

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 519

Representative Schuring

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A B I L L

To amend sections 109.572, 4723.08, 4723.18, 4723.28, 1
4723.41, 4723.42, 4723.44, 4723.485, 4723.75, 2
4723.76, 4731.15, 4731.155, 4731.22, 4731.222, 3
4731.281, 4731.293, 4731.295, 4731.296, 4731.297, 4
4731.299, 4731.36, 4731.51, 4731.52, 4731.56, 5
4731.57, 4731.60, 4731.61, 5120.55, and 5903.12; 6
to amend, for the purpose of adopting a new 7
section number as indicated in parentheses, 8
section 4731.531 (4731.53); to enact new section 9
4731.282; and to repeal sections 4731.282, 10
4731.283, 4731.53, 4731.54, 4731.55, and 4731.571 11
of the Revised Code to revise the law governing 12
podiatrists and to make other changes in the laws 13
governing the State Medical Board and Board of 14
Nursing. 15

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

Section 1. That sections 109.572, 4723.08, 4723.18, 4723.28, 16
4723.41, 4723.42, 4723.44, 4723.485, 4723.75, 4723.76, 4731.15, 17
4731.155, 4731.22, 4731.222, 4731.281, 4731.293, 4731.295, 18
4731.296, 4731.297, 4731.299, 4731.36, 4731.51, 4731.52, 4731.56, 19
4731.57, 4731.60, 4731.61, 5120.55, and 5903.12 be amended; 20
section 4731.531 (4731.53) be amended for the purpose of adopting 21

a new section number as indicated in parentheses; and new section 22
4731.282 of the Revised Code be enacted to read as follows: 23

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 24
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 25
a completed form prescribed pursuant to division (C)(1) of this 26
section, and a set of fingerprint impressions obtained in the 27
manner described in division (C)(2) of this section, the 28
superintendent of the bureau of criminal identification and 29
investigation shall conduct a criminal records check in the manner 30
described in division (B) of this section to determine whether any 31
information exists that indicates that the person who is the 32
subject of the request previously has been convicted of or pleaded 33
guilty to any of the following: 34

(a) A violation of section 2903.01, 2903.02, 2903.03, 35
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 37
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 38
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 39
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 40
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 41
2925.06, or 3716.11 of the Revised Code, felonious sexual 42
penetration in violation of former section 2907.12 of the Revised 43
Code, a violation of section 2905.04 of the Revised Code as it 44
existed prior to July 1, 1996, a violation of section 2919.23 of 45
the Revised Code that would have been a violation of section 46
2905.04 of the Revised Code as it existed prior to July 1, 1996, 47
had the violation been committed prior to that date, or a 48
violation of section 2925.11 of the Revised Code that is not a 49
minor drug possession offense; 50

(b) A violation of an existing or former law of this state, 51
any other state, or the United States that is substantially 52

equivalent to any of the offenses listed in division (A)(1)(a) of 53
this section; 54

(c) If the request is made pursuant to section 3319.39 of the 55
Revised Code for an applicant who is a teacher, any offense 56
specified in section 3319.31 of the Revised Code. 57

(2) On receipt of a request pursuant to section 3712.09 or 58
3721.121 of the Revised Code, a completed form prescribed pursuant 59
to division (C)(1) of this section, and a set of fingerprint 60
impressions obtained in the manner described in division (C)(2) of 61
this section, the superintendent of the bureau of criminal 62
identification and investigation shall conduct a criminal records 63
check with respect to any person who has applied for employment in 64
a position for which a criminal records check is required by those 65
sections. The superintendent shall conduct the criminal records 66
check in the manner described in division (B) of this section to 67
determine whether any information exists that indicates that the 68
person who is the subject of the request previously has been 69
convicted of or pleaded guilty to any of the following: 70

(a) A violation of section 2903.01, 2903.02, 2903.03, 71
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 73
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 75
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 76
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 77
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 78
2925.22, 2925.23, or 3716.11 of the Revised Code; 79

(b) An existing or former law of this state, any other state, 80
or the United States that is substantially equivalent to any of 81
the offenses listed in division (A)(2)(a) of this section. 82

(3) On receipt of a request pursuant to section 173.27, 83

173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 84
5123.169 of the Revised Code, a completed form prescribed pursuant 85
to division (C)(1) of this section, and a set of fingerprint 86
impressions obtained in the manner described in division (C)(2) of 87
this section, the superintendent of the bureau of criminal 88
identification and investigation shall conduct a criminal records 89
check of the person for whom the request is made. The 90
superintendent shall conduct the criminal records check in the 91
manner described in division (B) of this section to determine 92
whether any information exists that indicates that the person who 93
is the subject of the request previously has been convicted of, 94
has pleaded guilty to, or (except in the case of a request 95
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 96
Code) has been found eligible for intervention in lieu of 97
conviction for any of the following, regardless of the date of the 98
conviction, the date of entry of the guilty plea, or (except in 99
the case of a request pursuant to section 5164.34, 5164.341, or 100
5164.342 of the Revised Code) the date the person was found 101
eligible for intervention in lieu of conviction: 102

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 103
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 104
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 105
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 106
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 107
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 108
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 109
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 110
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 111
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 112
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 113
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 114
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 115
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 116

2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	117
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	118
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	119
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	120
2927.12, or 3716.11 of the Revised Code;	121
(b) Felonious sexual penetration in violation of former	122
section 2907.12 of the Revised Code;	123
(c) A violation of section 2905.04 of the Revised Code as it	124
existed prior to July 1, 1996;	125
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	126
the Revised Code when the underlying offense that is the object of	127
the conspiracy, attempt, or complicity is one of the offenses	128
listed in divisions (A)(3)(a) to (c) of this section;	129
(e) A violation of an existing or former municipal ordinance	130
or law of this state, any other state, or the United States that	131
is substantially equivalent to any of the offenses listed in	132
divisions (A)(3)(a) to (d) of this section.	133
(4) On receipt of a request pursuant to section 2151.86 of	134
the Revised Code, a completed form prescribed pursuant to division	135
(C)(1) of this section, and a set of fingerprint impressions	136
obtained in the manner described in division (C)(2) of this	137
section, the superintendent of the bureau of criminal	138
identification and investigation shall conduct a criminal records	139
check in the manner described in division (B) of this section to	140
determine whether any information exists that indicates that the	141
person who is the subject of the request previously has been	142
convicted of or pleaded guilty to any of the following:	143
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03,	144
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21,	145
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02,	146
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	147

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 148
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 149
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 150
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 151
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 152
of the Revised Code, a violation of section 2905.04 of the Revised 153
Code as it existed prior to July 1, 1996, a violation of section 154
2919.23 of the Revised Code that would have been a violation of 155
section 2905.04 of the Revised Code as it existed prior to July 1, 156
1996, had the violation been committed prior to that date, a 157
violation of section 2925.11 of the Revised Code that is not a 158
minor drug possession offense, two or more OVI or OVUAC violations 159
committed within the three years immediately preceding the 160
submission of the application or petition that is the basis of the 161
request, or felonious sexual penetration in violation of former 162
section 2907.12 of the Revised Code; 163

(b) A violation of an existing or former law of this state, 164
any other state, or the United States that is substantially 165
equivalent to any of the offenses listed in division (A)(4)(a) of 166
this section. 167

(5) Upon receipt of a request pursuant to section 5104.012 or 168
5104.013 of the Revised Code, a completed form prescribed pursuant 169
to division (C)(1) of this section, and a set of fingerprint 170
impressions obtained in the manner described in division (C)(2) of 171
this section, the superintendent of the bureau of criminal 172
identification and investigation shall conduct a criminal records 173
check in the manner described in division (B) of this section to 174
determine whether any information exists that indicates that the 175
person who is the subject of the request has been convicted of or 176
pleaded guilty to any of the following: 177

(a) A violation of section 2903.01, 2903.02, 2903.03, 178
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 179

2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 180
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 181
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 182
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 183
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 184
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 185
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 186
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 187
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 188
3716.11 of the Revised Code, felonious sexual penetration in 189
violation of former section 2907.12 of the Revised Code, a 190
violation of section 2905.04 of the Revised Code as it existed 191
prior to July 1, 1996, a violation of section 2919.23 of the 192
Revised Code that would have been a violation of section 2905.04 193
of the Revised Code as it existed prior to July 1, 1996, had the 194
violation been committed prior to that date, a violation of 195
section 2925.11 of the Revised Code that is not a minor drug 196
possession offense, a violation of section 2923.02 or 2923.03 of 197
the Revised Code that relates to a crime specified in this 198
division, or a second violation of section 4511.19 of the Revised 199
Code within five years of the date of application for licensure or 200
certification. 201

(b) A violation of an existing or former law of this state, 202
any other state, or the United States that is substantially 203
equivalent to any of the offenses or violations described in 204
division (A)(5)(a) of this section. 205

(6) Upon receipt of a request pursuant to section 5153.111 of 206
the Revised Code, a completed form prescribed pursuant to division 207
(C)(1) of this section, and a set of fingerprint impressions 208
obtained in the manner described in division (C)(2) of this 209
section, the superintendent of the bureau of criminal 210
identification and investigation shall conduct a criminal records 211

check in the manner described in division (B) of this section to 212
determine whether any information exists that indicates that the 213
person who is the subject of the request previously has been 214
convicted of or pleaded guilty to any of the following: 215

(a) A violation of section 2903.01, 2903.02, 2903.03, 216
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 217
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 218
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 219
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 220
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 221
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 222
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 223
felonious sexual penetration in violation of former section 224
2907.12 of the Revised Code, a violation of section 2905.04 of the 225
Revised Code as it existed prior to July 1, 1996, a violation of 226
section 2919.23 of the Revised Code that would have been a 227
violation of section 2905.04 of the Revised Code as it existed 228
prior to July 1, 1996, had the violation been committed prior to 229
that date, or a violation of section 2925.11 of the Revised Code 230
that is not a minor drug possession offense; 231

(b) A violation of an existing or former law of this state, 232
any other state, or the United States that is substantially 233
equivalent to any of the offenses listed in division (A)(6)(a) of 234
this section. 235

(7) On receipt of a request for a criminal records check from 236
an individual pursuant to section 4749.03 or 4749.06 of the 237
Revised Code, accompanied by a completed copy of the form 238
prescribed in division (C)(1) of this section and a set of 239
fingerprint impressions obtained in a manner described in division 240
(C)(2) of this section, the superintendent of the bureau of 241
criminal identification and investigation shall conduct a criminal 242
records check in the manner described in division (B) of this 243

section to determine whether any information exists indicating 244
that the person who is the subject of the request has been 245
convicted of or pleaded guilty to a felony in this state or in any 246
other state. If the individual indicates that a firearm will be 247
carried in the course of business, the superintendent shall 248
require information from the federal bureau of investigation as 249
described in division (B)(2) of this section. Subject to division 250
(F) of this section, the superintendent shall report the findings 251
of the criminal records check and any information the federal 252
bureau of investigation provides to the director of public safety. 253

(8) On receipt of a request pursuant to section 1321.37, 254
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 255
Code, a completed form prescribed pursuant to division (C)(1) of 256
this section, and a set of fingerprint impressions obtained in the 257
manner described in division (C)(2) of this section, the 258
superintendent of the bureau of criminal identification and 259
investigation shall conduct a criminal records check with respect 260
to any person who has applied for a license, permit, or 261
certification from the department of commerce or a division in the 262
department. The superintendent shall conduct the criminal records 263
check in the manner described in division (B) of this section to 264
determine whether any information exists that indicates that the 265
person who is the subject of the request previously has been 266
convicted of or pleaded guilty to any of the following: a 267
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 268
2925.03 of the Revised Code; any other criminal offense involving 269
theft, receiving stolen property, embezzlement, forgery, fraud, 270
passing bad checks, money laundering, or drug trafficking, or any 271
criminal offense involving money or securities, as set forth in 272
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 273
the Revised Code; or any existing or former law of this state, any 274
other state, or the United States that is substantially equivalent 275
to those offenses. 276

(9) On receipt of a request for a criminal records check from 277
the treasurer of state under section 113.041 of the Revised Code 278
or from an individual under section 4701.08, 4715.101, 4717.061, 279
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 280
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 281
~~4731.531~~ 4731.53, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 282
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 283
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 284
accompanied by a completed form prescribed under division (C)(1) 285
of this section and a set of fingerprint impressions obtained in 286
the manner described in division (C)(2) of this section, the 287
superintendent of the bureau of criminal identification and 288
investigation shall conduct a criminal records check in the manner 289
described in division (B) of this section to determine whether any 290
information exists that indicates that the person who is the 291
subject of the request has been convicted of or pleaded guilty to 292
any criminal offense in this state or any other state. Subject to 293
division (F) of this section, the superintendent shall send the 294
results of a check requested under section 113.041 of the Revised 295
Code to the treasurer of state and shall send the results of a 296
check requested under any of the other listed sections to the 297
licensing board specified by the individual in the request. 298

(10) On receipt of a request pursuant to section 1121.23, 299
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 300
Code, a completed form prescribed pursuant to division (C)(1) of 301
this section, and a set of fingerprint impressions obtained in the 302
manner described in division (C)(2) of this section, the 303
superintendent of the bureau of criminal identification and 304
investigation shall conduct a criminal records check in the manner 305
described in division (B) of this section to determine whether any 306
information exists that indicates that the person who is the 307
subject of the request previously has been convicted of or pleaded 308
guilty to any criminal offense under any existing or former law of 309

this state, any other state, or the United States. 310

(11) On receipt of a request for a criminal records check 311
from an appointing or licensing authority under section 3772.07 of 312
the Revised Code, a completed form prescribed under division 313
(C)(1) of this section, and a set of fingerprint impressions 314
obtained in the manner prescribed in division (C)(2) of this 315
section, the superintendent of the bureau of criminal 316
identification and investigation shall conduct a criminal records 317
check in the manner described in division (B) of this section to 318
determine whether any information exists that indicates that the 319
person who is the subject of the request previously has been 320
convicted of or pleaded guilty or no contest to any offense under 321
any existing or former law of this state, any other state, or the 322
United States that is a disqualifying offense as defined in 323
section 3772.07 of the Revised Code or substantially equivalent to 324
such an offense. 325

(12) On receipt of a request pursuant to section 2151.33 or 326
2151.412 of the Revised Code, a completed form prescribed pursuant 327
to division (C)(1) of this section, and a set of fingerprint 328
impressions obtained in the manner described in division (C)(2) of 329
this section, the superintendent of the bureau of criminal 330
identification and investigation shall conduct a criminal records 331
check with respect to any person for whom a criminal records check 332
is required by that section. The superintendent shall conduct the 333
criminal records check in the manner described in division (B) of 334
this section to determine whether any information exists that 335
indicates that the person who is the subject of the request 336
previously has been convicted of or pleaded guilty to any of the 337
following: 338

(a) A violation of section 2903.01, 2903.02, 2903.03, 339
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 340
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 341

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 342
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 343
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 344
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 345
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 346
2925.22, 2925.23, or 3716.11 of the Revised Code; 347

(b) An existing or former law of this state, any other state, 348
or the United States that is substantially equivalent to any of 349
the offenses listed in division (A)(12)(a) of this section. 350

(B) Subject to division (F) of this section, the 351
superintendent shall conduct any criminal records check to be 352
conducted under this section as follows: 353

(1) The superintendent shall review or cause to be reviewed 354
any relevant information gathered and compiled by the bureau under 355
division (A) of section 109.57 of the Revised Code that relates to 356
the person who is the subject of the criminal records check, 357
including, if the criminal records check was requested under 358
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 359
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 360
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 361
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 362
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 363
5153.111 of the Revised Code, any relevant information contained 364
in records that have been sealed under section 2953.32 of the 365
Revised Code; 366

(2) If the request received by the superintendent asks for 367
information from the federal bureau of investigation, the 368
superintendent shall request from the federal bureau of 369
investigation any information it has with respect to the person 370
who is the subject of the criminal records check, including 371
fingerprint-based checks of national crime information databases 372
as described in 42 U.S.C. 671 if the request is made pursuant to 373

section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 374
any other Revised Code section requires fingerprint-based checks 375
of that nature, and shall review or cause to be reviewed any 376
information the superintendent receives from that bureau. If a 377
request under section 3319.39 of the Revised Code asks only for 378
information from the federal bureau of investigation, the 379
superintendent shall not conduct the review prescribed by division 380
(B)(1) of this section. 381

(3) The superintendent or the superintendent's designee may 382
request criminal history records from other states or the federal 383
government pursuant to the national crime prevention and privacy 384
compact set forth in section 109.571 of the Revised Code. 385

(4) The superintendent shall include in the results of the 386
criminal records check a list or description of the offenses 387
listed or described in division (A)(1), (2), (3), (4), (5), (6), 388
(7), (8), (9), (10), (11), or (12) of this section, whichever 389
division requires the superintendent to conduct the criminal 390
records check. The superintendent shall exclude from the results 391
any information the dissemination of which is prohibited by 392
federal law. 393

(5) The superintendent shall send the results of the criminal 394
records check to the person to whom it is to be sent not later 395
than the following number of days after the date the 396
superintendent receives the request for the criminal records 397
check, the completed form prescribed under division (C)(1) of this 398
section, and the set of fingerprint impressions obtained in the 399
manner described in division (C)(2) of this section: 400

(a) If the superintendent is required by division (A) of this 401
section (other than division (A)(3) of this section) to conduct 402
the criminal records check, thirty; 403

(b) If the superintendent is required by division (A)(3) of 404

this section to conduct the criminal records check, sixty. 405

(C)(1) The superintendent shall prescribe a form to obtain 406
the information necessary to conduct a criminal records check from 407
any person for whom a criminal records check is to be conducted 408
under this section. The form that the superintendent prescribes 409
pursuant to this division may be in a tangible format, in an 410
electronic format, or in both tangible and electronic formats. 411

(2) The superintendent shall prescribe standard impression 412
sheets to obtain the fingerprint impressions of any person for 413
whom a criminal records check is to be conducted under this 414
section. Any person for whom a records check is to be conducted 415
under this section shall obtain the fingerprint impressions at a 416
county sheriff's office, municipal police department, or any other 417
entity with the ability to make fingerprint impressions on the 418
standard impression sheets prescribed by the superintendent. The 419
office, department, or entity may charge the person a reasonable 420
fee for making the impressions. The standard impression sheets the 421
superintendent prescribes pursuant to this division may be in a 422
tangible format, in an electronic format, or in both tangible and 423
electronic formats. 424

(3) Subject to division (D) of this section, the 425
superintendent shall prescribe and charge a reasonable fee for 426
providing a criminal records check under this section. The person 427
requesting the criminal records check shall pay the fee prescribed 428
pursuant to this division. In the case of a request under section 429
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 430
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 431
the manner specified in that section. 432

(4) The superintendent of the bureau of criminal 433
identification and investigation may prescribe methods of 434
forwarding fingerprint impressions and information necessary to 435
conduct a criminal records check, which methods shall include, but 436

not be limited to, an electronic method. 437

(D) The results of a criminal records check conducted under 438
this section, other than a criminal records check specified in 439
division (A)(7) of this section, are valid for the person who is 440
the subject of the criminal records check for a period of one year 441
from the date upon which the superintendent completes the criminal 442
records check. If during that period the superintendent receives 443
another request for a criminal records check to be conducted under 444
this section for that person, the superintendent shall provide the 445
results from the previous criminal records check of the person at 446
a lower fee than the fee prescribed for the initial criminal 447
records check. 448

(E) When the superintendent receives a request for 449
information from a registered private provider, the superintendent 450
shall proceed as if the request was received from a school 451
district board of education under section 3319.39 of the Revised 452
Code. The superintendent shall apply division (A)(1)(c) of this 453
section to any such request for an applicant who is a teacher. 454

(F)(1) All information regarding the results of a criminal 455
records check conducted under this section that the superintendent 456
reports or sends under division (A)(7) or (9) of this section to 457
the director of public safety, the treasurer of state, or the 458
person, board, or entity that made the request for the criminal 459
records check shall relate to the conviction of the subject 460
person, or the subject person's plea of guilty to, a criminal 461
offense. 462

(2) Division (F)(1) of this section does not limit, restrict, 463
or preclude the superintendent's release of information that 464
relates to an adjudication of a child as a delinquent child, or 465
that relates to a criminal conviction of a person under eighteen 466
years of age if the person's case was transferred back to a 467
juvenile court under division (B)(2) or (3) of section 2152.121 of 468

the Revised Code and the juvenile court imposed a disposition or 469
serious youthful offender disposition upon the person under either 470
division, if either of the following applies with respect to the 471
adjudication or conviction: 472

(a) The adjudication or conviction was for a violation of 473
section 2903.01 or 2903.02 of the Revised Code. 474

(b) The adjudication or conviction was for a sexually 475
oriented offense, as defined in section 2950.01 of the Revised 476
Code, the juvenile court was required to classify the child a 477
juvenile offender registrant for that offense under section 478
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 479
classification has not been removed. 480

(G) As used in this section: 481

(1) "Criminal records check" means any criminal records check 482
conducted by the superintendent of the bureau of criminal 483
identification and investigation in accordance with division (B) 484
of this section. 485

(2) "Minor drug possession offense" has the same meaning as 486
in section 2925.01 of the Revised Code. 487

(3) "OVI or OVUAC violation" means a violation of section 488
4511.19 of the Revised Code or a violation of an existing or 489
former law of this state, any other state, or the United States 490
that is substantially equivalent to section 4511.19 of the Revised 491
Code. 492

(4) "Registered private provider" means a nonpublic school or 493
entity registered with the superintendent of public instruction 494
under section 3310.41 of the Revised Code to participate in the 495
autism scholarship program or section 3310.58 of the Revised Code 496
to participate in the Jon Peterson special needs scholarship 497
program. 498

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:	499 500
(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	501 502 503
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	504 505 506
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	507 508 509 510
(4) For application for a temporary dialysis technician <u>intern</u> certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	511 512 513
(5) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	514 515 516
(6) For application for a certificate to prescribe, fifty dollars;	517 518
(7) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, certificate of authority, certificate to prescribe, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	519 520 521 522 523 524
(8) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	525 526 527 528

(9) For biennial renewal of a nursing license, sixty-five dollars;	529 530
(10) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, eighty-five dollars;	531 532 533 534
(11) For renewal of a certificate to prescribe, fifty dollars;	535 536
(12) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	537 538 539
(13) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;	540 541 542
(14) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	543 544 545
(15) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	546 547 548
(16) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	549 550 551
(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	552 553 554
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	555 556 557
(19) For written verification of a license or certificate	558

when the verification is performed for purposes other than 559
providing verification to another jurisdiction, five dollars; 560

(20) For processing a check returned to the board by a 561
financial institution, twenty-five dollars; 562

(21) The amounts specified in rules adopted under section 563
4723.88 of the Revised Code pertaining to the issuance of 564
certificates to community health workers, including fees for 565
application for a certificate, biennial renewal of a certificate, 566
processing a late application for renewal of a certificate, 567
reinstatement of a lapsed certificate, application for approval of 568
a community health worker training program for community health 569
workers, and biennial renewal of the approval of a training 570
program for community health workers. 571

(B) Each quarter, for purposes of transferring funds under 572
section 4743.05 of the Revised Code to the nurse education 573
assistance fund created in section 3333.28 of the Revised Code, 574
the board of nursing shall certify to the director of budget and 575
management the number of biennial licenses renewed under this 576
chapter during the preceding quarter and the amount equal to that 577
number times five dollars. 578

(C) The board may charge a participant in a board-sponsored 579
continuing education activity an amount not exceeding fifteen 580
dollars for each activity. 581

(D) The board may contract for services pertaining to the 582
process of providing written verification of a license or 583
certificate when the verification is performed for purposes other 584
than providing verification to another jurisdiction. The contract 585
may include provisions pertaining to the collection of the fee 586
charged for providing the written verification. As part of these 587
provisions, the board may permit the contractor to retain a 588
portion of the fees as compensation, before any amounts are 589

deposited into the state treasury. 590

Sec. 4723.18. (A) The board of nursing shall authorize a 591
licensed practical nurse to administer to an adult intravenous 592
therapy if the nurse supplies evidence satisfactory to the board 593
~~that all~~ of the following ~~are the case:~~ 594

(1) The nurse holds a current, valid license issued under 595
this chapter to practice nursing as a licensed practical nurse. 596

(2) The nurse has been authorized under section 4723.18 of 597
the Revised Code to administer medications. 598

(3) The nurse successfully completed a either of the 599
following: 600

(a) A course of study in the safe performance of intravenous 601
therapy approved by the board pursuant to section 4723.19 of the 602
Revised Code or by an agency in another jurisdiction that 603
regulates the practice of nursing and has requirements for 604
intravenous therapy course approval that are substantially similar 605
to the requirements in division (B) of section 4723.19 of the 606
Revised Code, as determined by the board. ~~i~~ 607

~~(4) The nurse has successfully completed a minimum of forty~~ 608
~~hours of training~~ (b) Training, including a continuing education 609
program or course approved by the board pursuant to section 610
4723.06 of the Revised Code, that includes all of the following: 611

~~(a)(i)~~ (i) The curriculum established by rules adopted by the 612
board; 613

~~(b)(ii)~~ (ii) Training in the anatomy and physiology of the 614
cardiovascular system, signs and symptoms of local and systemic 615
complications in the administration of fluids and antibiotic 616
additives, and guidelines for management of these complications; 617

~~(e)(iii)~~ (iii) Any other training or instruction the board 618
considers appropriate; 619

~~(d)~~(iv) A testing component that requires the nurse to 620
perform a successful demonstration of the intravenous procedures, 621
including all skills needed to perform them safely. 622

(B) Except as provided in section 4723.181 of the Revised 623
Code and subject to the restrictions in division (D) of this 624
section, a licensed practical nurse may perform intravenous 625
therapy on an adult patient only if authorized by the board 626
pursuant to division (A) of this section and only at the direction 627
of one of the following: 628

(1) A licensed physician, dentist, optometrist, or podiatrist 629
who, except as provided in division (C)(2) of this section, is 630
present and readily available at the facility where the 631
intravenous therapy procedure is performed; 632

(2) A registered nurse in accordance with division (C) of 633
this section. 634

(C)(1) Except as provided in division (C)(2) of this section 635
and section 4723.181 of the Revised Code, when a licensed 636
practical nurse authorized by the board to perform intravenous 637
therapy performs an intravenous therapy procedure at the direction 638
of a registered nurse, the registered nurse or another registered 639
nurse shall be readily available at the site where the intravenous 640
therapy is performed, and before the licensed practical nurse 641
initiates the intravenous therapy, the registered nurse shall 642
personally perform an on-site assessment of the adult patient who 643
is to receive the intravenous therapy. 644

(2) When a licensed practical nurse authorized by the board 645
to perform intravenous therapy performs an intravenous therapy 646
procedure in a home as defined in section 3721.10 of the Revised 647
Code, or in an intermediate care facility for individuals with 648
intellectual disabilities as defined in section 5124.01 of the 649
Revised Code, at the direction of a registered nurse or licensed 650

physician, dentist, optometrist, or podiatrist, a registered nurse 651
shall be on the premises of the home or facility or accessible by 652
some form of telecommunication. 653

(D) No licensed practical nurse shall perform any of the 654
following intravenous therapy procedures: 655

(1) Initiating or maintaining any of the following: 656

(a) Blood or blood components; 657

(b) Solutions for total parenteral nutrition; 658

(c) Any cancer therapeutic medication including, but not 659
limited to, cancer chemotherapy or an anti-neoplastic agent; 660

(d) Solutions administered through any central venous line or 661
arterial line or any other line that does not terminate in a 662
peripheral vein, except that a licensed practical nurse authorized 663
by the board to perform intravenous therapy may maintain the 664
solutions specified in division (D)(6)(a) of this section that are 665
being administered through a central venous line or peripherally 666
inserted central catheter; 667

(e) Any investigational or experimental medication. 668

(2) Initiating intravenous therapy in any vein, except that a 669
licensed practical nurse authorized by the board to perform 670
intravenous therapy may initiate intravenous therapy in accordance 671
with this section in a vein of the hand, forearm, or antecubital 672
fossa; 673

(3) Discontinuing a central venous, arterial, or any other 674
line that does not terminate in a peripheral vein; 675

(4) Initiating or discontinuing a peripherally inserted 676
central catheter; 677

(5) Mixing, preparing, or reconstituting any medication for 678
intravenous therapy, except that a licensed practical nurse 679
authorized by the board to perform intravenous therapy may prepare 680

or reconstitute an antibiotic additive; 681

(6) Administering medication via the intravenous route, 682
including all of the following activities: 683

(a) Adding medication to an intravenous solution or to an 684
existing infusion, except that a licensed practical nurse 685
authorized by the board to perform intravenous therapy may do any 686
of the following: 687

(i) Initiate an intravenous infusion containing one or more 688
of the following elements: dextrose 5%, normal saline, lactated 689
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile 690
water; 691

(ii) Hang subsequent containers of the intravenous solutions 692
specified in division (D)(6)(a)(i) of this section that contain 693
vitamins or electrolytes, if a registered nurse initiated the 694
infusion of that same intravenous solution; 695

(iii) Initiate or maintain an intravenous infusion containing 696
an antibiotic additive. 697

(b) Injecting medication via a direct intravenous route, 698
except that a licensed practical nurse authorized by the board to 699
perform intravenous therapy may inject heparin or normal saline to 700
flush an intermittent infusion device or heparin lock including, 701
but not limited to, bolus or push. 702

(7) Changing tubing on any line including, but not limited 703
to, an arterial line or a central venous line, except that a 704
licensed practical nurse authorized by the board to perform 705
intravenous therapy may change tubing on an intravenous line that 706
terminates in a peripheral vein; 707

(8) Programming or setting any function of a patient 708
controlled infusion pump. 709

(E) Notwithstanding divisions (A) and (D) of this section, at 710

the direction of a physician or a registered nurse, a licensed 711
practical nurse authorized by the board to perform intravenous 712
therapy may perform the following activities for the purpose of 713
performing dialysis: 714

(1) The routine administration and regulation of saline 715
solution for the purpose of maintaining an established fluid plan; 716

(2) The administration of a heparin dose intravenously; 717

(3) The administration of a heparin dose peripherally via a 718
fistula needle; 719

(4) The loading and activation of a constant infusion pump; 720

(5) The intermittent injection of a dose of medication that 721
is administered via the hemodialysis blood circuit and through the 722
patient's venous access. 723

(F) No person shall employ or direct a licensed practical 724
nurse to perform an intravenous therapy procedure without first 725
verifying that the licensed practical nurse is authorized by the 726
board to perform intravenous therapy. 727

Sec. 4723.28. (A) The board of nursing, by a vote of a 728
quorum, may impose one or more of the following sanctions if it 729
finds that a person committed fraud in passing an examination 730
required to obtain a license, certificate of authority, or 731
dialysis technician certificate issued by the board or to have 732
committed fraud, misrepresentation, or deception in applying for 733
or securing any nursing license, certificate of authority, or 734
dialysis technician certificate issued by the board: deny, revoke, 735
suspend, or place restrictions on any nursing license, certificate 736
of authority, or dialysis technician certificate issued by the 737
board; reprimand or otherwise discipline a holder of a nursing 738
license, certificate of authority, or dialysis technician 739
certificate; or impose a fine of not more than five hundred 740

dollars per violation. 741

(B) The board of nursing, by a vote of a quorum, may impose 742
one or more of the following sanctions: deny, revoke, suspend, or 743
place restrictions on any nursing license, certificate of 744
authority, or dialysis technician certificate issued by the board; 745
reprimand or otherwise discipline a holder of a nursing license, 746
certificate of authority, or dialysis technician certificate; or 747
impose a fine of not more than five hundred dollars per violation. 748
The sanctions may be imposed for any of the following: 749

(1) Denial, revocation, suspension, or restriction of 750
authority to engage in a licensed profession or practice a health 751
care occupation, including nursing or practice as a dialysis 752
technician, for any reason other than a failure to renew, in Ohio 753
or another state or jurisdiction; 754

(2) Engaging in the practice of nursing or engaging in 755
practice as a dialysis technician, having failed to renew a 756
nursing license or dialysis technician certificate issued under 757
this chapter, or while a nursing license or dialysis technician 758
certificate is under suspension; 759

(3) Conviction of, a plea of guilty to, a judicial finding of 760
guilt of, a judicial finding of guilt resulting from a plea of no 761
contest to, or a judicial finding of eligibility for a pretrial 762
diversion or similar program or for intervention in lieu of 763
conviction for, a misdemeanor committed in the course of practice; 764

(4) Conviction of, a plea of guilty to, a judicial finding of 765
guilt of, a judicial finding of guilt resulting from a plea of no 766
contest to, or a judicial finding of eligibility for a pretrial 767
diversion or similar program or for intervention in lieu of 768
conviction for, any felony or of any crime involving gross 769
immorality or moral turpitude; 770

(5) Selling, giving away, or administering drugs or 771
therapeutic devices for other than legal and legitimate 772
therapeutic purposes; or conviction of, a plea of guilty to, a 773
judicial finding of guilt of, a judicial finding of guilt 774
resulting from a plea of no contest to, or a judicial finding of 775
eligibility for a pretrial diversion or similar program or for 776
intervention in lieu of conviction for, violating any municipal, 777
state, county, or federal drug law; 778

(6) Conviction of, a plea of guilty to, a judicial finding of 779
guilt of, a judicial finding of guilt resulting from a plea of no 780
contest to, or a judicial finding of eligibility for a pretrial 781
diversion or similar program or for intervention in lieu of 782
conviction for, an act in another jurisdiction that would 783
constitute a felony or a crime of moral turpitude in Ohio; 784

(7) Conviction of, a plea of guilty to, a judicial finding of 785
guilt of, a judicial finding of guilt resulting from a plea of no 786
contest to, or a judicial finding of eligibility for a pretrial 787
diversion or similar program or for intervention in lieu of 788
conviction for, an act in the course of practice in another 789
jurisdiction that would constitute a misdemeanor in Ohio; 790

(8) Self-administering or otherwise taking into the body any 791
dangerous drug, as defined in section 4729.01 of the Revised Code, 792
in any way that is not in accordance with a legal, valid 793
prescription issued for that individual, or self-administering or 794
otherwise taking into the body any drug that is a schedule I 795
controlled substance; 796

(9) Habitual or excessive use of controlled substances, other 797
habit-forming drugs, or alcohol or other chemical substances to an 798
extent that impairs the individual's ability to provide safe 799
nursing care or safe dialysis care; 800

(10) Impairment of the ability to practice according to 801

acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;

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

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

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

(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.

(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;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;

(21) In the case of a licensed practical nurse, engaging in

activities that exceed the practice of nursing as a licensed 832
practical nurse; 833

(22) In the case of a dialysis technician, engaging in 834
activities that exceed those permitted under section 4723.72 of 835
the Revised Code; 836

(23) Aiding and abetting a person in that person's practice 837
of nursing without a license or practice as a dialysis technician 838
without a certificate issued under this chapter; 839

(24) In the case of a certified registered nurse anesthetist, 840
clinical nurse specialist, certified nurse-midwife, or certified 841
nurse practitioner, except as provided in division (M) of this 842
section, either of the following: 843

(a) Waiving the payment of all or any part of a deductible or 844
copayment that a patient, pursuant to a health insurance or health 845
care policy, contract, or plan that covers such nursing services, 846
would otherwise be required to pay if the waiver is used as an 847
enticement to a patient or group of patients to receive health 848
care services from that provider; 849

(b) Advertising that the nurse will waive the payment of all 850
or any part of a deductible or copayment that a patient, pursuant 851
to a health insurance or health care policy, contract, or plan 852
that covers such nursing services, would otherwise be required to 853
pay. 854

(25) Failure to comply with the terms and conditions of 855
participation in the chemical dependency monitoring program 856
established under section 4723.35 of the Revised Code; 857

(26) Failure to comply with the terms and conditions required 858
under the practice intervention and improvement program 859
established under section 4723.282 of the Revised Code; 860

(27) In the case of a certified registered nurse anesthetist, 861

clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:	862 863
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	864 865 866
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	867 868
(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;	869 870 871 872 873
(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;	874 875 876 877 878
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	879 880
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	881 882 883
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	884 885 886 887
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	888 889
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually	890 891

demeaning. 892

(33) Assisting suicide as defined in section 3795.01 of the 893
Revised Code; 894

(34) Revocation, suspension, restriction, reduction, or 895
termination of clinical privileges by the United States department 896
of defense or department of veterans affairs or the termination or 897
suspension of a certificate of registration to prescribe drugs by 898
the drug enforcement administration of the United States 899
department of justice. 900

(C) Disciplinary actions taken by the board under divisions 901
(A) and (B) of this section shall be taken pursuant to an 902
adjudication conducted under Chapter 119. of the Revised Code, 903
except that in lieu of a hearing, the board may enter into a 904
consent agreement with an individual to resolve an allegation of a 905
violation of this chapter or any rule adopted under it. A consent 906
agreement, when ratified by a vote of a quorum, shall constitute 907
the findings and order of the board with respect to the matter 908
addressed in the agreement. If the board refuses to ratify a 909
consent agreement, the admissions and findings contained in the 910
agreement shall be of no effect. 911

(D) The hearings of the board shall be conducted in 912
accordance with Chapter 119. of the Revised Code, the board may 913
appoint a hearing examiner, as provided in section 119.09 of the 914
Revised Code, to conduct any hearing the board is authorized to 915
hold under Chapter 119. of the Revised Code. 916

In any instance in which the board is required under Chapter 917
119. of the Revised Code to give notice of an opportunity for a 918
hearing and the applicant, licensee, or certificate holder does 919
not make a timely request for a hearing in accordance with section 920
119.07 of the Revised Code, the board is not required to hold a 921
hearing, but may adopt, by a vote of a quorum, a final order that 922

contains the board's findings. In the final order, the board may 923
order any of the sanctions listed in division (A) or (B) of this 924
section. 925

(E) If a criminal action is brought against a registered 926
nurse, licensed practical nurse, or dialysis technician for an act 927
or crime described in divisions (B)(3) to (7) of this section and 928
the action is dismissed by the trial court other than on the 929
merits, the board shall conduct an adjudication to determine 930
whether the registered nurse, licensed practical nurse, or 931
dialysis technician committed the act on which the action was 932
based. If the board determines on the basis of the adjudication 933
that the registered nurse, licensed practical nurse, or dialysis 934
technician committed the act, or if the registered nurse, licensed 935
practical nurse, or dialysis technician fails to participate in 936
the adjudication, the board may take action as though the 937
registered nurse, licensed practical nurse, or dialysis technician 938
had been convicted of the act. 939

If the board takes action on the basis of a conviction, plea, 940
or a judicial finding as described in divisions (B)(3) to (7) of 941
this section that is overturned on appeal, the registered nurse, 942
licensed practical nurse, or dialysis technician may, on 943
exhaustion of the appeal process, petition the board for 944
reconsideration of its action. On receipt of the petition and 945
supporting court documents, the board shall temporarily rescind 946
its action. If the board determines that the decision on appeal 947
was a decision on the merits, it shall permanently rescind its 948
action. If the board determines that the decision on appeal was 949
not a decision on the merits, it shall conduct an adjudication to 950
determine whether the registered nurse, licensed practical nurse, 951
or dialysis technician committed the act on which the original 952
conviction, plea, or judicial finding was based. If the board 953
determines on the basis of the adjudication that the registered 954

nurse, licensed practical nurse, or dialysis technician committed 955
such act, or if the registered nurse, licensed practical nurse, or 956
dialysis technician does not request an adjudication, the board 957
shall reinstate its action; otherwise, the board shall permanently 958
rescind its action. 959

Notwithstanding the provision of division (C)(2) of section 960
2953.32 of the Revised Code specifying that if records pertaining 961
to a criminal case are sealed under that section the proceedings 962
in the case shall be deemed not to have occurred, sealing of the 963
following records on which the board has based an action under 964
this section shall have no effect on the board's action or any 965
sanction imposed by the board under this section: records of any 966
conviction, guilty plea, judicial finding of guilt resulting from 967
a plea of no contest, or a judicial finding of eligibility for a 968
pretrial diversion program or intervention in lieu of conviction. 969

The board shall not be required to seal, destroy, redact, or 970
otherwise modify its records to reflect the court's sealing of 971
conviction records. 972

(F) The board may investigate an individual's criminal 973
background in performing its duties under this section. As part of 974
such investigation, the board may order the individual to submit, 975
at the individual's expense, a request to the bureau of criminal 976
identification and investigation for a criminal records check and 977
check of federal bureau of investigation records in accordance 978
with the procedure described in section 4723.091 of the Revised 979
Code. 980

(G) During the course of an investigation conducted under 981
this section, the board may compel any registered nurse, licensed 982
practical nurse, or dialysis technician or applicant under this 983
chapter to submit to a mental or physical examination, or both, as 984
required by the board and at the expense of the individual, if the 985
board finds reason to believe that the individual under 986

investigation may have a physical or mental impairment that may 987
affect the individual's ability to provide safe nursing care. 988
Failure of any individual to submit to a mental or physical 989
examination when directed constitutes an admission of the 990
allegations, unless the failure is due to circumstances beyond the 991
individual's control, and a default and final order may be entered 992
without the taking of testimony or presentation of evidence. 993

If the board finds that an individual is impaired, the board 994
shall require the individual to submit to care, counseling, or 995
treatment approved or designated by the board, as a condition for 996
initial, continued, reinstated, or renewed authority to practice. 997
The individual shall be afforded an opportunity to demonstrate to 998
the board that the individual can begin or resume the individual's 999
occupation in compliance with acceptable and prevailing standards 1000
of care under the provisions of the individual's authority to 1001
practice. 1002

For purposes of this division, any registered nurse, licensed 1003
practical nurse, or dialysis technician or applicant under this 1004
chapter shall be deemed to have given consent to submit to a 1005
mental or physical examination when directed to do so in writing 1006
by the board, and to have waived all objections to the 1007
admissibility of testimony or examination reports that constitute 1008
a privileged communication. 1009

(H) The board shall investigate evidence that appears to show 1010
that any person has violated any provision of this chapter or any 1011
rule of the board. Any person may report to the board any 1012
information the person may have that appears to show a violation 1013
of any provision of this chapter or rule of the board. In the 1014
absence of bad faith, any person who reports such information or 1015
who testifies before the board in any adjudication conducted under 1016
Chapter 119. of the Revised Code shall not be liable for civil 1017
damages as a result of the report or testimony. 1018

(I) All of the following apply under this chapter with 1019
respect to the confidentiality of information: 1020

(1) Information received by the board pursuant to a complaint 1021
or an investigation is confidential and not subject to discovery 1022
in any civil action, except that the board may disclose 1023
information to law enforcement officers and government entities 1024
for purposes of an investigation of either a licensed health care 1025
professional, including a registered nurse, licensed practical 1026
nurse, or dialysis technician, or a person who may have engaged in 1027
the unauthorized practice of nursing or dialysis care. No law 1028
enforcement officer or government entity with knowledge of any 1029
information disclosed by the board pursuant to this division shall 1030
divulge the information to any other person or government entity 1031
except for the purpose of a government investigation, a 1032
prosecution, or an adjudication by a court or government entity. 1033

(2) If an investigation requires a review of patient records, 1034
the investigation and proceeding shall be conducted in such a 1035
manner as to protect patient confidentiality. 1036

(3) All adjudications and investigations of the board shall 1037
be considered civil actions for the purposes of section 2305.252 1038
of the Revised Code. 1039

(4) Any board activity that involves continued monitoring of 1040
an individual as part of or following any disciplinary action 1041
taken under this section shall be conducted in a manner that 1042
maintains the individual's confidentiality. Information received 1043
or maintained by the board with respect to the board's monitoring 1044
activities is not subject to discovery in any civil action and is 1045
confidential, except that the board may disclose information to 1046
law enforcement officers and government entities for purposes of 1047
an investigation of a licensee or certificate holder. 1048

(J) Any action taken by the board under this section 1049

resulting in a suspension from practice shall be accompanied by a 1050
written statement of the conditions under which the person may be 1051
reinstated to practice. 1052

(K) When the board refuses to grant a license or certificate 1053
to an applicant, revokes a license or certificate, or refuses to 1054
reinstate a license or certificate, the board may specify that its 1055
action is permanent. An individual subject to permanent action 1056
taken by the board is forever ineligible to hold a license or 1057
certificate of the type that was refused or revoked and the board 1058
shall not accept from the individual an application for 1059
reinstatement of the license or certificate or for a new license 1060
or certificate. 1061

(L) No unilateral surrender of a nursing license, certificate 1062
of authority, or dialysis technician certificate issued under this 1063
chapter shall be effective unless accepted by majority vote of the 1064
board. No application for a nursing license, certificate of 1065
authority, or dialysis technician certificate issued under this 1066
chapter may be withdrawn without a majority vote of the board. The 1067
board's jurisdiction to take disciplinary action under this 1068
section is not removed or limited when an individual has a license 1069
or certificate classified as inactive or fails to renew a license 1070
or certificate. 1071

(M) Sanctions shall not be imposed under division (B)(24) of 1072
this section against any licensee who waives deductibles and 1073
copayments as follows: 1074

(1) In compliance with the health benefit plan that expressly 1075
allows such a practice. Waiver of the deductibles or copayments 1076
shall be made only with the full knowledge and consent of the plan 1077
purchaser, payer, and third-party administrator. Documentation of 1078
the consent shall be made available to the board upon request. 1079

(2) For professional services rendered to any other person 1080

licensed pursuant to this chapter to the extent allowed by this 1081
chapter and the rules of the board. 1082

Sec. 4723.41. (A) Each person who desires to practice nursing 1083
as a certified nurse-midwife and has not been authorized to 1084
practice midwifery prior to December 1, 1967, and each person who 1085
desires to practice nursing as a certified registered nurse 1086
anesthetist, clinical nurse specialist, or certified nurse 1087
practitioner shall file with the board of nursing a written 1088
application for authorization to practice nursing in the desired 1089
specialty, under oath, on a form prescribed by the board. 1090

Except as provided in division (B) of this section, at the 1091
time of making application, the applicant shall meet all of the 1092
following requirements: 1093

(1) Be a registered nurse; 1094

(2) Submit documentation satisfactory to the board that the 1095
applicant has earned a ~~graduate~~ master's or doctoral degree with a 1096
major in a nursing specialty or in a related field that qualifies 1097
the applicant to sit for the certification examination of a 1098
national certifying organization approved by the board under 1099
section 4723.46 of the Revised Code; 1100

(3) Submit documentation satisfactory to the board of having 1101
passed the certification examination of a national certifying 1102
organization approved by the board under section 4723.46 of the 1103
Revised Code to examine and certify, as applicable, 1104
nurse-midwives, registered nurse anesthetists, clinical nurse 1105
specialists, or nurse practitioners; 1106

(4) Submit an affidavit with the application that states all 1107
of the following: 1108

(a) That the applicant is the person named in the documents 1109
submitted under divisions (A)(2) and (3) of this section and is 1110

the lawful possessor thereof; 1111

(b) The applicant's age, residence, the school at which the 1112
applicant obtained education in the applicant's nursing specialty, 1113
and any other facts that the board requires; 1114

(c) If the applicant is already engaged in the practice of 1115
nursing as a certified registered nurse anesthetist, clinical 1116
nurse specialist, certified nurse-midwife, or certified nurse 1117
practitioner, the period during which and the place where the 1118
applicant is engaged; 1119

(d) If the applicant is already engaged in the practice of 1120
nursing as a clinical nurse specialist, certified nurse-midwife, 1121
or certified nurse practitioner, the names and business addresses 1122
of the applicant's current collaborating physicians and 1123
podiatrists. 1124

(B)(1) A certified registered nurse anesthetist, clinical 1125
nurse specialist, certified nurse-midwife, or certified nurse 1126
practitioner who ~~is practicing~~ has practiced as such in another 1127
jurisdiction may apply for a certificate of authority to practice 1128
nursing as a certified registered nurse anesthetist, clinical 1129
nurse specialist, certified nurse-midwife, or certified nurse 1130
practitioner in this state if the nurse meets the requirements for 1131
a certificate of authority set forth in division (A) of this 1132
section or division (B)(2) of this section. 1133

(2) If an applicant ~~practicing~~ who has practiced in another 1134
jurisdiction applies for a certificate of authority under division 1135
(B)(2) of this section, the application shall be submitted to the 1136
board in the form prescribed by rules of the board and be 1137
accompanied by the application fee required by section 4723.08 of 1138
the Revised Code. The application shall include evidence that the 1139
applicant meets the requirements of division (B)(2) of this 1140
section, holds a license or certificate to practice nursing as a 1141

certified registered nurse anesthetist, clinical nurse specialist, 1142
certified nurse-midwife, or certified nurse practitioner in good 1143
standing in another jurisdiction granted after meeting 1144
requirements approved by the entity of that jurisdiction that 1145
licenses nurses, and other information required by rules of the 1146
board of nursing. 1147

With respect to the educational requirements and national 1148
certification requirements that an applicant under division (B)(2) 1149
of this section must meet, both of the following apply: 1150

(a) If the applicant is a certified registered nurse 1151
anesthetist, certified nurse-midwife, or certified nurse 1152
practitioner who, on or before December 31, 2000, obtained 1153
certification in the applicant's nursing specialty with a national 1154
certifying organization listed in division (A)(3) of section 1155
4723.41 of the Revised Code as that division existed prior to ~~the~~ 1156
~~effective date of this amendment~~ March 20, 2013, or that was at 1157
that time approved by the board under section 4723.46 of the 1158
Revised Code, the applicant must have maintained the 1159
certification. The applicant is not required to have earned a 1160
graduate degree with a major in a nursing specialty or in a 1161
related field that qualifies the applicant to sit for the 1162
certification examination. 1163

(b) If the applicant is a clinical nurse specialist, one of 1164
the following must apply to the applicant: 1165

(i) On or before December 31, 2000, the applicant obtained a 1166
graduate degree with a major in a clinical area of nursing from an 1167
educational institution accredited by a national or regional 1168
accrediting organization. The applicant is not required to have 1169
passed a certification examination. 1170

(ii) On or before December 31, 2000, the applicant obtained a 1171
graduate degree in nursing or a related field and was certified as 1172

a clinical nurse specialist by the American nurses credentialing center or another national certifying organization that was at that time approved by the board under section 4723.46 of the Revised Code.

Sec. 4723.42. (A) If the applicant for authorization to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has met all the requirements of section 4723.41 of the Revised Code and has paid the fee required by section 4723.08 of the Revised Code, the board of nursing shall issue its certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, which shall designate the nursing specialty the nurse is authorized to practice. The certificate entitles its holder to practice nursing in the specialty designated on the certificate.

The board shall issue or deny its certificate not later than sixty days after receiving all of the documents required by section 4723.41 of the Revised Code.

If an applicant is under investigation for a violation of this chapter, the board shall conclude the investigation not later than ninety days after receipt of all required documents, unless this ninety-day period is extended by written consent of the applicant, or unless the board determines that a substantial question of such a violation exists and the board has notified the applicant in writing of the reasons for the continuation of the investigation. If the board determines that the applicant has not violated this chapter, it shall issue a certificate not later than forty-five days after making that determination.

(B) Authorization to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified

nurse-midwife, or certified nurse practitioner shall be renewed 1204
biennially according to rules and a schedule adopted by the board. 1205
In providing renewal applications to certificate holders, the 1206
board shall follow the procedures it follows under section 4723.24 1207
of the Revised Code in providing renewal applications to license 1208
holders. Failure of the certificate holder to receive an 1209
application for renewal from the board does not excuse the holder 1210
from the requirements of section 4723.44 of the Revised Code. 1211

Not later than the date specified by the board, the holder 1212
shall complete the renewal form and return it to the board with 1213
all of the following: 1214

(1) The renewal fee required by section 4723.08 of the 1215
Revised Code; 1216

(2) Documentation satisfactory to the board that the holder 1217
has maintained certification in the nursing specialty with a 1218
national certifying organization approved by the board under 1219
section 4723.46 of the Revised Code; 1220

(3) A list of the names and business addresses of the 1221
holder's current collaborating physicians and podiatrists, if the 1222
holder is a clinical nurse specialist, certified nurse-midwife, or 1223
certified nurse practitioner; 1224

(4) If the holder's certificate was issued under division (C) 1225
of section 4723.41 of the Revised Code, as that division existed 1226
at any time before ~~the effective date of this amendment~~ March 20, 1227
2013, documentation satisfactory to the board that the holder has 1228
completed continuing education for a clinical nurse specialist as 1229
required by rule of the board. 1230

On receipt of the renewal application, fees, and documents, 1231
the board shall verify that the applicant holds a current license 1232
to practice nursing as a registered nurse in this state, and, if 1233
it so verifies, shall renew the certificate. If an applicant 1234

submits the completed renewal application after the date specified 1235
in the board's schedule, but before the ~~expiration of the~~ 1236
certificate lapses, the board shall grant a renewal when the late 1237
renewal fee required by section 4723.08 of the Revised Code is 1238
paid. 1239

An applicant for reinstatement of ~~an expired~~ a lapsed 1240
certificate shall submit the ~~reinstatement fee, renewal fee, and~~ 1241
~~late renewal~~ fee required by section 4723.08 of the Revised Code. 1242
Any holder of a certificate who desires inactive status shall give 1243
the board written notice to that effect. 1244

Sec. 4723.44. (A) No person shall do any of the following 1245
unless the person holds a current, valid certificate of authority 1246
to practice nursing as a certified registered nurse anesthetist, 1247
clinical nurse specialist, certified nurse-midwife, or certified 1248
nurse practitioner issued by the board of nursing under this 1249
chapter: 1250

(1) Engage in the practice of nursing as a certified 1251
registered nurse anesthetist, clinical nurse specialist, certified 1252
nurse-midwife, or certified nurse practitioner for a fee, salary, 1253
or other consideration, or as a volunteer; 1254

(2) Represent the person as being a certified registered 1255
nurse anesthetist, clinical nurse specialist, certified 1256
nurse-midwife, or certified nurse practitioner; 1257

(3) Use any title or initials implying that the person is a 1258
certified registered nurse anesthetist, clinical nurse specialist, 1259
certified nurse-midwife, or certified nurse practitioner; 1260

(4) Represent the person as being an advanced practice 1261
registered nurse; 1262

(5) Use any title or initials implying that the person is an 1263
advanced practice registered nurse. 1264

(B) No person who is not certified by the national council on certification of nurse anesthetists of the American association of nurse anesthetists, the national council on recertification of nurse anesthetists of the American association of nurse anesthetists, or another national certifying organization approved by the board under section 4723.46 of the Revised Code shall use the title "certified registered nurse anesthetist" or the initials "C.R.N.A.," or any other title or initial implying that the person has been certified by the council or organization.

(C) No certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall do any of the following:

(1) Engage, for a fee, salary, or other consideration, or as a volunteer, in the practice of a nursing specialty other than the specialty designated on the nurse's current, valid certificate of authority issued by the board under this chapter;

(2) Represent the person as being authorized to practice any nursing specialty other than the specialty designated on the current, valid certificate of authority;

(3) Use the title "certified registered nurse anesthetist" or the initials "N.A." or "C.R.N.A.," the title "clinical nurse specialist" or the initials "C.N.S.," the title "certified nurse-midwife" or the initials "C.N.M.," the title "certified nurse practitioner" or the initials "C.N.P.," the title "advanced practice registered nurse" or the initials "A.P.R.N.," or any other title or initials implying that the nurse is authorized to practice any nursing specialty other than the specialty designated on the nurse's current, valid certificate of authority;

(4) Enter into a standard care arrangement with a physician or podiatrist whose practice is not the same as or similar to the nurse's nursing specialty;

(5) Prescribe drugs or therapeutic devices unless the nurse holds a current, valid certificate to prescribe issued under section 4723.48 of the Revised Code;

(6) Prescribe drugs or therapeutic devices under a certificate to prescribe in a manner that does not comply with section 4723.481 of the Revised Code;

(7) Prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.

(D) No person licensed under this chapter to practice nursing as a registered nurse or licensed practical nurse shall prescribe drugs or therapeutic devices unless the nurse holds a current, valid certificate to prescribe issued under section 4723.48 of the Revised Code.

(E) No person shall knowingly employ a person to engage in the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner unless the person so employed holds a current, valid certificate of authority to engage in that nursing specialty issued by the board under this chapter.

~~(E)~~(F) A certificate certified by the executive director of the board, under the official seal of the board, to the effect that it appears from the records that no certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has been issued to any person specified therein, or that a certificate, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record in any court or before any officer of the state.

Sec. 4723.485. (A)(1) Except as provided in division (A)(2) of this section, a certificate to prescribe issued under section

4723.48 of the Revised Code as an externship certificate is valid 1326
for not more than ~~one year~~ three years, unless earlier suspended 1327
or revoked by the board of nursing. 1328

~~(2) An externship certificate may be extended beyond the 1329
period for which it was issued if the holder submits to the board 1330
evidence of continued participation in an externship. The 1331
extension period shall not exceed two years. 1332~~

~~(3) If an externship is terminated for any reason, the nurse 1333
shall notify the board. 1334~~

(B) To be eligible for a certificate to prescribe after 1335
receiving an externship certificate, an applicant shall include 1336
with the application submitted under section 4723.48 of the 1337
Revised Code all of the following: 1338

(1) A statement from a supervising physician attesting to the 1339
applicant's successful completion of the externship; 1340

(2) The fee required by section 4723.08 of the Revised Code 1341
for a certificate to prescribe; 1342

(3) Any additional information the board requires pursuant to 1343
rules adopted under section 4723.50 of the Revised Code. 1344

Sec. 4723.75. (A) The board of nursing shall issue a 1345
certificate to practice as a dialysis technician to an applicant 1346
who meets the following applicable requirements: 1347

(1) For all applicants, the application is submitted to the 1348
board in accordance with rules adopted under section 4723.79 of 1349
the Revised Code and includes both of the following: 1350

(a) The fee established in rules adopted under section 1351
4723.79 of the Revised Code; 1352

(b) The name and address of each approved dialysis training 1353
program in which the applicant has enrolled and the dates during 1354

which the applicant was enrolled in each program. 1355

(2) For all applicants, the applicant meets the requirements 1356
established by the board's rules. 1357

(3) For all applicants, the applicant demonstrates competency 1358
to practice as a dialysis technician, as specified in division (B) 1359
of this section. 1360

(4) For applicants who entered a dialysis training program on 1361
or after June 1, 2003, the results of a criminal records check 1362
conducted in accordance with section 4723.091 of the Revised Code 1363
demonstrate that the applicant is not ineligible for certification 1364
as specified in section 4723.092 of the Revised Code. 1365

(5) For all applicants, the applicant is not required to 1366
register under Chapter 2950. of the Revised Code or a 1367
substantially similar law of another state, the United States, or 1368
another country. 1369

(B) For an applicant to demonstrate competence to practice as 1370
a dialysis technician, one of the following must apply: 1371

(1) The applicant has successfully completed a dialysis 1372
training program approved by the board under section 4723.74 of 1373
the Revised Code and meets both of the following requirements: 1374

(a) Has performed dialysis care for a dialysis provider for 1375
not less than twelve months immediately prior to the date of 1376
application; 1377

(b) Has passed a certification examination demonstrating 1378
competence to perform dialysis care not later than eighteen months 1379
after successfully completing a dialysis training program approved 1380
by the board under section 4723.74 of the Revised Code. 1381

(2) The applicant does all of the following: 1382

(a) Has a testing organization approved by the board submit 1383
evidence satisfactory to the board that the applicant passed an 1384

examination, in another jurisdiction, that demonstrates the 1385
applicant's competence to provide dialysis care; 1386

(b) Submits evidence satisfactory to the board that the 1387
applicant has been employed to perform dialysis care in another 1388
jurisdiction for not less than twelve months immediately prior to 1389
the date of application for certification under this section; 1390

(c) Submits evidence satisfactory to the board that the 1391
applicant completed at least two hours of education directly 1392
related to this chapter and the rules adopted under it. 1393

(C) An applicant who does not pass the certification 1394
examination described in division (B)(1)(b) of this section within 1395
the time period prescribed in that division may continue to pursue 1396
certification by repeating the entire training and application 1397
process, including doing all of the following: 1398

(1) Enrolling in and successfully completing a dialysis 1399
training program approved by the board; 1400

(2) Submitting a request to the bureau of criminal 1401
identification and investigation for a criminal records check and 1402
check of federal bureau of investigation records pursuant to 1403
section 4723.091 of the Revised Code; 1404

(3) Submitting an application for a dialysis technician 1405
intern certificate in accordance with section 4723.76 of the 1406
Revised Code; 1407

(4) Demonstrating competence to perform dialysis care in 1408
accordance with division (B) of this section. 1409

Sec. 4723.76. (A) The board of nursing shall issue a 1410
certificate to practice as a dialysis technician intern to an 1411
applicant who has not passed the dialysis technician certification 1412
examination required by section 4723.751 of the Revised Code, but 1413
who satisfies all of the following requirements: 1414

(1) Applies to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application both of the following:	1415 1416 1417
(a) The fee established in rules adopted under section 4723.79 of the Revised Code;	1418 1419
(b) The name and address of all dialysis training programs approved by the board in which the applicant has been enrolled and the dates of enrollment in each program.	1420 1421 1422
(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care;	1423 1424 1425
(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;	1426 1427 1428
<u>(4) Is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.</u>	1429 1430 1431
(B) A dialysis technician intern certificate issued to an applicant who meets the requirements in division (A) of this section is valid for a period of time that is eighteen months from the date on which the applicant successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code, minus the time the applicant was enrolled in one or more dialysis training programs approved by the board.	1432 1433 1434 1435 1436 1437 1438
(C) A dialysis technician intern certificate issued under this section may not be renewed.	1439 1440
Sec. 4731.15. (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and	1441 1442 1443 1444

mechanotherapy. The board shall adopt rules governing the limited 1445
branches of medicine under its jurisdiction. The rules shall be 1446
adopted in accordance with Chapter 119. of the Revised Code. 1447

(2) As used in this chapter, "cosmetic therapy" means the 1448
permanent removal of hair from the human body through the use of 1449
electric modalities approved by the board for use in cosmetic 1450
therapy, and additionally may include the systematic friction, 1451
stroking, slapping, and kneading or tapping of the face, neck, 1452
scalp, or shoulders. 1453

(B) A certificate to practice a limited branch of medicine 1454
issued by the state medical board is valid for a two-year period, 1455
except when an initial certificate is issued for a shorter period 1456
or when division (C)(2) of this section is applicable. The 1457
certificate may be renewed in accordance with division (C) of this 1458
section. 1459

(C)(1) Except as provided in division (C)(2) of this section, 1460
all of the following apply with respect to the renewal of 1461
certificates to practice a limited branch of medicine: 1462

(a) Each person seeking to renew a certificate to practice a 1463
limited branch of medicine shall apply for biennial registration 1464
with the state medical board on a renewal application form 1465
prescribed by the board. An applicant for renewal shall pay a 1466
biennial registration fee of one hundred dollars. 1467

(b) At least six months before a certificate expires, the 1468
board shall mail or cause to be mailed a renewal notice to the 1469
certificate holder's last known address. 1470

(c) At least three months before a certificate expires, the 1471
certificate holder shall submit the renewal application and 1472
biennial registration fee to the board. 1473

(2) Beginning with the 2009 registration period, the board 1474
shall implement a staggered renewal system that is substantially 1475

similar to the staggered renewal system the board uses under 1476
division ~~(B)~~(C) of section 4731.281 of the Revised Code. 1477

(D) All persons who hold a certificate to practice a limited 1478
branch of medicine issued by the state medical board shall provide 1479
the board written notice of any change of address. The notice 1480
shall be submitted to the board not later than thirty days after 1481
the change of address. 1482

(E) A certificate to practice a limited branch of medicine 1483
shall be automatically suspended if the certificate holder fails 1484
to renew the certificate in accordance with division (C) of this 1485
section. Continued practice after the suspension of the 1486
certificate to practice shall be considered as practicing in 1487
violation of sections 4731.34 and 4731.41 of the Revised Code. 1488

If a certificate to practice has been suspended pursuant to 1489
this division for two years or less, it may be reinstated. The 1490
board shall reinstate the certificate upon an applicant's 1491
submission of a renewal application and payment of the biennial 1492
registration fee and the applicable monetary penalty. With regard 1493
to reinstatement of a certificate to practice cosmetic therapy, 1494
the applicant also shall submit with the application a 1495
certification that the number of hours of continuing education 1496
necessary to have a suspended certificate reinstated have been 1497
completed, as specified in rules the board shall adopt in 1498
accordance with Chapter 119. of the Revised Code. The penalty for 1499
reinstatement shall be twenty-five dollars. 1500

If a certificate has been suspended pursuant to this division 1501
for more than two years, it may be restored. Subject to section 1502
4731.222 of the Revised Code, the board may restore the 1503
certificate upon an applicant's submission of a restoration 1504
application, the biennial registration fee, and the applicable 1505
monetary penalty and compliance with sections 4776.01 to 4776.04 1506
of the Revised Code. The board shall not restore to an applicant a 1507

certificate to practice unless the board, in its discretion, 1508
decides that the results of the criminal records check do not make 1509
the applicant ineligible for a certificate issued pursuant to 1510
section 4731.17 of the Revised Code. The penalty for restoration 1511
is fifty dollars. 1512

~~Sec. 4731.155. (A) Except as provided in division (D) of this 1513
section, each person holding a certificate to practice cosmetic 1514
therapy shall complete biennially not less than twenty five hours 1515
of continuing cosmetic therapy education. 1516~~

~~Cosmetic therapists shall earn continuing education credits 1517
at the rate of one half credit hour for each twenty five to thirty 1518
minutes of instruction and one credit hour for each fifty to sixty 1519
minutes of instruction. 1520~~

~~(B) Only continuing education approved by the state medical 1521
board may be used to fulfill the requirements of division (A) of 1522
this section. 1523~~

~~(C) Each certified cosmetic therapist shall submit to the 1524
board at the time of biennial renewal pursuant to section 4731.15 1525
of the Revised Code a sworn affidavit, in a form acceptable to the 1526
board, attesting that the cosmetic therapist has completed 1527
continuing education programs in compliance with this section and 1528
listing the date, location, sponsor, subject matter, and hours 1529
completed of the programs. 1530~~

~~(D) The state medical board shall may adopt rules providing 1531
for pro rata adjustments by month of the hours of that establish 1532
continuing education required by this section for persons who 1533
first receive a certificate during a registration period or who 1534
have a registration period that is shorter or longer than two 1535
years because of the implementation of a staggered renewal system 1536
under section 4731.15 of the Revised Code. 1537~~

~~The board may excuse a cosmetic therapist from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.~~

~~(E) Failure to comply with the requirements of this section constitutes a failure to renew pursuant to section 4731.15 of the Revised Code requirements for renewal under section 4731.15 of the Revised Code of a certificate to practice a limited branch of medicine. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

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

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

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

(2) Failure to maintain minimal standards applicable to the

selection or administration of drugs, or failure to employ 1569
acceptable scientific methods in the selection of drugs or other 1570
modalities for treatment of disease; 1571

(3) Selling, giving away, personally furnishing, prescribing, 1572
or administering drugs for other than legal and legitimate 1573
therapeutic purposes or a plea of guilty to, a judicial finding of 1574
guilt of, or a judicial finding of eligibility for intervention in 1575
lieu of conviction of, a violation of any federal or state law 1576
regulating the possession, distribution, or use of any drug; 1577

(4) Willfully betraying a professional confidence. 1578

For purposes of this division, "willfully betraying a 1579
professional confidence" does not include providing any 1580
information, documents, or reports to a child fatality review 1581
board under sections 307.621 to 307.629 of the Revised Code and 1582
does not include the making of a report of an employee's use of a 1583
drug of abuse, or a report of a condition of an employee other 1584
than one involving the use of a drug of abuse, to the employer of 1585
the employee as described in division (B) of section 2305.33 of 1586
the Revised Code. Nothing in this division affects the immunity 1587
from civil liability conferred by that section upon a physician 1588
who makes either type of report in accordance with division (B) of 1589
that section. As used in this division, "employee," "employer," 1590
and "physician" have the same meanings as in section 2305.33 of 1591
the Revised Code. 1592

(5) Making a false, fraudulent, deceptive, or misleading 1593
statement in the solicitation of or advertising for patients; in 1594
relation to the practice of medicine and surgery, osteopathic 1595
medicine and surgery, podiatric medicine and surgery, or a limited 1596
branch of medicine; or in securing or attempting to secure any 1597
certificate to practice or certificate of registration issued by 1598
the board. 1599

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;

(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 misdemeanor committed in the course of practice;

(12) 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;

(13) A plea of guilty to, a judicial finding of guilt of, or 1631
a judicial finding of eligibility for intervention in lieu of 1632
conviction for, a misdemeanor involving moral turpitude; 1633

(14) Commission of an act involving moral turpitude that 1634
constitutes a misdemeanor in this state, regardless of the 1635
jurisdiction in which the act was committed; 1636

(15) Violation of the conditions of limitation placed by the 1637
board upon a certificate to practice; 1638

(16) Failure to pay license renewal fees specified in this 1639
chapter; 1640

(17) Except as authorized in section 4731.31 of the Revised 1641
Code, engaging in the division of fees for referral of patients, 1642
or the receiving of a thing of value in return for a specific 1643
referral of a patient to utilize a particular service or business; 1644

(18) Subject to section 4731.226 of the Revised Code, 1645
violation of any provision of a code of ethics of the American 1646
medical association, the American osteopathic association, the 1647
American podiatric medical association, or any other national 1648
professional organizations that the board specifies by rule. The 1649
state medical board shall obtain and keep on file current copies 1650
of the codes of ethics of the various national professional 1651
organizations. The individual whose certificate is being suspended 1652
or revoked shall not be found to have violated any provision of a 1653
code of ethics of an organization not appropriate to the 1654
individual's profession. 1655

For purposes of this division, a "provision of a code of 1656
ethics of a national professional organization" does not include 1657
any provision that would preclude the making of a report by a 1658
physician of an employee's use of a drug of abuse, or of a 1659
condition of an employee other than one involving the use of a 1660
drug of abuse, to the employer of the employee as described in 1661

division (B) of section 2305.33 of the Revised Code. Nothing in 1662
this division affects the immunity from civil liability conferred 1663
by that section upon a physician who makes either type of report 1664
in accordance with division (B) of that section. As used in this 1665
division, "employee," "employer," and "physician" have the same 1666
meanings as in section 2305.33 of the Revised Code. 1667

(19) Inability to practice according to acceptable and 1668
prevailing standards of care by reason of mental illness or 1669
physical illness, including, but not limited to, physical 1670
deterioration that adversely affects cognitive, motor, or 1671
perceptive skills. 1672

In enforcing this division, the board, upon a showing of a 1673
possible violation, may compel any individual authorized to 1674
practice by this chapter or who has submitted an application 1675
pursuant to this chapter to submit to a mental examination, 1676
physical examination, including an HIV test, or both a mental and 1677
a physical examination. The expense of the examination is the 1678
responsibility of the individual compelled to be examined. Failure 1679
to submit to a mental or physical examination or consent to an HIV 1680
test ordered by the board constitutes an admission of the 1681
allegations against the individual unless the failure is due to 1682
circumstances beyond the individual's control, and a default and 1683
final order may be entered without the taking of testimony or 1684
presentation of evidence. If the board finds an individual unable 1685
to practice because of the reasons set forth in this division, the 1686
board shall require the individual to submit to care, counseling, 1687
or treatment by physicians approved or designated by the board, as 1688
a condition for initial, continued, reinstated, or renewed 1689
authority to practice. An individual affected under this division 1690
shall be afforded an opportunity to demonstrate to the board the 1691
ability to resume practice in compliance with acceptable and 1692
prevailing standards under the provisions of the individual's 1693

certificate. For the purpose of this division, any individual who 1694
applies for or receives a certificate to practice under this 1695
chapter accepts the privilege of practicing in this state and, by 1696
so doing, shall be deemed to have given consent to submit to a 1697
mental or physical examination when directed to do so in writing 1698
by the board, and to have waived all objections to the 1699
admissibility of testimony or examination reports that constitute 1700
a privileged communication. 1701

(20) Except when civil penalties are imposed under section 1702
4731.225 or 4731.281 of the Revised Code, and subject to section 1703
4731.226 of the Revised Code, violating or attempting to violate, 1704
directly or indirectly, or assisting in or abetting the violation 1705
of, or conspiring to violate, any provisions of this chapter or 1706
any rule promulgated by the board. 1707

This division does not apply to a violation or attempted 1708
violation of, assisting in or abetting the violation of, or a 1709
conspiracy to violate, any provision of this chapter or any rule 1710
adopted by the board that would preclude the making of a report by 1711
a physician of an employee's use of a drug of abuse, or of a 1712
condition of an employee other than one involving the use of a 1713
drug of abuse, to the employer of the employee as described in 1714
division (B) of section 2305.33 of the Revised Code. Nothing in 1715
this division affects the immunity from civil liability conferred 1716
by that section upon a physician who makes either type of report 1717
in accordance with division (B) of that section. As used in this 1718
division, "employee," "employer," and "physician" have the same 1719
meanings as in section 2305.33 of the Revised Code. 1720

(21) The violation of section 3701.79 of the Revised Code or 1721
of any abortion rule adopted by the public health council pursuant 1722
to section 3701.341 of the Revised Code; 1723

(22) Any of the following actions taken by an agency 1724
responsible for authorizing, certifying, or regulating an 1725

individual to practice a health care occupation or provide health 1726
care services in this state or another jurisdiction, for any 1727
reason other than the nonpayment of fees: the limitation, 1728
revocation, or suspension of an individual's license to practice; 1729
acceptance of an individual's license surrender; denial of a 1730
license; refusal to renew or reinstate a license; imposition of 1731
probation; or issuance of an order of censure or other reprimand; 1732

(23) The violation of section 2919.12 of the Revised Code or 1733
the performance or inducement of an abortion upon a pregnant woman 1734
with actual knowledge that the conditions specified in division 1735
(B) of section 2317.56 of the Revised Code have not been satisfied 1736
or with a heedless indifference as to whether those conditions 1737
have been satisfied, unless an affirmative defense as specified in 1738
division (H)(2) of that section would apply in a civil action 1739
authorized by division (H)(1) of that section; 1740

(24) The revocation, suspension, restriction, reduction, or 1741
termination of clinical privileges by the United States department 1742
of defense or department of veterans affairs or the termination or 1743
suspension of a certificate of registration to prescribe drugs by 1744
the drug enforcement administration of the United States 1745
department of justice; 1746

(25) Termination or suspension from participation in the 1747
medicare or medicaid programs by the department of health and 1748
human services or other responsible agency for any act or acts 1749
that also would constitute a violation of division (B)(2), (3), 1750
(6), (8), or (19) of this section; 1751

(26) Impairment of ability to practice according to 1752
acceptable and prevailing standards of care because of habitual or 1753
excessive use or abuse of drugs, alcohol, or other substances that 1754
impair ability to practice. 1755

For the purposes of this division, any individual authorized 1756

to practice by this chapter accepts the privilege of practicing in 1757
this state subject to supervision by the board. By filing an 1758
application for or holding a certificate to practice under this 1759
chapter, an individual shall be deemed to have given consent to 1760
submit to a mental or physical examination when ordered to do so 1761
by the board in writing, and to have waived all objections to the 1762
admissibility of testimony or examination reports that constitute 1763
privileged communications. 1764

If it has reason to believe that any individual authorized to 1765
practice by this chapter or any applicant for certification to 1766
practice suffers such impairment, the board may compel the 1767
individual to submit to a mental or physical examination, or both. 1768
The expense of the examination is the responsibility of the 1769
individual compelled to be examined. Any mental or physical 1770
examination required under this division shall be undertaken by a 1771
treatment provider or physician who is qualified to conduct the 1772
examination and who is chosen by the board. 1773

Failure to submit to a mental or physical examination ordered 1774
by the board constitutes an admission of the allegations against 1775
the individual unless the failure is due to circumstances beyond 1776
the individual's control, and a default and final order may be 1777
entered without the taking of testimony or presentation of 1778
evidence. If the board determines that the individual's ability to 1779
practice is impaired, the board shall suspend the individual's 1780
certificate or deny the individual's application and shall require 1781
the individual, as a condition for initial, continued, reinstated, 1782
or renewed certification to practice, to submit to treatment. 1783

Before being eligible to apply for reinstatement of a 1784
certificate suspended under this division, the impaired 1785
practitioner shall demonstrate to the board the ability to resume 1786
practice in compliance with acceptable and prevailing standards of 1787
care under the provisions of the practitioner's certificate. The 1788

demonstration shall include, but shall not be limited to, the 1789
following: 1790

(a) Certification from a treatment provider approved under 1791
section 4731.25 of the Revised Code that the individual has 1792
successfully completed any required inpatient treatment; 1793

(b) Evidence of continuing full compliance with an aftercare 1794
contract or consent agreement; 1795

(c) Two written reports indicating that the individual's 1796
ability to practice has been assessed and that the individual has 1797
been found capable of practicing according to acceptable and 1798
prevailing standards of care. The reports shall be made by 1799
individuals or providers approved by the board for making the 1800
assessments and shall describe the basis for their determination. 1801

The board may reinstate a certificate suspended under this 1802
division after that demonstration and after the individual has 1803
entered into a written consent agreement. 1804

When the impaired practitioner resumes practice, the board 1805
shall require continued monitoring of the individual. The 1806
monitoring shall include, but not be limited to, compliance with 1807
the written consent agreement entered into before reinstatement or 1808
with conditions imposed by board order after a hearing, and, upon 1809
termination of the consent agreement, submission to the board for 1810
at least two years of annual written progress reports made under 1811
penalty of perjury stating whether the individual has maintained 1812
sobriety. 1813

(27) A second or subsequent violation of section 4731.66 or 1814
4731.69 of the Revised Code; 1815

(28) Except as provided in division (N) of this section: 1816

(a) Waiving the payment of all or any part of a deductible or 1817
copayment that a patient, pursuant to a health insurance or health 1818

care policy, contract, or plan that covers the individual's 1819
services, otherwise would be required to pay if the waiver is used 1820
as an enticement to a patient or group of patients to receive 1821
health care services from that individual; 1822

(b) Advertising that the individual will waive the payment of 1823
all or any part of a deductible or copayment that a patient, 1824
pursuant to a health insurance or health care policy, contract, or 1825
plan that covers the individual's services, otherwise would be 1826
required to pay. 1827

(29) Failure to use universal blood and body fluid 1828
precautions established by rules adopted under section 4731.051 of 1829
the Revised Code; 1830

(30) Failure to provide notice to, and receive acknowledgment 1831
of the notice from, a patient when required by section 4731.143 of 1832
the Revised Code prior to providing nonemergency professional 1833
services, or failure to maintain that notice in the patient's 1834
file; 1835

(31) Failure of a physician supervising a physician assistant 1836
to maintain supervision in accordance with the requirements of 1837
Chapter 4730. of the Revised Code and the rules adopted under that 1838
chapter; 1839

(32) Failure of a physician or podiatrist to enter into a 1840
standard care arrangement with a clinical nurse specialist, 1841
certified nurse-midwife, or certified nurse practitioner with whom 1842
the physician or podiatrist is in collaboration pursuant to 1843
section 4731.27 of the Revised Code or failure to fulfill the 1844
responsibilities of collaboration after entering into a standard 1845
care arrangement; 1846

(33) Failure to comply with the terms of a consult agreement 1847
entered into with a pharmacist pursuant to section 4729.39 of the 1848
Revised Code; 1849

(34) Failure to cooperate in an investigation conducted by 1850
the board under division (F) of this section, including failure to 1851
comply with a notice to inspect and copy, failure to comply with a 1852
subpoena or order issued by the board, or failure to answer 1853
truthfully a question presented by the board in an investigative 1854
interview, an investigative office conference, at a deposition, or 1855
in written interrogatories, except that failure to cooperate with 1856
an investigation shall not constitute grounds for discipline under 1857
this section if a court of competent jurisdiction has issued an 1858
order that either quashes a subpoena or permits the individual to 1859
withhold the testimony or evidence in issue; 1860

(35) Failure to supervise an oriental medicine practitioner 1861
or acupuncturist in accordance with Chapter 4762. of the Revised 1862
Code and the board's rules for providing that supervision; 1863

(36) Failure to supervise an anesthesiologist assistant in 1864
accordance with Chapter 4760. of the Revised Code and the board's 1865
rules for supervision of an anesthesiologist assistant; 1866

(37) Assisting suicide as defined in section 3795.01 of the 1867
Revised Code; 1868

(38) Failure to comply with the requirements of section 1869
2317.561 of the Revised Code; 1870

(39) Failure to supervise a radiologist assistant in 1871
accordance with Chapter 4774. of the Revised Code and the board's 1872
rules for supervision of radiologist assistants; 1873

(40) Performing or inducing an abortion at an office or 1874
facility with knowledge that the office or facility fails to post 1875
the notice required under section 3701.791 of the Revised Code; 1876

(41) Failure to comply with the standards and procedures 1877
established in rules under section 4731.054 of the Revised Code 1878
for the operation of or the provision of care at a pain management 1879
clinic; 1880

(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;	1881 1882 1883 1884
(43) Failure to comply with the requirements of section 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;	1885 1886 1887 1888
(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;	1889 1890 1891 1892
(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;	1893 1894 1895 1896 1897
(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;	1898 1899 1900 1901
(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 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman.	1902 1903 1904 1905 1906
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a	1907 1908 1909 1910 1911

violation of this chapter or any rule adopted under it. A consent 1912
agreement, when ratified by an affirmative vote of not fewer than 1913
six members of the board, shall constitute the findings and order 1914
of the board with respect to the matter addressed in the 1915
agreement. If the board refuses to ratify a consent agreement, the 1916
admissions and findings contained in the consent agreement shall 1917
be of no force or effect. 1918

A telephone conference call may be utilized for ratification 1919
of a consent agreement that revokes or suspends an individual's 1920
certificate to practice. The telephone conference call shall be 1921
considered a special meeting under division (F) of section 121.22 1922
of the Revised Code. 1923

If the board takes disciplinary action against an individual 1924
under division (B) of this section for a second or subsequent plea 1925
of guilty to, or judicial finding of guilt of, a violation of 1926
section 2919.123 of the Revised Code, the disciplinary action 1927
shall consist of a suspension of the individual's certificate to 1928
practice for a period of at least one year or, if determined 1929
appropriate by the board, a more serious sanction involving the 1930
individual's certificate to practice. Any consent agreement 1931
entered into under this division with an individual that pertains 1932
to a second or subsequent plea of guilty to, or judicial finding 1933
of guilt of, a violation of that section shall provide for a 1934
suspension of the individual's certificate to practice for a 1935
period of at least one year or, if determined appropriate by the 1936
board, a more serious sanction involving the individual's 1937
certificate to practice. 1938

(D) For purposes of divisions (B)(10), (12), and (14) of this 1939
section, the commission of the act may be established by a finding 1940
by the board, pursuant to an adjudication under Chapter 119. of 1941
the Revised Code, that the individual committed the act. The board 1942
does not have jurisdiction under those divisions if the trial 1943

court renders a final judgment in the individual's favor and that 1944
judgment is based upon an adjudication on the merits. The board 1945
has jurisdiction under those divisions if the trial court issues 1946
an order of dismissal upon technical or procedural grounds. 1947

(E) The sealing of conviction records by any court shall have 1948
no effect upon a prior board order entered under this section or 1949
upon the board's jurisdiction to take action under this section 1950
if, based upon a plea of guilty, a judicial finding of guilt, or a 1951
judicial finding of eligibility for intervention in lieu of 1952
conviction, the board issued a notice of opportunity for a hearing 1953
prior to the court's order to seal the records. The board shall 1954
not be required to seal, destroy, redact, or otherwise modify its 1955
records to reflect the court's sealing of conviction records. 1956

(F)(1) The board shall investigate evidence that appears to 1957
show that a person has violated any provision of this chapter or 1958
any rule adopted under it. Any person may report to the board in a 1959
signed writing any information that the person may have that 1960
appears to show a violation of any provision of this chapter or 1961
any rule adopted under it. In the absence of bad faith, any person 1962
who reports information of that nature or who testifies before the 1963
board in any adjudication conducted under Chapter 119. of the 1964
Revised Code shall not be liable in damages in a civil action as a 1965
result of the report or testimony. Each complaint or allegation of 1966
a violation received by the board shall be assigned a case number 1967
and shall be recorded by the board. 1968

(2) Investigations of alleged violations of this chapter or 1969
any rule adopted under it shall be supervised by the supervising 1970
member elected by the board in accordance with section 4731.02 of 1971
the Revised Code and by the secretary as provided in section 1972
4731.39 of the Revised Code. The president may designate another 1973
member of the board to supervise the investigation in place of the 1974
supervising member. No member of the board who supervises the 1975

investigation of a case shall participate in further adjudication 1976
of the case. 1977

(3) In investigating a possible violation of this chapter or 1978
any rule adopted under this chapter, or in conducting an 1979
inspection under division (E) of section 4731.054 of the Revised 1980
Code, the board may question witnesses, conduct interviews, 1981
administer oaths, order the taking of depositions, inspect and 1982
copy any books, accounts, papers, records, or documents, issue 1983
subpoenas, and compel the attendance of witnesses and production 1984
of books, accounts, papers, patient medical records, documents, 1985
and testimony, ~~except that a.~~ A subpoena for patient ~~record~~ 1986
~~information~~ medical records shall not be issued without 1987
consultation with the attorney general's office and approval of 1988
the secretary and supervising member of the board. 1989

(a) Before issuance of a subpoena for patient ~~record~~ 1990
~~information~~ medical records, the secretary and supervising member 1991
shall determine whether there is probable cause to believe that 1992
the complaint filed alleges a violation of this chapter or any 1993
rule adopted under it and that the records sought are relevant to 1994
the alleged violation and material to the investigation. The 1995
subpoena may apply only to records that cover a reasonable period 1996
of time surrounding the alleged violation. 1997

(b) On failure to comply with any subpoena issued by the 1998
board and after reasonable notice to the person being subpoenaed, 1999
the board may move for an order compelling the production of 2000
persons or records pursuant to the Rules of Civil Procedure. 2001

(c) A subpoena issued by the board may be served by a 2002
sheriff, the sheriff's deputy, or a board employee designated by 2003
the board. Service of a subpoena issued by the board may be made 2004
by delivering a copy of the subpoena to the person named therein, 2005
reading it to the person, or leaving it at the person's usual 2006
place of residence, usual place of business, or address on file 2007

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 patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to

an investigation or inspection, including patient records and 2039
patient record information, with law enforcement agencies, other 2040
licensing boards, and other governmental agencies that are 2041
prosecuting, adjudicating, or investigating alleged violations of 2042
statutes or administrative rules. An agency or board that receives 2043
the information shall comply with the same requirements regarding 2044
confidentiality as those with which the state medical board must 2045
comply, notwithstanding any conflicting provision of the Revised 2046
Code or procedure of the agency or board that applies when it is 2047
dealing with other information in its possession. In a judicial 2048
proceeding, the information may be admitted into evidence only in 2049
accordance with the Rules of Evidence, but the court shall require 2050
that appropriate measures are taken to ensure that confidentiality 2051
is maintained with respect to any part of the information that 2052
contains names or other identifying information about patients or 2053
complainants whose confidentiality was protected by the state 2054
medical board when the information was in the board's possession. 2055
Measures to ensure confidentiality that may be taken by the court 2056
include sealing its records or deleting specific information from 2057
its records. 2058

(6) On a quarterly basis, the board shall prepare a report 2059
that documents the disposition of all cases during the preceding 2060
three months. The report shall contain the following information 2061
for each case with which the board has completed its activities: 2062

(a) The case number assigned to the complaint or alleged 2063
violation; 2064

(b) The type of certificate to practice, if any, held by the 2065
individual against whom the complaint is directed; 2066

(c) A description of the allegations contained in the 2067
complaint; 2068

(d) The disposition of the case. 2069

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

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

(1) That there is clear and convincing evidence that an individual has violated division (B) 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 six of its members, excluding the secretary and supervising member, may suspend a certificate 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 of 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 2101
after completion of its hearing. A failure to issue the order 2102
within seventy-five days shall result in dissolution of the 2103
summary suspension order but shall not invalidate any subsequent, 2104
final adjudicative order. 2105

(H) If the board takes action under division (B)(9), (11), or 2106
(13) of this section and the judicial finding of guilt, guilty 2107
plea, or judicial finding of eligibility for intervention in lieu 2108
of conviction is overturned on appeal, upon exhaustion of the 2109
criminal appeal, a petition for reconsideration of the order may 2110
be filed with the board along with appropriate court documents. 2111
Upon receipt of a petition of that nature and supporting court 2112
documents, the board shall reinstate the individual's certificate 2113
to practice. The board may then hold an adjudication under Chapter 2114
119. of the Revised Code to determine whether the individual 2115
committed the act in question. Notice of an opportunity for a 2116
hearing shall be given in accordance with Chapter 119. of the 2117
Revised Code. If the board finds, pursuant to an adjudication held 2118
under this division, that the individual committed the act or if 2119
no hearing is requested, the board may order any of the sanctions 2120
identified under division (B) of this section. 2121

(I) The certificate to practice issued to an individual under 2122
this chapter and the individual's practice in this state are 2123
automatically suspended as of the date of the individual's second 2124
or subsequent plea of guilty to, or judicial finding of guilt of, 2125
a violation of section 2919.123 of the Revised Code, or the date 2126
the individual pleads guilty to, is found by a judge or jury to be 2127
guilty of, or is subject to a judicial finding of eligibility for 2128
intervention in lieu of conviction in this state or treatment or 2129
intervention in lieu of conviction in another jurisdiction for any 2130
of the following criminal offenses in this state or a 2131
substantially equivalent criminal offense in another jurisdiction: 2132

aggravated murder, murder, voluntary manslaughter, felonious 2133
assault, kidnapping, rape, sexual battery, gross sexual 2134
imposition, aggravated arson, aggravated robbery, or aggravated 2135
burglary. Continued practice after suspension shall be considered 2136
practicing without a certificate. 2137

The board shall notify the individual subject to the 2138
suspension by certified mail or in person in accordance with 2139
section 119.07 of the Revised Code. If an individual whose 2140
certificate is automatically suspended under this division fails 2141
to make a timely request for an adjudication under Chapter 119. of 2142
the Revised Code, the board shall do whichever of the following is 2143
applicable: 2144

(1) If the automatic suspension under this division is for a 2145
second or subsequent plea of guilty to, or judicial finding of 2146
guilt of, a violation of section 2919.123 of the Revised Code, the 2147
board shall enter an order suspending the individual's certificate 2148
to practice for a period of at least one year or, if determined 2149
appropriate by the board, imposing a more serious sanction 2150
involving the individual's certificate to practice. 2151

(2) In all circumstances in which division (I)(1) of this 2152
section does not apply, enter a final order permanently revoking 2153
the individual's certificate to practice. 2154

(J) If the board is required by Chapter 119. of the Revised 2155
Code to give notice of an opportunity for a hearing and if the 2156
individual subject to the notice does not timely request a hearing 2157
in accordance with section 119.07 of the Revised Code, the board 2158
is not required to hold a hearing, but may adopt, by an 2159
affirmative vote of not fewer than six of its members, a final 2160
order that contains the board's findings. In that final order, the 2161
board may order any of the sanctions identified under division (A) 2162
or (B) of this section. 2163

(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 under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

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

(3) Failure by an individual to renew a certificate of

registration in accordance with this chapter shall not remove or 2195
limit the board's jurisdiction to take any disciplinary action 2196
under this section against the individual. 2197

(4) At the request of the board, a certificate holder shall 2198
immediately surrender to the board a certificate that the board 2199
has suspended, revoked, or permanently revoked. 2200

(N) Sanctions shall not be imposed under division (B)(28) of 2201
this section against any person who waives deductibles and 2202
copayments as follows: 2203

(1) In compliance with the health benefit plan that expressly 2204
allows such a practice. Waiver of the deductibles or copayments 2205
shall be made only with the full knowledge and consent of the plan 2206
purchaser, payer, and third-party administrator. Documentation of 2207
the consent shall be made available to the board upon request. 2208

(2) For professional services rendered to any other person 2209
authorized to practice pursuant to this chapter, to the extent 2210
allowed by this chapter and rules adopted by the board. 2211

(O) Under the board's investigative duties described in this 2212
section and subject to division (F) of this section, the board 2213
shall develop and implement a quality intervention program 2214
designed to improve through remedial education the clinical and 2215
communication skills of individuals authorized under this chapter 2216
to practice medicine and surgery, osteopathic medicine and 2217
surgery, and podiatric medicine and surgery. In developing and 2218
implementing the quality intervention program, the board may do 2219
all of the following: 2220

(1) Offer in appropriate cases as determined by the board an 2221
educational and assessment program pursuant to an investigation 2222
the board conducts under this section; 2223

(2) Select providers of educational and assessment services, 2224
including a quality intervention program panel of case reviewers; 2225

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

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

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

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

Sec. 4731.222. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a certificate pursuant to section 4731.17, 4731.29, 4731.295, or 4731.57, ~~or 4731.571~~ of the Revised Code who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:

(a) An active practitioner;

(b) A participant in a program of graduate medical education, as defined in section 4731.091 of the Revised Code;

(c) A student in a college of podiatry determined by the

state medical board to be in good standing; 2256

(d) A student in a school, college, or institution giving 2257
instruction in a limited branch of medicine determined by the 2258
board to be in good standing under section 4731.16 of the Revised 2259
Code. 2260

(B) Before restoring a certificate to good standing for or 2261
issuing a certificate to an applicant subject to this section, the 2262
state medical board may impose terms and conditions, including one 2263
or more of the following: 2264

(1) Requiring the applicant to pass an oral or written 2265
examination, or both, to determine the applicant's present fitness 2266
to resume practice; 2267

(2) Requiring the applicant to obtain additional training and 2268
to pass an examination upon completion of such training; 2269

(3) Requiring the applicant to obtain an evaluation of 2270
physical skills to assess the coordination, fine motor skills, and 2271
dexterity necessary to perform medical evaluations and procedures 2272
within minimal standards of care; 2273

(4) Requiring the applicant to obtain an evaluation of 2274
cognitive skills to assess the skills necessary to recognize and 2275
understand diseases and conditions; 2276

(5) Requiring the applicant to obtain a comprehensive 2277
physical examination that includes an assessment of physical 2278
abilities, a special sensory evaluation, a neurological screening, 2279
and any other assessment or evaluation specified by the board; 2280

(6) Restricting or limiting the extent, scope, or type of 2281
practice of the applicant. 2282

The board shall consider the moral background and the 2283
activities of the applicant during the period of suspension or 2284
inactivity, in accordance with ~~section~~ sections 4731.08, 4731.19, 2285

and 4731.52 of the Revised Code. The board shall not restore a 2286
certificate under this section unless the applicant complies with 2287
sections 4776.01 to 4776.04 of the Revised Code. 2288

Sec. 4731.281. (A) ~~On or before the deadline established 2289
under division (B) of this section for applying for renewal of a 2290
certificate of registration, each person holding a certificate 2291
under this chapter to practice medicine and surgery, osteopathic 2292
medicine and surgery, or podiatric medicine and surgery shall 2293
certify to the state medical board that in the preceding two years 2294
the person has completed one hundred hours of continuing medical 2295
education. The certification shall be made upon the application 2296
for biennial registration submitted pursuant to division (B) of 2297
this section. The board shall adopt rules providing for pro rata 2298
reductions by month of the number of hours of continuing education 2299
required for persons who are in their first registration period, 2300
who have been disabled due to illness or accident, or who have 2301
been absent from the country. 2302~~

~~In determining whether a course, program, or activity 2303
qualifies for credit as continuing medical education, the board 2304
shall approve all continuing medical education taken by persons 2305
holding a certificate to practice medicine and surgery that is 2306
certified by the Ohio state medical association, all continuing 2307
medical education taken by persons holding a certificate to 2308
practice osteopathic medicine and surgery that is certified by the 2309
Ohio osteopathic association, and all continuing medical education 2310
taken by persons holding a certificate to practice podiatric 2311
medicine and surgery that is certified by the Ohio podiatric 2312
medical association. Each person holding a certificate to practice 2313
under this chapter shall be given sufficient choice of continuing 2314
education programs to ensure that the person has had a reasonable 2315
opportunity to participate in continuing education programs that 2316
are relevant to the person's medical practice in terms of subject 2317~~

~~matter and level.~~ 2318

~~The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.~~ 2319
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~~(B)(1) Every person holding a A certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the issued by the state medical board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of three hundred five dollars, is valid for two years and may be renewed in accordance with this section.~~ 2325
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~~(B) At least three months before a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery expires, the board shall mail or cause to be mailed to the certificate holder a renewal notice addressed to the certificate holder's last known address on file with the board. Failure of a certificate holder to receive a notice of renewal from the board does not excuse the certificate holder from the requirements of this section. The notice shall include information informing the certificate holder of the renewal procedure and of the reporting requirement of division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included in the application for renewal or an accompanying page.~~ 2333
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~~(C) A certificate expires according to the following schedule:~~ 2346
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~~(a)(1) Persons whose last name begins with the letters "A"~~ 2348

through "B," on ~~or before April 1, 2001,~~ and the first day of 2349
~~April~~ July of every odd-numbered year ~~thereafter;~~ 2350

~~(b)(2)~~ Persons whose last name begins with the letters "C" 2351
through "D," on ~~or before January 1, 2001,~~ and the first day of 2352
~~January~~ April of every odd-numbered year ~~thereafter;~~ 2353

~~(c)(3)~~ Persons whose last name begins with the letters "E" 2354
through "G," on ~~or before October 1, 2000,~~ and the first day of 2355
~~October~~ January of every ~~even-numbered~~ odd-numbered year 2356
~~thereafter;~~ 2357

~~(d)(4)~~ Persons whose last name begins with the letters "H" 2358
through "K," on ~~or before July 1, 2000,~~ and the first day of ~~July~~ 2359
October of every even-numbered year ~~thereafter;~~ 2360

~~(e)(5)~~ Persons whose last name begins with the letters "L" 2361
through "M," on ~~or before April 1, 2000,~~ and the first day of 2362
~~April~~ July of every even-numbered year ~~thereafter;~~ 2363

~~(f)(6)~~ Persons whose last name begins with the letters "N" 2364
through "R," on ~~or before January 1, 2000,~~ and the first day of 2365
~~January~~ April of every even-numbered year ~~thereafter;~~ 2366

~~(g)(7)~~ Persons whose last name begins with the letter "S," on 2367
~~or before October 1, 1999,~~ and the first day of ~~October~~ January of 2368
every ~~odd-numbered~~ even-numbered year ~~thereafter;~~ 2369

~~(h)(8)~~ Persons whose last name begins with the letters "T" 2370
through "Z," on ~~or before July 1, 1999,~~ and the first day of ~~July~~ 2371
October of every odd-numbered year ~~thereafter.~~ 2372

~~The board shall deposit the fee in accordance with section~~ 2373
~~4731.24 of the Revised Code, except that the board shall deposit~~ 2374
~~twenty dollars of the fee into the state treasury to the credit of~~ 2375
~~the physician loan repayment fund created by section 3702.78 of~~ 2376
~~the Revised Code.~~ 2377

~~(2) The board shall mail or cause to be mailed to every~~ 2378

~~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
society, according to the following schedule:~~

~~(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;~~

~~(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;~~

~~(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;~~

~~(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;~~

~~(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;~~

~~(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;~~

~~(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;~~

~~(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.~~

~~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.~~

~~The notice shall inform the applicant of the renewal procedure. The board shall provide the application for registration renewal in a form determined by the board. The applicant shall provide in the application the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other information required by the board. The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. The applicant shall execute and deliver the application to the board in a manner prescribed by the board. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address or in the list within thirty days of the change.~~

~~The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate of registration.~~

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

(D) An individual seeking to renew a certificate to practice

medicine and surgery, osteopathic medicine and surgery, or 2441
podiatric medicine and surgery shall, in accordance with the 2442
schedule in division (C) of this section, apply for renewal of the 2443
certificate. Renewal applications shall be submitted to the board 2444
in a manner prescribed by the board. 2445

(E) To be eligible for renewal, an applicant shall do all of 2446
the following: 2447

(1) Pay a biennial registration fee of three hundred five 2448
dollars; 2449

(2) Include all of the following with a renewal application: 2450

(a) The applicant's full name, principal practice address, 2451
residential address, and certificate to practice number; 2452

(b) The names and addresses of any clinical nurse 2453
specialists, certified nurse-midwives, or certified nurse 2454
practitioners with whom the applicant is in collaboration pursuant 2455
to section 4731.27 of the Revised Code; 2456

(c) An affidavit attesting to the accuracy and truthfulness 2457
of information submitted and a release of information; 2458

(d) Any other information required by the board. 2459

(3) Certify to the board that the applicant has complied with 2460
the continuing education requirements of section 4731.282 of the 2461
Revised Code; 2462

(4) Report any criminal offense to which the applicant has 2463
pleaded guilty, of which the applicant has been found guilty, or 2464
for which the applicant has been found eligible for intervention 2465
in lieu of conviction, since last filing an application for a 2466
certificate of registration. 2467

(F) If an applicant submits a renewal application the board 2468
considers complete and qualifies for renewal pursuant to division 2469
(E) of this section, the board shall issue a renewed certificate 2470

of registration to the applicant. 2471

(G) Not later than thirty days after a change of address, the 2472
holder of a certificate to practice medicine and surgery, 2473
osteopathic medicine and surgery, or podiatric medicine and 2474
surgery shall provide the board written notice of the change of 2475
address. 2476

(H) Failure of any certificate holder to register and comply 2477
with this section shall operate automatically to suspend the 2478
holder's certificate to practice. Continued practice after the 2479
suspension of the certificate to practice shall be considered as 2480
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 2481
the Revised Code. ~~If the~~ 2482

If a certificate has been suspended pursuant to this division 2483
for two years or less, it may be reinstated. The board shall 2484
reinstate a ~~the~~ certificate to practice suspended for failure to 2485
~~register~~ upon an applicant's submission of a renewal application, 2486
the biennial registration fee, and the applicable monetary 2487
penalty. The penalty for reinstatement shall be fifty dollars. ~~If~~ 2488
~~the~~ 2489

If a certificate has been suspended pursuant to this division 2490
for more than two years, it may be restored. Subject to section 2491
4731.222 of the Revised Code, the board may restore a ~~the~~ 2492
~~certificate to practice suspended for failure to register~~ upon an 2493
applicant's submission of a restoration application, the biennial 2494
registration fee, and the applicable monetary penalty and 2495
compliance with sections 4776.01 to 4776.04 of the Revised Code. 2496
The board shall not restore to an applicant a certificate to 2497
practice unless the board, in its discretion, decides that the 2498
results of the criminal records check do not make the applicant 2499
ineligible for a certificate issued pursuant to section 4731.14, 2500
4731.56, or 4731.57 of the Revised Code. The penalty for 2501
restoration shall be one hundred dollars. ~~The~~ 2502

The board shall deposit the money received as reinstatement 2503
and restoration penalties in accordance with section 4731.24 of 2504
the Revised Code. 2505

~~(E) If an individual certifies completion of the number of 2506
hours and type of continuing medical education required to receive 2507
a certificate of registration or reinstatement of a certificate to 2508
practice, and the board finds through the random samples it 2509
conducts under this section or through any other means that the 2510
individual did not complete the requisite continuing medical 2511
education, the board may impose a civil penalty of not more than 2512
five thousand dollars. The board's finding shall be made pursuant 2513
to an adjudication under Chapter 119. of the Revised Code and by 2514
an affirmative vote of not fewer than six members. 2515~~

~~A civil penalty imposed under this division may be in 2516
addition to or in lieu of any other action the board may take 2517
under section 4731.22 of the Revised Code. The board shall deposit 2518
civil penalties in accordance with section 4731.24 of the Revised 2519
Code. 2520~~

~~(F) The state medical board may obtain information not 2521
protected by statutory or common law privilege from courts and 2522
other sources concerning malpractice claims against any person 2523
holding a certificate to practice under this chapter or practicing 2524
as provided in section 4731.36 of the Revised Code. 2525~~

~~(G) Each mailing sent by the board under division (B)(2) of 2526
this section to a person registered to practice medicine and 2527
surgery or osteopathic medicine and surgery shall inform the 2528
applicant of the reporting requirement established by division (H) 2529
of section 3701.79 of the Revised Code. At the discretion of the 2530
board, the information may be included on the application for 2531
registration or on an accompanying page (I) The board shall 2532
deposit twenty dollars of the biennial registration fee specified 2533
in division (E)(1) of this section into the state treasury to the 2534~~

credit of the physician loan repayment fund created by section 2535
3702.78 of the Revised Code and the remainder in accordance with 2536
section 4731.24 of the Revised Code. 2537

Sec. 4731.282. (A)(1) Except as provided in division (D) of 2538
this section, each person holding a certificate to practice 2539
medicine and surgery, osteopathic medicine and surgery, or 2540
podiatric medicine and surgery issued by the state medical board 2541
shall complete biennially not less than one hundred hours of 2542
continuing medical education that has been approved by the board. 2543

(2) Each person holding a certificate to practice shall be 2544
given sufficient choice of continuing education programs to ensure 2545
that the person has had a reasonable opportunity to participate in 2546
continuing education programs that are relevant to the person's 2547
medical practice in terms of subject matter and level. 2548

(B) In determining whether a course, program, or activity 2549
qualifies for credit as continuing medical education, the board 2550
shall approve all of the following: 2551

(1) Continuing medical education completed by holders of 2552
certificates to practice medicine and surgery that is certified by 2553
the Ohio state medical association; 2554

(2) Continuing medical education completed by holders of 2555
certificates to practice osteopathic medicine and surgery that is 2556
certified by the Ohio osteopathic association; 2557

(3) Continuing medical education completed by holders of 2558
certificates to practice podiatric medicine and surgery that is 2559
certified by the Ohio podiatric medical association. 2560

(C) The board shall approve one or more continuing medical 2561
education courses of study included within the programs certified 2562
by the Ohio state medical association and the Ohio osteopathic 2563
association under divisions (B)(1) and (2) of this section that 2564

assist doctors of medicine and doctors of osteopathic medicine in 2565
both of the following: 2566

(1) Recognizing the signs of domestic violence and its 2567
relationship to child abuse; 2568

(2) Diagnosing and treating chronic pain, as defined in 2569
section 4731.052 of the Revised Code. 2570

(D) The board shall adopt rules providing for pro rata 2571
reductions by month of the number of hours of continuing education 2572
that must be completed for certificate holders who are in their 2573
first registration period, have been disabled by illness or 2574
accident, or have been absent from the country. The board shall 2575
adopt the rules in accordance with Chapter 119. of the Revised 2576
Code. 2577

(E) The board may require a random sample of holders of 2578
certificates to practice medicine and surgery, osteopathic 2579
medicine and surgery, or podiatric medicine and surgery to submit 2580
materials documenting completion of the required number of hours 2581
of continuing medical education. This division does not limit the 2582
board's authority to conduct investigations pursuant to section 2583
4731.22 of the Revised Code. 2584

(F) The board may impose a civil penalty of not more than 2585
five thousand dollars if, through a random sample conducted under 2586
division (E) of this section or any other means, it finds that an 2587
individual falsely certified that the individual completed the 2588
number of hours and type of continuing medical education required 2589
for renewal of a certificate of registration. If the civil penalty 2590
is imposed in conjunction with a disciplinary action under section 2591
4731.22 of the Revised Code, the board's finding shall be made 2592
pursuant to an adjudication under Chapter 119. of the Revised Code 2593
and by an affirmative vote of not fewer than six of its members. 2594

A civil penalty imposed under this division may be in 2595

addition to or in lieu of any other action the board takes under 2596
section 4731.22 of the Revised Code. The board shall deposit civil 2597
penalties in accordance with section 4731.24 of the Revised Code. 2598

Sec. 4731.293. (A) The state medical board may issue, without 2599
examination, a clinical research faculty certificate to any person 2600
who applies for the certificate and provides to the board all of 2601
the following: 2602

(1) Evidence satisfactory to the board of all of the 2603
following: 2604

(a) That the applicant holds a current, unrestricted license 2605
to practice medicine and surgery or osteopathic medicine and 2606
surgery issued by another state or country; 2607

(b) That the applicant has been appointed to serve in this 2608
state on the academic staff of a medical school accredited by the 2609
liaison committee on medical education or an osteopathic medical 2610
school accredited by the American osteopathic association; 2611

(c) That the applicant is an international medical graduate 2612
who holds a medical degree from an educational institution listed 2613
in the international medical education directory. 2614

(2) An affidavit and supporting documentation from the dean 2615
of the medical school or the department director or chairperson of 2616
a teaching hospital affiliated with the school that the applicant 2617
is qualified to perform teaching and research activities and will 2618
be permitted to work only under the authority of the department 2619
director or chairperson of a teaching hospital affiliated with the 2620
medical school where the applicant's teaching and research 2621
activities will occur; 2622

(3) A description from the medical school or teaching 2623
hospital of the scope of practice in which the applicant will be 2624
involved, including the types of teaching, research, and 2625

procedures in which the applicant will be engaged; 2626

(4) A description from the medical school or teaching 2627
hospital of the type and amount of patient contact that will occur 2628
in connection with the applicant's teaching and research 2629
activities. 2630

(B) An applicant for an initial clinical research faculty 2631
certificate shall pay a fee of three hundred seventy-five dollars. 2632

(C) The holder of a clinical research faculty certificate may 2633
practice medicine and surgery or osteopathic medicine and surgery 2634
only as is incidental to the certificate holder's teaching or 2635
research duties at the medical school or a teaching hospital 2636
affiliated with the school. The board may revoke a certificate on 2637
receiving proof satisfactory to the board that the certificate 2638
holder has engaged in practice in this state outside the scope of 2639
the certificate or that there are grounds for action against the 2640
certificate holder under section 4731.22 of the Revised Code. 2641

(D) A clinical research faculty certificate is valid for 2642
three years, except that the certificate ceases to be valid if the 2643
holder's appointment to the academic staff of the school is no 2644
longer valid or the certificate is revoked pursuant to division 2645
(C) of this section. 2646

(E)(1) Three months before a clinical research faculty 2647
certificate expires, the board shall mail or cause to be mailed to 2648
the certificate holder a notice of renewal addressed to the 2649
certificate holder's last known address. Failure of a certificate 2650
holder to receive a notice of renewal from the board shall not 2651
excuse the certificate holder from the requirements contained in 2652
this section. The notice shall inform the certificate holder of 2653
the renewal procedure. The notice also shall inform the 2654
certificate holder of the reporting requirement established by 2655
division (H) of section 3701.79 of the Revised Code. At the 2656

discretion of the board, the information may be included on the 2657
application for renewal or on an accompanying page. 2658

(2) A clinical research faculty certificate may be renewed 2659
for an additional three-year period. There is no limit on the 2660
number of times a certificate may be renewed. A person seeking 2661
renewal of a certificate shall apply to the board. The board shall 2662
provide the application for renewal in a form determined by the 2663
board. 2664

(3) An applicant is eligible for renewal if the applicant 2665
does all of the following: 2666

(a) Pays a renewal fee of three hundred seventy-five dollars; 2667

(b) Reports any criminal offense to which the applicant has 2668
pleaded guilty, of which the applicant has been found guilty, or 2669
for which the applicant has been found eligible for intervention 2670
in lieu of conviction, since last filing an application for a 2671
clinical research faculty certificate; 2672

(c) Provides to the board an affidavit and supporting 2673
documentation from the dean of the medical school or the 2674
department director or chairperson of a teaching hospital 2675
affiliated with the school that the applicant is in compliance 2676
with the applicant's current clinical research faculty 2677
certificate; 2678

(d) Provides evidence satisfactory to the board of all of the 2679
following: 2680

(i) That the applicant continues to maintain a current, 2681
unrestricted license to practice medicine and surgery or 2682
osteopathic medicine and surgery issued by another state or 2683
country; 2684

(ii) That the applicant's initial appointment to serve in 2685
this state on the academic staff of a medical school is still 2686

valid or has been renewed; 2687

(iii) That the applicant has completed one hundred fifty 2688
hours of continuing medical education that meet the requirements 2689
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 2690

(4) Regardless of whether the certificate has expired, a 2691
person who was granted a visiting medical faculty certificate 2692
under this section as it existed immediately prior to ~~the~~ 2693
~~effective date of this amendment~~ June 6, 2012, may apply for a 2694
clinical research faculty certificate as a renewal. The board may 2695
issue the clinical research faculty certificate if the applicant 2696
meets the requirements of division (E)(3) of this section. The 2697
board may not issue a clinical research faculty certificate if the 2698
visiting medical faculty certificate was revoked. 2699

(F) The board shall maintain a register of all persons who 2700
hold clinical research faculty certificates. 2701

(G) The board may adopt any rules it considers necessary to 2702
implement this section. The rules shall be adopted in accordance 2703
with Chapter 119. of the Revised Code. 2704

Sec. 4731.295. (A)(1) As used in this section, "indigent and 2705
uninsured person" and "operation" have the same meanings as in 2706
section 2305.234 of the Revised Code. 2707

(2) For the purposes of this section, a person shall be 2708
considered retired from practice if the person's license or 2709
certificate has expired with the person's intention of ceasing to 2710
practice medicine and surgery or osteopathic medicine and surgery 2711
for remuneration. 2712

(B) The state medical board may issue, without examination, a 2713
volunteer's certificate to a person who is retired from practice 2714
so that the person may provide medical services to indigent and 2715
uninsured persons. The board shall deny issuance of a volunteer's 2716

certificate to a person who is not qualified under this section to 2717
hold a volunteer's certificate. 2718

(C) An application for a volunteer's certificate shall 2719
include all of the following: 2720

(1) A copy of the applicant's degree of medicine or 2721
osteopathic medicine. 2722

(2) One of the following, as applicable: 2723

(a) A copy of the applicant's most recent license or 2724
certificate authorizing the practice of medicine and surgery or 2725
osteopathic medicine and surgery issued by a jurisdiction in the 2726
United States that licenses persons to practice medicine and 2727
surgery or osteopathic medicine and surgery. 2728

(b) A copy of the applicant's most recent license equivalent 2729
to a license to practice medicine and surgery or osteopathic 2730
medicine and surgery in one or more branches of the United States 2731
armed services that the United States government issued. 2732

(3) Evidence of one of the following, as applicable: 2733

(a) That the applicant has maintained for at least ten years 2734
prior to retirement full licensure in good standing in any 2735
jurisdiction in the United States that licenses persons to 2736
practice medicine and surgery or osteopathic medicine and surgery. 2737

(b) That the applicant has practiced for at least ten years 2738
prior to retirement in good standing as a doctor of medicine and 2739
surgery or osteopathic medicine and surgery in one or more of the 2740
branches of the United States armed services. 2741

(4) A notarized statement from the applicant, on a form 2742
prescribed by the board, that the applicant will not accept any 2743
form of remuneration for any medical services rendered while in 2744
possession of a volunteer's certificate. 2745

(D) The holder of a volunteer's certificate may provide 2746

medical services only to indigent and uninsured persons. The 2747
holder shall not accept any form of remuneration for providing 2748
medical services while in possession of the certificate. Except in 2749
a medical emergency, the holder shall not perform any operation or 2750
deliver babies. The board may revoke a volunteer's certificate on 2751
receiving proof satisfactory to the board that the holder has 2752
engaged in practice in this state outside the scope of the 2753
certificate. 2754

(E)(1) A volunteer's certificate shall be valid for a period 2755
of three years, unless earlier revoked under division (D) of this 2756
section or pursuant to section 4731.22 of the Revised Code. A 2757
volunteer's certificate may be renewed upon the application of the 2758
holder. The board shall maintain a register of all persons who 2759
hold volunteer's certificates. The board shall not charge a fee 2760
for issuing or renewing a certificate pursuant to this section. 2761

(2) To be eligible for renewal of a volunteer's certificate 2762
the holder of the certificate shall certify to the board 2763
completion of one hundred fifty hours of continuing medical 2764
education that meets the requirements of section ~~4731.281~~ 4731.282 2765
of the Revised Code regarding certification by private 2766
associations and approval by the board. The board may not renew a 2767
certificate if the holder has not complied with the continuing 2768
medical education requirements. Any entity for which the holder 2769
provides medical services may pay for or reimburse the holder for 2770
any costs incurred in obtaining the required continuing medical 2771
education credits. 2772

(3) The board shall issue to each person who qualifies under 2773
this section for a volunteer's certificate a wallet certificate 2774
and a wall certificate that state that the certificate holder is 2775
authorized to provide medical services pursuant to the laws of 2776
this state. The holder shall keep the wallet certificate on the 2777
holder's person while providing medical services and shall display 2778

the wall certificate prominently at the location where the holder
primarily practices.

(4) The holder of a volunteer's certificate issued pursuant
to this section is subject to the immunity provisions in section
2305.234 of the Revised Code.

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

Sec. 4731.296. (A) For the purposes of this section, "the
practice of telemedicine" means the practice of medicine in this
state through the use of any communication, including oral,
written, or electronic communication, by a physician located
outside this state.

(B) A person who wishes to practice telemedicine in this
state shall file an application with the state medical board,
together with a fee in the amount of the fee described in division
(D) of section 4731.29 of the Revised Code and shall comply with
sections 4776.01 to 4776.04 of the Revised Code. If the board, in
its discretion, decides that the results of the criminal records
check do not make the person ineligible for a telemedicine
certificate, the board may issue, without examination, a
telemedicine certificate to a person who meets all of the
following requirements:

(1) The person holds a current, unrestricted license to
practice medicine and surgery or osteopathic medicine and surgery
issued by another state that requires license holders to complete
at least fifty hours of continuing medical education every two
years.

(2) The person's principal place of practice is in that
state.

(3) The person does not hold a certificate issued under this

chapter authorizing the practice of medicine and surgery or 2809
osteopathic medicine and surgery in this state. 2810

(4) The person meets the same age, moral character, and 2811
educational requirements individuals must meet under sections 2812
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 2813
if applicable, demonstrates proficiency in spoken English in 2814
accordance with division (E) of section 4731.29 of the Revised 2815
Code. 2816

(C) The holder of a telemedicine certificate may engage in 2817
the practice of telemedicine in this state. A person holding a 2818
telemedicine certificate shall not practice medicine in person in 2819
this state without obtaining a special activity certificate under 2820
section 4731.294 of the Revised Code. 2821

(D) The board may revoke a certificate issued under this 2822
section or take other disciplinary action against a certificate 2823
holder pursuant to section 4731.22 of the Revised Code on 2824
receiving proof satisfactory to the board that the certificate 2825
holder has engaged in practice in this state outside the scope of 2826
the certificate or that there are grounds for action against the 2827
holder under section 4731.22 of the Revised Code. 2828

(E) A telemedicine certificate shall be valid for a period 2829
specified by the board, and the initial renewal shall be in 2830
accordance with a schedule established by the board. Thereafter, 2831
the certificate shall be valid for two years. A certificate may be 2832
renewed on application of the holder. 2833

To be eligible for renewal, the holder of the certificate 2834
shall do both of the following: 2835

(1) Pay a fee in the amount of the fee described in division 2836
~~(D)~~(E)(1) of section 4731.281 of the Revised Code; 2837

(2) Certify to the board compliance with the continuing 2838
medical education requirements of the state in which the holder's 2839

principal place of practice is located. 2840

The board may require a random sample of persons holding a 2841
telemedicine certificate to submit materials documenting 2842
completion of the continuing medical education requirements 2843
described in this division. 2844

(F) The board shall convert a telemedicine certificate to a 2845
certificate issued under section 4731.29 of the Revised Code on 2846
receipt of a written request from the certificate holder. Once the 2847
telemedicine certificate is converted, the holder is subject to 2848
all requirements and privileges attendant to a certificate issued 2849
under section 4731.29 of the Revised Code, including continuing 2850
medical education requirements. 2851

Sec. 4731.297. (A) As used in this section: 2852

(1) "Academic medical center" means a medical school and its 2853
affiliated teaching hospitals and clinics partnering to do all of 2854
the following: 2855

(a) Provide the highest quality of patient care from expert 2856
physicians; 2857

(b) Conduct groundbreaking research leading to medical 2858
advancements for current and future patients; 2859

(c) Provide medical education and graduate medical education 2860
to educate and train physicians. 2861

(2) "Affiliated physician group practice" means a medical 2862
practice that consists of one or more physicians authorized under 2863
this chapter to practice medicine and surgery or osteopathic 2864
medicine and surgery and that is affiliated with an academic 2865
medical center to further the objectives described in divisions 2866
(A)(1)(a) to (c) of this section. 2867

(B) The state medical board shall issue, without examination, 2868
to an applicant who meets the requirements of this section a 2869

certificate of conceded eminence authorizing the practice of 2870
medicine and surgery or osteopathic medicine and surgery as part 2871
of the applicant's employment with an academic medical center in 2872
this state or affiliated physician group practice in this state. 2873

(C) To be eligible for a certificate of conceded eminence, an 2874
applicant shall provide to the board all of the following: 2875

(1) Evidence satisfactory to the board of all of the 2876
following: 2877

(a) That the applicant is an international medical graduate 2878
who holds a medical degree from an educational institution listed 2879
in the international medical education directory; 2880

(b) That the applicant has been appointed to serve in this 2881
state as a full-time faculty member of a medical school accredited 2882
by the liaison committee on medical education or an osteopathic 2883
medical school accredited by the American osteopathic association; 2884

(c) That the applicant has accepted an offer of employment 2885
with an academic medical center in this state or affiliated 2886
physician group practice in this state; 2887

(d) That the applicant holds a license in good standing in 2888
another state or country authorizing the practice of medicine and 2889
surgery or osteopathic medicine and surgery; 2890

(e) That the applicant has unique talents and extraordinary 2891
abilities not generally found within the applicant's specialty, as 2892
demonstrated by satisfying at least four of the following: 2893

(i) The applicant has achieved educational qualifications 2894
beyond those that are required for entry into the applicant's 2895
specialty, including advanced degrees, special certifications, or 2896
other academic credentials. 2897

(ii) The applicant has written multiple articles in journals 2898
listed in the index medicus or an equivalent scholarly publication 2899

acceptable to the board. 2900

(iii) The applicant has a sustained record of excellence in 2901
original research, at least some of which involves serving as the 2902
principal investigator or co-principal investigator for a research 2903
project. 2904

(iv) The applicant has received nationally or internationally 2905
recognized prizes or awards for excellence. 2906

(v) The applicant has participated in peer review in a field 2907
of specialization that is the same as or similar to the 2908
applicant's specialty. 2909

(vi) The applicant has developed new procedures or treatments 2910
for complex medical problems that are recognized by peers as a 2911
significant advancement in the applicable field of medicine. 2912

(vii) The applicant has held previous academic appointments 2913
with or been employed by a health care organization that has a 2914
distinguished national or international reputation. 2915

(viii) The applicant has been the recipient of a national 2916
institutes of health or other competitive grant award. 2917

(f) That the applicant has received staff membership or 2918
professional privileges from the academic medical center pursuant 2919
to standards adopted under section 3701.351 of the Revised Code on 2920
a basis that requires the applicant's medical education and 2921
graduate medical education to be at least equivalent to that of a 2922
physician educated and trained in the United States; 2923

(g) That the applicant has sufficient written and oral 2924
English skills to communicate effectively and reliably with 2925
patients, their families, and other medical professionals; 2926

(h) That the applicant will have professional liability 2927
insurance through the applicant's employment with the academic 2928
medical center or affiliated physician group practice. 2929

(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;

(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;

(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;

(5) A fee of one thousand dollars for the certificate.

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.

(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A certificate of conceded eminence is valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated physician group practice. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the academic medical center or affiliated physician group practice.

(G) A certificate of conceded eminence may be renewed for an additional two-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board and is eligible for renewal if the applicant does all of the following:

(1) Pays the renewal fee of one thousand dollars;

(2) Provides to the board an affidavit and supporting documentation from the academic medical center or affiliated physician group practice of all of the following:

(a) That the applicant's initial appointment to the medical faculty is still valid or has been renewed;

(b) That the applicant's clinical practice is consistent with the established standards in the field;

(c) That the applicant has demonstrated continued scholarly achievement;

(d) That the applicant has demonstrated continued professional achievement consistent with the academic medical center's requirements, established pursuant to standards adopted under section 3701.351 of the Revised Code, for physicians with staff membership or professional privileges with the academic medical center.

(3) Satisfies the same continuing medical education requirements set forth in section ~~4731.281~~ 4731.282 of the Revised Code that apply to a person who holds a certificate to practice

medicine and surgery or osteopathic medicine and surgery issued 2991
under this chapter. 2992

(4) Complies with any other requirements established by the 2993
board. 2994

(H) The board may adopt any rules it considers necessary to 2995
implement this section. The rules shall be adopted in accordance 2996
with Chapter 119. of the Revised Code. 2997

Sec. 4731.299. (A) The state medical board may issue, without 2998
examination, to an applicant who meets all of the requirements of 2999
this section an expedited certificate to practice medicine and 3000
surgery or osteopathic medicine and surgery by endorsement. 3001
3002

(B) An individual who seeks an expedited certificate to 3003
practice medicine and surgery or osteopathic medicine and surgery 3004
by endorsement shall file with the board a written application on 3005
a form prescribed and supplied by the board. The application shall 3006
include all of the information the board considers necessary to 3007
process it. 3008

(C) To be eligible to receive an expedited certificate by 3009
endorsement, an applicant shall do both of the following: 3010

(1) Provide evidence satisfactory to the board that the 3011
applicant meets all of the following requirements: 3012

(a) Has passed one of the following: 3013

(i) Steps one, two, and three of the United States medical 3014
licensing examination; 3015

(ii) Levels one, two, and three of the comprehensive 3016
osteopathic medical licensing examination of the United States; 3017

(iii) Any other medical licensing examination recognized by 3018
the board. 3019

(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.

(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code.

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(F) The secretary and supervising member of the board shall review all applications received under this section. ~~If~~

If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code.

(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal.

~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs.

Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following:

(1) A commissioned medical officer of the United States armed forces, as defined in section 5903.11 of the Revised Code, or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a certificate to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who 3110
is a legal practitioner of medicine or surgery therein and 3111
provided services to a patient in that state or territory, when 3112
providing, not later than one year after the last date services 3113
were provided in another state or territory, follow-up services in 3114
person or through the use of any communication, including oral, 3115
written, or electronic communication, in this state to the patient 3116
for the same condition; 3117

(5) A physician or surgeon residing on the border of a 3118
contiguous state and authorized under the laws thereof to practice 3119
medicine and surgery therein, whose practice extends within the 3120
limits of this state. Such practitioner shall not either in person 3121
or through the use of any communication, including oral, written, 3122
or electronic communication, open an office or appoint a place to 3123
see patients or receive calls within the limits of this state. 3124

(6) A board, committee, or corporation engaged in the conduct 3125
described in division (A) of section 2305.251 of the Revised Code 3126
when acting within the scope of the functions of the board, 3127
committee, or corporation; 3128

(7) The conduct of an independent review organization 3129
accredited by the superintendent of insurance under section 3130
3922.13 of the Revised Code for the purpose of external reviews 3131
conducted under Chapter 3922. of the Revised Code. 3132

(B)(1) Subject to division (B)(2) of this section, this 3133
chapter does not apply to a person who holds a current, 3134
unrestricted license to practice medicine and surgery or 3135
osteopathic medicine and surgery in another state when the person, 3136
pursuant to a written agreement with an athletic team located in 3137
the state in which the person holds the license, provides medical 3138
services to any of the following while the team is traveling to or 3139
from or participating in a sporting event in this state: 3140

- (a) A member of the athletic team; 3141
- (b) A member of the athletic team's coaching, communications,
equipment, or sports medicine staff; 3142
3143
- (c) A member of a band or cheerleading squad accompanying the
athletic team; 3144
3145
- (d) The athletic team's mascot. 3146
- (2) In providing medical services pursuant to division (B)(1)
of this section, the person shall not provide medical services at
a health care facility, including a hospital, an ambulatory
surgical facility, or any other facility in which medical care,
diagnosis, or treatment is provided on an inpatient or outpatient
basis. 3147
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- ~~(C) Sections 4731.51 to 4731.61 of the Revised Code do not
apply to any graduate of a podiatric school or college while
performing those acts that may be prescribed by or incidental to
participation in an accredited podiatric internship, residency, or
fellowship program situated in this state approved by the state
medical board. 3153
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3158~~
- ~~(D) This chapter does not apply to an oriental medicine
practitioner or acupuncturist who complies with Chapter 4762. of
the Revised Code. 3159
3160
3161~~
- ~~(E) This chapter does not prohibit the administration of
drugs by any of the following: 3162
3163~~
- (1) An individual who is licensed or otherwise specifically
authorized by the Revised Code to administer drugs; 3164
3165
- (2) An individual who is not licensed or otherwise
specifically authorized by the Revised Code to administer drugs,
but is acting pursuant to the rules for delegation of medical
tasks adopted under section 4731.053 of the Revised Code; 3166
3167
3168
3169
- (3) An individual specifically authorized to administer drugs 3170

pursuant to a rule adopted under the Revised Code that is in 3171
effect on April 10, 2001, as long as the rule remains in effect, 3172
specifically authorizing an individual to administer drugs. 3173

~~(F)~~(D) The exemptions described in divisions (A)(3), (4), and 3174
(5) of this section do not apply to a physician or surgeon whose 3175
certificate to practice issued under this chapter is under 3176
suspension or has been revoked or permanently revoked by action of 3177
the state medical board. 3178

Sec. 4731.51. The practice of podiatric medicine and surgery 3179
consists of the medical, mechanical, and surgical treatment of 3180
ailments of the foot, the muscles and tendons of the leg governing 3181
the functions of the foot; and superficial lesions of the hand 3182
other than those associated with trauma. Podiatrists are permitted 3183
the use of such preparations, medicines, and drugs as may be 3184
necessary for the treatment of such ailments. The podiatrist may 3185
treat the local manifestations of systemic diseases as they appear 3186
in the hand and foot, but the patient shall be concurrently 3187
referred to a doctor of medicine or a doctor of osteopathic 3188
medicine and surgery for the treatment of the systemic disease 3189
itself. General anaesthetics may be used under this section only 3190
in colleges of podiatric medicine and surgery ~~approved~~ that are in 3191
good standing, as determined by the state medical board ~~pursuant~~ 3192
~~to section 4731.53 of the Revised Code~~ and in hospitals approved 3193
by the joint commission ~~on the accreditation of hospitals,~~ or the 3194
American osteopathic association. The use of x-ray or radium for 3195
therapeutic purposes is not permitted. 3196

Sec. 4731.52. ~~Each~~ (A) A person ~~who desires~~ seeking a 3197
certificate to practice podiatric medicine and surgery ~~and is not~~ 3198
~~now authorized to do so~~ shall file with the ~~secretary of the~~ state 3199
medical board a ~~written~~ an application, ~~under oath, on a form in a~~ 3200
manner prescribed by the board ~~and furnish satisfactory proof. The~~ 3201

application shall include all of the following: 3202

(1) Evidence that the applicant is ~~more than~~ at least 3203
eighteen years of age and of good moral character; 3204

(2) Evidence that the applicant has attained high school 3205
graduation; 3206

(3) Evidence that the applicant has completed at least two 3207
years of college credit at an accredited college of arts and 3208
sciences; 3209

(4) Evidence that the applicant holds a degree from a college 3210
of podiatric medicine and surgery that was in good standing at the 3211
time the degree was granted, as determined by the board; 3212

(5) Evidence that the applicant has completed one year of 3213
postgraduate training in a podiatric internship, residency, or 3214
clinical fellowship program accredited by the council on podiatric 3215
medical education or the American podiatric medical association; 3216

(6) Evidence that the applicant has successfully passed an 3217
examination, prescribed in rules adopted by the board, to 3218
determine competency to practice podiatric medicine and surgery; 3219

(7) An affidavit signed by the applicant attesting to the 3220
accuracy and truthfulness of information submitted under this 3221
section and consenting to release of information; 3222

(8) Any other information the board requires. 3223

(B) An applicant for a certificate to practice podiatric 3224
medicine and surgery shall comply with the requirements of section 3225
4731.53 of the Revised Code. 3226

(C) At the time of making application for a certificate to 3227
practice podiatric medicine and surgery, the applicant shall pay 3228
to the board a fee of three hundred thirty-five dollars, no part 3229
of which shall be returned. No application shall be considered 3230

filed until the board receives the appropriate fee. 3231

(D) The board may investigate the application materials 3232
received under this section and contact any agency or organization 3233
for recommendations or other information about the applicant. 3234

Sec. ~~4731.531~~ 4731.53. In addition to any other eligibility 3235
requirement set forth in this chapter, each applicant for a 3236
certificate to practice podiatric medicine and surgery shall 3237
comply with sections 4776.01 to 4776.04 of the Revised Code. The 3238
state medical board shall not grant to an applicant a certificate 3239
to practice podiatric medicine and surgery unless the board, in 3240
its discretion, decides that the results of the criminal records 3241
check do not make the applicant ineligible for a certificate 3242
issued pursuant to section 4731.56 or 4731.57 of the Revised Code. 3243

Sec. 4731.56. (A) The state medical board shall ~~issue its~~ 3244
~~certificate to practice podiatric medicine and surgery to each~~ 3245
~~applicant who passes the examination conducted~~ review all 3246
applications received under section ~~4731.55~~ 4731.52 of the Revised 3247
Code and has paid the treasurer of the state medical board a 3248
~~certificate issuance fee of three hundred dollars. Each~~ 3249
~~certificate shall be signed by the board's president and secretary~~ 3250
~~and attested by its seal. The board shall determine whether an~~ 3251
applicant meets the requirements for a certificate to practice 3252
podiatric medicine and surgery. An affirmative vote of not ~~less~~ 3253
fewer than six members of the ~~state medical~~ board is required to 3254
determine that an applicant meets the requirements for issuance of 3255
a certificate. 3256

(B) If the board determines that the applicant meets the 3257
requirements for a certificate and that the documentation required 3258
for a certificate is acceptable, the board shall issue to the 3259
applicant a certificate to practice podiatric medicine and 3260

surgery. Each certificate shall be signed by the president and 3261
secretary of the board and attested by its seal. 3262

(C) A person who holds a certificate authorizing the to 3263
practice of podiatric medicine and surgery permits the holder the 3264
issued under this chapter may use of the title "doctor," 3265
"physician," or the use of the title "surgeon" when the title is 3266
qualified by letters or words showing that the holder of the 3267
certificate is a practitioner of holder practices podiatric 3268
medicine and surgery. The 3269

(D) A certificate to practice podiatric medicine and surgery 3270
shall be prominently displayed in the certificate holder's office 3271
or the place where a major portion the majority of the certificate 3272
holder's practice is conducted. 3273

Sec. 4731.57. ~~When a podiatrist licensed by the licensing~~ 3274
~~authority of another state wishes to remove to this state to~~ 3275
~~practice the podiatrist's profession, the (A) The state medical~~ 3276
~~board may, in its discretion, by an affirmative vote of not less~~ 3277
~~than six of its members, issue to the applicant a certificate to~~ 3278
~~practice podiatric medicine and surgery to a person holding a~~ 3279
~~current, valid certificate to practice podiatric medicine and~~ 3280
~~surgery from another state without requiring the applicant person~~ 3281
~~to submit to further examination, provided if the applicant person~~ 3282
~~meets the requirements for entrance set forth in section 4731.53~~ 3283
~~of the Revised Code and pays a fee of three hundred dollars.~~ 3284
~~Application shall be made on a form~~ division (B) of this section. 3285
An affirmative vote of not fewer than six members of the board is 3286
required to determine that a person meets those requirements. 3287

(B) A person seeking a certificate to practice podiatric 3289
medicine and surgery under this section shall file with the board 3290
an application in a manner prescribed by the board. To be eligible 3291

to receive a certificate, an applicant is subject to all of the 3292
following: 3293

(1) The applicant shall meet the same requirements that must 3294
be met to receive a certificate under section 4731.52 of the 3295
Revised Code, as specified in divisions (A) and (B) of that 3296
section. 3297

(2) The applicant shall meet any other requirements 3298
prescribed in rules adopted by the board. 3299

(3) The applicant shall pay to the board a fee of three 3300
hundred thirty-five dollars, no part of which shall be returned. 3301

Sec. 4731.60. (A)(1) No person shall engage in the practice 3302
of podiatric medicine and surgery without a current, valid 3303
certificate from to practice podiatric medicine and surgery issued 3304
by the state medical board; no under this chapter. 3305

(2) No person shall advertise or announce as a practitioner 3306
of claim to be authorized to practice podiatric medicine and 3307
surgery without unless the person holds a current, valid 3308
certificate from to practice podiatric medicine and surgery issued 3309
by the board; no person shall open or conduct an office or other 3310
place for such practice without a certificate from the board; no 3311
person shall conduct an office in the name of some person who has 3312
a certificate to practice podiatric medicine and surgery; and no 3313
under this chapter. 3314

(3) No person shall practice podiatric medicine and surgery 3315
after a the person's certificate has been revoked, or if 3316
suspended, during the time of such the suspension. 3317

(B) A certificate document that is signed by the secretary to 3318
which is of the board and has affixed the official seal of the 3319
board to the effect that it appears from the records of the board 3320
that no such a certificate to practice podiatric medicine and 3321

surgery, in ~~the~~ this state has not been issued to ~~any such a~~ 3322
particular person ~~specified therein~~, or that a certificate, if 3323
issued, has been revoked or suspended, shall be received as 3324
prima-facie evidence of the record of ~~such~~ the board in any court 3325
or before any officer of this state. 3326

Sec. 4731.61. The state medical board, by an affirmative vote 3327
of not fewer than six members, may limit, revoke, or suspend a 3328
~~certificate of a podiatrist may be revoked, limited, or suspended;~~ 3329
~~the holder of~~ to practice podiatric medicine and surgery, refuse 3330
to issue a certificate may be placed to an applicant, refuse to 3331
reinstate a certificate, or reprimand or place on probation or 3332
~~reprimanded; or an applicant may be refused registration or~~ 3333
~~reinstatement~~ the holder of a certificate for violations of 3334
section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code 3335
~~by an affirmative vote of not less than six members of the state~~ 3336
~~medical board.~~ 3337

This section does not preclude the application to, or limit 3338
the operation or effect upon, podiatrists of other sections of 3339
~~Chapter 4731. of the Revised Code~~ this chapter. 3340

Sec. 5120.55. (A) As used in this section, "licensed health 3341
professional" means any or all of the following: 3342

(1) A dentist who holds a current, valid license issued under 3343
Chapter 4715. of the Revised Code to practice dentistry; 3344

(2) A licensed practical nurse who holds a current, valid 3345
license issued under Chapter 4723. of the Revised Code that 3346
authorizes the practice of nursing as a licensed practical nurse; 3347

(3) An optometrist who holds a current, valid certificate of 3348
licensure issued under Chapter 4725. of the Revised Code that 3349
authorizes the holder to engage in the practice of optometry; 3350

(4) A physician who is authorized under Chapter 4731. of the 3351

Revised Code to practice medicine and surgery, osteopathic 3352
medicine and surgery, or podiatric medicine and surgery; 3353

(5) A psychologist who holds a current, valid license issued 3354
under Chapter 4732. of the Revised Code that authorizes the 3355
practice of psychology as a licensed psychologist; 3356

(6) A registered nurse who holds a current, valid license 3357
issued under Chapter 4723. of the Revised Code that authorizes the 3358
practice of nursing as a registered nurse, including such a nurse 3359
who is also authorized to practice as an advanced practice 3360
registered nurse as defined in section 4723.01 of the Revised 3361
Code. 3362

(B)(1) The department of rehabilitation and correction may 3363
establish a recruitment program under which the department, by 3364
means of a contract entered into under division (C) of this 3365
section, agrees to repay all or part of the principal and interest 3366
of a government or other educational loan incurred by a licensed 3367
health professional who agrees to provide services to inmates of 3368
correctional institutions under the department's administration. 3369

(2)(a) For a physician to be eligible to participate in the 3370
program, the physician must have attended a school that was, 3371
during the time of attendance, a medical school or osteopathic 3372
medical school in this country accredited by the liaison committee 3373
on medical education or the American osteopathic association, i a 3374
college of podiatry in this country ~~recognized as being that was~~ 3375
in good standing ~~under section 4731.53 of, as determined by the~~ 3376
~~Revised Code,~~ state medical board; or a medical school, 3377
osteopathic medical school, or college of podiatry located outside 3378
this country that was acknowledged by the world health 3379
organization and verified by a member state of that organization 3380
as operating within that state's jurisdiction. 3381

(b) For a nurse to be eligible to participate in the program, 3382

the nurse must have attended a school that was, during the time of attendance, a nursing school in this country accredited by the commission on collegiate nursing education or the national league for nursing accrediting commission or a nursing school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(c) For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, a dental college that enabled the dentist to meet the requirements specified in section 4715.10 of the Revised Code to be granted a license to practice dentistry.

(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state board of optometry.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B)(3) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;	3445 3446
(2) Criteria for selecting licensed health professionals for participation in the program;	3447 3448
(3) Criteria for determining the portion of a loan which the department will agree to repay;	3449 3450
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	3451 3452
(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;	3453 3454 3455
(6) Any other criteria or procedures necessary to implement the program.	3456 3457
Sec. 5903.12. (A) As used in this section:	3458
(1) "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.281 <u>4731.282</u> , 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.	3459 3460 3461 3462 3463 3464 3465
(2) "License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a licensee may engage in a profession, occupation, or occupational activity.	3466 3467 3468 3469
(3) "Licensee" means a person to whom all of the following apply:	3470 3471
(a) The person has been issued a license by a licensing agency.	3472 3473

(b) The person has been a member of the armed forces of the United States, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state, or a reserve component of the armed forces of the United States.

(c) The person has served on active duty, whether inside or outside the United States, for a period in excess of thirty-one days.

(4) "Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.

(5) "Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty as described in division (A)(3)(c) of this section during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Section 2. That existing sections 109.572, 4723.08, 4723.18, 4723.28, 4723.41, 4723.42, 4723.44, 4723.485, 4723.75, 4723.76, 4731.15, 4731.155, 4731.22, 4731.222, 4731.281, 4731.293, 4731.295, 4731.296, 4731.297, 4731.299, 4731.36, 4731.51, 4731.52, 4731.56, 4731.57, 4731.60, 4731.61, 5120.55, and 5903.12 and

sections 4731.282, 4731.283, 4731.53, 4731.54, 4731.55, and 3505
4731.571 of the Revised Code are hereby repealed. 3506

Section 3. The General Assembly, applying the principle 3507
stated in division (B) of section 1.52 of the Revised Code that 3508
amendments are to be harmonized if reasonably capable of 3509
simultaneous operation, finds that the following sections, 3510
presented in this act as composites of the sections as amended by 3511
the acts indicated, are the resulting versions of the sections in 3512
effect prior to the effective date of the sections as presented in 3513
this act: 3514

Section 4731.36 of the Revised Code as amended by both Sub. 3515
H.B. 251 and Sub. S.B. 141 of the 129th General Assembly. 3516

Section 4. The State Medical Board shall determine when the 3517
changes to the certificate expiration schedule specified in 3518
section 4731.281 of the Revised Code, as amended by this act, will 3519
first be implemented. 3520