, deceptive, or 3055  
misleading statement" means a statement that includes a 3056  
misrepresentation of fact, is likely to mislead or deceive because 3057  
of a failure to disclose material facts, is intended or is likely 3058

to create false or unjustified expectations of favorable results, 3059  
or includes representations or implications that in reasonable 3060  
probability will cause an ordinarily prudent person to 3061  
misunderstand or be deceived. 3062

(6) A departure from, or the failure to conform to, minimal 3063  
standards of care of similar practitioners under the same or 3064  
similar circumstances, whether or not actual injury to a patient 3065  
is established; 3066

(7) Representing, with the purpose of obtaining compensation 3067  
or other advantage as personal gain or for any other person, that 3068  
an incurable disease or injury, or other incurable condition, can 3069  
be permanently cured; 3070

(8) The obtaining of, or attempting to obtain, money or 3071  
anything of value by fraudulent misrepresentations in the course 3072  
of practice; 3073

(9) A plea of guilty to, a judicial finding of guilt of, or a 3074  
judicial finding of eligibility for intervention in lieu of 3075  
conviction for, a felony; 3076

(10) Commission of an act that constitutes a felony in this 3077  
state, regardless of the jurisdiction in which the act was 3078  
committed; 3079

(11) A plea of guilty to, a judicial finding of guilt of, or 3080  
a judicial finding of eligibility for intervention in lieu of 3081  
conviction for, a misdemeanor committed in the course of practice; 3082

(12) Commission of an act in the course of practice that 3083  
constitutes a misdemeanor in this state, regardless of the 3084  
jurisdiction in which the act was committed; 3085

(13) A plea of guilty to, a judicial finding of guilt of, or 3086  
a judicial finding of eligibility for intervention in lieu of 3087  
conviction for, a misdemeanor involving moral turpitude; 3088

(14) Commission of an act involving moral turpitude that 3089  
constitutes a misdemeanor in this state, regardless of the 3090  
jurisdiction in which the act was committed; 3091

(15) Violation of the conditions of limitation placed by the 3092  
board upon a certificate to practice; 3093

(16) Failure to pay license renewal fees specified in this 3094  
chapter; 3095

(17) Except as authorized in section 4731.31 of the Revised 3096  
Code, engaging in the division of fees for referral of patients, 3097  
or the receiving of a thing of value in return for a specific 3098  
referral of a patient to utilize a particular service or business; 3099

(18) Subject to section 4731.226 of the Revised Code, 3100  
violation of any provision of a code of ethics of the American 3101  
medical association, the American osteopathic association, the 3102  
American podiatric medical association, or any other national 3103  
professional organizations that the board specifies by rule. The 3104  
state medical board shall obtain and keep on file current copies 3105  
of the codes of ethics of the various national professional 3106  
organizations. The individual whose certificate is being suspended 3107  
or revoked shall not be found to have violated any provision of a 3108  
code of ethics of an organization not appropriate to the 3109  
individual's profession. 3110

For purposes of this division, a "provision of a code of 3111  
ethics of a national professional organization" does not include 3112  
any provision that would preclude the making of a report by a 3113  
physician of an employee's use of a drug of abuse, or of a 3114  
condition of an employee other than one involving the use of a 3115  
drug of abuse, to the employer of the employee as described in 3116  
division (B) of section 2305.33 of the Revised Code. Nothing in 3117  
this division affects the immunity from civil liability conferred 3118  
by that section upon a physician who makes either type of report 3119

in accordance with division (B) of that section. As used in this 3120  
division, "employee," "employer," and "physician" have the same 3121  
meanings as in section 2305.33 of the Revised Code. 3122

(19) Inability to practice according to acceptable and 3123  
prevailing standards of care by reason of mental illness or 3124  
physical illness, including, but not limited to, physical 3125  
deterioration that adversely affects cognitive, motor, or 3126  
perceptive skills. 3127

In enforcing this division, the board, upon a showing of a 3128  
possible violation, may compel any individual authorized to 3129  
practice by this chapter or who has submitted an application 3130  
pursuant to this chapter to submit to a mental examination, 3131  
physical examination, including an HIV test, or both a mental and 3132  
a physical examination. The expense of the examination is the 3133  
responsibility of the individual compelled to be examined. Failure 3134  
to submit to a mental or physical examination or consent to an HIV 3135  
test ordered by the board constitutes an admission of the 3136  
allegations against the individual unless the failure is due to 3137  
circumstances beyond the individual's control, and a default and 3138  
final order may be entered without the taking of testimony or 3139  
presentation of evidence. If the board finds an individual unable 3140  
to practice because of the reasons set forth in this division, the 3141  
board shall require the individual to submit to care, counseling, 3142  
or treatment by physicians approved or designated by the board, as 3143  
a condition for initial, continued, reinstated, or renewed 3144  
authority to practice. An individual affected under this division 3145  
shall be afforded an opportunity to demonstrate to the board the 3146  
ability to resume practice in compliance with acceptable and 3147  
prevailing standards under the provisions of the individual's 3148  
certificate. For the purpose of this division, any individual who 3149  
applies for or receives a certificate to practice under this 3150  
chapter accepts the privilege of practicing in this state and, by 3151

so doing, shall be deemed to have given consent to submit to a 3152  
mental or physical examination when directed to do so in writing 3153  
by the board, and to have waived all objections to the 3154  
admissibility of testimony or examination reports that constitute 3155  
a privileged communication. 3156

(20) Except when civil penalties are imposed under section 3157  
4731.225 or 4731.281 of the Revised Code, and subject to section 3158  
4731.226 of the Revised Code, violating or attempting to violate, 3159  
directly or indirectly, or assisting in or abetting the violation 3160  
of, or conspiring to violate, any provisions of this chapter or 3161  
any rule promulgated by the board. 3162

This division does not apply to a violation or attempted 3163  
violation of, assisting in or abetting the violation of, or a 3164  
conspiracy to violate, any provision of this chapter or any rule 3165  
adopted by the board that would preclude the making of a report by 3166  
a physician of an employee's use of a drug of abuse, or of a 3167  
condition of an employee other than one involving the use of a 3168  
drug of abuse, to the employer of the employee as described in 3169  
division (B) of section 2305.33 of the Revised Code. Nothing in 3170  
this division affects the immunity from civil liability conferred 3171  
by that section upon a physician who makes either type of report 3172  
in accordance with division (B) of that section. As used in this 3173  
division, "employee," "employer," and "physician" have the same 3174  
meanings as in section 2305.33 of the Revised Code. 3175

(21) The violation of section 3701.79 of the Revised Code or 3176  
of any abortion rule adopted by the public health council pursuant 3177  
to section 3701.341 of the Revised Code; 3178

(22) Any of the following actions taken by an agency 3179  
responsible for authorizing, certifying, or regulating an 3180  
individual to practice a health care occupation or provide health 3181  
care services in this state or another jurisdiction, for any 3182  
reason other than the nonpayment of fees: the limitation, 3183

revocation, or suspension of an individual's license to practice; 3184  
acceptance of an individual's license surrender; denial of a 3185  
license; refusal to renew or reinstate a license; imposition of 3186  
probation; or issuance of an order of censure or other reprimand; 3187

(23) The violation of section 2919.12 of the Revised Code or 3188  
the performance or inducement of an abortion upon a pregnant woman 3189  
with actual knowledge that the conditions specified in division 3190  
(B) of section 2317.56 of the Revised Code have not been satisfied 3191  
or with a heedless indifference as to whether those conditions 3192  
have been satisfied, unless an affirmative defense as specified in 3193  
division (H)(2) of that section would apply in a civil action 3194  
authorized by division (H)(1) of that section; 3195

(24) The revocation, suspension, restriction, reduction, or 3196  
termination of clinical privileges by the United States department 3197  
of defense or department of veterans affairs or the termination or 3198  
suspension of a certificate of registration to prescribe drugs by 3199  
the drug enforcement administration of the United States 3200  
department of justice; 3201

(25) Termination or suspension from participation in the 3202  
medicare or medicaid programs by the department of health and 3203  
human services or other responsible agency for any act or acts 3204  
that also would constitute a violation of division (B)(2), (3), 3205  
(6), (8), or (19) of this section; 3206

(26) Impairment of ability to practice according to 3207  
acceptable and prevailing standards of care because of habitual or 3208  
excessive use or abuse of drugs, alcohol, or other substances that 3209  
impair ability to practice. 3210

For the purposes of this division, any individual authorized 3211  
to practice by this chapter accepts the privilege of practicing in 3212  
this state subject to supervision by the board. By filing an 3213  
application for or holding a certificate to practice under this 3214

chapter, an individual shall be deemed to have given consent to 3215  
submit to a mental or physical examination when ordered to do so 3216  
by the board in writing, and to have waived all objections to the 3217  
admissibility of testimony or examination reports that constitute 3218  
privileged communications. 3219

If it has reason to believe that any individual authorized to 3220  
practice by this chapter or any applicant for certification to 3221  
practice suffers such impairment, the board may compel the 3222  
individual to submit to a mental or physical examination, or both. 3223  
The expense of the examination is the responsibility of the 3224  
individual compelled to be examined. Any mental or physical 3225  
examination required under this division shall be undertaken by a 3226  
treatment provider or physician who is qualified to conduct the 3227  
examination and who is chosen by the board. 3228

Failure to submit to a mental or physical examination ordered 3229  
by the board constitutes an admission of the allegations against 3230  
the individual unless the failure is due to circumstances beyond 3231  
the individual's control, and a default and final order may be 3232  
entered without the taking of testimony or presentation of 3233  
evidence. If the board determines that the individual's ability to 3234  
practice is impaired, the board shall suspend the individual's 3235  
certificate or deny the individual's application and shall require 3236  
the individual, as a condition for initial, continued, reinstated, 3237  
or renewed certification to practice, to submit to treatment. 3238

Before being eligible to apply for reinstatement of a 3239  
certificate suspended under this division, the impaired 3240  
practitioner shall demonstrate to the board the ability to resume 3241  
practice in compliance with acceptable and prevailing standards of 3242  
care under the provisions of the practitioner's certificate. The 3243  
demonstration shall include, but shall not be limited to, the 3244  
following: 3245

(a) Certification from a treatment provider approved under 3246

section 4731.25 of the Revised Code that the individual has 3247  
successfully completed any required inpatient treatment; 3248

(b) Evidence of continuing full compliance with an aftercare 3249  
contract or consent agreement; 3250

(c) Two written reports indicating that the individual's 3251  
ability to practice has been assessed and that the individual has 3252  
been found capable of practicing according to acceptable and 3253  
prevailing standards of care. The reports shall be made by 3254  
individuals or providers approved by the board for making the 3255  
assessments and shall describe the basis for their determination. 3256

The board may reinstate a certificate suspended under this 3257  
division after that demonstration and after the individual has 3258  
entered into a written consent agreement. 3259

When the impaired practitioner resumes practice, the board 3260  
shall require continued monitoring of the individual. The 3261  
monitoring shall include, but not be limited to, compliance with 3262  
the written consent agreement entered into before reinstatement or 3263  
with conditions imposed by board order after a hearing, and, upon 3264  
termination of the consent agreement, submission to the board for 3265  
at least two years of annual written progress reports made under 3266  
penalty of perjury stating whether the individual has maintained 3267  
sobriety. 3268

(27) A second or subsequent violation of section 4731.66 or 3269  
4731.69 of the Revised Code; 3270

(28) Except as provided in division (N) of this section: 3271

(a) Waiving the payment of all or any part of a deductible or 3272  
copayment that a patient, pursuant to a health insurance or health 3273  
care policy, contract, or plan that covers the individual's 3274  
services, otherwise would be required to pay if the waiver is used 3275  
as an enticement to a patient or group of patients to receive 3276  
health care services from that individual; 3277

(b) Advertising that the individual will waive the payment of 3278  
all or any part of a deductible or copayment that a patient, 3279  
pursuant to a health insurance or health care policy, contract, or 3280  
plan that covers the individual's services, otherwise would be 3281  
required to pay. 3282

(29) Failure to use universal blood and body fluid 3283  
precautions established by rules adopted under section 4731.051 of 3284  
the Revised Code; 3285

(30) Failure to provide notice to, and receive acknowledgment 3286  
of the notice from, a patient when required by section 4731.143 of 3287  
the Revised Code prior to providing nonemergency professional 3288  
services, or failure to maintain that notice in the patient's 3289  
file; 3290

(31) Failure of a physician supervising a physician assistant 3291  
to maintain supervision in accordance with the requirements of 3292  
Chapter 4730. of the Revised Code and the rules adopted under that 3293  
chapter; 3294

(32) Failure of a physician or podiatrist to enter into a 3295  
standard care arrangement with a clinical nurse specialist, 3296  
certified nurse-midwife, or certified nurse practitioner with whom 3297  
the physician or podiatrist is in collaboration pursuant to 3298  
section 4731.27 of the Revised Code or failure to fulfill the 3299  
responsibilities of collaboration after entering into a standard 3300  
care arrangement; 3301

(33) Failure to comply with the terms of a consult agreement 3302  
entered into with a pharmacist pursuant to section 4729.39 of the 3303  
Revised Code; 3304

(34) Failure to cooperate in an investigation conducted by 3305  
the board under division (F) of this section, including failure to 3306  
comply with a subpoena or order issued by the board or failure to 3307  
answer truthfully a question presented by the board in an 3308

investigative interview, an investigative office conference, at a 3309  
deposition, or in written interrogatories, except that failure to 3310  
cooperate with an investigation shall not constitute grounds for 3311  
discipline under this section if a court of competent jurisdiction 3312  
has issued an order that either quashes a subpoena or permits the 3313  
individual to withhold the testimony or evidence in issue; 3314

(35) Failure to supervise an oriental medicine practitioner 3315  
or acupuncturist in accordance with Chapter 4762. of the Revised 3316  
Code and the board's rules for providing that supervision; 3317

(36) Failure to supervise an anesthesiologist assistant in 3318  
accordance with Chapter 4760. of the Revised Code and the board's 3319  
rules for supervision of an anesthesiologist assistant; 3320

(37) Assisting suicide, as defined in section 3795.01 of the 3321  
Revised Code; 3322

(38) Failure to comply with the requirements of section 3323  
2317.561 of the Revised Code; 3324

(39) Failure to supervise a radiologist assistant in 3325  
accordance with Chapter 4774. of the Revised Code and the board's 3326  
rules for supervision of radiologist assistants; 3327

(40) Performing or inducing an abortion at an office or 3328  
facility with knowledge that the office or facility fails to post 3329  
the notice required under section 3701.791 of the Revised Code; 3330

(41) Failure to comply with the standards and procedures 3331  
established in rules under section 4731.054 of the Revised Code 3332  
for the operation of or the provision of care at a pain management 3333  
clinic; 3334

(42) Failure to comply with the standards and procedures 3335  
established in rules under section 4731.054 of the Revised Code 3336  
for providing supervision, direction, and control of individuals 3337  
at a pain management clinic; 3338

(43) Failure to comply with the requirements of section 3339  
4729.79 of the Revised Code, unless the state board of pharmacy no 3340  
longer maintains a drug database pursuant to section 4729.75 of 3341  
the Revised Code; 3342

(44) Failure to comply with the requirements of section 3343  
2919.171 of the Revised Code or failure to submit to the 3344  
department of health in accordance with a court order a complete 3345  
report as described in section 2919.171 of the Revised Code; 3346

(45) Practicing at a facility that is subject to licensure as 3347  
a category III terminal distributor of dangerous drugs with a pain 3348  
management clinic classification unless the person operating the 3349  
facility has obtained and maintains the license with the 3350  
classification; 3351

(46) Owning a facility that is subject to licensure as a 3352  
category III terminal distributor of dangerous drugs with a pain 3353  
management clinic classification unless the facility is licensed 3354  
with the classification; 3355

(47) Failure to comply with the requirement regarding 3356  
maintaining notes described in division (B) of section 2919.191 of 3357  
the Revised Code or failure to satisfy the requirements of section 3358  
2919.191 of the Revised Code prior to performing or inducing an 3359  
abortion upon a pregnant woman; 3360

(48) Failure to comply with the requirements in section 3361  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 3362  
prescription for ~~a controlled substance containing~~ an opioid 3363  
analgesic, as defined in section 3719.01 of the Revised Code. 3364

(C) Disciplinary actions taken by the board under divisions 3365  
(A) and (B) of this section shall be taken pursuant to an 3366  
adjudication under Chapter 119. of the Revised Code, except that 3367  
in lieu of an adjudication, the board may enter into a consent 3368  
agreement with an individual to resolve an allegation of a 3369

violation of this chapter or any rule adopted under it. A consent 3370  
agreement, when ratified by an affirmative vote of not fewer than 3371  
six members of the board, shall constitute the findings and order 3372  
of the board with respect to the matter addressed in the 3373  
agreement. If the board refuses to ratify a consent agreement, the 3374  
admissions and findings contained in the consent agreement shall 3375  
be of no force or effect. 3376

A telephone conference call may be utilized for ratification 3377  
of a consent agreement that revokes or suspends an individual's 3378  
certificate to practice. The telephone conference call shall be 3379  
considered a special meeting under division (F) of section 121.22 3380  
of the Revised Code. 3381

If the board takes disciplinary action against an individual 3382  
under division (B) of this section for a second or subsequent plea 3383  
of guilty to, or judicial finding of guilt of, a violation of 3384  
section 2919.123 of the Revised Code, the disciplinary action 3385  
shall consist of a suspension of the individual's certificate to 3386  
practice for a period of at least one year or, if determined 3387  
appropriate by the board, a more serious sanction involving the 3388  
individual's certificate to practice. Any consent agreement 3389  
entered into under this division with an individual that pertains 3390  
to a second or subsequent plea of guilty to, or judicial finding 3391  
of guilt of, a violation of that section shall provide for a 3392  
suspension of the individual's certificate to practice for a 3393  
period of at least one year or, if determined appropriate by the 3394  
board, a more serious sanction involving the individual's 3395  
certificate to practice. 3396

(D) For purposes of divisions (B)(10), (12), and (14) of this 3397  
section, the commission of the act may be established by a finding 3398  
by the board, pursuant to an adjudication under Chapter 119. of 3399  
the Revised Code, that the individual committed the act. The board 3400  
does not have jurisdiction under those divisions if the trial 3401

court renders a final judgment in the individual's favor and that 3402  
judgment is based upon an adjudication on the merits. The board 3403  
has jurisdiction under those divisions if the trial court issues 3404  
an order of dismissal upon technical or procedural grounds. 3405

(E) The sealing of conviction records by any court shall have 3406  
no effect upon a prior board order entered under this section or 3407  
upon the board's jurisdiction to take action under this section 3408  
if, based upon a plea of guilty, a judicial finding of guilt, or a 3409  
judicial finding of eligibility for intervention in lieu of 3410  
conviction, the board issued a notice of opportunity for a hearing 3411  
prior to the court's order to seal the records. The board shall 3412  
not be required to seal, destroy, redact, or otherwise modify its 3413  
records to reflect the court's sealing of conviction records. 3414

(F)(1) The board shall investigate evidence that appears to 3415  
show that a person has violated any provision of this chapter or 3416  
any rule adopted under it. Any person may report to the board in a 3417  
signed writing any information that the person may have that 3418  
appears to show a violation of any provision of this chapter or 3419  
any rule adopted under it. In the absence of bad faith, any person 3420  
who reports information of that nature or who testifies before the 3421  
board in any adjudication conducted under Chapter 119. of the 3422  
Revised Code shall not be liable in damages in a civil action as a 3423  
result of the report or testimony. Each complaint or allegation of 3424  
a violation received by the board shall be assigned a case number 3425  
and shall be recorded by the board. 3426

(2) Investigations of alleged violations of this chapter or 3427  
any rule adopted under it shall be supervised by the supervising 3428  
member elected by the board in accordance with section 4731.02 of 3429  
the Revised Code and by the secretary as provided in section 3430  
4731.39 of the Revised Code. The president may designate another 3431  
member of the board to supervise the investigation in place of the 3432  
supervising member. No member of the board who supervises the 3433

investigation of a case shall participate in further adjudication 3434  
of the case. 3435

(3) In investigating a possible violation of this chapter or 3436  
any rule adopted under this chapter, or in conducting an 3437  
inspection under division (E) of section 4731.054 of the Revised 3438  
Code, the board may question witnesses, conduct interviews, 3439  
administer oaths, order the taking of depositions, inspect and 3440  
copy any books, accounts, papers, records, or documents, issue 3441  
subpoenas, and compel the attendance of witnesses and production 3442  
of books, accounts, papers, records, documents, and testimony, 3443  
except that a subpoena for patient record information shall not be 3444  
issued without consultation with the attorney general's office and 3445  
approval of the secretary and supervising member of the board. 3446

(a) Before issuance of a subpoena for patient record 3447  
information, the secretary and supervising member shall determine 3448  
whether there is probable cause to believe that the complaint 3449  
filed alleges a violation of this chapter or any rule adopted 3450  
under it and that the records sought are relevant to the alleged 3451  
violation and material to the investigation. The subpoena may 3452  
apply only to records that cover a reasonable period of time 3453  
surrounding the alleged violation. 3454

(b) On failure to comply with any subpoena issued by the 3455  
board and after reasonable notice to the person being subpoenaed, 3456  
the board may move for an order compelling the production of 3457  
persons or records pursuant to the Rules of Civil Procedure. 3458

(c) A subpoena issued by the board may be served by a 3459  
sheriff, the sheriff's deputy, or a board employee designated by 3460  
the board. Service of a subpoena issued by the board may be made 3461  
by delivering a copy of the subpoena to the person named therein, 3462  
reading it to the person, or leaving it at the person's usual 3463  
place of residence, usual place of business, or address on file 3464  
with the board. When serving a subpoena to an applicant for or the 3465

holder of a certificate issued under this chapter, service of the 3466  
subpoena may be made by certified mail, return receipt requested, 3467  
and the subpoena shall be deemed served on the date delivery is 3468  
made or the date the person refuses to accept delivery. If the 3469  
person being served refuses to accept the subpoena or is not 3470  
located, service may be made to an attorney who notifies the board 3471  
that the attorney is representing the person. 3472

(d) A sheriff's deputy who serves a subpoena shall receive 3473  
the same fees as a sheriff. Each witness who appears before the 3474  
board in obedience to a subpoena shall receive the fees and 3475  
mileage provided for under section 119.094 of the Revised Code. 3476

(4) All hearings, investigations, and inspections of the 3477  
board shall be considered civil actions for the purposes of 3478  
section 2305.252 of the Revised Code. 3479

(5) A report required to be submitted to the board under this 3480  
chapter, a complaint, or information received by the board 3481  
pursuant to an investigation or pursuant to an inspection under 3482  
division (E) of section 4731.054 of the Revised Code is 3483  
confidential and not subject to discovery in any civil action. 3484

The board shall conduct all investigations or inspections and 3485  
proceedings in a manner that protects the confidentiality of 3486  
patients and persons who file complaints with the board. The board 3487  
shall not make public the names or any other identifying 3488  
information about patients or complainants unless proper consent 3489  
is given or, in the case of a patient, a waiver of the patient 3490  
privilege exists under division (B) of section 2317.02 of the 3491  
Revised Code, except that consent or a waiver of that nature is 3492  
not required if the board possesses reliable and substantial 3493  
evidence that no bona fide physician-patient relationship exists. 3494

The board may share any information it receives pursuant to 3495  
an investigation or inspection, including patient records and 3496

patient record information, with law enforcement agencies, other 3497  
licensing boards, and other governmental agencies that are 3498  
prosecuting, adjudicating, or investigating alleged violations of 3499  
statutes or administrative rules. An agency or board that receives 3500  
the information shall comply with the same requirements regarding 3501  
confidentiality as those with which the state medical board must 3502  
comply, notwithstanding any conflicting provision of the Revised 3503  
Code or procedure of the agency or board that applies when it is 3504  
dealing with other information in its possession. In a judicial 3505  
proceeding, the information may be admitted into evidence only in 3506  
accordance with the Rules of Evidence, but the court shall require 3507  
that appropriate measures are taken to ensure that confidentiality 3508  
is maintained with respect to any part of the information that 3509  
contains names or other identifying information about patients or 3510  
complainants whose confidentiality was protected by the state 3511  
medical board when the information was in the board's possession. 3512  
Measures to ensure confidentiality that may be taken by the court 3513  
include sealing its records or deleting specific information from 3514  
its records. 3515

(6) On a quarterly basis, the board shall prepare a report 3516  
that documents the disposition of all cases during the preceding 3517  
three months. The report shall contain the following information 3518  
for each case with which the board has completed its activities: 3519

(a) The case number assigned to the complaint or alleged 3520  
violation; 3521

(b) The type of certificate to practice, if any, held by the 3522  
individual against whom the complaint is directed; 3523

(c) A description of the allegations contained in the 3524  
complaint; 3525

(d) The disposition of the case. 3526

The report shall state how many cases are still pending and 3527

shall be prepared in a manner that protects the identity of each 3528  
person involved in each case. The report shall be a public record 3529  
under section 149.43 of the Revised Code. 3530

(G) If the secretary and supervising member determine both of 3531  
the following, they may recommend that the board suspend an 3532  
individual's certificate to practice without a prior hearing: 3533

(1) That there is clear and convincing evidence that an 3534  
individual has violated division (B) of this section; 3535

(2) That the individual's continued practice presents a 3536  
danger of immediate and serious harm to the public. 3537

Written allegations shall be prepared for consideration by 3538  
the board. The board, upon review of those allegations and by an 3539  
affirmative vote of not fewer than six of its members, excluding 3540  
the secretary and supervising member, may suspend a certificate 3541  
without a prior hearing. A telephone conference call may be 3542  
utilized for reviewing the allegations and taking the vote on the 3543  
summary suspension. 3544

The board shall issue a written order of suspension by 3545  
certified mail or in person in accordance with section 119.07 of 3546  
the Revised Code. The order shall not be subject to suspension by 3547  
the court during pendency of any appeal filed under section 119.12 3548  
of the Revised Code. If the individual subject to the summary 3549  
suspension requests an adjudicatory hearing by the board, the date 3550  
set for the hearing shall be within fifteen days, but not earlier 3551  
than seven days, after the individual requests the hearing, unless 3552  
otherwise agreed to by both the board and the individual. 3553

Any summary suspension imposed under this division shall 3554  
remain in effect, unless reversed on appeal, until a final 3555  
adjudicative order issued by the board pursuant to this section 3556  
and Chapter 119. of the Revised Code becomes effective. The board 3557  
shall issue its final adjudicative order within seventy-five days 3558

after completion of its hearing. A failure to issue the order 3559  
within seventy-five days shall result in dissolution of the 3560  
summary suspension order but shall not invalidate any subsequent, 3561  
final adjudicative order. 3562

(H) If the board takes action under division (B)(9), (11), or 3563  
(13) of this section and the judicial finding of guilt, guilty 3564  
plea, or judicial finding of eligibility for intervention in lieu 3565  
of conviction is overturned on appeal, upon exhaustion of the 3566  
criminal appeal, a petition for reconsideration of the order may 3567  
be filed with the board along with appropriate court documents. 3568  
Upon receipt of a petition of that nature and supporting court 3569  
documents, the board shall reinstate the individual's certificate 3570  
to practice. The board may then hold an adjudication under Chapter 3571  
119. of the Revised Code to determine whether the individual 3572  
committed the act in question. Notice of an opportunity for a 3573  
hearing shall be given in accordance with Chapter 119. of the 3574  
Revised Code. If the board finds, pursuant to an adjudication held 3575  
under this division, that the individual committed the act or if 3576  
no hearing is requested, the board may order any of the sanctions 3577  
identified under division (B) of this section. 3578

(I) The certificate to practice issued to an individual under 3579  
this chapter and the individual's practice in this state are 3580  
automatically suspended as of the date of the individual's second 3581  
or subsequent plea of guilty to, or judicial finding of guilt of, 3582  
a violation of section 2919.123 of the Revised Code, or the date 3583  
the individual pleads guilty to, is found by a judge or jury to be 3584  
guilty of, or is subject to a judicial finding of eligibility for 3585  
intervention in lieu of conviction in this state or treatment or 3586  
intervention in lieu of conviction in another jurisdiction for any 3587  
of the following criminal offenses in this state or a 3588  
substantially equivalent criminal offense in another jurisdiction: 3589  
aggravated murder, murder, voluntary manslaughter, felonious 3590

assault, kidnapping, rape, sexual battery, gross sexual 3591  
imposition, aggravated arson, aggravated robbery, or aggravated 3592  
burglary. Continued practice after suspension shall be considered 3593  
practicing without a certificate. 3594

The board shall notify the individual subject to the 3595  
suspension by certified mail or in person in accordance with 3596  
section 119.07 of the Revised Code. If an individual whose 3597  
certificate is automatically suspended under this division fails 3598  
to make a timely request for an adjudication under Chapter 119. of 3599  
the Revised Code, the board shall do whichever of the following is 3600  
applicable: 3601

(1) If the automatic suspension under this division is for a 3602  
second or subsequent plea of guilty to, or judicial finding of 3603  
guilt of, a violation of section 2919.123 of the Revised Code, the 3604  
board shall enter an order suspending the individual's certificate 3605  
to practice for a period of at least one year or, if determined 3606  
appropriate by the board, imposing a more serious sanction 3607  
involving the individual's certificate to practice. 3608

(2) In all circumstances in which division (I)(1) of this 3609  
section does not apply, enter a final order permanently revoking 3610  
the individual's certificate to practice. 3611

(J) If the board is required by Chapter 119. of the Revised 3612  
Code to give notice of an opportunity for a hearing and if the 3613  
individual subject to the notice does not timely request a hearing 3614  
in accordance with section 119.07 of the Revised Code, the board 3615  
is not required to hold a hearing, but may adopt, by an 3616  
affirmative vote of not fewer than six of its members, a final 3617  
order that contains the board's findings. In that final order, the 3618  
board may order any of the sanctions identified under division (A) 3619  
or (B) of this section. 3620

(K) Any action taken by the board under division (B) of this 3621

section resulting in a suspension from practice shall be 3622  
accompanied by a written statement of the conditions under which 3623  
the individual's certificate to practice may be reinstated. The 3624  
board shall adopt rules governing conditions to be imposed for 3625  
reinstatement. Reinstatement of a certificate suspended pursuant 3626  
to division (B) of this section requires an affirmative vote of 3627  
not fewer than six members of the board. 3628

(L) When the board refuses to grant a certificate to an 3629  
applicant, revokes an individual's certificate to practice, 3630  
refuses to register an applicant, or refuses to reinstate an 3631  
individual's certificate to practice, the board may specify that 3632  
its action is permanent. An individual subject to a permanent 3633  
action taken by the board is forever thereafter ineligible to hold 3634  
a certificate to practice and the board shall not accept an 3635  
application for reinstatement of the certificate or for issuance 3636  
of a new certificate. 3637

(M) Notwithstanding any other provision of the Revised Code, 3638  
all of the following apply: 3639

(1) The surrender of a certificate issued under this chapter 3640  
shall not be effective unless or until accepted by the board. A 3641  
telephone conference call may be utilized for acceptance of the 3642  
surrender of an individual's certificate to practice. The 3643  
telephone conference call shall be considered a special meeting 3644  
under division (F) of section 121.22 of the Revised Code. 3645  
Reinstatement of a certificate surrendered to the board requires 3646  
an affirmative vote of not fewer than six members of the board. 3647

(2) An application for a certificate made under the 3648  
provisions of this chapter may not be withdrawn without approval 3649  
of the board. 3650

(3) Failure by an individual to renew a certificate of 3651  
registration in accordance with this chapter shall not remove or 3652

limit the board's jurisdiction to take any disciplinary action 3653  
under this section against the individual. 3654

(4) At the request of the board, a certificate holder shall 3655  
immediately surrender to the board a certificate that the board 3656  
has suspended, revoked, or permanently revoked. 3657

(N) Sanctions shall not be imposed under division (B)(28) of 3658  
this section against any person who waives deductibles and 3659  
copayments as follows: 3660

(1) In compliance with the health benefit plan that expressly 3661  
allows such a practice. Waiver of the deductibles or copayments 3662  
shall be made only with the full knowledge and consent of the plan 3663  
purchaser, payer, and third-party administrator. Documentation of 3664  
the consent shall be made available to the board upon request. 3665

(2) For professional services rendered to any other person 3666  
authorized to practice pursuant to this chapter, to the extent 3667  
allowed by this chapter and rules adopted by the board. 3668

(O) Under the board's investigative duties described in this 3669  
section and subject to division (F) of this section, the board 3670  
shall develop and implement a quality intervention program 3671  
designed to improve through remedial education the clinical and 3672  
communication skills of individuals authorized under this chapter 3673  
to practice medicine and surgery, osteopathic medicine and 3674  
surgery, and podiatric medicine and surgery. In developing and 3675  
implementing the quality intervention program, the board may do 3676  
all of the following: 3677

(1) Offer in appropriate cases as determined by the board an 3678  
educational and assessment program pursuant to an investigation 3679  
the board conducts under this section; 3680

(2) Select providers of educational and assessment services, 3681  
including a quality intervention program panel of case reviewers; 3682

(3) Make referrals to educational and assessment service 3683  
providers and approve individual educational programs recommended 3684  
by those providers. The board shall monitor the progress of each 3685  
individual undertaking a recommended individual educational 3686  
program. 3687

(4) Determine what constitutes successful completion of an 3688  
individual educational program and require further monitoring of 3689  
the individual who completed the program or other action that the 3690  
board determines to be appropriate; 3691

(5) Adopt rules in accordance with Chapter 119. of the 3692  
Revised Code to further implement the quality intervention 3693  
program. 3694

An individual who participates in an individual educational 3695  
program pursuant to this division shall pay the financial 3696  
obligations arising from that educational program. 3697

**Sec. 4731.281.** (A) On or before the deadline established 3698  
under division (B) of this section for applying for renewal of a 3699  
certificate of registration, each person holding a certificate 3700  
under this chapter to practice medicine and surgery, osteopathic 3701  
medicine and surgery, or podiatric medicine and surgery shall 3702  
certify to the state medical board that in the preceding two years 3703  
the person has completed one hundred hours of continuing medical 3704  
education. The certification shall be made upon the application 3705  
for biennial registration submitted pursuant to division (B) of 3706  
this section. The board shall adopt rules providing for pro rata 3707  
reductions by month of the number of hours of continuing education 3708  
required for persons who are in their first registration period, 3709  
who have been disabled due to illness or accident, or who have 3710  
been absent from the country. 3711

In determining whether a course, program, or activity 3712  
qualifies for credit as continuing medical education, the board 3713

shall approve all continuing medical education taken by persons 3714  
holding a certificate to practice medicine and surgery that is 3715  
certified by the Ohio state medical association, all continuing 3716  
medical education taken by persons holding a certificate to 3717  
practice osteopathic medicine and surgery that is certified by the 3718  
Ohio osteopathic association, and all continuing medical education 3719  
taken by persons holding a certificate to practice podiatric 3720  
medicine and surgery that is certified by the Ohio podiatric 3721  
medical association. Each person holding a certificate to practice 3722  
under this chapter shall be given sufficient choice of continuing 3723  
education programs to ensure that the person has had a reasonable 3724  
opportunity to participate in continuing education programs that 3725  
are relevant to the person's medical practice in terms of subject 3726  
matter and level. 3727

The board may require a random sample of persons holding a 3728  
certificate to practice under this chapter to submit materials 3729  
documenting completion of the continuing medical education 3730  
requirement during the preceding registration period, but this 3731  
provision shall not limit the board's authority to investigate 3732  
pursuant to section 4731.22 of the Revised Code. 3733

(B)(1) Every person holding a certificate under this chapter 3734  
to practice medicine and surgery, osteopathic medicine and 3735  
surgery, or podiatric medicine and surgery wishing to renew that 3736  
certificate shall apply to the board for a certificate of 3737  
registration upon an application furnished by the board, and pay 3738  
to the board at the time of application a fee of three hundred 3739  
five dollars, according to the following schedule: 3740

(a) Persons whose last name begins with the letters "A" 3741  
through "B," on or before April 1, 2001, and the first day of 3742  
April of every odd-numbered year thereafter; 3743

(b) Persons whose last name begins with the letters "C" 3744  
through "D," on or before January 1, 2001, and the first day of 3745

January of every odd-numbered year thereafter;	3746
(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;	3747 3748 3749
(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;	3750 3751 3752
(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;	3753 3754 3755
(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;	3756 3757 3758
(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;	3759 3760 3761
(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.	3762 3763 3764
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	3765 3766 3767 3768 3769
(2) The board shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a notice of registration renewal addressed to the person's last known address or may cause the notice to be sent to the person through the secretary of any recognized medical, osteopathic, or podiatric	3770 3771 3772 3773 3774 3775

society, according to the following schedule:	3776
(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;	3777 3778 3779
(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;	3780 3781 3782
(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;	3783 3784 3785
(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;	3786 3787 3788
(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;	3789 3790 3791
(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;	3792 3793 3794
(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;	3795 3796 3797
(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.	3798 3799 3800
(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.	3801 3802 3803
(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for	3804 3805

registration renewal in a form determined by the board. 3806

(5) The applicant shall provide in the application the 3807  
applicant's full name, principal practice address and residence 3808  
address, the number of the applicant's certificate to practice, 3809  
and any other information required by the board. 3810

(6)(a) Except as provided in division (B)(6)(b) of this 3811  
section, in the case of an applicant who prescribes or personally 3812  
furnishes opioid analgesics or benzodiazepines, as defined in 3813  
section 3719.01 of the Revised Code, the applicant shall certify 3814  
to the board whether the applicant has been granted access to the 3815  
drug database established and maintained by the state board of 3816  
pharmacy pursuant to section 4729.75 of the Revised Code. 3817

(b) The requirement in division (B)(6)(a) of this section 3818  
does not apply if ~~either~~ any of the following is the case: 3819

(i) The state board of pharmacy notifies the state medical 3820  
board pursuant to section 4729.861 of the Revised Code that the 3821  
applicant has been restricted from obtaining further information 3822  
from the drug database. 3823

(ii) The state board of pharmacy no longer maintains the drug 3824  
database. 3825

(iii) The applicant does not practice medicine and surgery, 3826  
osteopathic medicine and surgery, or podiatric medicine and 3827  
surgery in this state. 3828

(c) If an applicant certifies to the state medical board that 3829  
the applicant has been granted access to the drug database and the 3830  
board finds through an audit or other means that the applicant has 3831  
not been granted access, the board may take action under section 3832  
4731.22 of the Revised Code. 3833

(7) The applicant shall include with the application a list 3834  
of the names and addresses of any clinical nurse specialists, 3835

certified nurse-midwives, or certified nurse practitioners with 3836  
whom the applicant is currently collaborating, as defined in 3837  
section 4723.01 of the Revised Code. Every person registered under 3838  
this section shall give written notice to the state medical board 3839  
of any change of principal practice address or residence address 3840  
or in the list within thirty days of the change. 3841

(8) The applicant shall report any criminal offense to which 3842  
the applicant has pleaded guilty, of which the applicant has been 3843  
found guilty, or for which the applicant has been found eligible 3844  
for intervention in lieu of conviction, since last filing an 3845  
application for a certificate of registration. 3846

(9) The applicant shall execute and deliver the application 3847  
to the board in a manner prescribed by the board. 3848

(C) The board shall issue to any person holding a certificate 3849  
under this chapter to practice medicine and surgery, osteopathic 3850  
medicine and surgery, or podiatric medicine and surgery, upon 3851  
application and qualification therefor in accordance with this 3852  
section, a certificate of registration under the seal of the 3853  
board. A certificate of registration shall be valid for a two-year 3854  
period. 3855

(D) Failure of any certificate holder to register and comply 3856  
with this section shall operate automatically to suspend the 3857  
holder's certificate to practice. Continued practice after the 3858  
suspension of the certificate to practice shall be considered as 3859  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 3860  
the Revised Code. If the certificate has been suspended pursuant 3861  
to this division for two years or less, it may be reinstated. The 3862  
board shall reinstate a certificate to practice suspended for 3863  
failure to register upon an applicant's submission of a renewal 3864  
application, the biennial registration fee, and the applicable 3865  
monetary penalty. The penalty for reinstatement shall be fifty 3866  
dollars. If the certificate has been suspended pursuant to this 3867

division for more than two years, it may be restored. Subject to 3868  
section 4731.222 of the Revised Code, the board may restore a 3869  
certificate to practice suspended for failure to register upon an 3870  
applicant's submission of a restoration application, the biennial 3871  
registration fee, and the applicable monetary penalty and 3872  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3873  
The board shall not restore to an applicant a certificate to 3874  
practice unless the board, in its discretion, decides that the 3875  
results of the criminal records check do not make the applicant 3876  
ineligible for a certificate issued pursuant to section 4731.14, 3877  
4731.56, or 4731.57 of the Revised Code. The penalty for 3878  
restoration shall be one hundred dollars. The board shall deposit 3879  
the penalties in accordance with section 4731.24 of the Revised 3880  
Code. 3881

(E) If an individual certifies completion of the number of 3882  
hours and type of continuing medical education required to receive 3883  
a certificate of registration or reinstatement of a certificate to 3884  
practice, and the board finds through the random samples it 3885  
conducts under this section or through any other means that the 3886  
individual did not complete the requisite continuing medical 3887  
education, the board may impose a civil penalty of not more than 3888  
five thousand dollars. The board's finding shall be made pursuant 3889  
to an adjudication under Chapter 119. of the Revised Code and by 3890  
an affirmative vote of not fewer than six members. 3891

A civil penalty imposed under this division may be in 3892  
addition to or in lieu of any other action the board may take 3893  
under section 4731.22 of the Revised Code. The board shall deposit 3894  
civil penalties in accordance with section 4731.24 of the Revised 3895  
Code. 3896

(F) The state medical board may obtain information not 3897  
protected by statutory or common law privilege from courts and 3898  
other sources concerning malpractice claims against any person 3899

holding a certificate to practice under this chapter or practicing 3900  
as provided in section 4731.36 of the Revised Code. 3901

(G) Each mailing sent by the board under division (B)(2) of 3902  
this section to a person registered to practice medicine and 3903  
surgery or osteopathic medicine and surgery shall inform the 3904  
applicant of the reporting requirement established by division (H) 3905  
of section 3701.79 of the Revised Code. At the discretion of the 3906  
board, the information may be included on the application for 3907  
registration or on an accompanying page. 3908

**Sec. 4773.03.** (A) Each individual seeking a license to 3909  
practice as a general x-ray machine operator, radiographer, 3910  
radiation therapy technologist, or nuclear medicine technologist 3911  
shall apply to the department of health on a form the department 3912  
shall prescribe and provide. The application shall be accompanied 3913  
by the appropriate license application fee established in rules 3914  
adopted under section 4773.08 of the Revised Code. 3915

(B) The department shall review all applications received and 3916  
issue the appropriate general x-ray machine operator, 3917  
radiographer, radiation therapy technologist, or nuclear medicine 3918  
technologist license to each applicant who meets all of the 3919  
following requirements: 3920

(1) Is eighteen years of age or older~~;~~*i* 3921

(2) Is of good moral character~~;~~*i* 3922

(3) Except as provided in division (C) of this section, 3923  
passes the examination administered under section 4773.04 of the 3924  
Revised Code for the applicant's area of practice~~;~~*i* 3925

(4) Complies with any other licensing standards established 3926  
in rules adopted under section 4773.08 of the Revised Code. 3927

(C) An applicant is not required to take a licensing 3928  
examination if ~~any~~ one of the following ~~apply~~ applies to the 3929

applicant: 3930

(1) The individual is applying for a license as a general 3931  
x-ray machine operator and holds certification in that area of 3932  
practice from the American registry of radiologic technologists or 3933  
the American chiropractic registry of radiologic technologists. 3934

(2) The individual is applying for a license as a 3935  
radiographer and holds certification in that area of practice from 3936  
the American registry of radiologic technologists. 3937

(3) The individual is applying for a license as a radiation 3938  
therapy technologist and holds certification in that area of 3939  
practice from the American registry of radiologic technologists. 3940

(4) The individual is applying for a license as a nuclear 3941  
medicine technologist and holds certification in that area of 3942  
practice from the American registry of radiologic technologists or 3943  
the nuclear medicine technology certification board. 3944

(5) The individual holds a conditional license issued under 3945  
section 4773.05 of the Revised Code and has completed the 3946  
continuing education requirements established in rules adopted 3947  
under section 4773.08 of the Revised Code. 3948

(6) The individual holds a license, certificate, or other 3949  
credential issued by another state that the department determines 3950  
uses standards for radiologic professions that are at least equal 3951  
to those established under this chapter. 3952

(D) A license issued under this section expires biennially on 3953  
the license holder's birthday, except for an initial license which 3954  
expires on the license holder's birthday following two years after 3955  
it is issued. For an initial license, the fee established in rules 3956  
adopted under section 4773.08 of the Revised Code may be increased 3957  
in proportion to the amount of time beyond two years that the 3958  
license may be valid. 3959

A license may be renewed ~~if~~. To be eligible for renewal, the 3960  
license holder ~~completes~~ must complete the continuing education 3961  
requirements specified in rules adopted by the department under 3962  
section 4773.08 of the Revised Code. Applications for license 3963  
renewal shall be accompanied by the appropriate renewal fee 3964  
established in rules adopted under section 4773.08 of the Revised 3965  
Code. Renewals shall be made in accordance with the standard 3966  
renewal procedure established under Chapter 4745. of the Revised 3967  
Code. 3968

(E)(1) A license that has lapsed or otherwise become inactive 3969  
may be reinstated. An individual seeking reinstatement of a 3970  
license shall apply to the department on a form the department 3971  
shall prescribe and provide. The application shall be accompanied 3972  
by the appropriate reinstatement fee established in rules adopted 3973  
under section 4773.08 of the Revised Code. 3974

(2) To be eligible for reinstatement, both of the following 3975  
apply: 3976

(a) An applicant must continue to meet the conditions for 3977  
receiving an initial license, including the examination or 3978  
certification requirements specified in division (B) or (C) of 3979  
this section. In the case of an applicant seeking reinstatement 3980  
based on having passed an examination administered under section 3981  
4773.04 of the Revised Code, the length of time that has elapsed 3982  
since the examination was passed is not a consideration in 3983  
determining whether the applicant is eligible for reinstatement. 3984

(b) The applicant must complete the continuing education 3985  
requirements for reinstatement established in rules adopted under 3986  
section 4773.08 of the Revised Code. 3987

(F) The department shall refuse to issue ~~or~~, renew, or 3988  
reinstate and may suspend or revoke a general x-ray machine 3989  
operator, radiographer, radiation therapy technologist, or nuclear 3990

medicine technologist license if the applicant or license holder 3991  
does not comply with the applicable requirements of this chapter 3992  
or rules adopted under it. 3993

**Sec. 4773.08.** The director of health shall adopt rules to 3994  
implement and administer this chapter. In adopting the rules, the 3995  
director shall consider any recommendations made by the radiation 3996  
advisory council created under section 3701.93 of the Revised 3997  
Code. The rules shall be adopted in accordance with Chapter 119. 3998  
of the Revised Code and shall not be less stringent than any 3999  
applicable standards specified in 42 C.F.R. 75. The rules shall 4000  
establish all of the following: 4001

(A) Standards for licensing general x-ray machine operators, 4002  
radiographers, radiation therapy technologists, and nuclear 4003  
medicine technologists; 4004

(B) Application ~~and~~, renewal, and reinstatement fees for 4005  
licenses issued under this chapter that do not exceed the cost 4006  
incurred in issuing ~~and~~, renewing, and reinstating the licenses; 4007

(C) Standards for accreditation of educational programs and 4008  
approval of continuing education programs in general x-ray machine 4009  
operation, radiography, radiation therapy technology, and nuclear 4010  
medicine technology; 4011

(D) Fees for accrediting educational programs and approving 4012  
continuing education programs in general x-ray machine operation, 4013  
radiography, radiation therapy technology, and nuclear medicine 4014  
technology that do not exceed the cost incurred in accrediting the 4015  
educational programs; 4016

(E) Fees for issuing conditional licenses under section 4017  
4773.05 of the Revised Code that do not exceed the cost incurred 4018  
in issuing the licenses; 4019

(F) Continuing education requirements that must be met to 4020

have a license renewed or reinstated under section 4773.03 of the Revised Code; 4021  
4022

(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code; 4023  
4024  
4025

(H) Any other rules necessary for the implementation or administration of this chapter. 4026  
4027

**Sec. 5104.014.** (A) As used in this section: 4028

(1) "Child" includes both of the following: 4029

(a) An infant, toddler, or preschool age child; 4030

(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care center, type A family day-care home, or licensed type B family day-care home or receives child care from a certified in-home aide. 4031  
4032  
4033  
4034

(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health. 4035  
4036  
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(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care center, type A family day-care home, or licensed type B family day-care home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases: 4039  
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<u>(1) Chicken pox;</u>	4051
<u>(2) Diphtheria;</u>	4052
<u>(3) Haemophilus influenzae type b;</u>	4053
<u>(4) Hepatitis A;</u>	4054
<u>(5) Hepatitis B;</u>	4055
<u>(6) Influenza;</u>	4056
<u>(7) Measles;</u>	4057
<u>(8) Mumps;</u>	4058
<u>(9) Pertussis;</u>	4059
<u>(10) Pneumococcal disease;</u>	4060
<u>(11) Poliomyelitis;</u>	4061
<u>(12) Rotavirus;</u>	4062
<u>(13) Rubella;</u>	4063
<u>(14) Tetanus.</u>	4064
<u>(C)(1) A child is not required to be immunized against a</u>	4065
<u>disease specified in division (B) of this section if any of the</u>	4066
<u>following is the case:</u>	4067
<u>(a) Immunization against the disease is medically</u>	4068
<u>contraindicated for the child;</u>	4069
<u>(b) The child's parent or guardian has declined to have the</u>	4070
<u>child immunized against the disease for reasons of conscience,</u>	4071
<u>including religious convictions;</u>	4072
<u>(c) Immunization against the disease is not medically</u>	4073
<u>appropriate for the child's age.</u>	4074
<u>(2) In the case of influenza, a child is not required to be</u>	4075
<u>immunized against the disease if the seasonal vaccine is not</u>	4076
<u>available.</u>	4077

(D)(1) The medical statement shall include all of the 4078  
following information: 4079

(a) The dates that a child received immunizations against 4080  
each of the diseases specified in division (B) of this section; 4081

(b) Whether a child is subject to any of the exceptions 4082  
specified in division (C) of this section. 4083

(2) The medical statement shall include a component where a 4084  
parent or guardian may indicate that the parent or guardian has 4085  
declined to have the child immunized. 4086

**Sec. 5104.015.** The director of job and family services shall 4087  
adopt rules in accordance with Chapter 119. of the Revised Code 4088  
governing the operation of child day-care centers, including 4089  
parent cooperative centers, part-time centers, drop-in centers, 4090  
and school-age child care centers. The rules shall reflect the 4091  
various forms of child care and the needs of children receiving 4092  
child care or publicly funded child care and shall include 4093  
specific rules for school-age child care centers that are 4094  
developed in consultation with the department of education. The 4095  
rules shall not require an existing school facility that is in 4096  
compliance with applicable building codes to undergo an additional 4097  
building code inspection or to have structural modifications. The 4098  
rules shall include the following: 4099

(A) Submission of a site plan and descriptive plan of 4100  
operation to demonstrate how the center proposes to meet the 4101  
requirements of this chapter and rules adopted pursuant to this 4102  
chapter for the initial license application; 4103

(B) Standards for ensuring that the physical surroundings of 4104  
the center are safe and sanitary including the physical 4105  
environment, the physical plant, and the equipment of the center; 4106

(C) Standards for the supervision, care, and discipline of 4107

children receiving child care or publicly funded child care in the center; 4108  
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(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers. 4110  
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(E) Admissions policies and procedures, ~~health;~~ 4120

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases, ~~first;~~ 4121  
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(G) First aid and emergency procedures, ~~procedures;~~ 4123

(H) Procedures for discipline and supervision of children, ~~standards;~~ 4124  
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(I) Standards for the provision of nutritious meals and snacks, ~~and procedures;~~ 4126  
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(J) Procedures for screening children ~~and employees,~~ that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code; 4128  
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~~(F)~~ (K) Procedures for screening employees that may include any necessary physical examinations and immunizations; 4132  
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(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met; 4134  
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<del>(G)</del> <u>(M)</u> Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	4138 4139 4140
<del>(H)</del> <u>(N)</u> Procedures for record keeping, organization, and administration;	4141 4142
<del>(I)</del> <u>(O)</u> Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	4143 4144 4145
<del>(J)</del> <u>(P)</u> Inspection procedures;	4146
<del>(K)</del> <u>(Q)</u> Procedures and standards for setting initial license application fees;	4147 4148
<del>(L)</del> <u>(R)</u> Procedures for receiving, recording, and responding to complaints about centers;	4149 4150
<del>(M)</del> <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	4151 4152
<del>(N)</del> <u>(T)</u> A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	4153 4154 4155 4156 4157
<del>(O)</del> <u>(U)</u> Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037 of the Revised Code.	4158 4159 4160 4161 4162 4163
<del>(P)</del> <u>(V)</u> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	4164 4165 4166 4167

~~(Q)~~(W) A procedure for reporting of injuries of children that occur at the center; 4168  
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~~(R)~~(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions; 4170  
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~~(S)~~(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers. 4173  
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**Sec. 5104.017.** The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school-age child type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following: 4176  
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(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application; 4183  
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(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home; 4187  
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(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home; 4191  
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(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that 4194  
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enhance the social, emotional, intellectual, and physical	4198
development of each child shall be permissible;	4199
(E) Admissions policies and procedures, <del>health;</del>	4200
(F) <u>Health</u> care policies and procedures, including procedures	4201
for the isolation of children with communicable diseases, <del>first;</del>	4202
(G) <u>First</u> aid and emergency procedures, <del>procedures;</del>	4203
(H) <u>Procedures</u> for discipline and supervision of children, <del></del>	4204
<del>standards;</del>	4205
(I) <u>Standards</u> for the provision of nutritious meals and	4206
snacks, <del>and procedures;</del>	4207
(J) <u>Procedures</u> for screening children <del>and employees,</del>	4208
including any necessary physical examinations and <u>the</u>	4209
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	4210
<u>Code;</u>	4211
<del>(F)</del> (K) <u>Procedures for screening employees, including any</u>	4212
<u>necessary physical examinations and immunizations;</u>	4213
(L) <u>Methods</u> for encouraging parental participation in the	4214
type A home and methods for ensuring that the rights of children,	4215
parents, and employees are protected and that the responsibilities	4216
of parents and employees are met;	4217
<del>(G)</del> (M) <u>Procedures</u> for ensuring the safety and adequate	4218
supervision of children traveling off the premises of the type A	4219
home while under the care of a type A home employee;	4220
<del>(H)</del> (N) <u>Procedures</u> for record keeping, organization, and	4221
administration;	4222
<del>(I)</del> (O) <u>Procedures</u> for issuing, denying, and revoking a	4223
license that are not otherwise provided for in Chapter 119. of the	4224
Revised Code;	4225
<del>(J)</del> (P) <u>Inspection</u> procedures;	4226

<del>(K)</del> <u>(O)</u> Procedures and standards for setting initial license application fees;	4227 4228
<del>(L)</del> <u>(R)</u> Procedures for receiving, recording, and responding to complaints about type A homes;	4229 4230
<del>(M)</del> <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	4231 4232
<del>(N)</del> <u>(T)</u> A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	4233 4234 4235 4236 4237
<del>(O)</del> <u>(U)</u> Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	4238 4239 4240 4241
<del>(P)</del> <u>(V)</u> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	4242 4243 4244 4245
<del>(Q)</del> <u>(W)</u> Standards for the maximum number of children per child-care staff member;	4246 4247
<del>(R)</del> <u>(X)</u> Requirements for the amount of usable indoor floor space for each child;	4248 4249
<del>(S)</del> <u>(Y)</u> Requirements for safe outdoor play space;	4250
<del>(T)</del> <u>(Z)</u> Qualifications and training requirements for administrators and for child-care staff members;	4251 4252
<del>(U)</del> <u>(AA)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	4253 4254 4255
<del>(V)</del> <u>(BB)</u> Standards for the preparation and distribution of a	4256

roster of parents, custodians, and guardians; 4257

~~(W)~~(CC) Any other procedures and standards necessary to carry 4258  
out the provisions of this chapter regarding type A homes. 4259

**Sec. 5104.018.** The director of job and family services shall 4260  
adopt rules in accordance with Chapter 119. of the Revised Code 4261  
governing the licensure of type B family day-care homes. The rules 4262  
shall provide for safeguarding the health, safety, and welfare of 4263  
children receiving child care or publicly funded child care in a 4264  
licensed type B family day-care home and shall include all of the 4265  
following: 4266

(A) Requirements for the type B home to notify parents with 4267  
children in the type B home that the type B home is certified as a 4268  
foster home under section 5103.03 of the Revised Code. 4269

(B) Standards for ensuring that the type B home and the 4270  
physical surroundings of the type B home are safe and sanitary, 4271  
including physical environment, physical plant, and equipment; 4272

(C) Standards for the supervision, care, and discipline of 4273  
children receiving child care or publicly funded child care in the 4274  
home; 4275

(D) Standards for a program of activities, and for play 4276  
equipment, materials, and supplies to enhance the development of 4277  
each child; however, any educational curricula, philosophies, and 4278  
methodologies that are developmentally appropriate and that 4279  
enhance the social, emotional, intellectual, and physical 4280  
development of each child shall be permissible; 4281

(E) Admission policies and procedures, ~~health;~~ 4282

(F) Health care, first aid and emergency procedures, ~~7~~ 4283  
~~procedures;~~ 4284

(G) Procedures for the care of sick children, ~~procedures;~~ 4285

<u>(H) Procedures for discipline and supervision of children,</u>	4286
<u>nutritional;</u>	4287
<u>(I) Nutritional standards, and procedures;</u>	4288
<u>(J) Procedures for screening children and administrators,</u>	4289
including any necessary physical examinations and <u>the</u>	4290
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	4291
<u>Code;</u>	4292
<del>(F)</del> <u>(K) Procedures for screening administrators and employees,</u>	4293
<u>including any necessary physical examinations and immunizations;</u>	4294
<u>(L) Methods of encouraging parental participation and</u>	4295
ensuring that the rights of children, parents, and administrators	4296
are protected and the responsibilities of parents and	4297
administrators are met;	4298
<del>(G)</del> <u>(M) Standards for the safe transport of children when</u>	4299
under the care of administrators;	4300
<del>(H)</del> <u>(N) Procedures for issuing, denying, or revoking licenses;</u>	4301
<del>(I)</del> <u>(O) Procedures for the inspection of type B homes that</u>	4302
require, at a minimum, that each type B home be inspected prior to	4303
licensure to ensure that the home is safe and sanitary;	4304
<del>(J)</del> <u>(P) Procedures for record keeping and evaluation;</u>	4305
<del>(K)</del> <u>(Q) Procedures for receiving, recording, and responding to</u>	4306
complaints;	4307
<del>(L)</del> <u>(R) Standards providing for the special needs of children</u>	4308
who are handicapped or who receive treatment for health conditions	4309
while the child is receiving child care or publicly funded child	4310
care in the type B home;	4311
<del>(M)</del> <u>(S) Requirements for the amount of usable indoor floor</u>	4312
space for each child;	4313
<del>(N)</del> <u>(T) Requirements for safe outdoor play space;</u>	4314

~~(O)~~(U) Qualification and training requirements for administrators; 4315  
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~~(P)~~(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation; 4317  
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~~(Q)~~(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code; 4320  
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~~(R)~~(X) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes. 4323  
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**Sec. 5165.08.** (A) As used in this section: 4326

"Bed need" means the number of long-term care beds a county needs as determined by the director of health pursuant to division (B)(3) of section 3702.593 of the Revised Code. 4327  
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"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need. 4330  
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(B) Every provider agreement with a nursing facility provider shall ~~prohibit~~ do both of the following: 4334  
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(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply: 4336  
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(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008. 4340  
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(b) The nursing facility is located in a county that has a 4343

bed need excess at the time the provider excludes the parts from 4344  
the provider agreement. 4345

(c) Federal law permits the provider to exclude the parts 4346  
from the provider agreement. 4347

(d) The provider gives the department of medicaid written 4348  
notice of the exclusion not less than forty-five days before the 4349  
first day of the calendar quarter in which the exclusion is to 4350  
occur. 4351

(2) Prohibit the provider from doing either of the following: 4352

~~(1)~~(a) Discriminating against a resident on the basis of 4353  
race, color, sex, creed, or national origin; 4354

~~(2)~~(b) Subject to division ~~(C)~~(D) of this section, failing or 4355  
refusing to do either of the following: 4356

~~(a)~~(i) Except as otherwise prohibited under section 5165.82 4357  
of the Revised Code, admit as a resident of the nursing facility 4358  
an individual because the individual is, or may (as a resident of 4359  
the nursing facility) become, a medicaid recipient unless at least 4360  
~~eighty~~ twenty-five per cent of the nursing facility's 4361  
medicaid-certified beds are occupied by medicaid recipients at the 4362  
time the person would otherwise be admitted; 4363

~~(b)~~(ii) Retain as a resident of the nursing facility an 4364  
individual because the individual is, or may (as a resident of the 4365  
nursing facility) become, a medicaid recipient. 4366

~~(B)~~(C) For the purpose of division ~~(A)~~(B)(2)(b)(ii) of this 4367  
section, a medicaid recipient who is a resident of a nursing 4368  
facility shall be considered a resident of the nursing facility 4369  
during any hospital stays totaling less than twenty-five days 4370  
during any twelve-month period. 4371

~~(C)~~(D) Nothing in this section shall bar a provider from 4372  
doing any of the following: 4373

- (1) If the provider is a religious organization operating a religious or denominational nursing facility from giving preference to persons of the same religion or denomination;
- (2) Giving preference to persons with whom the provider has contracted to provide continuing care;
- (3) If the nursing facility is a county home organized under Chapter 5155. of the Revised Code, admitting residents exclusively from the county in which the county home is located;
- (4) Retaining residents who have resided in the provider's nursing facility for not less than one year as private pay patients and who subsequently become medicaid recipients, but refusing to accept as a resident any person who is, or may (as a resident of the nursing facility) become a medicaid recipient, if all of the following apply:
- (a) The provider does not refuse to retain any resident who has resided in the provider's nursing facility for not less than one year as a private pay resident because the resident becomes a medicaid recipient, except as necessary to comply with division ~~(C)~~(D)(4)(b) of this section;
- (b) The number of medicaid recipients retained under division ~~(C)~~(D)(4) of this section does not at any time exceed ten per cent of all the residents in the nursing facility;
- (c) On July 1, 1980, all the residents in the nursing facility were private pay residents.
- ~~(D)~~(E) No provider shall violate the provider agreement obligations imposed by this section.
- (F) A nursing facility provider who excludes one or more parts of the nursing facility from a provider agreement pursuant to division (B)(1) of this section does not violate division (C) of section 3702.53 of the Revised Code.

**Sec. 5165.513.** (A) A provider that enters into a provider agreement with the department of medicaid under section 5165.511 or 5165.512 of the Revised Code shall do all of the following:

~~(A)~~(1) Comply with all applicable federal statutes and regulations;

~~(B)~~(2) Comply with section 5165.07 of the Revised Code and all other applicable state statutes and rules;

~~(C)~~(3) Subject to division (B) of this section, comply with all the terms and conditions of the exiting operator's provider agreement, including, but not limited to, all of the following:

~~(1)~~(a) Any plan of correction;

~~(2)~~(b) Compliance with health and safety standards;

~~(3)~~(c) Compliance with the ownership and financial interest disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;

~~(4)~~(d) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90;

~~(5)~~(e) Compliance with additional requirements imposed by the department;

~~(6)~~(f) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies.

(B) Division (A)(3) of this section does not prohibit a nursing facility provider from excluding one or more parts of the nursing facility from the provider agreement pursuant to division (B)(1) of section 5165.08 of the Revised Code.

**Sec. 5165.515.** The department of medicaid may enter into a

provider agreement as provided in section 5165.07 of the Revised 4432  
Code, rather than section 5165.511 or 5165.512 of the Revised 4433  
Code, with an entering operator if the entering operator does not 4434  
agree to a provider agreement that satisfies the requirements of 4435  
division ~~(C)~~(A)(3) of section 5165.513 of the Revised Code. The 4436  
department may not enter into the provider agreement unless the 4437  
department of health certifies the nursing facility for 4438  
participation in medicaid. The effective date of the provider 4439  
agreement shall not precede any of the following: 4440

(A) The date that the department of health certifies the 4441  
nursing facility; 4442

(B) The effective date of the change of operator; 4443

(C) The date the requirement of section 5165.51 of the 4444  
Revised Code is satisfied. 4445

**Sec. 5165.99.** (A) Whoever violates section 5165.102 or 4446  
division ~~(D)~~(E) of section 5165.08 of the Revised Code shall be 4447  
fined not less than five hundred dollars nor more than one 4448  
thousand dollars for the first offense and not less than one 4449  
thousand dollars nor more than five thousand dollars for each 4450  
subsequent offense. Fines paid under this section shall be 4451  
deposited in the state treasury to the credit of the general 4452  
revenue fund. 4453

(B) Whoever violates division (D) of section 5165.88 of the 4454  
Revised Code is guilty of registering a false complaint, a 4455  
misdemeanor of the first degree. 4456

**Section 2.** That existing sections 2925.02, 3701.63, 3701.64, 4457  
3719.01, 3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 4723.481, 4458  
4723.486, 4725.16, 4725.19, 4729.12, 4729.16, 4729.18, 4729.41, 4459  
4729.85, 4729.86, 4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 4460

4773.03, 4773.08, 5104.015, 5104.017, 5104.018, 5165.08, 5165.513, 4461  
5165.515, and 5165.99 and sections 4715.15, 4723.433, 4730.093, 4462  
and 4731.22 of the Revised Code are hereby repealed. 4463

**Section 3.** That the versions of sections 4715.30, 4715.302, 4464  
4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, 4465  
and 4731.22 of the Revised Code that are scheduled to take effect 4466  
April 1, 2015, be amended to read as follows: 4467

**Sec. 4715.30.** (A) An applicant for or holder of a certificate 4468  
or license issued under this chapter is subject to disciplinary 4469  
action by the state dental board for any of the following reasons: 4470  
4471

(1) Employing or cooperating in fraud or material deception 4472  
in applying for or obtaining a license or certificate; 4473

(2) Obtaining or attempting to obtain money or anything of 4474  
value by intentional misrepresentation or material deception in 4475  
the course of practice; 4476

(3) Advertising services in a false or misleading manner or 4477  
violating the board's rules governing time, place, and manner of 4478  
advertising; 4479

(4) Commission of an act that constitutes a felony in this 4480  
state, regardless of the jurisdiction in which the act was 4481  
committed; 4482

(5) Commission of an act in the course of practice that 4483  
constitutes a misdemeanor in this state, regardless of the 4484  
jurisdiction in which the act was committed; 4485

(6) Conviction of, a plea of guilty to, a judicial finding of 4486  
guilt of, a judicial finding of guilt resulting from a plea of no 4487  
contest to, or a judicial finding of eligibility for intervention 4488  
in lieu of conviction for, any felony or of a misdemeanor 4489

committed in the course of practice;	4490
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	4491 4492
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	4493 4494 4495 4496 4497 4498 4499
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	4500 4501 4502 4503 4504 4505 4506 4507 4508
(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	4509 4510 4511 4512
(11) Violation of any provision of this chapter or any rule adopted thereunder;	4513 4514
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	4515 4516 4517
(13) Except as provided in division (H) of this section, either of the following:	4518 4519

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;

(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.

(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(16) Failure to cooperate in an investigation conducted by the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a

subpoena or permits the individual to withhold the testimony or 4552  
evidence in issue; 4553

(17) Failure to comply with the requirements in section 4554  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4555  
prescription for ~~a controlled substance containing~~ an opioid 4556  
analgesic, as defined in section 3719.01 of the Revised Code. 4557

(B) A manager, proprietor, operator, or conductor of a dental 4558  
facility shall be subject to disciplinary action if any dentist, 4559  
dental hygienist, expanded function dental auxiliary, or qualified 4560  
personnel providing services in the facility is found to have 4561  
committed a violation listed in division (A) of this section and 4562  
the manager, proprietor, operator, or conductor knew of the 4563  
violation and permitted it to occur on a recurring basis. 4564

(C) Subject to Chapter 119. of the Revised Code, the board 4565  
may take one or more of the following disciplinary actions if one 4566  
or more of the grounds for discipline listed in divisions (A) and 4567  
(B) of this section exist: 4568

(1) Censure the license or certificate holder; 4569

(2) Place the license or certificate on probationary status 4570  
for such period of time the board determines necessary and require 4571  
the holder to: 4572

(a) Report regularly to the board upon the matters which are 4573  
the basis of probation; 4574

(b) Limit practice to those areas specified by the board; 4575

(c) Continue or renew professional education until a 4576  
satisfactory degree of knowledge or clinical competency has been 4577  
attained in specified areas. 4578

(3) Suspend the certificate or license; 4579

(4) Revoke the certificate or license. 4580

Where the board places a holder of a license or certificate 4581

on probationary status pursuant to division (C)(2) of this 4582  
section, the board may subsequently suspend or revoke the license 4583  
or certificate if it determines that the holder has not met the 4584  
requirements of the probation or continues to engage in activities 4585  
that constitute grounds for discipline pursuant to division (A) or 4586  
(B) of this section. 4587

Any order suspending a license or certificate shall state the 4588  
conditions under which the license or certificate will be 4589  
restored, which may include a conditional restoration during which 4590  
time the holder is in a probationary status pursuant to division 4591  
(C)(2) of this section. The board shall restore the license or 4592  
certificate unconditionally when such conditions are met. 4593

(D) If the physical or mental condition of an applicant or a 4594  
license or certificate holder is at issue in a disciplinary 4595  
proceeding, the board may order the license or certificate holder 4596  
to submit to reasonable examinations by an individual designated 4597  
or approved by the board and at the board's expense. The physical 4598  
examination may be conducted by any individual authorized by the 4599  
Revised Code to do so, including a physician assistant, a clinical 4600  
nurse specialist, a certified nurse practitioner, or a certified 4601  
nurse-midwife. Any written documentation of the physical 4602  
examination shall be completed by the individual who conducted the 4603  
examination. 4604

Failure to comply with an order for an examination shall be 4605  
grounds for refusal of a license or certificate or summary 4606  
suspension of a license or certificate under division (E) of this 4607  
section. 4608

(E) If a license or certificate holder has failed to comply 4609  
with an order under division (D) of this section, the board may 4610  
apply to the court of common pleas of the county in which the 4611  
holder resides for an order temporarily suspending the holder's 4612  
license or certificate, without a prior hearing being afforded by 4613

the board, until the board conducts an adjudication hearing 4614  
pursuant to Chapter 119. of the Revised Code. If the court 4615  
temporarily suspends a holder's license or certificate, the board 4616  
shall give written notice of the suspension personally or by 4617  
certified mail to the license or certificate holder. Such notice 4618  
shall inform the license or certificate holder of the right to a 4619  
hearing pursuant to Chapter 119. of the Revised Code. 4620

(F) Any holder of a certificate or license issued under this 4621  
chapter who has pleaded guilty to, has been convicted of, or has 4622  
had a judicial finding of eligibility for intervention in lieu of 4623  
conviction entered against the holder in this state for aggravated 4624  
murder, murder, voluntary manslaughter, felonious assault, 4625  
kidnapping, rape, sexual battery, gross sexual imposition, 4626  
aggravated arson, aggravated robbery, or aggravated burglary, or 4627  
who has pleaded guilty to, has been convicted of, or has had a 4628  
judicial finding of eligibility for treatment or intervention in 4629  
lieu of conviction entered against the holder in another 4630  
jurisdiction for any substantially equivalent criminal offense, is 4631  
automatically suspended from practice under this chapter in this 4632  
state and any certificate or license issued to the holder under 4633  
this chapter is automatically suspended, as of the date of the 4634  
guilty plea, conviction, or judicial finding, whether the 4635  
proceedings are brought in this state or another jurisdiction. 4636  
Continued practice by an individual after the suspension of the 4637  
individual's certificate or license under this division shall be 4638  
considered practicing without a certificate or license. The board 4639  
shall notify the suspended individual of the suspension of the 4640  
individual's certificate or license under this division by 4641  
certified mail or in person in accordance with section 119.07 of 4642  
the Revised Code. If an individual whose certificate or license is 4643  
suspended under this division fails to make a timely request for 4644  
an adjudicatory hearing, the board shall enter a final order 4645  
revoking the individual's certificate or license. 4646

(G) If the supervisory investigative panel determines both of 4647  
the following, the panel may recommend that the board suspend an 4648  
individual's certificate or license without a prior hearing: 4649

(1) That there is clear and convincing evidence that an 4650  
individual has violated division (A) of this section; 4651

(2) That the individual's continued practice presents a 4652  
danger of immediate and serious harm to the public. 4653

Written allegations shall be prepared for consideration by 4654  
the board. The board, upon review of those allegations and by an 4655  
affirmative vote of not fewer than four dentist members of the 4656  
board and seven of its members in total, excluding any member on 4657  
the supervisory investigative panel, may suspend a certificate or 4658  
license without a prior hearing. A telephone conference call may 4659  
be utilized for reviewing the allegations and taking the vote on 4660  
the summary suspension. 4661

The board shall issue a written order of suspension by 4662  
certified mail or in person in accordance with section 119.07 of 4663  
the Revised Code. The order shall not be subject to suspension by 4664  
the court during pendency or any appeal filed under section 119.12 4665  
of the Revised Code. If the individual subject to the summary 4666  
suspension requests an adjudicatory hearing by the board, the date 4667  
set for the hearing shall be within fifteen days, but not earlier 4668  
than seven days, after the individual requests the hearing, unless 4669  
otherwise agreed to by both the board and the individual. 4670

Any summary suspension imposed under this division shall 4671  
remain in effect, unless reversed on appeal, until a final 4672  
adjudicative order issued by the board pursuant to this section 4673  
and Chapter 119. of the Revised Code becomes effective. The board 4674  
shall issue its final adjudicative order within seventy-five days 4675  
after completion of its hearing. A failure to issue the order 4676  
within seventy-five days shall result in dissolution of the 4677

summary suspension order but shall not invalidate any subsequent, 4678  
final adjudicative order. 4679

(H) Sanctions shall not be imposed under division (A)(13) of 4680  
this section against any certificate or license holder who waives 4681  
deductibles and copayments as follows: 4682

(1) In compliance with the health benefit plan that expressly 4683  
allows such a practice. Waiver of the deductibles or copayments 4684  
shall be made only with the full knowledge and consent of the plan 4685  
purchaser, payer, and third-party administrator. Documentation of 4686  
the consent shall be made available to the board upon request. 4687

(2) For professional services rendered to any other person 4688  
who holds a certificate or license issued pursuant to this chapter 4689  
to the extent allowed by this chapter and the rules of the board. 4690

(I) In no event shall the board consider or raise during a 4691  
hearing required by Chapter 119. of the Revised Code the 4692  
circumstances of, or the fact that the board has received, one or 4693  
more complaints about a person unless the one or more complaints 4694  
are the subject of the hearing or resulted in the board taking an 4695  
action authorized by this section against the person on a prior 4696  
occasion. 4697

(J) The board may share any information it receives pursuant 4698  
to an investigation under division (D) of section 4715.03 of the 4699  
Revised Code, including patient records and patient record 4700  
information, with law enforcement agencies, other licensing 4701  
boards, and other governmental agencies that are prosecuting, 4702  
adjudicating, or investigating alleged violations of statutes or 4703  
administrative rules. An agency or board that receives the 4704  
information shall comply with the same requirements regarding 4705  
confidentiality as those with which the state dental board must 4706  
comply, notwithstanding any conflicting provision of the Revised 4707  
Code or procedure of the agency or board that applies when it is 4708

dealing with other information in its possession. In a judicial 4709  
proceeding, the information may be admitted into evidence only in 4710  
accordance with the Rules of Evidence, but the court shall require 4711  
that appropriate measures are taken to ensure that confidentiality 4712  
is maintained with respect to any part of the information that 4713  
contains names or other identifying information about patients or 4714  
complainants whose confidentiality was protected by the state 4715  
dental board when the information was in the board's possession. 4716  
Measures to ensure confidentiality that may be taken by the court 4717  
include sealing its records or deleting specific information from 4718  
its records. 4719

**Sec. 4715.302.** (A) As used in this section, ~~"drug:~~ 4720

(1) "Drug database" means the database established and 4721  
maintained by the state board of pharmacy pursuant to section 4722  
4729.75 of the Revised Code. 4723

(2) "Opioid analgesic" and "benzodiazepine" have the same 4724  
meanings as in section 3719.01 of the Revised Code. 4725

(B) Except as provided in divisions (C) and (E) of this 4726  
section, a dentist shall comply with all of the following as 4727  
conditions of prescribing a drug that is either an opioid 4728  
analgesic or a benzodiazepine, or personally furnishing a complete 4729  
or partial supply of such a drug, as part of a patient's course of 4730  
treatment for a particular condition: 4731

(1) Before initially prescribing or furnishing the drug, the 4732  
dentist or the dentist's delegate shall request from the drug 4733  
database a report of information related to the patient that 4734  
covers at least the twelve months immediately preceding the date 4735  
of the request. If the dentist practices primarily in a county of 4736  
this state that adjoins another state, the dentist or delegate 4737  
also shall request a report of any information available in the 4738  
drug database that pertains to prescriptions issued or drugs 4739

furnished to the patient in the state adjoining that county. 4740

(2) If the patient's course of treatment for the condition 4741  
continues for more than ninety days after the initial report is 4742  
requested, the dentist or delegate shall make periodic requests 4743  
for reports of information from the drug database until the course 4744  
of treatment has ended. The requests shall be made at intervals 4745  
not exceeding ninety days, determined according to the date the 4746  
initial request was made. The request shall be made in the same 4747  
manner provided in division (B)(1) of this section for requesting 4748  
the initial report of information from the drug database. 4749

(3) On receipt of a report under division (B)(1) or (2) of 4750  
this section, the dentist shall assess the information in the 4751  
report. The dentist shall document in the patient's record that 4752  
the report was received and the information was assessed. 4753

(C)(1) Division (B) of this section does not apply if a drug 4754  
database report regarding the patient is not available. In this 4755  
event, the dentist shall document in the patient's record the 4756  
reason that the report is not available. 4757

(2) Division (B) of this section does not apply if the drug 4758  
is prescribed or personally furnished in an amount indicated for a 4759  
period not to exceed seven days. 4760

(D) ~~With respect to prescribing or personally furnishing any~~ 4761  
~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 4762  
~~included in the drug database pursuant to rules adopted under~~ 4763  
~~section 4729.84 of the Revised Code, the The state dental board~~ 4764  
~~shall may adopt rules that establish standards and procedures to~~ 4765  
be followed by a dentist regarding the review of patient 4766  
information available through the drug database under division 4767  
(A)(5) of section 4729.80 of the Revised Code. The rules shall be 4768  
adopted in accordance with Chapter 119. of the Revised Code. 4769

(E) This section and ~~the~~ any rules adopted under it do not 4770

apply if the state board of pharmacy no longer maintains the drug 4771  
database. 4772

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 4773  
quorum, may impose one or more of the following sanctions if it 4774  
finds that a person committed fraud in passing an examination 4775  
required to obtain a license, certificate of authority, or 4776  
dialysis technician certificate issued by the board or to have 4777  
committed fraud, misrepresentation, or deception in applying for 4778  
or securing any nursing license, certificate of authority, or 4779  
dialysis technician certificate issued by the board: deny, revoke, 4780  
suspend, or place restrictions on any nursing license, certificate 4781  
of authority, or dialysis technician certificate issued by the 4782  
board; reprimand or otherwise discipline a holder of a nursing 4783  
license, certificate of authority, or dialysis technician 4784  
certificate; or impose a fine of not more than five hundred 4785  
dollars per violation. 4786

(B) The board of nursing, by a vote of a quorum, may impose 4787  
one or more of the following sanctions: deny, revoke, suspend, or 4788  
place restrictions on any nursing license, certificate of 4789  
authority, or dialysis technician certificate issued by the board; 4790  
reprimand or otherwise discipline a holder of a nursing license, 4791  
certificate of authority, or dialysis technician certificate; or 4792  
impose a fine of not more than five hundred dollars per violation. 4793  
The sanctions may be imposed for any of the following: 4794

(1) Denial, revocation, suspension, or restriction of 4795  
authority to engage in a licensed profession or practice a health 4796  
care occupation, including nursing or practice as a dialysis 4797  
technician, for any reason other than a failure to renew, in Ohio 4798  
or another state or jurisdiction; 4799

(2) Engaging in the practice of nursing or engaging in 4800  
practice as a dialysis technician, having failed to renew a 4801

nursing license or dialysis technician certificate issued under 4802  
this chapter, or while a nursing license or dialysis technician 4803  
certificate is under suspension; 4804

(3) Conviction of, a plea of guilty to, a judicial finding of 4805  
guilt of, a judicial finding of guilt resulting from a plea of no 4806  
contest to, or a judicial finding of eligibility for a pretrial 4807  
diversion or similar program or for intervention in lieu of 4808  
conviction for, a misdemeanor committed in the course of practice; 4809

(4) Conviction of, a plea of guilty to, a judicial finding of 4810  
guilt of, a judicial finding of guilt resulting from a plea of no 4811  
contest to, or a judicial finding of eligibility for a pretrial 4812  
diversion or similar program or for intervention in lieu of 4813  
conviction for, any felony or of any crime involving gross 4814  
immorality or moral turpitude; 4815

(5) Selling, giving away, or administering drugs or 4816  
therapeutic devices for other than legal and legitimate 4817  
therapeutic purposes; or conviction of, a plea of guilty to, a 4818  
judicial finding of guilt of, a judicial finding of guilt 4819  
resulting from a plea of no contest to, or a judicial finding of 4820  
eligibility for a pretrial diversion or similar program or for 4821  
intervention in lieu of conviction for, violating any municipal, 4822  
state, county, or federal drug law; 4823

(6) Conviction of, a plea of guilty to, a judicial finding of 4824  
guilt of, a judicial finding of guilt resulting from a plea of no 4825  
contest to, or a judicial finding of eligibility for a pretrial 4826  
diversion or similar program or for intervention in lieu of 4827  
conviction for, an act in another jurisdiction that would 4828  
constitute a felony or a crime of moral turpitude in Ohio; 4829

(7) Conviction of, a plea of guilty to, a judicial finding of 4830  
guilt of, a judicial finding of guilt resulting from a plea of no 4831  
contest to, or a judicial finding of eligibility for a pretrial 4832

diversion or similar program or for intervention in lieu of 4833  
conviction for, an act in the course of practice in another 4834  
jurisdiction that would constitute a misdemeanor in Ohio; 4835

(8) Self-administering or otherwise taking into the body any 4836  
dangerous drug, as defined in section 4729.01 of the Revised Code, 4837  
in any way that is not in accordance with a legal, valid 4838  
prescription issued for that individual, or self-administering or 4839  
otherwise taking into the body any drug that is a schedule I 4840  
controlled substance; 4841

(9) Habitual or excessive use of controlled substances, other 4842  
habit-forming drugs, or alcohol or other chemical substances to an 4843  
extent that impairs the individual's ability to provide safe 4844  
nursing care or safe dialysis care; 4845

(10) Impairment of the ability to practice according to 4846  
acceptable and prevailing standards of safe nursing care or safe 4847  
dialysis care because of the use of drugs, alcohol, or other 4848  
chemical substances; 4849

(11) Impairment of the ability to practice according to 4850  
acceptable and prevailing standards of safe nursing care or safe 4851  
dialysis care because of a physical or mental disability; 4852

(12) Assaulting or causing harm to a patient or depriving a 4853  
patient of the means to summon assistance; 4854

(13) Misappropriation or attempted misappropriation of money 4855  
or anything of value in the course of practice; 4856

(14) Adjudication by a probate court of being mentally ill or 4857  
mentally incompetent. The board may reinstate the person's nursing 4858  
license or dialysis technician certificate upon adjudication by a 4859  
probate court of the person's restoration to competency or upon 4860  
submission to the board of other proof of competency. 4861

(15) The suspension or termination of employment by the 4862

department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	4863 4864
(16) Violation of this chapter or any rules adopted under it;	4865
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	4866 4867
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	4868 4869 4870
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	4871 4872
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	4873 4874 4875
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	4876 4877 4878
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	4879 4880 4881
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	4882 4883 4884
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, except as provided in division (M) of this section, either of the following:	4885 4886 4887 4888
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an	4889 4890 4891 4892

enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code, failure to prescribe drugs and therapeutic devices

in accordance with section 4723.481 of the Revised Code; 4923

(30) Prescribing any drug or device to perform or induce an 4924  
abortion, or otherwise performing or inducing an abortion; 4925

(31) Failure to establish and maintain professional 4926  
boundaries with a patient, as specified in rules adopted under 4927  
section 4723.07 of the Revised Code; 4928

(32) Regardless of whether the contact or verbal behavior is 4929  
consensual, engaging with a patient other than the spouse of the 4930  
registered nurse, licensed practical nurse, or dialysis technician 4931  
in any of the following: 4932

(a) Sexual contact, as defined in section 2907.01 of the 4933  
Revised Code; 4934

(b) Verbal behavior that is sexually demeaning to the patient 4935  
or may be reasonably interpreted by the patient as sexually 4936  
demeaning. 4937

(33) Assisting suicide, as defined in section 3795.01 of the 4938  
Revised Code; 4939

(34) Failure to comply with the requirements in section 4940  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4941  
prescription for ~~a controlled substance containing~~ an opioid- 4942  
analgesic, as defined in section 3719.01 of the Revised Code; 4943

~~(34)~~(35) Failure to comply with section 4723.487 of the 4944  
Revised Code, unless the state board of pharmacy no longer 4945  
maintains a drug database pursuant to section 4729.75 of the 4946  
Revised Code. 4947

(C) Disciplinary actions taken by the board under divisions 4948  
(A) and (B) of this section shall be taken pursuant to an 4949  
adjudication conducted under Chapter 119. of the Revised Code, 4950  
except that in lieu of a hearing, the board may enter into a 4951  
consent agreement with an individual to resolve an allegation of a 4952

violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the

registered nurse, licensed practical nurse, or dialysis technician 4985  
had been convicted of the act. 4986

If the board takes action on the basis of a conviction, plea, 4987  
or a judicial finding as described in divisions (B)(3) to (7) of 4988  
this section that is overturned on appeal, the registered nurse, 4989  
licensed practical nurse, or dialysis technician may, on 4990  
exhaustion of the appeal process, petition the board for 4991  
reconsideration of its action. On receipt of the petition and 4992  
supporting court documents, the board shall temporarily rescind 4993  
its action. If the board determines that the decision on appeal 4994  
was a decision on the merits, it shall permanently rescind its 4995  
action. If the board determines that the decision on appeal was 4996  
not a decision on the merits, it shall conduct an adjudication to 4997  
determine whether the registered nurse, licensed practical nurse, 4998  
or dialysis technician committed the act on which the original 4999  
conviction, plea, or judicial finding was based. If the board 5000  
determines on the basis of the adjudication that the registered 5001  
nurse, licensed practical nurse, or dialysis technician committed 5002  
such act, or if the registered nurse, licensed practical nurse, or 5003  
dialysis technician does not request an adjudication, the board 5004  
shall reinstate its action; otherwise, the board shall permanently 5005  
rescind its action. 5006

Notwithstanding the provision of division (C)(2) of section 5007  
2953.32 of the Revised Code specifying that if records pertaining 5008  
to a criminal case are sealed under that section the proceedings 5009  
in the case shall be deemed not to have occurred, sealing of the 5010  
following records on which the board has based an action under 5011  
this section shall have no effect on the board's action or any 5012  
sanction imposed by the board under this section: records of any 5013  
conviction, guilty plea, judicial finding of guilt resulting from 5014  
a plea of no contest, or a judicial finding of eligibility for a 5015  
pretrial diversion program or intervention in lieu of conviction. 5016

The board shall not be required to seal, destroy, redact, or  
otherwise modify its records to reflect the court's sealing of  
conviction records.

(F) The board may investigate an individual's criminal  
background in performing its duties under this section. As part of  
such investigation, the board may order the individual to submit,  
at the individual's expense, a request to the bureau of criminal  
identification and investigation for a criminal records check and  
check of federal bureau of investigation records in accordance  
with the procedure described in section 4723.091 of the Revised  
Code.

(G) During the course of an investigation conducted under  
this section, the board may compel any registered nurse, licensed  
practical nurse, or dialysis technician or applicant under this  
chapter to submit to a mental or physical examination, or both, as  
required by the board and at the expense of the individual, if the  
board finds reason to believe that the individual under  
investigation may have a physical or mental impairment that may  
affect the individual's ability to provide safe nursing care.  
Failure of any individual to submit to a mental or physical  
examination when directed constitutes an admission of the  
allegations, unless the failure is due to circumstances beyond the  
individual's control, and a default and final order may be entered  
without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board  
shall require the individual to submit to care, counseling, or  
treatment approved or designated by the board, as a condition for  
initial, continued, reinstated, or renewed authority to practice.  
The individual shall be afforded an opportunity to demonstrate to  
the board that the individual can begin or resume the individual's  
occupation in compliance with acceptable and prevailing standards  
of care under the provisions of the individual's authority to

practice. 5049

For purposes of this division, any registered nurse, licensed 5050  
practical nurse, or dialysis technician or applicant under this 5051  
chapter shall be deemed to have given consent to submit to a 5052  
mental or physical examination when directed to do so in writing 5053  
by the board, and to have waived all objections to the 5054  
admissibility of testimony or examination reports that constitute 5055  
a privileged communication. 5056

(H) The board shall investigate evidence that appears to show 5057  
that any person has violated any provision of this chapter or any 5058  
rule of the board. Any person may report to the board any 5059  
information the person may have that appears to show a violation 5060  
of any provision of this chapter or rule of the board. In the 5061  
absence of bad faith, any person who reports such information or 5062  
who testifies before the board in any adjudication conducted under 5063  
Chapter 119. of the Revised Code shall not be liable for civil 5064  
damages as a result of the report or testimony. 5065

(I) All of the following apply under this chapter with 5066  
respect to the confidentiality of information: 5067

(1) Information received by the board pursuant to a complaint 5068  
or an investigation is confidential and not subject to discovery 5069  
in any civil action, except that the board may disclose 5070  
information to law enforcement officers and government entities 5071  
for purposes of an investigation of either a licensed health care 5072  
professional, including a registered nurse, licensed practical 5073  
nurse, or dialysis technician, or a person who may have engaged in 5074  
the unauthorized practice of nursing or dialysis care. No law 5075  
enforcement officer or government entity with knowledge of any 5076  
information disclosed by the board pursuant to this division shall 5077  
divulge the information to any other person or government entity 5078  
except for the purpose of a government investigation, a 5079  
prosecution, or an adjudication by a court or government entity. 5080

(2) If an investigation requires a review of patient records, 5081  
the investigation and proceeding shall be conducted in such a 5082  
manner as to protect patient confidentiality. 5083

(3) All adjudications and investigations of the board shall 5084  
be considered civil actions for the purposes of section 2305.252 5085  
of the Revised Code. 5086

(4) Any board activity that involves continued monitoring of 5087  
an individual as part of or following any disciplinary action 5088  
taken under this section shall be conducted in a manner that 5089  
maintains the individual's confidentiality. Information received 5090  
or maintained by the board with respect to the board's monitoring 5091  
activities is not subject to discovery in any civil action and is 5092  
confidential, except that the board may disclose information to 5093  
law enforcement officers and government entities for purposes of 5094  
an investigation of a licensee or certificate holder. 5095

(J) Any action taken by the board under this section 5096  
resulting in a suspension from practice shall be accompanied by a 5097  
written statement of the conditions under which the person may be 5098  
reinstated to practice. 5099

(K) When the board refuses to grant a license or certificate 5100  
to an applicant, revokes a license or certificate, or refuses to 5101  
reinstate a license or certificate, the board may specify that its 5102  
action is permanent. An individual subject to permanent action 5103  
taken by the board is forever ineligible to hold a license or 5104  
certificate of the type that was refused or revoked and the board 5105  
shall not accept from the individual an application for 5106  
reinstatement of the license or certificate or for a new license 5107  
or certificate. 5108

(L) No unilateral surrender of a nursing license, certificate 5109  
of authority, or dialysis technician certificate issued under this 5110  
chapter shall be effective unless accepted by majority vote of the 5111

board. No application for a nursing license, certificate of 5112  
authority, or dialysis technician certificate issued under this 5113  
chapter may be withdrawn without a majority vote of the board. The 5114  
board's jurisdiction to take disciplinary action under this 5115  
section is not removed or limited when an individual has a license 5116  
or certificate classified as inactive or fails to renew a license 5117  
or certificate. 5118

(M) Sanctions shall not be imposed under division (B)(24) of 5119  
this section against any licensee who waives deductibles and 5120  
copayments as follows: 5121

(1) In compliance with the health benefit plan that expressly 5122  
allows such a practice. Waiver of the deductibles or copayments 5123  
shall be made only with the full knowledge and consent of the plan 5124  
purchaser, payer, and third-party administrator. Documentation of 5125  
the consent shall be made available to the board upon request. 5126

(2) For professional services rendered to any other person 5127  
licensed pursuant to this chapter to the extent allowed by this 5128  
chapter and the rules of the board. 5129

**Sec. 4723.487.** (A) As used in this section, ~~"drug:~~ 5130

(1) "Drug database" means the database established and 5131  
maintained by the state board of pharmacy pursuant to section 5132  
4729.75 of the Revised Code. 5133

(2) "Opioid analgesic" and "benzodiazepine" have the same 5134  
meanings as in section 3719.01 of the Revised Code. 5135

(B) Except as provided in divisions (C) and (E) of this 5136  
section, an advanced practice registered nurse holding a 5137  
certificate to prescribe issued under this chapter shall comply 5138  
with all of the following as conditions of prescribing a drug that 5139  
is either an opioid analgesic or a benzodiazepine as part of a 5140  
patient's course of treatment for a particular condition: 5141

(1) Before initially prescribing the drug, the nurse or the nurse's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the nurse practices primarily in a county of this state that adjoins another state, the nurse or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the nurse or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of this section, the nurse shall assess the information in the report. The nurse shall document in the patient's record that the report was received and the information was assessed.

(C) Division (B) of this section does not apply if in any of the following circumstances:

(1) A drug database report regarding the patient is not available, in which case the nurse shall document in the patient's record the reason that the report is not available.

(2) The drug is prescribed in an amount indicated for a period not to exceed seven days.

(3) The drug is prescribed for the treatment of cancer or another condition associated with cancer.

(4) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill.

(5) The drug is prescribed for administration in a hospital, nursing home, or residential care facility.

~~(D) With respect to prescribing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the~~ The board of nursing shall may adopt rules, in accordance with Chapter 119. of the Revised Code, that establish standards and procedures to be followed by an advanced practice registered nurse with a certificate to prescribe issued under section 4723.48 of the Revised Code regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) This section and ~~the~~ any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

**Sec. 4725.092.** (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

~~(B) Except as provided in divisions (C) and (E) of this section, an optometrist holding a therapeutic pharmaceutical agents certificate shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:~~

~~(1) Before initially prescribing or furnishing the drug, the optometrist or the optometrist's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the optometrist practices primarily in a county of this state that adjoins another state, the optometrist or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.~~

~~(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the optometrist or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.~~

~~(3) On receipt of a report under division (B)(1) or (2) of this section, the optometrist shall assess the information in the report. The optometrist shall document in the patient's record that the report was received and the information was assessed.~~

~~(C)(1) Division (B) of this section does not apply if a drug database report regarding the patient is not available. In this event, the optometrist shall document in the patient's record the reason that the report is not available.~~

~~(2) Division (B) of this section does not apply if the drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days.~~

~~(D) With respect to prescribing or personally furnishing any~~

~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 5234  
~~included in the drug database pursuant to rules adopted under~~ 5235  
~~section 4729.84 of the Revised Code, the~~ The state board of 5236  
optometry shall adopt rules that establish standards and 5237  
procedures to be followed by an optometrist who holds a 5238  
therapeutic pharmaceutical agents certificate regarding the review 5239  
of patient information available through the drug database under 5240  
division (A)(5) of section 4729.80 of the Revised Code. The rules 5241  
shall be adopted in accordance with Chapter 119. of the Revised 5242  
Code. 5243

~~(E)(C)~~ This section and the rules adopted under it do not 5244  
apply if the state board of pharmacy no longer maintains the drug 5245  
database. 5246

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 5247  
Revised Code and by an affirmative vote of a majority of its 5248  
members, the state board of optometry, for any of the reasons 5249  
specified in division (B) of this section, shall refuse to grant a 5250  
certificate of licensure to an applicant and may, with respect to 5251  
a licensed optometrist, do one or more of the following: 5252

(1) Suspend the operation of any certificate of licensure, 5253  
topical ocular pharmaceutical agents certificate, or therapeutic 5254  
pharmaceutical agents certificate, or all certificates granted by 5255  
it to the optometrist; 5256

(2) Permanently revoke any or all of the certificates; 5257

(3) Limit or otherwise place restrictions on any or all of 5258  
the certificates; 5259

(4) Reprimand the optometrist; 5260

(5) Impose a monetary penalty. If the reason for which the 5261  
board is imposing the penalty involves a criminal offense that 5262  
carries a fine under the Revised Code, the penalty shall not 5263

exceed the maximum fine that may be imposed for the criminal 5264  
offense. In any other case, the penalty imposed by the board shall 5265  
not exceed five hundred dollars. 5266

(6) Require the optometrist to take corrective action 5267  
courses. 5268

The amount and content of corrective action courses shall be 5269  
established by the board in rules adopted under section 4725.09 of 5270  
the Revised Code. 5271

(B) The sanctions specified in division (A) of this section 5272  
may be taken by the board for any of the following reasons: 5273

(1) Committing fraud in passing the licensing examination or 5274  
making false or purposely misleading statements in an application 5275  
for a certificate of licensure; 5276

(2) Being at any time guilty of immorality, regardless of the 5277  
jurisdiction in which the act was committed; 5278

(3) Being guilty of dishonesty or unprofessional conduct in 5279  
the practice of optometry; 5280

(4) Being at any time guilty of a felony, regardless of the 5281  
jurisdiction in which the act was committed; 5282

(5) Being at any time guilty of a misdemeanor committed in 5283  
the course of practice, regardless of the jurisdiction in which 5284  
the act was committed; 5285

(6) Violating the conditions of any limitation or other 5286  
restriction placed by the board on any certificate issued by the 5287  
board; 5288

(7) Engaging in the practice of optometry as provided in 5289  
division (A)(1), (2), or (3) of section 4725.01 of the Revised 5290  
Code when the certificate authorizing that practice is under 5291  
suspension, in which case the board shall permanently revoke the 5292  
certificate; 5293

(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	5294 5295 5296 5297
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	5298 5299 5300 5301 5302
(10) Failing to maintain comprehensive patient records;	5303
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	5304 5305 5306
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	5307 5308 5309 5310 5311
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;	5312 5313 5314 5315
(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;	5316 5317 5318
(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;	5319 5320 5321
(16) <del>Failing to comply with section 4725.092 of the Revised Code, unless the state board of pharmacy no longer maintains a</del>	5322 5323

~~drug database pursuant to section 4729.75 of the Revised Code;~~ 5324

~~(17)~~ Except as provided in division (D) of this section: 5325

(a) Waiving the payment of all or any part of a deductible or 5326  
copayment that a patient, pursuant to a health insurance or health 5327  
care policy, contract, or plan that covers optometric services, 5328  
would otherwise be required to pay if the waiver is used as an 5329  
enticement to a patient or group of patients to receive health 5330  
care services from that optometrist. 5331

(b) Advertising that the optometrist will waive the payment 5332  
of all or any part of a deductible or copayment that a patient, 5333  
pursuant to a health insurance or health care policy, contract, or 5334  
plan that covers optometric services, would otherwise be required 5335  
to pay. 5336

(17) Failing to comply with the requirements in section 5337  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 5338  
prescription for ~~a controlled substance containing an analgesic~~ 5339  
controlled substance authorized pursuant to section 4725.091 of 5340  
the Revised Code that is an opioid analgesic, as defined in 5341  
section 3719.01 of the Revised Code. 5342

(C) Any person who is the holder of a certificate of 5343  
licensure, or who is an applicant for a certificate of licensure 5344  
against whom is preferred any charges, shall be furnished by the 5345  
board with a copy of the complaint and shall have a hearing before 5346  
the board in accordance with Chapter 119. of the Revised Code. 5347

(D) Sanctions shall not be imposed under division (B)(17) of 5348  
this section against any optometrist who waives deductibles and 5349  
copayments: 5350

(1) In compliance with the health benefit plan that expressly 5351  
allows such a practice. Waiver of the deductibles or copayments 5352  
shall be made only with the full knowledge and consent of the plan 5353  
purchaser, payer, and third-party administrator. Documentation of 5354

the consent shall be made available to the board upon request. 5355

(2) For professional services rendered to any other 5356  
optometrist licensed by the board, to the extent allowed by 5357  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 5358  
the board. 5359

**Sec. 4730.25.** (A) The state medical board, by an affirmative 5360  
vote of not fewer than six members, may revoke or may refuse to 5361  
grant a certificate to practice as a physician assistant or a 5362  
certificate to prescribe to a person found by the board to have 5363  
committed fraud, misrepresentation, or deception in applying for 5364  
or securing the certificate. 5365

(B) The board, by an affirmative vote of not fewer than six 5366  
members, shall, to the extent permitted by law, limit, revoke, or 5367  
suspend an individual's certificate to practice as a physician 5368  
assistant or certificate to prescribe, refuse to issue a 5369  
certificate to an applicant, refuse to reinstate a certificate, or 5370  
reprimand or place on probation the holder of a certificate for 5371  
any of the following reasons: 5372

(1) Failure to practice in accordance with the conditions 5373  
under which the supervising physician's supervision agreement with 5374  
the physician assistant was approved, including the requirement 5375  
that when practicing under a particular supervising physician, the 5376  
physician assistant must practice only according to the physician 5377  
supervisory plan the board approved for that physician or the 5378  
policies of the health care facility in which the supervising 5379  
physician and physician assistant are practicing; 5380

(2) Failure to comply with the requirements of this chapter, 5381  
Chapter 4731. of the Revised Code, or any rules adopted by the 5382  
board; 5383

(3) Violating or attempting to violate, directly or 5384

indirectly, or assisting in or abetting the violation of, or 5385  
conspiring to violate, any provision of this chapter, Chapter 5386  
4731. of the Revised Code, or the rules adopted by the board; 5387

(4) Inability to practice according to acceptable and 5388  
prevailing standards of care by reason of mental illness or 5389  
physical illness, including physical deterioration that adversely 5390  
affects cognitive, motor, or perceptive skills; 5391

(5) Impairment of ability to practice according to acceptable 5392  
and prevailing standards of care because of habitual or excessive 5393  
use or abuse of drugs, alcohol, or other substances that impair 5394  
ability to practice; 5395

(6) Administering drugs for purposes other than those 5396  
authorized under this chapter; 5397

(7) Willfully betraying a professional confidence; 5398

(8) Making a false, fraudulent, deceptive, or misleading 5399  
statement in soliciting or advertising for employment as a 5400  
physician assistant; in connection with any solicitation or 5401  
advertisement for patients; in relation to the practice of 5402  
medicine as it pertains to physician assistants; or in securing or 5403  
attempting to secure a certificate to practice as a physician 5404  
assistant, a certificate to prescribe, or approval of a 5405  
supervision agreement. 5406

As used in this division, "false, fraudulent, deceptive, or 5407  
misleading statement" means a statement that includes a 5408  
misrepresentation of fact, is likely to mislead or deceive because 5409  
of a failure to disclose material facts, is intended or is likely 5410  
to create false or unjustified expectations of favorable results, 5411  
or includes representations or implications that in reasonable 5412  
probability will cause an ordinarily prudent person to 5413  
misunderstand or be deceived. 5414

(9) Representing, with the purpose of obtaining compensation 5415

or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency

responsible for regulating the practice of physician assistants in 5446  
another state, for any reason other than the nonpayment of fees: 5447  
the limitation, revocation, or suspension of an individual's 5448  
license to practice; acceptance of an individual's license 5449  
surrender; denial of a license; refusal to renew or reinstate a 5450  
license; imposition of probation; or issuance of an order of 5451  
censure or other reprimand; 5452

(19) A departure from, or failure to conform to, minimal 5453  
standards of care of similar physician assistants under the same 5454  
or similar circumstances, regardless of whether actual injury to a 5455  
patient is established; 5456

(20) Violation of the conditions placed by the board on a 5457  
certificate to practice as a physician assistant, a certificate to 5458  
prescribe, a physician supervisory plan, or supervision agreement; 5459

(21) Failure to use universal blood and body fluid 5460  
precautions established by rules adopted under section 4731.051 of 5461  
the Revised Code; 5462

(22) Failure to cooperate in an investigation conducted by 5463  
the board under section 4730.26 of the Revised Code, including 5464  
failure to comply with a subpoena or order issued by the board or 5465  
failure to answer truthfully a question presented by the board at 5466  
a deposition or in written interrogatories, except that failure to 5467  
cooperate with an investigation shall not constitute grounds for 5468  
discipline under this section if a court of competent jurisdiction 5469  
has issued an order that either quashes a subpoena or permits the 5470  
individual to withhold the testimony or evidence in issue; 5471

(23) Assisting suicide, as defined in section 3795.01 of the 5472  
Revised Code; 5473

(24) Prescribing any drug or device to perform or induce an 5474  
abortion, or otherwise performing or inducing an abortion; 5475

(25) Failure to comply with section 4730.53 of the Revised 5476

Code, unless the board no longer maintains a drug database 5477  
pursuant to section 4729.75 of the Revised Code; 5478

~~(25)~~(26) Failure to comply with the requirements in section 5479  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 5480  
prescription for ~~a controlled substance containing~~ an opioid 5481  
analgesic, as defined in section 3719.01 of the Revised Code. 5482

(C) Disciplinary actions taken by the board under divisions 5483  
(A) and (B) of this section shall be taken pursuant to an 5484  
adjudication under Chapter 119. of the Revised Code, except that 5485  
in lieu of an adjudication, the board may enter into a consent 5486  
agreement with a physician assistant or applicant to resolve an 5487  
allegation of a violation of this chapter or any rule adopted 5488  
under it. A consent agreement, when ratified by an affirmative 5489  
vote of not fewer than six members of the board, shall constitute 5490  
the findings and order of the board with respect to the matter 5491  
addressed in the agreement. If the board refuses to ratify a 5492  
consent agreement, the admissions and findings contained in the 5493  
consent agreement shall be of no force or effect. 5494

(D) For purposes of divisions (B)(12), (15), and (16) of this 5495  
section, the commission of the act may be established by a finding 5496  
by the board, pursuant to an adjudication under Chapter 119. of 5497  
the Revised Code, that the applicant or certificate holder 5498  
committed the act in question. The board shall have no 5499  
jurisdiction under these divisions in cases where the trial court 5500  
renders a final judgment in the certificate holder's favor and 5501  
that judgment is based upon an adjudication on the merits. The 5502  
board shall have jurisdiction under these divisions in cases where 5503  
the trial court issues an order of dismissal upon technical or 5504  
procedural grounds. 5505

(E) The sealing of conviction records by any court shall have 5506  
no effect upon a prior board order entered under the provisions of 5507  
this section or upon the board's jurisdiction to take action under 5508

the provisions of this section if, based upon a plea of guilty, a 5509  
judicial finding of guilt, or a judicial finding of eligibility 5510  
for intervention in lieu of conviction, the board issued a notice 5511  
of opportunity for a hearing prior to the court's order to seal 5512  
the records. The board shall not be required to seal, destroy, 5513  
redact, or otherwise modify its records to reflect the court's 5514  
sealing of conviction records. 5515

(F) For purposes of this division, any individual who holds a 5516  
certificate issued under this chapter, or applies for a 5517  
certificate issued under this chapter, shall be deemed to have 5518  
given consent to submit to a mental or physical examination when 5519  
directed to do so in writing by the board and to have waived all 5520  
objections to the admissibility of testimony or examination 5521  
reports that constitute a privileged communication. 5522

(1) In enforcing division (B)(4) of this section, the board, 5523  
upon a showing of a possible violation, may compel any individual 5524  
who holds a certificate issued under this chapter or who has 5525  
applied for a certificate pursuant to this chapter to submit to a 5526  
mental examination, physical examination, including an HIV test, 5527  
or both a mental and physical examination. The expense of the 5528  
examination is the responsibility of the individual compelled to 5529  
be examined. Failure to submit to a mental or physical examination 5530  
or consent to an HIV test ordered by the board constitutes an 5531  
admission of the allegations against the individual unless the 5532  
failure is due to circumstances beyond the individual's control, 5533  
and a default and final order may be entered without the taking of 5534  
testimony or presentation of evidence. If the board finds a 5535  
physician assistant unable to practice because of the reasons set 5536  
forth in division (B)(4) of this section, the board shall require 5537  
the physician assistant to submit to care, counseling, or 5538  
treatment by physicians approved or designated by the board, as a 5539  
condition for an initial, continued, reinstated, or renewed 5540

certificate. An individual affected under this division shall be 5541  
afforded an opportunity to demonstrate to the board the ability to 5542  
resume practicing in compliance with acceptable and prevailing 5543  
standards of care. 5544

(2) For purposes of division (B)(5) of this section, if the 5545  
board has reason to believe that any individual who holds a 5546  
certificate issued under this chapter or any applicant for a 5547  
certificate suffers such impairment, the board may compel the 5548  
individual to submit to a mental or physical examination, or both. 5549  
The expense of the examination is the responsibility of the 5550  
individual compelled to be examined. Any mental or physical 5551  
examination required under this division shall be undertaken by a 5552  
treatment provider or physician qualified to conduct such 5553  
examination and chosen by the board. 5554

Failure to submit to a mental or physical examination ordered 5555  
by the board constitutes an admission of the allegations against 5556  
the individual unless the failure is due to circumstances beyond 5557  
the individual's control, and a default and final order may be 5558  
entered without the taking of testimony or presentation of 5559  
evidence. If the board determines that the individual's ability to 5560  
practice is impaired, the board shall suspend the individual's 5561  
certificate or deny the individual's application and shall require 5562  
the individual, as a condition for initial, continued, reinstated, 5563  
or renewed certification to practice or prescribe, to submit to 5564  
treatment. 5565

Before being eligible to apply for reinstatement of a 5566  
certificate suspended under this division, the physician assistant 5567  
shall demonstrate to the board the ability to resume practice or 5568  
prescribing in compliance with acceptable and prevailing standards 5569  
of care. The demonstration shall include the following: 5570

(a) Certification from a treatment provider approved under 5571  
section 4731.25 of the Revised Code that the individual has 5572

successfully completed any required inpatient treatment; 5573

(b) Evidence of continuing full compliance with an aftercare 5574  
contract or consent agreement; 5575

(c) Two written reports indicating that the individual's 5576  
ability to practice has been assessed and that the individual has 5577  
been found capable of practicing according to acceptable and 5578  
prevailing standards of care. The reports shall be made by 5579  
individuals or providers approved by the board for making such 5580  
assessments and shall describe the basis for their determination. 5581

The board may reinstate a certificate suspended under this 5582  
division after such demonstration and after the individual has 5583  
entered into a written consent agreement. 5584

When the impaired physician assistant resumes practice or 5585  
prescribing, the board shall require continued monitoring of the 5586  
physician assistant. The monitoring shall include compliance with 5587  
the written consent agreement entered into before reinstatement or 5588  
with conditions imposed by board order after a hearing, and, upon 5589  
termination of the consent agreement, submission to the board for 5590  
at least two years of annual written progress reports made under 5591  
penalty of falsification stating whether the physician assistant 5592  
has maintained sobriety. 5593

(G) If the secretary and supervising member determine that 5594  
there is clear and convincing evidence that a physician assistant 5595  
has violated division (B) of this section and that the 5596  
individual's continued practice or prescribing presents a danger 5597  
of immediate and serious harm to the public, they may recommend 5598  
that the board suspend the individual's certificate to practice or 5599  
prescribe without a prior hearing. Written allegations shall be 5600  
prepared for consideration by the board. 5601

The board, upon review of those allegations and by an 5602  
affirmative vote of not fewer than six of its members, excluding 5603

the secretary and supervising member, may suspend a certificate 5604  
without a prior hearing. A telephone conference call may be 5605  
utilized for reviewing the allegations and taking the vote on the 5606  
summary suspension. 5607

The board shall issue a written order of suspension by 5608  
certified mail or in person in accordance with section 119.07 of 5609  
the Revised Code. The order shall not be subject to suspension by 5610  
the court during pendency of any appeal filed under section 119.12 5611  
of the Revised Code. If the physician assistant requests an 5612  
adjudicatory hearing by the board, the date set for the hearing 5613  
shall be within fifteen days, but not earlier than seven days, 5614  
after the physician assistant requests the hearing, unless 5615  
otherwise agreed to by both the board and the certificate holder. 5616

A summary suspension imposed under this division shall remain 5617  
in effect, unless reversed on appeal, until a final adjudicative 5618  
order issued by the board pursuant to this section and Chapter 5619  
119. of the Revised Code becomes effective. The board shall issue 5620  
its final adjudicative order within sixty days after completion of 5621  
its hearing. Failure to issue the order within sixty days shall 5622  
result in dissolution of the summary suspension order, but shall 5623  
not invalidate any subsequent, final adjudicative order. 5624

(H) If the board takes action under division (B)(11), (13), 5625  
or (14) of this section, and the judicial finding of guilt, guilty 5626  
plea, or judicial finding of eligibility for intervention in lieu 5627  
of conviction is overturned on appeal, upon exhaustion of the 5628  
criminal appeal, a petition for reconsideration of the order may 5629  
be filed with the board along with appropriate court documents. 5630  
Upon receipt of a petition and supporting court documents, the 5631  
board shall reinstate the certificate to practice or prescribe. 5632  
The board may then hold an adjudication under Chapter 119. of the 5633  
Revised Code to determine whether the individual committed the act 5634  
in question. Notice of opportunity for hearing shall be given in 5635

accordance with Chapter 119. of the Revised Code. If the board 5636  
finds, pursuant to an adjudication held under this division, that 5637  
the individual committed the act, or if no hearing is requested, 5638  
it may order any of the sanctions identified under division (B) of 5639  
this section. 5640

(I) The certificate to practice issued to a physician 5641  
assistant and the physician assistant's practice in this state are 5642  
automatically suspended as of the date the physician assistant 5643  
pleads guilty to, is found by a judge or jury to be guilty of, or 5644  
is subject to a judicial finding of eligibility for intervention 5645  
in lieu of conviction in this state or treatment or intervention 5646  
in lieu of conviction in another state for any of the following 5647  
criminal offenses in this state or a substantially equivalent 5648  
criminal offense in another jurisdiction: aggravated murder, 5649  
murder, voluntary manslaughter, felonious assault, kidnapping, 5650  
rape, sexual battery, gross sexual imposition, aggravated arson, 5651  
aggravated robbery, or aggravated burglary. Continued practice 5652  
after the suspension shall be considered practicing without a 5653  
certificate. 5654

The board shall notify the individual subject to the 5655  
suspension by certified mail or in person in accordance with 5656  
section 119.07 of the Revised Code. If an individual whose 5657  
certificate is suspended under this division fails to make a 5658  
timely request for an adjudication under Chapter 119. of the 5659  
Revised Code, the board shall enter a final order permanently 5660  
revoking the individual's certificate to practice. 5661

(J) In any instance in which the board is required by Chapter 5662  
119. of the Revised Code to give notice of opportunity for hearing 5663  
and the individual subject to the notice does not timely request a 5664  
hearing in accordance with section 119.07 of the Revised Code, the 5665  
board is not required to hold a hearing, but may adopt, by an 5666  
affirmative vote of not fewer than six of its members, a final 5667

order that contains the board's findings. In that final order, the 5668  
board may order any of the sanctions identified under division (A) 5669  
or (B) of this section. 5670

(K) Any action taken by the board under division (B) of this 5671  
section resulting in a suspension shall be accompanied by a 5672  
written statement of the conditions under which the physician 5673  
assistant's certificate may be reinstated. The board shall adopt 5674  
rules in accordance with Chapter 119. of the Revised Code 5675  
governing conditions to be imposed for reinstatement. 5676  
Reinstatement of a certificate suspended pursuant to division (B) 5677  
of this section requires an affirmative vote of not fewer than six 5678  
members of the board. 5679

(L) When the board refuses to grant to an applicant a 5680  
certificate to practice as a physician assistant or a certificate 5681  
to prescribe, revokes an individual's certificate, refuses to 5682  
issue a certificate, or refuses to reinstate an individual's 5683  
certificate, the board may specify that its action is permanent. 5684  
An individual subject to a permanent action taken by the board is 5685  
forever thereafter ineligible to hold the certificate and the 5686  
board shall not accept an application for reinstatement of the 5687  
certificate or for issuance of a new certificate. 5688

(M) Notwithstanding any other provision of the Revised Code, 5689  
all of the following apply: 5690

(1) The surrender of a certificate issued under this chapter 5691  
is not effective unless or until accepted by the board. 5692  
Reinstatement of a certificate surrendered to the board requires 5693  
an affirmative vote of not fewer than six members of the board. 5694

(2) An application made under this chapter for a certificate, 5695  
approval of a physician supervisory plan, or approval of a 5696  
supervision agreement may not be withdrawn without approval of the 5697  
board. 5698

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4730.53.** (A) As used in this section, ~~"drug:~~ 5703

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.

(B) Except as provided in divisions (C) and (E) of this section, a physician assistant holding a certificate to prescribe issued under this chapter shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing the drug, the physician assistant or the physician assistant's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician assistant practices primarily in a county of this state that adjoins another state, the physician assistant or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician assistant or delegate shall make periodic requests for reports of information from the drug database until

the course of treatment has ended. The requests shall be made at 5729  
intervals not exceeding ninety days, determined according to the 5730  
date the initial request was made. The request shall be made in 5731  
the same manner provided in division (B)(1) of this section for 5732  
requesting the initial report of information from the drug 5733  
database. 5734

(3) On receipt of a report under division (B)(1) or (2) of 5735  
this section, the physician assistant shall assess the information 5736  
in the report. The physician assistant shall document in the 5737  
patient's record that the report was received and the information 5738  
was assessed. 5739

(C) Division (B) of this section does not apply in any of the 5740  
following circumstances: 5741

(1) A drug database report regarding the patient is not 5742  
available, in which case the physician assistant shall document in 5743  
the patient's record the reason that the report is not available. 5744

(2) The drug is prescribed in an amount indicated for a 5745  
period not to exceed seven days. 5746

(3) The drug is prescribed for the treatment of cancer or 5747  
another condition associated with cancer. 5748

(4) The drug is prescribed to a hospice patient in a hospice 5749  
care program, as those terms are defined in section 3712.01 of the 5750  
Revised Code, or any other patient diagnosed as terminally ill. 5751

(5) The drug is prescribed for administration in a hospital, 5752  
nursing home, or residential care facility. 5753

(D) ~~With respect to prescribing any drug that is not an~~ 5754  
~~opioid analgesic or a benzodiazepine but is included in the drug~~ 5755  
~~database pursuant to rules adopted under section 4729.84 of the~~ 5756  
~~Revised Code, the~~ The state medical board ~~shall~~ may adopt rules 5757  
that establish standards and procedures to be followed by a 5758

physician assistant who holds a certificate to prescribe issued 5759  
under this chapter regarding the review of patient information 5760  
available through the drug database under division (A)(5) of 5761  
section 4729.80 of the Revised Code. The rules shall be adopted in 5762  
accordance with Chapter 119. of the Revised Code. 5763

(E) This section and ~~the~~ any rules adopted under it do not 5764  
apply if the state board of pharmacy no longer maintains the drug 5765  
database. 5766

**Sec. 4731.055.** (A) As used in this section: 5767

(1) "Drug database" means the database established and 5768  
maintained by the state board of pharmacy pursuant to section 5769  
4729.75 of the Revised Code. 5770

(2) "Physician" means an individual authorized under this 5771  
chapter to practice medicine and surgery, osteopathic medicine and 5772  
surgery, or podiatric medicine and surgery. 5773

(3) "Opioid analgesic" and "benzodiazepine" have the same 5774  
meanings as in section 3719.01 of the Revised Code. 5775

(B) Except as provided in divisions (C) and (E) of this 5776  
section, a physician shall comply with all of the following as 5777  
conditions of prescribing a drug that is either an opioid 5778  
analgesic or a benzodiazepine, or personally furnishing a complete 5779  
or partial supply of such a drug, as part of a patient's course of 5780  
treatment for a particular condition: 5781

(1) Before initially prescribing or furnishing the drug, the 5782  
physician or the physician's delegate shall request from the drug 5783  
database a report of information related to the patient that 5784  
covers at least the twelve months immediately preceding the date 5785  
of the request. If the physician practices primarily in a county 5786  
of this state that adjoins another state, the physician or 5787  
delegate also shall request a report of any information available 5788

in the drug database that pertains to prescriptions issued or 5789  
drugs furnished to the patient in the state adjoining that county. 5790

(2) If the patient's course of treatment for the condition 5791  
continues for more than ninety days after the initial report is 5792  
requested, the physician or delegate shall make periodic requests 5793  
for reports of information from the drug database until the course 5794  
of treatment has ended. The requests shall be made at intervals 5795  
not exceeding ninety days, determined according to the date the 5796  
initial request was made. The request shall be made in the same 5797  
manner provided in division (B)(1) of this section for requesting 5798  
the initial report of information from the drug database. 5799

(3) On receipt of a report under division (B)(1) or (2) of 5800  
this section, the physician shall assess the information in the 5801  
report. The physician shall document in the patient's record that 5802  
the report was received and the information was assessed. 5803

(C) Division (B) of this section does not apply in any of the 5804  
following circumstances: 5805

(1) A drug database report regarding the patient is not 5806  
available, in which case the physician shall document in the 5807  
patient's record the reason that the report is not available. 5808

(2) The drug is prescribed or personally furnished in an 5809  
amount indicated for a period not to exceed seven days. 5810

(3) The drug is prescribed or personally furnished for the 5811  
treatment of cancer or another condition associated with cancer. 5812

(4) The drug is prescribed or personally furnished to a 5813  
hospice patient in a hospice care program, as those terms are 5814  
defined in section 3712.01 of the Revised Code, or any other 5815  
patient diagnosed as terminally ill. 5816

(5) The drug is prescribed or personally furnished for 5817  
administration in a hospital, nursing home, or residential care 5818

facility. 5819

(6) The drug is prescribed or personally furnished to treat 5820  
acute pain resulting from a surgical or other invasive procedure 5821  
or a delivery. 5822

(D) ~~With respect to prescribing or personally furnishing any~~ 5823  
~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 5824  
~~included in the drug database pursuant to rules adopted under~~ 5825  
~~section 4729.84 of the Revised Code, the~~ The state medical board 5826  
~~shall~~ may adopt rules that establish standards and procedures to 5827  
be followed by a physician regarding the review of patient 5828  
information available through the drug database under division 5829  
(A)(5) of section 4729.80 of the Revised Code. The rules shall be 5830  
adopted in accordance with Chapter 119. of the Revised Code. 5831

(E) This section and ~~the~~ any rules adopted under it do not 5832  
apply if the state board of pharmacy no longer maintains the drug 5833  
database. 5834

**Sec. 4731.22.** (A) The state medical board, by an affirmative 5835  
vote of not fewer than six of its members, may limit, revoke, or 5836  
suspend an individual's certificate to practice, refuse to grant a 5837  
certificate to an individual, refuse to register an individual, 5838  
refuse to reinstate a certificate, or reprimand or place on 5839  
probation the holder of a certificate if the individual or 5840  
certificate holder is found by the board to have committed fraud 5841  
during the administration of the examination for a certificate to 5842  
practice or to have committed fraud, misrepresentation, or 5843  
deception in applying for or securing any certificate to practice 5844  
or certificate of registration issued by the board. 5845

(B) The board, by an affirmative vote of not fewer than six 5846  
members, shall, to the extent permitted by law, limit, revoke, or 5847  
suspend an individual's certificate to practice, refuse to 5848  
register an individual, refuse to reinstate a certificate, or 5849

reprimand or place on probation the holder of a certificate for 5850  
one or more of the following reasons: 5851

(1) Permitting one's name or one's certificate to practice or 5852  
certificate of registration to be used by a person, group, or 5853  
corporation when the individual concerned is not actually 5854  
directing the treatment given; 5855

(2) Failure to maintain minimal standards applicable to the 5856  
selection or administration of drugs, or failure to employ 5857  
acceptable scientific methods in the selection of drugs or other 5858  
modalities for treatment of disease; 5859

(3) Selling, giving away, personally furnishing, prescribing, 5860  
or administering drugs for other than legal and legitimate 5861  
therapeutic purposes or a plea of guilty to, a judicial finding of 5862  
guilt of, or a judicial finding of eligibility for intervention in 5863  
lieu of conviction of, a violation of any federal or state law 5864  
regulating the possession, distribution, or use of any drug; 5865

(4) Willfully betraying a professional confidence. 5866

For purposes of this division, "willfully betraying a 5867  
professional confidence" does not include providing any 5868  
information, documents, or reports to a child fatality review 5869  
board under sections 307.621 to 307.629 of the Revised Code and 5870  
does not include the making of a report of an employee's use of a 5871  
drug of abuse, or a report of a condition of an employee other 5872  
than one involving the use of a drug of abuse, to the employer of 5873  
the employee as described in division (B) of section 2305.33 of 5874  
the Revised Code. Nothing in this division affects the immunity 5875  
from civil liability conferred by that section upon a physician 5876  
who makes either type of report in accordance with division (B) of 5877  
that section. As used in this division, "employee," "employer," 5878  
and "physician" have the same meanings as in section 2305.33 of 5879  
the Revised Code. 5880

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was

committed;	5912
(11) A plea of guilty to, a judicial finding of guilt of, or	5913
a judicial finding of eligibility for intervention in lieu of	5914
conviction for, a misdemeanor committed in the course of practice;	5915
(12) Commission of an act in the course of practice that	5916
constitutes a misdemeanor in this state, regardless of the	5917
jurisdiction in which the act was committed;	5918
(13) A plea of guilty to, a judicial finding of guilt of, or	5919
a judicial finding of eligibility for intervention in lieu of	5920
conviction for, a misdemeanor involving moral turpitude;	5921
(14) Commission of an act involving moral turpitude that	5922
constitutes a misdemeanor in this state, regardless of the	5923
jurisdiction in which the act was committed;	5924
(15) Violation of the conditions of limitation placed by the	5925
board upon a certificate to practice;	5926
(16) Failure to pay license renewal fees specified in this	5927
chapter;	5928
(17) Except as authorized in section 4731.31 of the Revised	5929
Code, engaging in the division of fees for referral of patients,	5930
or the receiving of a thing of value in return for a specific	5931
referral of a patient to utilize a particular service or business;	5932
(18) Subject to section 4731.226 of the Revised Code,	5933
violation of any provision of a code of ethics of the American	5934
medical association, the American osteopathic association, the	5935
American podiatric medical association, or any other national	5936
professional organizations that the board specifies by rule. The	5937
state medical board shall obtain and keep on file current copies	5938
of the codes of ethics of the various national professional	5939
organizations. The individual whose certificate is being suspended	5940
or revoked shall not be found to have violated any provision of a	5941

code of ethics of an organization not appropriate to the 5942  
individual's profession. 5943

For purposes of this division, a "provision of a code of 5944  
ethics of a national professional organization" does not include 5945  
any provision that would preclude the making of a report by a 5946  
physician of an employee's use of a drug of abuse, or of a 5947  
condition of an employee other than one involving the use of a 5948  
drug of abuse, to the employer of the employee as described in 5949  
division (B) of section 2305.33 of the Revised Code. Nothing in 5950  
this division affects the immunity from civil liability conferred 5951  
by that section upon a physician who makes either type of report 5952  
in accordance with division (B) of that section. As used in this 5953  
division, "employee," "employer," and "physician" have the same 5954  
meanings as in section 2305.33 of the Revised Code. 5955

(19) Inability to practice according to acceptable and 5956  
prevailing standards of care by reason of mental illness or 5957  
physical illness, including, but not limited to, physical 5958  
deterioration that adversely affects cognitive, motor, or 5959  
perceptive skills. 5960

In enforcing this division, the board, upon a showing of a 5961  
possible violation, may compel any individual authorized to 5962  
practice by this chapter or who has submitted an application 5963  
pursuant to this chapter to submit to a mental examination, 5964  
physical examination, including an HIV test, or both a mental and 5965  
a physical examination. The expense of the examination is the 5966  
responsibility of the individual compelled to be examined. Failure 5967  
to submit to a mental or physical examination or consent to an HIV 5968  
test ordered by the board constitutes an admission of the 5969  
allegations against the individual unless the failure is due to 5970  
circumstances beyond the individual's control, and a default and 5971  
final order may be entered without the taking of testimony or 5972  
presentation of evidence. If the board finds an individual unable 5973

to practice because of the reasons set forth in this division, the 5974  
board shall require the individual to submit to care, counseling, 5975  
or treatment by physicians approved or designated by the board, as 5976  
a condition for initial, continued, reinstated, or renewed 5977  
authority to practice. An individual affected under this division 5978  
shall be afforded an opportunity to demonstrate to the board the 5979  
ability to resume practice in compliance with acceptable and 5980  
prevailing standards under the provisions of the individual's 5981  
certificate. For the purpose of this division, any individual who 5982  
applies for or receives a certificate to practice under this 5983  
chapter accepts the privilege of practicing in this state and, by 5984  
so doing, shall be deemed to have given consent to submit to a 5985  
mental or physical examination when directed to do so in writing 5986  
by the board, and to have waived all objections to the 5987  
admissibility of testimony or examination reports that constitute 5988  
a privileged communication. 5989

(20) Except when civil penalties are imposed under section 5990  
4731.225 or 4731.281 of the Revised Code, and subject to section 5991  
4731.226 of the Revised Code, violating or attempting to violate, 5992  
directly or indirectly, or assisting in or abetting the violation 5993  
of, or conspiring to violate, any provisions of this chapter or 5994  
any rule promulgated by the board. 5995

This division does not apply to a violation or attempted 5996  
violation of, assisting in or abetting the violation of, or a 5997  
conspiracy to violate, any provision of this chapter or any rule 5998  
adopted by the board that would preclude the making of a report by 5999  
a physician of an employee's use of a drug of abuse, or of a 6000  
condition of an employee other than one involving the use of a 6001  
drug of abuse, to the employer of the employee as described in 6002  
division (B) of section 2305.33 of the Revised Code. Nothing in 6003  
this division affects the immunity from civil liability conferred 6004  
by that section upon a physician who makes either type of report 6005

in accordance with division (B) of that section. As used in this 6006  
division, "employee," "employer," and "physician" have the same 6007  
meanings as in section 2305.33 of the Revised Code. 6008

(21) The violation of section 3701.79 of the Revised Code or 6009  
of any abortion rule adopted by the public health council pursuant 6010  
to section 3701.341 of the Revised Code; 6011

(22) Any of the following actions taken by an agency 6012  
responsible for authorizing, certifying, or regulating an 6013  
individual to practice a health care occupation or provide health 6014  
care services in this state or another jurisdiction, for any 6015  
reason other than the nonpayment of fees: the limitation, 6016  
revocation, or suspension of an individual's license to practice; 6017  
acceptance of an individual's license surrender; denial of a 6018  
license; refusal to renew or reinstate a license; imposition of 6019  
probation; or issuance of an order of censure or other reprimand; 6020

(23) The violation of section 2919.12 of the Revised Code or 6021  
the performance or inducement of an abortion upon a pregnant woman 6022  
with actual knowledge that the conditions specified in division 6023  
(B) of section 2317.56 of the Revised Code have not been satisfied 6024  
or with a heedless indifference as to whether those conditions 6025  
have been satisfied, unless an affirmative defense as specified in 6026  
division (H)(2) of that section would apply in a civil action 6027  
authorized by division (H)(1) of that section; 6028

(24) The revocation, suspension, restriction, reduction, or 6029  
termination of clinical privileges by the United States department 6030  
of defense or department of veterans affairs or the termination or 6031  
suspension of a certificate of registration to prescribe drugs by 6032  
the drug enforcement administration of the United States 6033  
department of justice; 6034

(25) Termination or suspension from participation in the 6035  
medicare or medicaid programs by the department of health and 6036

human services or other responsible agency for any act or acts 6037  
that also would constitute a violation of division (B)(2), (3), 6038  
(6), (8), or (19) of this section; 6039

(26) Impairment of ability to practice according to 6040  
acceptable and prevailing standards of care because of habitual or 6041  
excessive use or abuse of drugs, alcohol, or other substances that 6042  
impair ability to practice. 6043

For the purposes of this division, any individual authorized 6044  
to practice by this chapter accepts the privilege of practicing in 6045  
this state subject to supervision by the board. By filing an 6046  
application for or holding a certificate to practice under this 6047  
chapter, an individual shall be deemed to have given consent to 6048  
submit to a mental or physical examination when ordered to do so 6049  
by the board in writing, and to have waived all objections to the 6050  
admissibility of testimony or examination reports that constitute 6051  
privileged communications. 6052

If it has reason to believe that any individual authorized to 6053  
practice by this chapter or any applicant for certification to 6054  
practice suffers such impairment, the board may compel the 6055  
individual to submit to a mental or physical examination, or both. 6056  
The expense of the examination is the responsibility of the 6057  
individual compelled to be examined. Any mental or physical 6058  
examination required under this division shall be undertaken by a 6059  
treatment provider or physician who is qualified to conduct the 6060  
examination and who is chosen by the board. 6061

Failure to submit to a mental or physical examination ordered 6062  
by the board constitutes an admission of the allegations against 6063  
the individual unless the failure is due to circumstances beyond 6064  
the individual's control, and a default and final order may be 6065  
entered without the taking of testimony or presentation of 6066  
evidence. If the board determines that the individual's ability to 6067  
practice is impaired, the board shall suspend the individual's 6068

certificate or deny the individual's application and shall require 6069  
the individual, as a condition for initial, continued, reinstated, 6070  
or renewed certification to practice, to submit to treatment. 6071

Before being eligible to apply for reinstatement of a 6072  
certificate suspended under this division, the impaired 6073  
practitioner shall demonstrate to the board the ability to resume 6074  
practice in compliance with acceptable and prevailing standards of 6075  
care under the provisions of the practitioner's certificate. The 6076  
demonstration shall include, but shall not be limited to, the 6077  
following: 6078

(a) Certification from a treatment provider approved under 6079  
section 4731.25 of the Revised Code that the individual has 6080  
successfully completed any required inpatient treatment; 6081

(b) Evidence of continuing full compliance with an aftercare 6082  
contract or consent agreement; 6083

(c) Two written reports indicating that the individual's 6084  
ability to practice has been assessed and that the individual has 6085  
been found capable of practicing according to acceptable and 6086  
prevailing standards of care. The reports shall be made by 6087  
individuals or providers approved by the board for making the 6088  
assessments and shall describe the basis for their determination. 6089

The board may reinstate a certificate suspended under this 6090  
division after that demonstration and after the individual has 6091  
entered into a written consent agreement. 6092

When the impaired practitioner resumes practice, the board 6093  
shall require continued monitoring of the individual. The 6094  
monitoring shall include, but not be limited to, compliance with 6095  
the written consent agreement entered into before reinstatement or 6096  
with conditions imposed by board order after a hearing, and, upon 6097  
termination of the consent agreement, submission to the board for 6098  
at least two years of annual written progress reports made under 6099

penalty of perjury stating whether the individual has maintained 6100  
sobriety. 6101

(27) A second or subsequent violation of section 4731.66 or 6102  
4731.69 of the Revised Code; 6103

(28) Except as provided in division (N) of this section: 6104

(a) Waiving the payment of all or any part of a deductible or 6105  
copayment that a patient, pursuant to a health insurance or health 6106  
care policy, contract, or plan that covers the individual's 6107  
services, otherwise would be required to pay if the waiver is used 6108  
as an enticement to a patient or group of patients to receive 6109  
health care services from that individual; 6110

(b) Advertising that the individual will waive the payment of 6111  
all or any part of a deductible or copayment that a patient, 6112  
pursuant to a health insurance or health care policy, contract, or 6113  
plan that covers the individual's services, otherwise would be 6114  
required to pay. 6115

(29) Failure to use universal blood and body fluid 6116  
precautions established by rules adopted under section 4731.051 of 6117  
the Revised Code; 6118

(30) Failure to provide notice to, and receive acknowledgment 6119  
of the notice from, a patient when required by section 4731.143 of 6120  
the Revised Code prior to providing nonemergency professional 6121  
services, or failure to maintain that notice in the patient's 6122  
file; 6123

(31) Failure of a physician supervising a physician assistant 6124  
to maintain supervision in accordance with the requirements of 6125  
Chapter 4730. of the Revised Code and the rules adopted under that 6126  
chapter; 6127

(32) Failure of a physician or podiatrist to enter into a 6128  
standard care arrangement with a clinical nurse specialist, 6129

certified nurse-midwife, or certified nurse practitioner with whom 6130  
the physician or podiatrist is in collaboration pursuant to 6131  
section 4731.27 of the Revised Code or failure to fulfill the 6132  
responsibilities of collaboration after entering into a standard 6133  
care arrangement; 6134

(33) Failure to comply with the terms of a consult agreement 6135  
entered into with a pharmacist pursuant to section 4729.39 of the 6136  
Revised Code; 6137

(34) Failure to cooperate in an investigation conducted by 6138  
the board under division (F) of this section, including failure to 6139  
comply with a subpoena or order issued by the board or failure to 6140  
answer truthfully a question presented by the board in an 6141  
investigative interview, an investigative office conference, at a 6142  
deposition, or in written interrogatories, except that failure to 6143  
cooperate with an investigation shall not constitute grounds for 6144  
discipline under this section if a court of competent jurisdiction 6145  
has issued an order that either quashes a subpoena or permits the 6146  
individual to withhold the testimony or evidence in issue; 6147

(35) Failure to supervise an oriental medicine practitioner 6148  
or acupuncturist in accordance with Chapter 4762. of the Revised 6149  
Code and the board's rules for providing that supervision; 6150

(36) Failure to supervise an anesthesiologist assistant in 6151  
accordance with Chapter 4760. of the Revised Code and the board's 6152  
rules for supervision of an anesthesiologist assistant; 6153

(37) Assisting suicide, as defined in section 3795.01 of the 6154  
Revised Code; 6155

(38) Failure to comply with the requirements of section 6156  
2317.561 of the Revised Code; 6157

(39) Failure to supervise a radiologist assistant in 6158  
accordance with Chapter 4774. of the Revised Code and the board's 6159  
rules for supervision of radiologist assistants; 6160

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	6161 6162 6163
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	6164 6165 6166 6167
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	6168 6169 6170 6171
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	6172 6173 6174 6175
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	6176 6177 6178 6179
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	6180 6181 6182 6183 6184
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	6185 6186 6187 6188
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section	6189 6190 6191

2919.191 of the Revised Code prior to performing or inducing an 6192  
abortion upon a pregnant woman; 6193

(48) Failure to comply with the requirements in section 6194  
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 6195  
prescription for ~~a controlled substance containing~~ an opioid 6196  
analgesic, as defined in section 3719.01 of the Revised Code. 6197

(C) Disciplinary actions taken by the board under divisions 6198  
(A) and (B) of this section shall be taken pursuant to an 6199  
adjudication under Chapter 119. of the Revised Code, except that 6200  
in lieu of an adjudication, the board may enter into a consent 6201  
agreement with an individual to resolve an allegation of a 6202  
violation of this chapter or any rule adopted under it. A consent 6203  
agreement, when ratified by an affirmative vote of not fewer than 6204  
six members of the board, shall constitute the findings and order 6205  
of the board with respect to the matter addressed in the 6206  
agreement. If the board refuses to ratify a consent agreement, the 6207  
admissions and findings contained in the consent agreement shall 6208  
be of no force or effect. 6209

A telephone conference call may be utilized for ratification 6210  
of a consent agreement that revokes or suspends an individual's 6211  
certificate to practice. The telephone conference call shall be 6212  
considered a special meeting under division (F) of section 121.22 6213  
of the Revised Code. 6214

If the board takes disciplinary action against an individual 6215  
under division (B) of this section for a second or subsequent plea 6216  
of guilty to, or judicial finding of guilt of, a violation of 6217  
section 2919.123 of the Revised Code, the disciplinary action 6218  
shall consist of a suspension of the individual's certificate to 6219  
practice for a period of at least one year or, if determined 6220  
appropriate by the board, a more serious sanction involving the 6221  
individual's certificate to practice. Any consent agreement 6222  
entered into under this division with an individual that pertains 6223

to a second or subsequent plea of guilty to, or judicial finding 6224  
of guilt of, a violation of that section shall provide for a 6225  
suspension of the individual's certificate to practice for a 6226  
period of at least one year or, if determined appropriate by the 6227  
board, a more serious sanction involving the individual's 6228  
certificate to practice. 6229

(D) For purposes of divisions (B)(10), (12), and (14) of this 6230  
section, the commission of the act may be established by a finding 6231  
by the board, pursuant to an adjudication under Chapter 119. of 6232  
the Revised Code, that the individual committed the act. The board 6233  
does not have jurisdiction under those divisions if the trial 6234  
court renders a final judgment in the individual's favor and that 6235  
judgment is based upon an adjudication on the merits. The board 6236  
has jurisdiction under those divisions if the trial court issues 6237  
an order of dismissal upon technical or procedural grounds. 6238

(E) The sealing of conviction records by any court shall have 6239  
no effect upon a prior board order entered under this section or 6240  
upon the board's jurisdiction to take action under this section 6241  
if, based upon a plea of guilty, a judicial finding of guilt, or a 6242  
judicial finding of eligibility for intervention in lieu of 6243  
conviction, the board issued a notice of opportunity for a hearing 6244  
prior to the court's order to seal the records. The board shall 6245  
not be required to seal, destroy, redact, or otherwise modify its 6246  
records to reflect the court's sealing of conviction records. 6247

(F)(1) The board shall investigate evidence that appears to 6248  
show that a person has violated any provision of this chapter or 6249  
any rule adopted under it. Any person may report to the board in a 6250  
signed writing any information that the person may have that 6251  
appears to show a violation of any provision of this chapter or 6252  
any rule adopted under it. In the absence of bad faith, any person 6253  
who reports information of that nature or who testifies before the 6254  
board in any adjudication conducted under Chapter 119. of the 6255

Revised Code shall not be liable in damages in a civil action as a 6256  
result of the report or testimony. Each complaint or allegation of 6257  
a violation received by the board shall be assigned a case number 6258  
and shall be recorded by the board. 6259

(2) Investigations of alleged violations of this chapter or 6260  
any rule adopted under it shall be supervised by the supervising 6261  
member elected by the board in accordance with section 4731.02 of 6262  
the Revised Code and by the secretary as provided in section 6263  
4731.39 of the Revised Code. The president may designate another 6264  
member of the board to supervise the investigation in place of the 6265  
supervising member. No member of the board who supervises the 6266  
investigation of a case shall participate in further adjudication 6267  
of the case. 6268

(3) In investigating a possible violation of this chapter or 6269  
any rule adopted under this chapter, or in conducting an 6270  
inspection under division (E) of section 4731.054 of the Revised 6271  
Code, the board may question witnesses, conduct interviews, 6272  
administer oaths, order the taking of depositions, inspect and 6273  
copy any books, accounts, papers, records, or documents, issue 6274  
subpoenas, and compel the attendance of witnesses and production 6275  
of books, accounts, papers, records, documents, and testimony, 6276  
except that a subpoena for patient record information shall not be 6277  
issued without consultation with the attorney general's office and 6278  
approval of the secretary and supervising member of the board. 6279

(a) Before issuance of a subpoena for patient record 6280  
information, the secretary and supervising member shall determine 6281  
whether there is probable cause to believe that the complaint 6282  
filed alleges a violation of this chapter or any rule adopted 6283  
under it and that the records sought are relevant to the alleged 6284  
violation and material to the investigation. The subpoena may 6285  
apply only to records that cover a reasonable period of time 6286  
surrounding the alleged violation. 6287

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and

proceedings in a manner that protects the confidentiality of 6319  
patients and persons who file complaints with the board. The board 6320  
shall not make public the names or any other identifying 6321  
information about patients or complainants unless proper consent 6322  
is given or, in the case of a patient, a waiver of the patient 6323  
privilege exists under division (B) of section 2317.02 of the 6324  
Revised Code, except that consent or a waiver of that nature is 6325  
not required if the board possesses reliable and substantial 6326  
evidence that no bona fide physician-patient relationship exists. 6327

The board may share any information it receives pursuant to 6328  
an investigation or inspection, including patient records and 6329  
patient record information, with law enforcement agencies, other 6330  
licensing boards, and other governmental agencies that are 6331  
prosecuting, adjudicating, or investigating alleged violations of 6332  
statutes or administrative rules. An agency or board that receives 6333  
the information shall comply with the same requirements regarding 6334  
confidentiality as those with which the state medical board must 6335  
comply, notwithstanding any conflicting provision of the Revised 6336  
Code or procedure of the agency or board that applies when it is 6337  
dealing with other information in its possession. In a judicial 6338  
proceeding, the information may be admitted into evidence only in 6339  
accordance with the Rules of Evidence, but the court shall require 6340  
that appropriate measures are taken to ensure that confidentiality 6341  
is maintained with respect to any part of the information that 6342  
contains names or other identifying information about patients or 6343  
complainants whose confidentiality was protected by the state 6344  
medical board when the information was in the board's possession. 6345  
Measures to ensure confidentiality that may be taken by the court 6346  
include sealing its records or deleting specific information from 6347  
its records. 6348

(6) On a quarterly basis, the board shall prepare a report 6349  
that documents the disposition of all cases during the preceding 6350

three months. The report shall contain the following information 6351  
for each case with which the board has completed its activities: 6352

(a) The case number assigned to the complaint or alleged 6353  
violation; 6354

(b) The type of certificate to practice, if any, held by the 6355  
individual against whom the complaint is directed; 6356

(c) A description of the allegations contained in the 6357  
complaint; 6358

(d) The disposition of the case. 6359

The report shall state how many cases are still pending and 6360  
shall be prepared in a manner that protects the identity of each 6361  
person involved in each case. The report shall be a public record 6362  
under section 149.43 of the Revised Code. 6363

(G) If the secretary and supervising member determine both of 6364  
the following, they may recommend that the board suspend an 6365  
individual's certificate to practice without a prior hearing: 6366

(1) That there is clear and convincing evidence that an 6367  
individual has violated division (B) of this section; 6368

(2) That the individual's continued practice presents a 6369  
danger of immediate and serious harm to the public. 6370

Written allegations shall be prepared for consideration by 6371  
the board. The board, upon review of those allegations and by an 6372  
affirmative vote of not fewer than six of its members, excluding 6373  
the secretary and supervising member, may suspend a certificate 6374  
without a prior hearing. A telephone conference call may be 6375  
utilized for reviewing the allegations and taking the vote on the 6376  
summary suspension. 6377

The board shall issue a written order of suspension by 6378  
certified mail or in person in accordance with section 119.07 of 6379  
the Revised Code. The order shall not be subject to suspension by 6380

the court during pendency of any appeal filed under section 119.12 6381  
of the Revised Code. If the individual subject to the summary 6382  
suspension requests an adjudicatory hearing by the board, the date 6383  
set for the hearing shall be within fifteen days, but not earlier 6384  
than seven days, after the individual requests the hearing, unless 6385  
otherwise agreed to by both the board and the individual. 6386

Any summary suspension imposed under this division shall 6387  
remain in effect, unless reversed on appeal, until a final 6388  
adjudicative order issued by the board pursuant to this section 6389  
and Chapter 119. of the Revised Code becomes effective. The board 6390  
shall issue its final adjudicative order within seventy-five days 6391  
after completion of its hearing. A failure to issue the order 6392  
within seventy-five days shall result in dissolution of the 6393  
summary suspension order but shall not invalidate any subsequent, 6394  
final adjudicative order. 6395

(H) If the board takes action under division (B)(9), (11), or 6396  
(13) of this section and the judicial finding of guilt, guilty 6397  
plea, or judicial finding of eligibility for intervention in lieu 6398  
of conviction is overturned on appeal, upon exhaustion of the 6399  
criminal appeal, a petition for reconsideration of the order may 6400  
be filed with the board along with appropriate court documents. 6401  
Upon receipt of a petition of that nature and supporting court 6402  
documents, the board shall reinstate the individual's certificate 6403  
to practice. The board may then hold an adjudication under Chapter 6404  
119. of the Revised Code to determine whether the individual 6405  
committed the act in question. Notice of an opportunity for a 6406  
hearing shall be given in accordance with Chapter 119. of the 6407  
Revised Code. If the board finds, pursuant to an adjudication held 6408  
under this division, that the individual committed the act or if 6409  
no hearing is requested, the board may order any of the sanctions 6410  
identified under division (B) of this section. 6411

(I) The certificate to practice issued to an individual under 6412

this chapter and the individual's practice in this state are 6413  
automatically suspended as of the date of the individual's second 6414  
or subsequent plea of guilty to, or judicial finding of guilt of, 6415  
a violation of section 2919.123 of the Revised Code, or the date 6416  
the individual pleads guilty to, is found by a judge or jury to be 6417  
guilty of, or is subject to a judicial finding of eligibility for 6418  
intervention in lieu of conviction in this state or treatment or 6419  
intervention in lieu of conviction in another jurisdiction for any 6420  
of the following criminal offenses in this state or a 6421  
substantially equivalent criminal offense in another jurisdiction: 6422  
aggravated murder, murder, voluntary manslaughter, felonious 6423  
assault, kidnapping, rape, sexual battery, gross sexual 6424  
imposition, aggravated arson, aggravated robbery, or aggravated 6425  
burglary. Continued practice after suspension shall be considered 6426  
practicing without a certificate. 6427

The board shall notify the individual subject to the 6428  
suspension by certified mail or in person in accordance with 6429  
section 119.07 of the Revised Code. If an individual whose 6430  
certificate is automatically suspended under this division fails 6431  
to make a timely request for an adjudication under Chapter 119. of 6432  
the Revised Code, the board shall do whichever of the following is 6433  
applicable: 6434

(1) If the automatic suspension under this division is for a 6435  
second or subsequent plea of guilty to, or judicial finding of 6436  
guilt of, a violation of section 2919.123 of the Revised Code, the 6437  
board shall enter an order suspending the individual's certificate 6438  
to practice for a period of at least one year or, if determined 6439  
appropriate by the board, imposing a more serious sanction 6440  
involving the individual's certificate to practice. 6441

(2) In all circumstances in which division (I)(1) of this 6442  
section does not apply, enter a final order permanently revoking 6443  
the individual's certificate to practice. 6444

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 6477  
under division (F) of section 121.22 of the Revised Code. 6478  
Reinstatement of a certificate surrendered to the board requires 6479  
an affirmative vote of not fewer than six members of the board. 6480

(2) An application for a certificate made under the 6481  
provisions of this chapter may not be withdrawn without approval 6482  
of the board. 6483

(3) Failure by an individual to renew a certificate of 6484  
registration in accordance with this chapter shall not remove or 6485  
limit the board's jurisdiction to take any disciplinary action 6486  
under this section against the individual. 6487

(4) At the request of the board, a certificate holder shall 6488  
immediately surrender to the board a certificate that the board 6489  
has suspended, revoked, or permanently revoked. 6490

(N) Sanctions shall not be imposed under division (B)(28) of 6491  
this section against any person who waives deductibles and 6492  
copayments as follows: 6493

(1) In compliance with the health benefit plan that expressly 6494  
allows such a practice. Waiver of the deductibles or copayments 6495  
shall be made only with the full knowledge and consent of the plan 6496  
purchaser, payer, and third-party administrator. Documentation of 6497  
the consent shall be made available to the board upon request. 6498

(2) For professional services rendered to any other person 6499  
authorized to practice pursuant to this chapter, to the extent 6500  
allowed by this chapter and rules adopted by the board. 6501

(O) Under the board's investigative duties described in this 6502  
section and subject to division (F) of this section, the board 6503  
shall develop and implement a quality intervention program 6504  
designed to improve through remedial education the clinical and 6505  
communication skills of individuals authorized under this chapter 6506  
to practice medicine and surgery, osteopathic medicine and 6507

surgery, and podiatric medicine and surgery. In developing and 6508  
implementing the quality intervention program, the board may do 6509  
all of the following: 6510

(1) Offer in appropriate cases as determined by the board an 6511  
educational and assessment program pursuant to an investigation 6512  
the board conducts under this section; 6513

(2) Select providers of educational and assessment services, 6514  
including a quality intervention program panel of case reviewers; 6515

(3) Make referrals to educational and assessment service 6516  
providers and approve individual educational programs recommended 6517  
by those providers. The board shall monitor the progress of each 6518  
individual undertaking a recommended individual educational 6519  
program. 6520

(4) Determine what constitutes successful completion of an 6521  
individual educational program and require further monitoring of 6522  
the individual who completed the program or other action that the 6523  
board determines to be appropriate; 6524

(5) Adopt rules in accordance with Chapter 119. of the 6525  
Revised Code to further implement the quality intervention 6526  
program. 6527

An individual who participates in an individual educational 6528  
program pursuant to this division shall pay the financial 6529  
obligations arising from that educational program. 6530

**Section 4.** That the existing versions of sections 4715.30, 6531  
4715.302, 4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 6532  
4731.055, and 4731.22 of the Revised Code that are scheduled to 6533  
take effect April 1, 2015, are hereby repealed. 6534

**Section 5.** Sections 3 and 4 of this act shall take effect 6535  
April 1, 2015." 6536

**Section 6.** Not later than twenty-four months after the 6537  
effective date of this act, the Department of Health shall prepare 6538  
a report regarding the feasibility of requiring all individuals 6539  
who administer vaccines in this state to submit immunization 6540  
administration information to the Department's statewide 6541  
immunization registry known as ImpactSIIS. On completion, the 6542  
Department shall submit the report to the Governor and, in 6543  
accordance with section 101.68 of the Revised Code, to the General 6544  
Assembly. 6545

**Section 7.** An individual may apply for reinstatement of a 6546  
license under division (E) of section 4773.03 of the Revised Code, 6547  
as amended by this act, even if the individual had applied prior 6548  
to the effective date of this section for a new license pursuant 6549  
to paragraph (O) of rule 3701-72-02 of the Administrative Code and 6550  
the application was denied. The Department of Health shall accept 6551  
and review the individual's application for reinstatement. If the 6552  
applicant meets the requirements of division (E) of section 6553  
4773.03 of the Revised Code, as amended by this act, the 6554  
Department shall reinstate the applicant's license to practice as 6555  
a general x-ray machine operator, radiographer, radiation therapy 6556  
technologist, or nuclear medicine technologist. 6557

**Section 8.** Sections 1 and 2 of this act, except sections 6558  
4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 5165.99 of the 6559  
Revised Code, take effect ninety days after the effective date of 6560  
this section. 6561

Sections 4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 6562  
5165.99 of the Revised Code, as amended by this act, take effect 6563  
January 1, 2015. 6564

Section 6 of this act takes effect ninety days after the 6565  
effective date of this act. 6566

Section 7 of this act takes effect January 1, 2015. 6567

**Section 9.** The versions of sections 5165.08, 5165.513, 6568  
5165.515, and 5165.99 of the Revised Code presented in this act 6569  
are the versions of the sections that result from Sections 110.25, 6570  
110.26, and 110.27 of Am. Sub. H.B. 59 of the 130th General 6571  
Assembly. 6572

**Section 10.** The General Assembly, applying the principle 6573  
stated in division (B) of section 1.52 of the Revised Code that 6574  
amendments are to be harmonized if reasonably capable of 6575  
simultaneous operation, finds that the following sections, 6576  
presented in this act as composites of the sections as amended by 6577  
the acts indicated, are the resulting versions of the sections in 6578  
effect prior to the effective date of the sections as presented in 6579  
this act: 6580

Section 2925.02 of the Revised Code as amended by both Sub. 6581  
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. 6582

Section 3701.63 of the Revised Code as amended by both Am. 6583  
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. 6584

Sections 4715.30, 4723.28, 4729.12, 4730.25, and 4731.22 of 6585  
the Revised Code as amended by Sub. H.B. 314, Am. Sub. H.B. 341, 6586  
and Am. Sub. H.B. 483 all of the 130th General Assembly. 6587

Section 4729.12 of the Revised Code as amended by Am. Sub. 6588  
H.B. 341, Am. Sub. H.B. 483, and Am. Sub. H.B. 488, all of the 6589  
130th General Assembly. 6590

**Section 11.** This act is hereby declared to be an emergency 6591  
measure necessary for the immediate preservation of the public 6592  
peace, health, and safety. The reason for such necessity is to 6593  
provide continuity in the operation of nursing facilities in this 6594  
state and in the provision of services by radiologic personnel to 6595  
the residents of this state. Therefore, this act shall go into 6596

immediate effect.

6597