

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 531

Representative Gonzales

Cosponsor: Representative DeVitis

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A B I L L

To amend sections 4730.14, 4731.22, 4731.222, 1
4731.225, 4731.281, and 4778.06 and to enact 2
sections 4730.252, 4760.133, 4762.133, 4774.133, 3
and 4778.141 of the Revised Code to authorize the 4
State Medical Board to fine certain professionals 5
it regulates for failing to comply with continuing 6
education requirements without suspending the 7
individual's license or certificate to practice, 8
to authorize the Board to fine the professionals 9
it regulates for violating law administered by the 10
Board, and to impose additional terms and 11
conditions for physician certificate restoration. 12

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

Section 1. That sections 4730.14, 4731.22, 4731.222, 13
4731.225, 4731.281, and 4778.06 be amended and sections 4730.252, 14
4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code be 15
enacted to read as follows: 16

Sec. 4730.14. (A) A certificate to practice as a physician 17
assistant shall expire biennially and may be renewed in accordance 18
with this section. A person seeking to renew a certificate to 19

practice as a physician assistant shall, on or before the 20
thirty-first day of January of each even-numbered year, apply for 21
renewal of the certificate. The state medical board shall send 22
renewal notices at least one month prior to the expiration date. 23

Applications shall be submitted to the board on forms the 24
board shall prescribe and furnish. Each application shall be 25
accompanied by a biennial renewal fee of one hundred dollars. The 26
board shall deposit the fees in accordance with section 4731.24 of 27
the Revised Code. 28

The applicant shall report any criminal offense that 29
constitutes grounds for refusing to issue a certificate to 30
practice under section 4730.25 of the Revised Code to which the 31
applicant has pleaded guilty, of which the applicant has been 32
found guilty, or for which the applicant has been found eligible 33
for intervention in lieu of conviction, since last signing an 34
application for a certificate to practice as a physician 35
assistant. 36

(B) To be eligible for renewal, a physician assistant shall 37
certify to the board both of the following: 38

(1) That the physician assistant has maintained certification 39
by the national commission on certification of physician 40
assistants or a successor organization that is recognized by the 41
board by meeting the standards to hold current certification from 42
the commission or its successor, including completion of 43
continuing medical education requirements and passing periodic 44
recertification examinations; 45

(2) Except as provided in division (F) of this section and 46
section 5903.12 of the Revised Code, that the physician assistant 47
has completed during the current certification period not less 48
than one hundred hours of continuing medical education acceptable 49
to the board. 50

(C) The board shall adopt rules in accordance with Chapter 51
119. of the Revised Code specifying the types of continuing 52
medical education that must be completed to fulfill the board's 53
requirements under division (B)(2) of this section. Except when 54
additional continuing medical education is required to renew a 55
certificate to prescribe, as specified in section 4730.49 of the 56
Revised Code, the board shall not adopt rules that require a 57
physician assistant to complete in any certification period more 58
than one hundred hours of continuing medical education acceptable 59
to the board. In fulfilling the board's requirements, a physician 60
assistant may use continuing medical education courses or programs 61
completed to maintain certification by the national commission on 62
certification of physician assistants or a successor organization 63
that is recognized by the board if the standards for acceptable 64
courses and programs of the commission or its successor are at 65
least equivalent to the standards established by the board. 66

(D) If an applicant submits a complete renewal application 67
and qualifies for renewal pursuant to division (B) of this 68
section, the board shall issue to the applicant a renewed 69
certificate to practice as a physician assistant. 70

(E) The board may require a random sample of physician 71
assistants to submit materials documenting certification by the 72
national commission on certification of physician assistants or a 73
successor organization that is recognized by the board and 74
completion of the required number of hours of continuing medical 75
education. 76

(F) The board shall provide for pro rata reductions by month 77
of the number of hours of continuing education that must be 78
completed for individuals who are in their first certification 79
period, who have been disabled due to illness or accident, or who 80
have been absent from the country. The board shall adopt rules, in 81
accordance with Chapter 119. of the Revised Code, as necessary to 82

implement this division. 83

~~(G)(1) A certificate to practice that is not renewed on or 84
before its expiration date is automatically suspended on its 85
expiration date. Continued practice after suspension of the 86
certificate shall be considered as practicing in violation of 87
division (A) of section 4730.02 of the Revised Code. 88~~

~~(2) If a certificate has been suspended pursuant to division 89
(G)(1) of this section for two years or less, it may be 90
reinstated. The board shall reinstate a certificate suspended for 91
failure to renew upon an applicant's submission of a renewal 92
application, the biennial renewal fee, and any applicable monetary 93
penalty. 94~~

~~If a certificate has been suspended pursuant to division 95
(G)(1) of this division for more than two years, it may be 96
restored. In accordance with section 4730.28 of the Revised Code, 97
the board may restore a certificate suspended for failure to renew 98
upon an applicant's submission of a restoration application, the 99
biennial renewal fee, and any applicable monetary penalty and 100
compliance with sections 4776.01 to 4776.04 of the Revised Code. 101
The board shall not restore to an applicant a certificate to 102
practice as a physician assistant unless the board, in its 103
discretion, decides that the results of the criminal records check 104
do not make the applicant ineligible for a certificate issued 105
pursuant to section 4730.12 of the Revised Code. 106~~

~~The penalty for reinstatement shall be fifty dollars and the 107
penalty for restoration shall be one hundred dollars. The board 108
shall deposit penalties in accordance with section 4731.24 of the 109
Revised Code. 110~~

~~(H) If an individual certifies that the individual has 111
completed the number of hours and type of continuing medical 112
education required for renewal or reinstatement of a certificate 113~~

~~to practice as a physician assistant, and the board finds through~~ 114
~~a random sample conducted under division (E) of this section or~~ 115
~~through any other means that the individual did not complete the~~ 116
~~requisite continuing medical education, the~~ The board may impose a 117
civil penalty of not more than five thousand dollars if, through a 118
random sample it conducts under this section or through other 119
means, it finds that an individual certified that the individual 120
completed the number of hours and type of continuing medical 121
education required for renewal of a certificate to practice as a 122
physician assistant when the individual did not fulfill the 123
requirement. ~~The board's finding shall be made pursuant to an~~ 124
~~adjudication under Chapter 119. of the Revised Code and by an~~ 125
~~affirmative vote of not fewer than six members.~~ 126

A civil penalty imposed under this division may be in 127
addition to or in lieu of any other action the board may take 128
under section 4730.25 of the Revised Code. The board ~~shall deposit~~ 129
~~civil penalties in accordance with section 4731.24~~ shall not 130
conduct an adjudication under Chapter 119. of the Revised Code if 131
the board imposes only a civil penalty. 132

Pursuant to section 4730.25 of the Revised Code, the board 133
may suspend an individual's certificate to practice as a physician 134
assistant for failure to renew the certificate and comply with 135
this section. If an individual continues to practice after 136
suspension, that activity constitutes practicing in violation of 137
section 4730.02 of the Revised Code. If the certificate has been 138
suspended for two years or less, it may be reinstated. The board 139
shall reinstate a certificate to practice as a physician assistant 140
for failure to renew on an applicant's submission of a renewal 141
application, the biennial renewal fee, and the applicable monetary 142
penalty. If the certificate has been suspended for more than two 143
years, it may be restored. Subject to section 4730.28 of the 144
Revised Code, the board may restore a certificate to practice as a 145

physician assistant suspended for failure to renew on an 146
applicant's submission of a restoration application, the biennial 147
renewal fee, and the applicable monetary penalty and compliance 148
with sections 4776.01 to 4776.04 of the Revised Code. The board 149
shall not restore an applicant's certificate to practice as a 150
physician assistant unless the board decides that the results of 151
the criminal records check do not make the applicant ineligible 152
for a certificate issued pursuant to section 4730.12 of the 153
Revised Code. 154

The monetary penalty for reinstatement is fifty dollars. The 155
monetary penalty for restoration is one hundred dollars. 156

Amounts received from payment of civil penalties and monetary 157
penalties imposed under this division shall be deposited in 158
accordance with section 4731.24 of the Revised Code. 159

Sec. 4730.252. If a physician assistant violates any section 160
of this chapter other than section 4730.14 of the Revised Code or 161
violates any rule adopted under this chapter, the state medical 162
board may, pursuant to an adjudication under Chapter 119. of the 163
Revised Code and an affirmative vote of not fewer than six of its 164
members, impose a civil penalty of not more than twenty thousand 165
dollars. The civil penalty may be in addition to any other action 166
the board may take under section 4730.25 of the Revised Code. 167

Amounts received from payment of civil penalties imposed 168
under this section shall be deposited by the board in accordance 169
with section 4731.24 of the Revised Code. 170

Sec. 4731.22. (A) The state medical board, by an affirmative 171
vote of not fewer than six of its members, may limit, revoke, or 172
suspend an individual's certificate to practice, refuse to grant a 173
certificate to an individual, refuse to register an individual, 174
refuse to reinstate a certificate, or reprimand or place on 175

probation the holder of a certificate if the individual or 176
certificate holder is found by the board to have committed fraud 177
during the administration of the examination for a certificate to 178
practice or to have committed fraud, misrepresentation, or 179
deception in applying for or securing any certificate to practice 180
or certificate of registration issued by the board. 181

(B) The board, by an affirmative vote of not fewer than six 182
members, shall, to the extent permitted by law, limit, revoke, or 183
suspend an individual's certificate to practice, refuse to 184
register an individual, refuse to reinstate a certificate, or 185
reprimand or place on probation the holder of a certificate for 186
one or more of the following reasons: 187

(1) Permitting one's name or one's certificate to practice or 188
certificate of registration to be used by a person, group, or 189
corporation when the individual concerned is not actually 190
directing the treatment given; 191

(2) Failure to maintain minimal standards applicable to the 192
selection or administration of drugs, or failure to employ 193
acceptable scientific methods in the selection of drugs or other 194
modalities for treatment of disease; 195

(3) Selling, giving away, personally furnishing, prescribing, 196
or administering drugs for other than legal and legitimate 197
therapeutic purposes or a plea of guilty to, a judicial finding of 198
guilt of, or a judicial finding of eligibility for intervention in 199
lieu of conviction of, a violation of any federal or state law 200
regulating the possession, distribution, or use of any drug; 201

(4) Willfully betraying a professional confidence. 202

For purposes of this division, "willfully betraying a 203
professional confidence" does not include providing any 204
information, documents, or reports to a child fatality review 205
board under sections 307.621 to 307.629 of the Revised Code and 206

does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

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

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

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can

be permanently cured;	239
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	240 241 242
(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;	243 244 245
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	246 247 248
(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;	249 250 251
(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;	252 253 254
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	255 256 257
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	258 259 260
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	261 262
(16) Failure to pay license renewal fees specified in this chapter;	263 264
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	265 266 267 268

(18) Subject to section 4731.226 of the Revised Code, 269
violation of any provision of a code of ethics of the American 270
medical association, the American osteopathic association, the 271
American podiatric medical association, or any other national 272
professional organizations that the board specifies by rule. The 273
state medical board shall obtain and keep on file current copies 274
of the codes of ethics of the various national professional 275
organizations. The individual whose certificate is being suspended 276
or revoked shall not be found to have violated any provision of a 277
code of ethics of an organization not appropriate to the 278
individual's profession. 279

For purposes of this division, a "provision of a code of 280
ethics of a national professional organization" does not include 281
any provision that would preclude the making of a report by a 282
physician of an employee's use of a drug of abuse, or of a 283
condition of an employee other than one involving the use of a 284
drug of abuse, to the employer of the employee as described in 285
division (B) of section 2305.33 of the Revised Code. Nothing in 286
this division affects the immunity from civil liability conferred 287
by that section upon a physician who makes either type of report 288
in accordance with division (B) of that section. As used in this 289
division, "employee," "employer," and "physician" have the same 290
meanings as in section 2305.33 of the Revised Code. 291

(19) Inability to practice according to acceptable and 292
prevailing standards of care by reason of mental illness or 293
physical illness, including, but not limited to, physical 294
deterioration that adversely affects cognitive, motor, or 295
perceptive skills. 296

In enforcing this division, the board, upon a showing of a 297
possible violation, may compel any individual authorized to 298
practice by this chapter or who has submitted an application 299
pursuant to this chapter to submit to a mental examination, 300

physical examination, including an HIV test, or both a mental and 301
a physical examination. The expense of the examination is the 302
responsibility of the individual compelled to be examined. Failure 303
to submit to a mental or physical examination or consent to an HIV 304
test ordered by the board constitutes an admission of the 305
allegations against the individual unless the failure is due to 306
circumstances beyond the individual's control, and a default and 307
final order may be entered without the taking of testimony or 308
presentation of evidence. If the board finds an individual unable 309
to practice because of the reasons set forth in this division, the 310
board shall require the individual to submit to care, counseling, 311
or treatment by physicians approved or designated by the board, as 312
a condition for initial, continued, reinstated, or renewed 313
authority to practice. An individual affected under this division 314
shall be afforded an opportunity to demonstrate to the board the 315
ability to resume practice in compliance with acceptable and 316
prevailing standards under the provisions of the individual's 317
certificate. For the purpose of this division, any individual who 318
applies for or receives a certificate to practice under this 319
chapter accepts the privilege of practicing in this state and, by 320
so doing, shall be deemed to have given consent to submit to a 321
mental or physical examination when directed to do so in writing 322
by the board, and to have waived all objections to the 323
admissibility of testimony or examination reports that constitute 324
a privileged communication. 325

(20) Except when civil penalties are imposed under section 326
4731.225 or division (D) of section 4731.281 of the Revised Code 327
without any other action the board may take under this section, 328
and subject to section 4731.226 of the Revised Code, violating or 329
attempting to violate, directly or indirectly, or assisting in or 330
abetting the violation of, or conspiring to violate, any 331
provisions of this chapter or any rule promulgated by the board. 332

This division does not apply to a violation or attempted 333
violation of, assisting in or abetting the violation of, or a 334
conspiracy to violate, any provision of this chapter or any rule 335
adopted by the board that would preclude the making of a report by 336
a physician of an employee's use of a drug of abuse, or of a 337
condition of an employee other than one involving the use of a 338
drug of abuse, to the employer of the employee as described in 339
division (B) of section 2305.33 of the Revised Code. Nothing in 340
this division affects the immunity from civil liability conferred 341
by that section upon a physician who makes either type of report 342
in accordance with division (B) of that section. As used in this 343
division, "employee," "employer," and "physician" have the same 344
meanings as in section 2305.33 of the Revised Code. 345

(21) The violation of section 3701.79 of the Revised Code or 346
of any abortion rule adopted by the public health council pursuant 347
to section 3701.341 of the Revised Code; 348

(22) Any of the following actions taken by an agency 349
responsible for authorizing, certifying, or regulating an 350
individual to practice a health care occupation or provide health 351
care services in this state or another jurisdiction, for any 352
reason other than the nonpayment of fees: the limitation, 353
revocation, or suspension of an individual's license to practice; 354
acceptance of an individual's license surrender; denial of a 355
license; refusal to renew or reinstate a license; imposition of 356
probation; or issuance of an order of censure or other reprimand; 357

(23) The violation of section 2919.12 of the Revised Code or 358
the performance or inducement of an abortion upon a pregnant woman 359
with actual knowledge that the conditions specified in division 360
(B) of section 2317.56 of the Revised Code have not been satisfied 361
or with a heedless indifference as to whether those conditions 362
have been satisfied, unless an affirmative defense as specified in 363
division (H)(2) of that section would apply in a civil action 364

authorized by division (H)(1) of that section; 365

(24) The revocation, suspension, restriction, reduction, or 366
termination of clinical privileges by the United States department 367
of defense or department of veterans affairs or the termination or 368
suspension of a certificate of registration to prescribe drugs by 369
the drug enforcement administration of the United States 370
department of justice; 371

(25) Termination or suspension from participation in the 372
medicare or medicaid programs by the department of health and 373
human services or other responsible agency for any act or acts 374
that also would constitute a violation of division (B)(2), (3), 375
(6), (8), or (19) of this section; 376

(26) Impairment of ability to practice according to 377
acceptable and prevailing standards of care because of habitual or 378
excessive use or abuse of drugs, alcohol, or other substances that 379
impair ability to practice. 380

For the purposes of this division, any individual authorized 381
to practice by this chapter accepts the privilege of practicing in 382
this state subject to supervision by the board. By filing an 383
application for or holding a certificate to practice under this 384
chapter, an individual shall be deemed to have given consent to 385
submit to a mental or physical examination when ordered to do so 386
by the board in writing, and to have waived all objections to the 387
admissibility of testimony or examination reports that constitute 388
privileged communications. 389

If it has reason to believe that any individual authorized to 390
practice by this chapter or any applicant for certification to 391
practice suffers such impairment, the board may compel the 392
individual to submit to a mental or physical examination, or both. 393
The expense of the examination is the responsibility of the 394
individual compelled to be examined. Any mental or physical 395

examination required under this division shall be undertaken by a 396
treatment provider or physician who is qualified to conduct the 397
examination and who is chosen by the board. 398

Failure to submit to a mental or physical examination ordered 399
by the board constitutes an admission of the allegations against 400
the individual unless the failure is due to circumstances beyond 401
the individual's control, and a default and final order may be 402
entered without the taking of testimony or presentation of 403
evidence. If the board determines that the individual's ability to 404
practice is impaired, the board shall suspend the individual's 405
certificate or deny the individual's application and shall require 406
the individual, as a condition for initial, continued, reinstated, 407
or renewed certification to practice, to submit to treatment. 408

Before being eligible to apply for reinstatement of a 409
certificate suspended under this division, the impaired 410
practitioner shall demonstrate to the board the ability to resume 411
practice in compliance with acceptable and prevailing standards of 412
care under the provisions of the practitioner's certificate. The 413
demonstration shall include, but shall not be limited to, the 414
following: 415

(a) Certification from a treatment provider approved under 416
section 4731.25 of the Revised Code that the individual has 417
successfully completed any required inpatient treatment; 418

(b) Evidence of continuing full compliance with an aftercare 419
contract or consent agreement; 420

(c) Two written reports indicating that the individual's 421
ability to practice has been assessed and that the individual has 422
been found capable of practicing according to acceptable and 423
prevailing standards of care. The reports shall be made by 424
individuals or providers approved by the board for making the 425
assessments and shall describe the basis for their determination. 426

The board may reinstate a certificate suspended under this 427
division after that demonstration and after the individual has 428
entered into a written consent agreement. 429

When the impaired practitioner resumes practice, the board 430
shall require continued monitoring of the individual. The 431
monitoring shall include, but not be limited to, compliance with 432
the written consent agreement entered into before reinstatement or 433
with conditions imposed by board order after a hearing, and, upon 434
termination of the consent agreement, submission to the board for 435
at least two years of annual written progress reports made under 436
penalty of perjury stating whether the individual has maintained 437
sobriety. 438

(27) A second or subsequent violation of section 4731.66 or 439
4731.69 of the Revised Code; 440

(28) Except as provided in division (N) of this section: 441

(a) Waiving the payment of all or any part of a deductible or 442
copayment that a patient, pursuant to a health insurance or health 443
care policy, contract, or plan that covers the individual's 444
services, otherwise would be required to pay if the waiver is used 445
as an enticement to a patient or group of patients to receive 446
health care services from that individual; 447

(b) Advertising that the individual will waive the payment of 448
all or any part of a deductible or copayment that a patient, 449
pursuant to a health insurance or health care policy, contract, or 450
plan that covers the individual's services, otherwise would be 451
required to pay. 452

(29) Failure to use universal blood and body fluid 453
precautions established by rules adopted under section 4731.051 of 454
the Revised Code; 455

(30) Failure to provide notice to, and receive acknowledgment 456
of the notice from, a patient when required by section 4731.143 of 457

the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

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

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

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

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

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

(36) Failure to supervise an anesthesiologist assistant in

accordance with Chapter 4760. of the Revised Code and the board's	489
rules for supervision of an anesthesiologist assistant;	490
(37) Assisting suicide as defined in section 3795.01 of the	491
Revised Code;	492
(38) Failure to comply with the requirements of section	493
2317.561 of the Revised Code;	494
(39) Failure to supervise a radiologist assistant in	495
accordance with Chapter 4774. of the Revised Code and the board's	496
rules for supervision of radiologist assistants;	497
(40) Performing or inducing an abortion at an office or	498
facility with knowledge that the office or facility fails to post	499
the notice required under section 3701.791 of the Revised Code;	500
(41) Failure to comply with the standards and procedures	501
established in rules under section 4731.054 of the Revised Code	502
for the operation of or the provision of care at a pain management	503
clinic;	504
(42) Failure to comply with the standards and procedures	505
established in rules under section 4731.054 of the Revised Code	506
for providing supervision, direction, and control of individuals	507
at a pain management clinic;	508
(43) Failure to comply with the requirements of section	509
4729.79 of the Revised Code, unless the state board of pharmacy no	510
longer maintains a drug database pursuant to section 4729.75 of	511
the Revised Code;	512
(44) Failure to comply with the requirements of section	513
2919.171 of the Revised Code or failure to submit to the	514
department of health in accordance with a court order a complete	515
report as described in section 2919.171 of the Revised Code;	516
(45) Practicing at a facility that is subject to licensure as	517
a category III terminal distributor of dangerous drugs with a pain	518

management clinic classification unless the person operating the 519
facility has obtained and maintains the license with the 520
classification; 521

(46) Owning a facility that is subject to licensure as a 522
category III terminal distributor of dangerous drugs with a pain 523
management clinic classification unless the facility is licensed 524
with the classification; 525

(47) Failure to comply with the requirement regarding 526
maintaining notes described in division (B) of section 2919.191 of 527
the Revised Code or failure to satisfy the requirements of section 528
2919.191 of the Revised Code prior to performing or inducing an 529
abortion upon a pregnant woman. 530

(C) Disciplinary actions taken by the board under divisions 531
(A) and (B) of this section shall be taken pursuant to an 532
adjudication under Chapter 119. of the Revised Code, except that 533
in lieu of an adjudication, the board may enter into a consent 534
agreement with an individual to resolve an allegation of a 535
violation of this chapter or any rule adopted under it. A consent 536
agreement, when ratified by an affirmative vote of not fewer than 537
six members of the board, shall constitute the findings and order 538
of the board with respect to the matter addressed in the 539
agreement. If the board refuses to ratify a consent agreement, the 540
admissions and findings contained in the consent agreement shall 541
be of no force or effect. 542

A telephone conference call may be utilized for ratification 543
of a consent agreement that revokes or suspends an individual's 544
certificate to practice. The telephone conference call shall be 545
considered a special meeting under division (F) of section 121.22 546
of the Revised Code. 547

If the board takes disciplinary action against an individual 548
under division (B) of this section for a second or subsequent plea 549

of guilty to, or judicial finding of guilt of, a violation of 550
section 2919.123 of the Revised Code, the disciplinary action 551
shall consist of a suspension of the individual's certificate to 552
practice for a period of at least one year or, if determined 553
appropriate by the board, a more serious sanction involving the 554
individual's certificate to practice. Any consent agreement 555
entered into under this division with an individual that pertains 556
to a second or subsequent plea of guilty to, or judicial finding 557
of guilt of, a violation of that section shall provide for a 558
suspension of the individual's certificate to practice for a 559
period of at least one year or, if determined appropriate by the 560
board, a more serious sanction involving the individual's 561
certificate to practice. 562

(D) For purposes of divisions (B)(10), (12), and (14) of this 563
section, the commission of the act may be established by a finding 564
by the board, pursuant to an adjudication under Chapter 119. of 565
the Revised Code, that the individual committed the act. The board 566
does not have jurisdiction under those divisions if the trial 567
court renders a final judgment in the individual's favor and that 568
judgment is based upon an adjudication on the merits. The board 569
has jurisdiction under those divisions if the trial court issues 570
an order of dismissal upon technical or procedural grounds. 571

(E) The sealing of conviction records by any court shall have 572
no effect upon a prior board order entered under this section or 573
upon the board's jurisdiction to take action under this section 574
if, based upon a plea of guilty, a judicial finding of guilt, or a 575
judicial finding of eligibility for intervention in lieu of 576
conviction, the board issued a notice of opportunity for a hearing 577
prior to the court's order to seal the records. The board shall 578
not be required to seal, destroy, redact, or otherwise modify its 579
records to reflect the court's sealing of conviction records. 580

(F)(1) The board shall investigate evidence that appears to 581

show that a person has violated any provision of this chapter or 582
any rule adopted under it. Any person may report to the board in a 583
signed writing any information that the person may have that 584
appears to show a violation of any provision of this chapter or 585
any rule adopted under it. In the absence of bad faith, any person 586
who reports information of that nature or who testifies before the 587
board in any adjudication conducted under Chapter 119. of the 588
Revised Code shall not be liable in damages in a civil action as a 589
result of the report or testimony. Each complaint or allegation of 590
a violation received by the board shall be assigned a case number 591
and shall be recorded by the board. 592

(2) Investigations of alleged violations of this chapter or 593
any rule adopted under it shall be supervised by the supervising 594
member elected by the board in accordance with section 4731.02 of 595
the Revised Code and by the secretary as provided in section 596
4731.39 of the Revised Code. The president may designate another 597
member of the board to supervise the investigation in place of the 598
supervising member. No member of the board who supervises the 599
investigation of a case shall participate in further adjudication 600
of the case. 601

(3) In investigating a possible violation of this chapter or 602
any rule adopted under this chapter, or in conducting an 603
inspection under division (E) of section 4731.054 of the Revised 604
Code, the board may question witnesses, conduct interviews, 605
administer oaths, order the taking of depositions, inspect and 606
copy any books, accounts, papers, records, or documents, issue 607
subpoenas, and compel the attendance of witnesses and production 608
of books, accounts, papers, records, documents, and testimony, 609
except that a subpoena for patient record information shall not be 610
issued without consultation with the attorney general's office and 611
approval of the secretary and supervising member of the board. 612

(a) Before issuance of a subpoena for patient record 613

information, the secretary and supervising member shall determine 614
whether there is probable cause to believe that the complaint 615
filed alleges a violation of this chapter or any rule adopted 616
under it and that the records sought are relevant to the alleged 617
violation and material to the investigation. The subpoena may 618
apply only to records that cover a reasonable period of time 619
surrounding the alleged violation. 620

(b) On failure to comply with any subpoena issued by the 621
board and after reasonable notice to the person being subpoenaed, 622
the board may move for an order compelling the production of 623
persons or records pursuant to the Rules of Civil Procedure. 624

(c) A subpoena issued by the board may be served by a 625
sheriff, the sheriff's deputy, or a board employee designated by 626
the board. Service of a subpoena issued by the board may be made 627
by delivering a copy of the subpoena to the person named therein, 628
reading it to the person, or leaving it at the person's usual 629
place of residence, usual place of business, or address on file 630
with the board. When serving a subpoena to an applicant for or the 631
holder of a certificate issued under this chapter, service of the 632
subpoena may be made by certified mail, return receipt requested, 633
and the subpoena shall be deemed served on the date delivery is 634
made or the date the person refuses to accept delivery. If the 635
person being served refuses to accept the subpoena or is not 636
located, service may be made to an attorney who notifies the board 637
that the attorney is representing the person. 638

(d) A sheriff's deputy who serves a subpoena shall receive 639
the same fees as a sheriff. Each witness who appears before the 640
board in obedience to a subpoena shall receive the fees and 641
mileage provided for under section 119.094 of the Revised Code. 642

(4) All hearings, investigations, and inspections of the 643
board shall be considered civil actions for the purposes of 644
section 2305.252 of the Revised Code. 645

(5) A report required to be submitted to the board under this 646
chapter, a complaint, or information received by the board 647
pursuant to an investigation or pursuant to an inspection under 648
division (E) of section 4731.054 of the Revised Code is 649
confidential and not subject to discovery in any civil action. 650

The board shall conduct all investigations or inspections and 651
proceedings in a manner that protects the confidentiality of 652
patients and persons who file complaints with the board. The board 653
shall not make public the names or any other identifying 654
information about patients or complainants unless proper consent 655
is given or, in the case of a patient, a waiver of the patient 656
privilege exists under division (B) of section 2317.02 of the 657
Revised Code, except that consent or a waiver of that nature is 658
not required if the board possesses reliable and substantial 659
evidence that no bona fide physician-patient relationship exists. 660

The board may share any information it receives pursuant to 661
an investigation or inspection, including patient records and 662
patient record information, with law enforcement agencies, other 663
licensing boards, and other governmental agencies that are 664
prosecuting, adjudicating, or investigating alleged violations of 665
statutes or administrative rules. An agency or board that receives 666
the information shall comply with the same requirements regarding 667
confidentiality as those with which the state medical board must 668
comply, notwithstanding any conflicting provision of the Revised 669
Code or procedure of the agency or board that applies when it is 670
dealing with other information in its possession. In a judicial 671
proceeding, the information may be admitted into evidence only in 672
accordance with the Rules of Evidence, but the court shall require 673
that appropriate measures are taken to ensure that confidentiality 674
is maintained with respect to any part of the information that 675
contains names or other identifying information about patients or 676
complainants whose confidentiality was protected by the state 677

medical board when the information was in the board's possession. 678
Measures to ensure confidentiality that may be taken by the court 679
include sealing its records or deleting specific information from 680
its records. 681

(6) On a quarterly basis, the board shall prepare a report 682
that documents the disposition of all cases during the preceding 683
three months. The report shall contain the following information 684
for each case with which the board has completed its activities: 685

(a) The case number assigned to the complaint or alleged 686
violation; 687

(b) The type of certificate to practice, if any, held by the 688
individual against whom the complaint is directed; 689

(c) A description of the allegations contained in the 690
complaint; 691

(d) The disposition of the case. 692

The report shall state how many cases are still pending and 693
shall be prepared in a manner that protects the identity of each 694
person involved in each case. The report shall be a public record 695
under section 149.43 of the Revised Code. 696

(G) If the secretary and supervising member determine both of 697
the following, they may recommend that the board suspend an 698
individual's certificate to practice without a prior hearing: 699

(1) That there is clear and convincing evidence that an 700
individual has violated division (B) of this section; 701

(2) That the individual's continued practice presents a 702
danger of immediate and serious harm to the public. 703

Written allegations shall be prepared for consideration by 704
the board. The board, upon review of those allegations and by an 705
affirmative vote of not fewer than six of its members, excluding 706
the secretary and supervising member, may suspend a certificate 707

without a prior hearing. A telephone conference call may be 708
utilized for reviewing the allegations and taking the vote on the 709
summary suspension. 710

The board shall issue a written order of suspension by 711
certified mail or in person in accordance with section 119.07 of 712
the Revised Code. The order shall not be subject to suspension by 713
the court during pendency of any appeal filed under section 119.12 714
of the Revised Code. If the individual subject to the summary 715
suspension requests an adjudicatory hearing by the board, the date 716
set for the hearing shall be within fifteen days, but not earlier 717
than seven days, after the individual requests the hearing, unless 718
otherwise agreed to by both the board and the individual. 719

Any summary suspension imposed under this division shall 720
remain in effect, unless reversed on appeal, until a final 721
adjudicative order issued by the board pursuant to this section 722
and Chapter 119. of the Revised Code becomes effective. The board 723
shall issue its final adjudicative order within seventy-five days 724
after completion of its hearing. A failure to issue the order 725
within seventy-five days shall result in dissolution of the 726
summary suspension order but shall not invalidate any subsequent, 727
final adjudicative order. 728

(H) If the board takes action under division (B)(9), (11), or 729
(13) of this section and the judicial finding of guilt, guilty 730
plea, or judicial finding of eligibility for intervention in lieu 731
of conviction is overturned on appeal, upon exhaustion of the 732
criminal appeal, a petition for reconsideration of the order may 733
be filed with the board along with appropriate court documents. 734
Upon receipt of a petition of that nature and supporting court 735
documents, the board shall reinstate the individual's certificate 736
to practice. The board may then hold an adjudication under Chapter 737
119. of the Revised Code to determine whether the individual 738
committed the act in question. Notice of an opportunity for a 739

hearing shall be given in accordance with Chapter 119. of the 740
Revised Code. If the board finds, pursuant to an adjudication held 741
under this division, that the individual committed the act or if 742
no hearing is requested, the board may order any of the sanctions 743
identified under division (B) of this section. 744

(I) The certificate to practice issued to an individual under 745
this chapter and the individual's practice in this state are 746
automatically suspended as of the date of the individual's second 747
or subsequent plea of guilty to, or judicial finding of guilt of, 748
a violation of section 2919.123 of the Revised Code, or the date 749
the individual pleads guilty to, is found by a judge or jury to be 750
guilty of, or is subject to a judicial finding of eligibility for 751
intervention in lieu of conviction in this state or treatment or 752
intervention in lieu of conviction in another jurisdiction for any 753
of the following criminal offenses in this state or a 754
substantially equivalent criminal offense in another jurisdiction: 755
aggravated murder, murder, voluntary manslaughter, felonious 756
assault, kidnapping, rape, sexual battery, gross sexual 757
imposition, aggravated arson, aggravated robbery, or aggravated 758
burglary. Continued practice after suspension shall be considered 759
practicing without a certificate. 760

The board shall notify the individual subject to the 761
suspension by certified mail or in person in accordance with 762
section 119.07 of the Revised Code. If an individual whose 763
certificate is automatically suspended under this division fails 764
to make a timely request for an adjudication under Chapter 119. of 765
the Revised Code, the board shall do whichever of the following is 766
applicable: 767

(1) If the automatic suspension under this division is for a 768
second or subsequent plea of guilty to, or judicial finding of 769
guilt of, a violation of section 2919.123 of the Revised Code, the 770
board shall enter an order suspending the individual's certificate 771

to practice for a period of at least one year or, if determined 772
appropriate by the board, imposing a more serious sanction 773
involving the individual's certificate to practice. 774

(2) In all circumstances in which division (I)(1) of this 775
section does not apply, enter a final order permanently revoking 776
the individual's certificate to practice. 777

(J) If the board is required by Chapter 119. of the Revised 778
Code to give notice of an opportunity for a hearing and if the 779
individual subject to the notice does not timely request a hearing 780
in accordance with section 119.07 of the Revised Code, the board 781
is not required to hold a hearing, but may adopt, by an 782
affirmative vote of not fewer than six of its members, a final 783
order that contains the board's findings. In that final order, the 784
board may order any of the sanctions identified under division (A) 785
or (B) of this section. 786

(K) Any action taken by the board under division (B) of this 787
section resulting in a suspension from practice shall be 788
accompanied by a written statement of the conditions under which 789
the individual's certificate to practice may be reinstated. The 790
board shall adopt rules governing conditions to be imposed for 791
reinstatement. Reinstatement of a certificate suspended pursuant 792
to division (B) of this section requires an affirmative vote of 793
not fewer than six members of the board. 794

(L) When the board refuses to grant a certificate to an 795
applicant, revokes an individual's certificate to practice, 796
refuses to register an applicant, or refuses to reinstate an 797
individual's certificate to practice, the board may specify that 798
its action is permanent. An individual subject to a permanent 799
action taken by the board is forever thereafter ineligible to hold 800
a certificate to practice and the board shall not accept an 801
application for reinstatement of the certificate or for issuance 802
of a new certificate. 803

(M) Notwithstanding any other provision of the Revised Code, 804
all of the following apply: 805

(1) The surrender of a certificate issued under this chapter 806
shall not be effective unless or until accepted by the board. A 807
telephone conference call may be utilized for acceptance of the 808
surrender of an individual's certificate to practice. The 809
telephone conference call shall be considered a special meeting 810
under division (F) of section 121.22 of the Revised Code. 811
Reinstatement of a certificate surrendered to the board requires 812
an affirmative vote of not fewer than six members of the board. 813

(2) An application for a certificate made under the 814
provisions of this chapter may not be withdrawn without approval 815
of the board. 816

(3) Failure by an individual to renew a certificate of 817
registration in accordance with this chapter shall not remove or 818
limit the board's jurisdiction to take any disciplinary action 819
under this section against the individual. 820

(4) At the request of the board, a certificate holder shall 821
immediately surrender to the board a certificate that the board 822
has suspended, revoked, or permanently revoked. 823

(N) Sanctions shall not be imposed under division (B)(28) of 824
this section against any person who waives deductibles and 825
copayments as follows: 826

(1) In compliance with the health benefit plan that expressly 827
allows such a practice. Waiver of the deductibles or copayments 828
shall be made only with the full knowledge and consent of the plan 829
purchaser, payer, and third-party administrator. Documentation of 830
the consent shall be made available to the board upon request. 831

(2) For professional services rendered to any other person 832
authorized to practice pursuant to this chapter, to the extent 833
allowed by this chapter and rules adopted by the board. 834

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

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

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

(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: 865

(1) An applicant seeking restoration of a certificate issued 866
under this chapter that has been in a suspended or inactive state 867
for any cause for more than two years; 868

(2) An applicant seeking issuance of a certificate pursuant 869
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 870
Revised Code who for more than two years has not been engaged in 871
the practice of medicine and surgery, osteopathic medicine and 872
surgery, podiatric medicine and surgery, or a limited branch of 873
medicine as any of the following: 874

(a) An active practitioner; 875

(b) A participant in a program of graduate medical education, 876
as defined in section 4731.091 of the Revised Code; 877

(c) A student in a college of podiatry determined by the 878
state medical board to be in good standing; 879

(d) A student in a school, college, or institution giving 880
instruction in a limited branch of medicine determined by the 881
board to be in good standing under section 4731.16 of the Revised 882
Code. 883

(B) Before restoring a certificate to good standing for or 884
issuing a certificate to an applicant subject to this section, the 885
state medical board may impose terms and conditions including any 886
one or more of the following: 887

(1) Requiring the applicant to pass an oral or written 888
examination, or both, to determine the applicant's present fitness 889
to resume practice; 890

(2) Requiring the applicant to obtain additional training and 891
to pass an examination upon completion of such training; 892

(3) Requiring an assessment of the applicant's physical 893
skills for purposes of determining whether the applicant's 894

coordination, fine motor skills, and dexterity are sufficient for 895
performing medical evaluations and procedures in a manner that 896
meets the minimal standards of care; 897

(4) Requiring an assessment of the applicant's skills in 898
recognizing and understanding diseases and conditions; 899

(5) Requiring the applicant to undergo a comprehensive 900
physical examination, which may include an assessment of physical 901
abilities, evaluation of sensory capabilities, or screening for 902
the presence of neurological disorders; 903

(6) Restricting or limiting the extent, scope, or type of 904
practice of the applicant. 905

The board shall consider the moral background and the 906
activities of the applicant during the period of suspension or 907
inactivity, in accordance with section 4731.08, 4731.19, or 908
4731.52 of the Revised Code. The board shall not restore a 909
certificate under this section unless the applicant complies with 910
sections 4776.01 to 4776.04 of the Revised Code. 911

Sec. 4731.225. (A) If the holder of a certificate issued 912
under this chapter violates division (A), (B), or (C) of section 913
4731.66 or section 4731.69 of the Revised Code, or if any other 914
person violates division (B) or (C) of section 4731.66 or section 915
4731.69 of the Revised Code, the state medical board, pursuant to 916
an adjudication under Chapter 119. of the Revised Code and an 917
affirmative vote of not fewer than six of its members, shall: 918

~~(A)(1)~~ For a first violation, impose a civil penalty of not 919
more than five thousand dollars; 920

~~(B)(2)~~ For each subsequent violation, impose a civil penalty 921
of not more than twenty thousand dollars and, if the violator is a 922
certificate holder, proceed under division (B)(27) of section 923
4731.22 of the Revised Code. 924

(B) If the holder of a certificate issued under this chapter 925
violates any section of this chapter other than section 4731.281 926
of the Revised Code or the sections specified in division (A) of 927
this section, or violates any rule adopted under this chapter, the 928
board may, pursuant to an adjudication under Chapter 119. of the 929
Revised Code and an affirmative vote of not fewer than six of its 930
members, impose a civil penalty of not more than twenty thousand 931
dollars. The civil penalty may be in addition to any other action 932
the board may take under section 4731.22 of the Revised Code. 933

(C) Amounts received from payment of civil penalties imposed 934
under this section shall be deposited by the board in accordance 935
with section 4731.24 of the Revised Code. 936

Sec. 4731.281. (A) On or before the deadline established 937
under division (B) of this section for applying for renewal of a 938
certificate of registration, each person holding a certificate 939
under this chapter to practice medicine and surgery, osteopathic 940
medicine and surgery, or podiatric medicine and surgery shall 941
certify to the state medical board that in the preceding two years 942
the person has completed one hundred hours of continuing medical 943
education. The certification shall be made upon the application 944
for biennial registration submitted pursuant to division (B) of 945
this section. The board shall adopt rules providing for pro rata 946
reductions by month of the number of hours of continuing education 947
required for persons who are in their first registration period, 948
who have been disabled due to illness or accident, or who have 949
been absent from the country. 950

In determining whether a course, program, or activity 951
qualifies for credit as continuing medical education, the board 952
shall approve all continuing medical education taken by persons 953
holding a certificate to practice medicine and surgery that is 954
certified by the Ohio state medical association, all continuing 955

medical education taken by persons holding a certificate to 956
practice osteopathic medicine and surgery that is certified by the 957
Ohio osteopathic association, and all continuing medical education 958
taken by persons holding a certificate to practice podiatric 959
medicine and surgery that is certified by the Ohio podiatric 960
medical association. Each person holding a certificate to practice 961
under this chapter shall be given sufficient choice of continuing 962
education programs to ensure that the person has had a reasonable 963
opportunity to participate in continuing education programs that 964
are relevant to the person's medical practice in terms of subject 965
matter and level. 966

The board may require a random sample of persons holding a 967
certificate to practice under this chapter to submit materials 968
documenting completion of the continuing medical education 969
requirement during the preceding registration period, but this 970
provision shall not limit the board's authority to investigate 971
pursuant to section 4731.22 of the Revised Code. 972

(B)(1) Every person holding a certificate under this chapter 973
to practice medicine and surgery, osteopathic medicine and 974
surgery, or podiatric medicine and surgery wishing to renew that 975
certificate shall apply to the board for a certificate of 976
registration upon an application furnished by the board, and pay 977
to the board at the time of application a fee of three hundred 978
five dollars, according to the following schedule: 979

(a) Persons whose last name begins with the letters "A" 980
through "B," on or before April 1, 2001, and the first day of 981
April of every odd-numbered year thereafter; 982

(b) Persons whose last name begins with the letters "C" 983
through "D," on or before January 1, 2001, and the first day of 984
January of every odd-numbered year thereafter; 985

(c) Persons whose last name begins with the letters "E" 986

through "G," on or before October 1, 2000, and the first day of	987
October of every even-numbered year thereafter;	988
(d) Persons whose last name begins with the letters "H"	989
through "K," on or before July 1, 2000, and the first day of July	990
of every even-numbered year thereafter;	991
(e) Persons whose last name begins with the letters "L"	992
through "M," on or before April 1, 2000, and the first day of	993
April of every even-numbered year thereafter;	994
(f) Persons whose last name begins with the letters "N"	995
through "R," on or before January 1, 2000, and the first day of	996
January of every even-numbered year thereafter;	997
(g) Persons whose last name begins with the letter "S," on or	998
before October 1, 1999, and the first day of October of every	999
odd-numbered year thereafter;	1000
(h) Persons whose last name begins with the letters "T"	1001
through "Z," on or before July 1, 1999, and the first day of July	1002
of every odd-numbered year thereafter.	1003
The board shall deposit the fee in accordance with section	1004
4731.24 of the Revised Code, except that the board shall deposit	1005
twenty dollars of the fee into the state treasury to the credit of	1006
the physician loan repayment fund created by section 3702.78 of	1007
the Revised Code.	1008
(2) The board shall mail or cause to be mailed to every	1009
person registered to practice medicine and surgery, osteopathic	1010
medicine and surgery, or podiatric medicine and surgery, a notice	1011
of registration renewal addressed to the person's last known	1012
address or may cause the notice to be sent to the person through	1013
the secretary of any recognized medical, osteopathic, or podiatric	1014
society, according to the following schedule:	1015
(a) To persons whose last name begins with the letters "A"	1016

through "B," on or before January 1, 2001, and the first day of 1017
January of every odd-numbered year thereafter; 1018

(b) To persons whose last name begins with the letters "C" 1019
through "D," on or before October 1, 2000, and the first day of 1020
October of every even-numbered year thereafter; 1021

(c) To persons whose last name begins with the letters "E" 1022
through "G," on or before July 1, 2000, and the first day of July 1023
of every even-numbered year thereafter; 1024

(d) To persons whose last name begins with the letters "H" 1025
through "K," on or before April 1, 2000, and the first day of 1026
April of every even-numbered year thereafter; 1027

(e) To persons whose last name begins with the letters "L" 1028
through "M," on or before January 1, 2000, and the first day of 1029
January of every even-numbered year thereafter; 1030

(f) To persons whose last name begins with the letters "N" 1031
through "R," on or before October 1, 1999, and the first day of 1032
October of every odd-numbered year thereafter; 1033

(g) To persons whose last name begins with the letter "S," on 1034
or before July 1, 1999, and the first day of July of every 1035
odd-numbered year thereafter; 1036

(h) To persons whose last name begins with the letters "T" 1037
through "Z," on or before April 1, 1999, and the first day of 1038
April of every odd-numbered year thereafter. 1039

Failure of any person to receive a notice of renewal from the 1040
board shall not excuse the person from the requirements contained 1041
in this section. 1042

The notice shall inform the applicant of the renewal 1043
procedure. The board shall provide the application for 1044
registration renewal in a form determined by the board. The 1045
applicant shall provide in the application the applicant's full 1046

name, principal practice address and residence address, the number 1047
of the applicant's certificate to practice, and any other 1048
information required by the board. The applicant shall include 1049
with the application a list of the names and addresses of any 1050
clinical nurse specialists, certified nurse-midwives, or certified 1051
nurse practitioners with whom the applicant is currently 1052
collaborating, as defined in section 4723.01 of the Revised Code. 1053
The applicant shall execute and deliver the application to the 1054
board in a manner prescribed by the board. Every person registered 1055
under this section shall give written notice to the board of any 1056
change of principal practice address or residence address or in 1057
the list within thirty days of the change. 1058

The applicant shall report any criminal offense to which the 1059
applicant has pleaded guilty, of which the applicant has been 1060
found guilty, or for which the applicant has been found eligible 1061
for intervention in lieu of conviction, since last filing an 1062
application for a certificate of registration. 1063

(C) The board shall issue to any person holding a certificate 1064
under this chapter to practice medicine and surgery, osteopathic 1065
medicine and surgery, or podiatric medicine and surgery, upon 1066
application and qualification therefor in accordance with this 1067
section, a certificate of registration under the seal of the 1068
board. A certificate of registration shall be valid for a two-year 1069
period. 1070

~~(D) Failure of any certificate holder to register and comply 1071
with this section shall operate automatically to suspend the 1072
holder's certificate to practice. Continued practice after the 1073
suspension of the certificate to practice shall be considered as 1074
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 1075
the Revised Code. If the certificate has been suspended pursuant 1076
to this division for two years or less, it may be reinstated. The 1077
board shall reinstate a certificate to practice suspended for 1078~~

~~failure to register upon an applicant's submission of a renewal application, the biennial registration fee, and the applicable monetary penalty. The penalty for reinstatement shall be fifty dollars. If the certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate to practice suspended for failure to register upon an applicant's submission of a restoration application, the biennial registration fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for restoration shall be one hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the The board may impose a civil penalty of not more than five thousand dollars if, through a random sample it conducts under this section or through any other means, it finds that an individual certified that the individual completed the number of hours and type of continuing medical education required for renewal of a certificate of registration when the individual did not fulfill the requirement. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

A civil penalty imposed under this division may be in 1112
addition to or in lieu of any other action the board may take 1113
under section 4731.22 of the Revised Code. The board ~~shall deposit~~ 1114
~~civil penalties in accordance with section 4731.24 of the Revised~~ 1115
~~Code shall not conduct an adjudication under Chapter 119. of the~~ 1116
~~Revised Code if the board imposes only a civil penalty.~~ 1117

(F) Pursuant to section 4731.22 of the Revised Code, the 1118
board may suspend an individual's certificate to practice for 1119
failure to register and comply with this section. If an individual 1120
continues to practice after suspension, that activity constitutes 1121
practicing in violation of section 4731.41 or 4731.60 of the 1122
Revised Code. If the certificate has been suspended for two years 1123
or less, it may be reinstated. The board shall reinstate a 1124
certificate to practice for failure to register on an applicant's 1125
submission of a renewal application, the biennial registration 1126
fee, and the applicable monetary penalty. If the certificate has 1127
been suspended for more than two years, it may be restored. 1128
Subject to section 4731.222 of the Revised Code, the board may 1129
restore a certificate to practice suspended for failure to 1130
register on an applicant's submission of a restoration 1131
application, the biennial registration fee, and the applicable 1132
monetary penalty and compliance with sections 4776.01 to 4776.04 1133
of the Revised Code. The board shall not restore to an applicant a 1134
certificate to practice unless the board, in its discretion, 1135
decides that the results of the criminal records check required by 1136
section 4776.02 of the Revised Code do not make the applicant 1137
ineligible for a certificate issued pursuant to section 4731.14, 1138
4731.56, or 4731.57 of the Revised Code. 1139

The monetary penalty for reinstatement is one hundred 1140
dollars. The monetary penalty for restoration is two hundred 1141
dollars. 1142

Amounts received from payment of civil penalties and monetary 1143

penalties imposed under this division shall be deposited in 1144
accordance with section 4731.24 of the Revised Code. 1145

(E) The state medical board may obtain information not 1146
protected by statutory or common law privilege from courts and 1147
other sources concerning malpractice claims against any person 1148
holding a certificate to practice under this chapter or practicing 1149
as provided in section 4731.36 of the Revised Code. 1150

~~(G)~~(F) Each mailing sent by the board under division (B)(2) 1151
of this section to a person registered to practice medicine and 1152
surgery or osteopathic medicine and surgery shall inform the 1153
applicant of the reporting requirement established by division (H) 1154
of section 3701.79 of the Revised Code. At the discretion of the 1155
board, the information may be included on the application for 1156
registration or on an accompanying page. 1157

Sec. 4760.133. If an anesthesiologist assistant violates any 1158
section of this chapter or any rule adopted under this chapter, 1159
the state medical board may, pursuant to an adjudication under 1160
Chapter 119. of the Revised Code and an affirmative vote of not 1161
fewer than six of its members, impose a civil penalty of not more 1162
than twenty thousand dollars. The civil penalty may be in addition 1163
to any other action the board may take under section 4760.13 of 1164
the Revised Code. 1165

Amounts received from payment of civil penalties imposed 1166
under this section shall be deposited by the board in accordance 1167
with section 4731.24 of the Revised Code. 1168

Sec. 4762.133. If an oriental medicine practitioner or 1169
acupuncturist violates any section of this chapter or any rule 1170
adopted under this chapter, the state medical board may, pursuant 1171
to an adjudication under Chapter 119. of the Revised Code and an 1172
affirmative vote of not fewer than six of its members, impose a 1173

civil penalty of not more than twenty thousand dollars. The civil 1174
penalty may be in addition to any other action the board may take 1175
under section 4762.13 of the Revised Code. 1176

Amounts received from payment of civil penalties imposed 1177
under this section shall be deposited by the board in accordance 1178
with section 4731.24 of the Revised Code. 1179

Sec. 4774.133. If a radiologist assistant violates any 1180
section of this chapter or any rule adopted under this chapter, 1181
the state medical board may, pursuant to an adjudication under 1182
Chapter 119. of the Revised Code and an affirmative vote of not 1183
fewer than six of its members, impose a civil penalty of not more 1184
than twenty thousand dollars. The civil penalty may be in addition 1185
to any other action the board may take under section 4774.13 of 1186
the Revised Code. 1187

Amounts received from payment of civil penalties imposed 1188
under this section shall be deposited by the board in accordance 1189
with section 4731.24 of the Revised Code. 1190

Sec. 4778.06. (A) An individual seeking to renew a license to 1191
practice as a genetic counselor shall, on or before the 1192
thirty-first day of January of each even-numbered year, apply for 1193
renewal of the license. The state medical board shall send renewal 1194
notices at least one month prior to the expiration date. 1195

Renewal applications shall be submitted to the board in a 1196
manner prescribed by the board. Each application shall be 1197
accompanied by a biennial renewal fee of one hundred fifty 1198
dollars. 1199

The applicant shall report any criminal offense to which the 1200
applicant has pleaded guilty, of which the applicant has been 1201
found guilty, or for which the applicant has been found eligible 1202
for intervention in lieu of conviction, since last signing an 1203

application for a license to practice as a genetic counselor. 1204

(B) To be eligible for renewal, a genetic counselor shall 1205
certify to the board that the counselor has done both of the 1206
following: 1207

(1) Maintained the counselor's status as a certified genetic 1208
counselor; 1209

(2) Completed at least thirty hours of continuing education 1210
in genetic counseling that has been approved by the national 1211
society of genetic counselors or American board of genetic 1212
counseling. 1213

(C) If an applicant submits a renewal application that the 1214
board considers to be complete and qualifies for renewal pursuant 1215
to division (B) of this section, the board shall issue to the 1216
applicant a renewed license to practice as a genetic counselor. 1217

(D) The board may require a random sample of genetic 1218
counselors to submit materials documenting that their status as 1219
certified genetic counselors has been maintained and that the 1220
number of hours of continuing education required under division 1221
(B)(2) of this section has been completed. 1222

If a genetic counselor certifies that the genetic counselor 1223
has completed the number of hours and type of continuing education 1224
required for renewal of a license, and the board finds through the 1225
random sample or any other means that the genetic counselor did 1226
not complete the requisite continuing education, the board may 1227
impose a civil penalty of not more than five thousand dollars. ~~The~~ 1228
~~board's finding shall be made pursuant to an adjudication under~~ 1229
~~Chapter 119. of the Revised Code and by an affirmative vote of not~~ 1230
~~fewer than six members. A~~ 1231

A civil penalty imposed under this division may be in 1232
addition to or in lieu of any other action the board may take 1233
under section 4778.14 of the Revised Code. The board shall not 1234

conduct an adjudication under Chapter 119. of the Revised Code if 1235
the board imposes only a civil penalty. 1236

Sec. 4778.141. If a genetic counselor violates any section of 1237
this chapter other than section 4778.06 of the Revised Code or 1238
violates any rule adopted under this chapter, the state medical 1239
board may, pursuant to an adjudication under Chapter 119. of the 1240
Revised Code and an affirmative vote of not fewer than six of its 1241
members, impose a civil penalty of not more than twenty thousand 1242
dollars. The civil penalty may be in addition to any other action 1243
the board may take under section 4778.14 of the Revised Code. 1244

Amounts received from payment of civil penalties imposed 1245
under this section shall be deposited by the board in accordance 1246
with section 4731.24 of the Revised Code. 1247

Section 2. That existing sections 4730.14, 4731.22, 4731.222, 1248
4731.225, 4731.281, and 4778.06 of the Revised Code are hereby 1249
repealed. 1250