

As Passed by the House

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Am. H. B. No. 531

Representative Gonzales

**Cosponsors: Representatives DeVitis, Wachtmann, Amstutz, Anielski,
Blessing, Brown, Duffey, Fedor, Green, Letson, Mallory, McClain, McGregor,
Milkovich, Smith, Terhar Speaker Batchelder**

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A B I L L

To amend sections 4730.14, 4731.22, 4731.222, 1
4731.225, 4731.24, 4731.281, and 4778.06 and to 2
enact sections 4730.252, 4760.133, 4762.133, 3
4774.133, and 4778.141 of the Revised Code to 4
authorize the State Medical Board to fine certain 5
professionals it regulates for failing to comply 6
with continuing education requirements without 7
suspending the individual's license or certificate 8
to practice, to authorize the Board to fine the 9
professionals it regulates for violating law 10
administered by the Board, and to impose 11
additional terms and conditions for physician 12
certificate restoration. 13

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

Section 1. That sections 4730.14, 4731.22, 4731.222, 14
4731.225, 4731.24, 4731.281, and 4778.06 be amended and sections 15
4730.252, 4760.133, 4762.133, 4774.133, and 4778.141 of the 16
Revised Code be enacted to read as follows: 17

Sec. 4730.14. (A) A certificate to practice as a physician 18
assistant shall expire biennially and may be renewed in accordance 19
with this section. A person seeking to renew a certificate to 20
practice as a physician assistant shall, on or before the 21
thirty-first day of January of each even-numbered year, apply for 22
renewal of the certificate. The state medical board shall send 23
renewal notices at least one month prior to the expiration date. 24

Applications shall be submitted to the board on forms the 25
board shall prescribe and furnish. Each application shall be 26
accompanied by a biennial renewal fee of one hundred dollars. The 27
board shall deposit the fees in accordance with section 4731.24 of 28
the Revised Code. 29

The applicant shall report any criminal offense that 30
constitutes grounds for refusing to issue a certificate to 31
practice under section 4730.25 of the Revised Code to which the 32
applicant has pleaded guilty, of which the applicant has been 33
found guilty, or for which the applicant has been found eligible 34
for intervention in lieu of conviction, since last signing an 35
application for a certificate to practice as a physician 36
assistant. 37

(B) To be eligible for renewal, a physician assistant shall 38
certify to the board both of the following: 39

(1) That the physician assistant has maintained certification 40
by the national commission on certification of physician 41
assistants or a successor organization that is recognized by the 42
board by meeting the standards to hold current certification from 43
the commission or its successor, including completion of 44
continuing medical education requirements and passing periodic 45
recertification examinations; 46

(2) Except as provided in division (F) of this section and 47
section 5903.12 of the Revised Code, that the physician assistant 48

has completed during the current certification period not less 49
than one hundred hours of continuing medical education acceptable 50
to the board. 51

(C) The board shall adopt rules in accordance with Chapter 52
119. of the Revised Code specifying the types of continuing 53
medical education that must be completed to fulfill the board's 54
requirements under division (B)(2) of this section. Except when 55
additional continuing medical education is required to renew a 56
certificate to prescribe, as specified in section 4730.49 of the 57
Revised Code, the board shall not adopt rules that require a 58
physician assistant to complete in any certification period more 59
than one hundred hours of continuing medical education acceptable 60
to the board. In fulfilling the board's requirements, a physician 61
assistant may use continuing medical education courses or programs 62
completed to maintain certification by the national commission on 63
certification of physician assistants or a successor organization 64
that is recognized by the board if the standards for acceptable 65
courses and programs of the commission or its successor are at 66
least equivalent to the standards established by the board. 67

(D) If an applicant submits a complete renewal application 68
and qualifies for renewal pursuant to division (B) of this 69
section, the board shall issue to the applicant a renewed 70
certificate to practice as a physician assistant. 71

(E) The board may require a random sample of physician 72
assistants to submit materials documenting certification by the 73
national commission on certification of physician assistants or a 74
successor organization that is recognized by the board and 75
completion of the required number of hours of continuing medical 76
education. 77

(F) The board shall provide for pro rata reductions by month 78
of the number of hours of continuing education that must be 79
completed for individuals who are in their first certification 80

period, who have been disabled due to illness or accident, or who 81
have been absent from the country. The board shall adopt rules, in 82
accordance with Chapter 119. of the Revised Code, as necessary to 83
implement this division. 84

~~(G)(1) A certificate to practice that is not renewed on or 85
before its expiration date is automatically suspended on its 86
expiration date. Continued practice after suspension of the 87
certificate shall be considered as practicing in violation of 88
division (A) of section 4730.02 of the Revised Code. 89~~

~~(2) If a certificate has been suspended pursuant to division 90
(G)(1) of this section for two years or less, it may be 91
reinstated. The board shall reinstate a certificate suspended for 92
failure to renew upon an applicant's submission of a renewal 93
application, the biennial renewal fee, and any applicable monetary 94
penalty. 95~~

~~If a certificate has been suspended pursuant to division 96
(G)(1) of this division for more than two years, it may be 97
restored. In accordance with section 4730.28 of the Revised Code, 98
the board may restore a certificate suspended for failure to renew 99
upon an applicant's submission of a restoration application, the 100
biennial renewal fee, and any applicable monetary penalty and 101
compliance with sections 4776.01 to 4776.04 of the Revised Code. 102
The board shall not restore to an applicant a certificate to 103
practice as a physician assistant unless the board, in its 104
discretion, decides that the results of the criminal records check 105
do not make the applicant ineligible for a certificate issued 106
pursuant to section 4730.12 of the Revised Code. 107~~

~~The penalty for reinstatement shall be fifty dollars and the 108
penalty for restoration shall be one hundred dollars. The board 109
shall deposit penalties in accordance with section 4731.24 of the 110
Revised Code. 111~~

~~(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of 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 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 to practice as a physician assistant 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 addition to or in lieu of any other action the board may take under section 4730.25 of the Revised Code. ~~The board shall deposit civil penalties in accordance with section 4731.24 shall not conduct an adjudication under Chapter 119. of the Revised Code if the board imposes only a civil penalty.~~

Pursuant to section 4730.25 of the Revised Code, the board may suspend an individual's certificate to practice as a physician assistant for failure to renew the certificate and comply with this section. If an individual continues to practice after suspension, that activity constitutes practicing in violation of section 4730.02 of the Revised Code. If the certificate has been suspended for two years or less, it may be reinstated. The board shall reinstate a certificate to practice as a physician assistant for failure to renew on an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary

penalty. If the certificate has been suspended for more than two 144
years, it may be restored. Subject to section 4730.28 of the 145
Revised Code, the board may restore a certificate to practice as a 146
physician assistant suspended for failure to renew on an 147
applicant's submission of a restoration application, the biennial 148
renewal fee, and the applicable monetary penalty and compliance 149
with sections 4776.01 to 4776.04 of the Revised Code. The board 150
shall not restore an applicant's certificate to practice as a 151
physician assistant unless the board decides that the results of 152
the criminal records check do not make the applicant ineligible 153
for a certificate issued pursuant to section 4730.12 of the 154
Revised Code. 155

The monetary penalty for reinstatement is fifty dollars. The 156
monetary penalty for restoration is one hundred dollars. 157

Amounts received from payment of civil penalties and monetary 158
penalties imposed under this division shall be deposited in 159
accordance with section 4731.24 of the Revised Code. 160

Sec. 4730.252. If a physician assistant violates any section 161
of this chapter other than section 4730.14 of the Revised Code or 162
violates any rule adopted under this chapter, the state medical 163
board may, pursuant to an adjudication under Chapter 119. of the 164
Revised Code and an affirmative vote of not fewer than six of its 165
members, impose a civil penalty in an amount specified by the 166
board, which may be up to, but not more than twenty thousand 167
dollars. The civil penalty may be in addition to any other action 168
the board may take under section 4730.25 of the Revised Code. 169

The board shall adopt and may amend guidelines regarding the 170
amounts of civil penalties to be imposed under this section. 171
Adoption or any amendment of the guidelines requires the approval 172
of not fewer than six board members. 173

Amounts received from payment of civil penalties imposed 174

under this section shall be deposited by the board in accordance 175
with section 4731.24 of the Revised Code. Amounts received from 176
payment of civil penalties imposed for violations of division 177
(B)(5) of section 4730.25 of the Revised Code shall be used by the 178
board solely for investigation, enforcement, and compliance 179
monitoring. 180

Sec. 4731.22. (A) The state medical board, by an affirmative 181
vote of not fewer than six of its members, may limit, revoke, or 182
suspend an individual's certificate to practice, refuse to grant a 183
certificate to an individual, refuse to register an individual, 184
refuse to reinstate a certificate, or reprimand or place on 185
probation the holder of a certificate if the individual or 186
certificate holder is found by the board to have committed fraud 187
during the administration of the examination for a certificate to 188
practice or to have committed fraud, misrepresentation, or 189
deception in applying for or securing any certificate to practice 190
or certificate of registration issued by the board. 191

(B) The board, by an affirmative vote of not fewer than six 192
members, shall, to the extent permitted by law, limit, revoke, or 193
suspend an individual's certificate to practice, refuse to 194
register an individual, refuse to reinstate a certificate, or 195
reprimand or place on probation the holder of a certificate for 196
one or more of the following reasons: 197

(1) Permitting one's name or one's certificate to practice or 198
certificate of registration to be used by a person, group, or 199
corporation when the individual concerned is not actually 200
directing the treatment given; 201

(2) Failure to maintain minimal standards applicable to the 202
selection or administration of drugs, or failure to employ 203
acceptable scientific methods in the selection of drugs or other 204
modalities for treatment of disease; 205

(3) Selling, giving away, personally furnishing, prescribing, 206
or administering drugs for other than legal and legitimate 207
therapeutic purposes or a plea of guilty to, a judicial finding of 208
guilt of, or a judicial finding of eligibility for intervention in 209
lieu of conviction of, a violation of any federal or state law 210
regulating the possession, distribution, or use of any drug; 211

(4) Willfully betraying a professional confidence. 212

For purposes of this division, "willfully betraying a 213
professional confidence" does not include providing any 214
information, documents, or reports to a child fatality review 215
board under sections 307.621 to 307.629 of the Revised Code and 216
does not include the making of a report of an employee's use of a 217
drug of abuse, or a report of a condition of an employee other 218
than one involving the use of a drug of abuse, to the employer of 219
the employee as described in division (B) of section 2305.33 of 220
the Revised Code. Nothing in this division affects the immunity 221
from civil liability conferred by that section upon a physician 222
who makes either type of report in accordance with division (B) of 223
that section. As used in this division, "employee," "employer," 224
and "physician" have the same meanings as in section 2305.33 of 225
the Revised Code. 226

(5) Making a false, fraudulent, deceptive, or misleading 227
statement in the solicitation of or advertising for patients; in 228
relation to the practice of medicine and surgery, osteopathic 229
medicine and surgery, podiatric medicine and surgery, or a limited 230
branch of medicine; or in securing or attempting to secure any 231
certificate to practice or certificate of registration issued by 232
the board. 233

As used in this division, "false, fraudulent, deceptive, or 234
misleading statement" means a statement that includes a 235
misrepresentation of fact, is likely to mislead or deceive because 236
of a failure to disclose material facts, is intended or is likely 237

to create false or unjustified expectations of favorable results, 238
or includes representations or implications that in reasonable 239
probability will cause an ordinarily prudent person to 240
misunderstand or be deceived. 241

(6) A departure from, or the failure to conform to, minimal 242
standards of care of similar practitioners under the same or 243
similar circumstances, whether or not actual injury to a patient 244
is established; 245

(7) Representing, with the purpose of obtaining compensation 246
or other advantage as personal gain or for any other person, that 247
an incurable disease or injury, or other incurable condition, can 248
be permanently cured; 249

(8) The obtaining of, or attempting to obtain, money or 250
anything of value by fraudulent misrepresentations in the course 251
of practice; 252

(9) A plea of guilty to, a judicial finding of guilt of, or a 253
judicial finding of eligibility for intervention in lieu of 254
conviction for, a felony; 255

(10) Commission of an act that constitutes a felony in this 256
state, regardless of the jurisdiction in which the act was 257
committed; 258

(11) A plea of guilty to, a judicial finding of guilt of, or 259
a judicial finding of eligibility for intervention in lieu of 260
conviction for, a misdemeanor committed in the course of practice; 261

(12) Commission of an act in the course of practice that 262
constitutes a misdemeanor in this state, regardless of the 263
jurisdiction in which the act was committed; 264

(13) A plea of guilty to, a judicial finding of guilt of, or 265
a judicial finding of eligibility for intervention in lieu of 266
conviction for, a misdemeanor involving moral turpitude; 267

(14) Commission of an act involving moral turpitude that	268
constitutes a misdemeanor in this state, regardless of the	269
jurisdiction in which the act was committed;	270
(15) Violation of the conditions of limitation placed by the	271
board upon a certificate to practice;	272
(16) Failure to pay license renewal fees specified in this	273
chapter;	274
(17) Except as authorized in section 4731.31 of the Revised	275
Code, engaging in the division of fees for referral of patients,	276
or the receiving of a thing of value in return for a specific	277
referral of a patient to utilize a particular service or business;	278
(18) Subject to section 4731.226 of the Revised Code,	279
violation of any provision of a code of ethics of the American	280
medical association, the American osteopathic association, the	281
American podiatric medical association, or any other national	282
professional organizations that the board specifies by rule. The	283
state medical board shall obtain and keep on file current copies	284
of the codes of ethics of the various national professional	285
organizations. The individual whose certificate is being suspended	286
or revoked shall not be found to have violated any provision of a	287
code of ethics of an organization not appropriate to the	288
individual's profession.	289
For purposes of this division, a "provision of a code of	290
ethics of a national professional organization" does not include	291
any provision that would preclude the making of a report by a	292
physician of an employee's use of a drug of abuse, or of a	293
condition of an employee other than one involving the use of a	294
drug of abuse, to the employer of the employee as described in	295
division (B) of section 2305.33 of the Revised Code. Nothing in	296
this division affects the immunity from civil liability conferred	297
by that section upon a physician who makes either type of report	298

in accordance with division (B) of that section. As used in this 299
division, "employee," "employer," and "physician" have the same 300
meanings as in section 2305.33 of the Revised Code. 301

(19) Inability to practice according to acceptable and 302
prevailing standards of care by reason of mental illness or 303
physical illness, including, but not limited to, physical 304
deterioration that adversely affects cognitive, motor, or 305
perceptive skills. 306

In enforcing this division, the board, upon a showing of a 307
possible violation, may compel any individual authorized to 308
practice by this chapter or who has submitted an application 309
pursuant to this chapter to submit to a mental examination, 310
physical examination, including an HIV test, or both a mental and 311
a physical examination. The expense of the examination is the 312
responsibility of the individual compelled to be examined. Failure 313
to submit to a mental or physical examination or consent to an HIV 314
test ordered by the board constitutes an admission of the 315
allegations against the individual unless the failure is due to 316
circumstances beyond the individual's control, and a default and 317
final order may be entered without the taking of testimony or 318
presentation of evidence. If the board finds an individual unable 319
to practice because of the reasons set forth in this division, the 320
board shall require the individual to submit to care, counseling, 321
or treatment by physicians approved or designated by the board, as 322
a condition for initial, continued, reinstated, or renewed 323
authority to practice. An individual affected under this division 324
shall be afforded an opportunity to demonstrate to the board the 325
ability to resume practice in compliance with acceptable and 326
prevailing standards under the provisions of the individual's 327
certificate. For the purpose of this division, any individual who 328
applies for or receives a certificate to practice under this 329
chapter accepts the privilege of practicing in this state and, by 330

so doing, shall be deemed to have given consent to submit to a 331
mental or physical examination when directed to do so in writing 332
by the board, and to have waived all objections to the 333
admissibility of testimony or examination reports that constitute 334
a privileged communication. 335

(20) Except when civil penalties are imposed under section 336
4731.225 or division (D) of section 4731.281 of the Revised Code 337
without any other action the board may take under this section, 338
and subject to section 4731.226 of the Revised Code, violating or 339
attempting to violate, directly or indirectly, or assisting in or 340
abetting the violation of, or conspiring to violate, any 341
provisions of this chapter or any rule promulgated by the board. 342

This division does not apply to a violation or attempted 343
violation of, assisting in or abetting the violation of, or a 344
conspiracy to violate, any provision of this chapter or any rule 345
adopted by the board that would preclude the making of a report by 346
a physician of an employee's use of a drug of abuse, or of a 347
condition of an employee other than one involving the use of a 348
drug of abuse, to the employer of the employee as described in 349
division (B) of section 2305.33 of the Revised Code. Nothing in 350
this division affects the immunity from civil liability conferred 351
by that section upon a physician who makes either type of report 352
in accordance with division (B) of that section. As used in this 353
division, "employee," "employer," and "physician" have the same 354
meanings as in section 2305.33 of the Revised Code. 355

(21) The violation of section 3701.79 of the Revised Code or 356
of any abortion rule adopted by the public health council pursuant 357
to section 3701.341 of the Revised Code; 358

(22) Any of the following actions taken by an agency 359
responsible for authorizing, certifying, or regulating an 360
individual to practice a health care occupation or provide health 361
care services in this state or another jurisdiction, for any 362

reason other than the nonpayment of fees: the limitation, 363
revocation, or suspension of an individual's license to practice; 364
acceptance of an individual's license surrender; denial of a 365
license; refusal to renew or reinstate a license; imposition of 366
probation; or issuance of an order of censure or other reprimand; 367

(23) The violation of section 2919.12 of the Revised Code or 368
the performance or inducement of an abortion upon a pregnant woman 369
with actual knowledge that the conditions specified in division 370
(B) of section 2317.56 of the Revised Code have not been satisfied 371
or with a heedless indifference as to whether those conditions 372
have been satisfied, unless an affirmative defense as specified in 373
division (H)(2) of that section would apply in a civil action 374
authorized by division (H)(1) of that section; 375

(24) The revocation, suspension, restriction, reduction, or 376
termination of clinical privileges by the United States department 377
of defense or department of veterans affairs or the termination or 378
suspension of a certificate of registration to prescribe drugs by 379
the drug enforcement administration of the United States 380
department of justice; 381

(25) Termination or suspension from participation in the 382
medicare or medicaid programs by the department of health and 383
human services or other responsible agency for any act or acts 384
that also would constitute a violation of division (B)(2), (3), 385
(6), (8), or (19) of this section; 386

(26) Impairment of ability to practice according to 387
acceptable and prevailing standards of care because of habitual or 388
excessive use or abuse of drugs, alcohol, or other substances that 389
impair ability to practice. 390

For the purposes of this division, any individual authorized 391
to practice by this chapter accepts the privilege of practicing in 392
this state subject to supervision by the board. By filing an 393

application for or holding a certificate to practice under this 394
chapter, an individual shall be deemed to have given consent to 395
submit to a mental or physical examination when ordered to do so 396
by the board in writing, and to have waived all objections to the 397
admissibility of testimony or examination reports that constitute 398
privileged communications. 399

If it has reason to believe that any individual authorized to 400
practice by this chapter or any applicant for certification to 401
practice suffers such impairment, the board may compel the 402
individual to submit to a mental or physical examination, or both. 403
The expense of the examination is the responsibility of the 404
individual compelled to be examined. Any mental or physical 405
examination required under this division shall be undertaken by a 406
treatment provider or physician who is qualified to conduct the 407
examination and who is chosen by the board. 408

Failure to submit to a mental or physical examination ordered 409
by the board constitutes an admission of the allegations against 410
the individual unless the failure is due to circumstances beyond 411
the individual's control, and a default and final order may be 412
entered without the taking of testimony or presentation of 413
evidence. If the board determines that the individual's ability to 414
practice is impaired, the board shall suspend the individual's 415
certificate or deny the individual's application and shall require 416
the individual, as a condition for initial, continued, reinstated, 417
or renewed certification to practice, to submit to treatment. 418

Before being eligible to apply for reinstatement of a 419
certificate suspended under this division, the impaired 420
practitioner shall demonstrate to the board the ability to resume 421
practice in compliance with acceptable and prevailing standards of 422
care under the provisions of the practitioner's certificate. The 423
demonstration shall include, but shall not be limited to, the 424
following: 425

(a) Certification from a treatment provider approved under 426
section 4731.25 of the Revised Code that the individual has 427
successfully completed any required inpatient treatment; 428

(b) Evidence of continuing full compliance with an aftercare 429
contract or consent agreement; 430

(c) Two written reports indicating that the individual's 431
ability to practice has been assessed and that the individual has 432
been found capable of practicing according to acceptable and 433
prevailing standards of care. The reports shall be made by 434
individuals or providers approved by the board for making the 435
assessments and shall describe the basis for their determination. 436

The board may reinstate a certificate suspended under this 437
division after that demonstration and after the individual has 438
entered into a written consent agreement. 439

When the impaired practitioner resumes practice, the board 440
shall require continued monitoring of the individual. The 441
monitoring shall include, but not be limited to, compliance with 442
the written consent agreement entered into before reinstatement or 443
with conditions imposed by board order after a hearing, and, upon 444
termination of the consent agreement, submission to the board for 445
at least two years of annual written progress reports made under 446
penalty of perjury stating whether the individual has maintained 447
sobriety. 448

(27) A second or subsequent violation of section 4731.66 or 449
4731.69 of the Revised Code; 450

(28) Except as provided in division (N) of this section: 451

(a) Waiving the payment of all or any part of a deductible or 452
copayment that a patient, pursuant to a health insurance or health 453
care policy, contract, or plan that covers the individual's 454
services, otherwise would be required to pay if the waiver is used 455
as an enticement to a patient or group of patients to receive 456

health care services from that individual; 457

(b) Advertising that the individual will waive the payment of 458
all or any part of a deductible or copayment that a patient, 459
pursuant to a health insurance or health care policy, contract, or 460
plan that covers the individual's services, otherwise would be 461
required to pay. 462

(29) Failure to use universal blood and body fluid 463
precautions established by rules adopted under section 4731.051 of 464
the Revised Code; 465

(30) Failure to provide notice to, and receive acknowledgment 466
of the notice from, a patient when required by section 4731.143 of 467
the Revised Code prior to providing nonemergency professional 468
services, or failure to maintain that notice in the patient's 469
file; 470

(31) Failure of a physician supervising a physician assistant 471
to maintain supervision in accordance with the requirements of 472
Chapter 4730. of the Revised Code and the rules adopted under that 473
chapter; 474

(32) Failure of a physician or podiatrist to enter into a 475
standard care arrangement with a clinical nurse specialist, 476
certified nurse-midwife, or certified nurse practitioner with whom 477
the physician or podiatrist is in collaboration pursuant to 478
section 4731.27 of the Revised Code or failure to fulfill the 479
responsibilities of collaboration after entering into a standard 480
care arrangement; 481

(33) Failure to comply with the terms of a consult agreement 482
entered into with a pharmacist pursuant to section 4729.39 of the 483
Revised Code; 484

(34) Failure to cooperate in an investigation conducted by 485
the board under division (F) of this section, including failure to 486
comply with a subpoena or order issued by the board or failure to 487

answer truthfully a question presented by the board in an 488
investigative interview, an investigative office conference, at a 489
deposition, or in written interrogatories, except that failure to 490
cooperate with an investigation shall not constitute grounds for 491
discipline under this section if a court of competent jurisdiction 492
has issued an order that either quashes a subpoena or permits the 493
individual to withhold the testimony or evidence in issue; 494

(35) Failure to supervise an oriental medicine practitioner 495
or acupuncturist in accordance with Chapter 4762. of the Revised 496
Code and the board's rules for providing that supervision; 497

(36) Failure to supervise an anesthesiologist assistant in 498
accordance with Chapter 4760. of the Revised Code and the board's 499
rules for supervision of an anesthesiologist assistant; 500

(37) Assisting suicide as defined in section 3795.01 of the 501
Revised Code; 502

(38) Failure to comply with the requirements of section 503
2317.561 of the Revised Code; 504

(39) Failure to supervise a radiologist assistant in 505
accordance with Chapter 4774. of the Revised Code and the board's 506
rules for supervision of radiologist assistants; 507

(40) Performing or inducing an abortion at an office or 508
facility with knowledge that the office or facility fails to post 509
the notice required under section 3701.791 of the Revised Code; 510

(41) Failure to comply with the standards and procedures 511
established in rules under section 4731.054 of the Revised Code 512
for the operation of or the provision of care at a pain management 513
clinic; 514

(42) Failure to comply with the standards and procedures 515
established in rules under section 4731.054 of the Revised Code 516
for providing supervision, direction, and control of individuals 517

at a pain management clinic; 518

(43) Failure to comply with the requirements of section 519
4729.79 of the Revised Code, unless the state board of pharmacy no 520
longer maintains a drug database pursuant to section 4729.75 of 521
the Revised Code; 522

(44) Failure to comply with the requirements of section 523
2919.171 of the Revised Code or failure to submit to the 524
department of health in accordance with a court order a complete 525
report as described in section 2919.171 of the Revised Code; 526

(45) Practicing at a facility that is subject to licensure as 527
a category III terminal distributor of dangerous drugs with a pain 528
management clinic classification unless the person operating the 529
facility has obtained and maintains the license with the 530
classification; 531

(46) Owning a facility that is subject to licensure as a 532
category III terminal distributor of dangerous drugs with a pain 533
management clinic classification unless the facility is licensed 534
with the classification; 535

(47) Failure to comply with the requirement regarding 536
maintaining notes described in division (B) of section 2919.191 of 537
the Revised Code or failure to satisfy the requirements of section 538
2919.191 of the Revised Code prior to performing or inducing an 539
abortion upon a pregnant woman. 540

(C) Disciplinary actions taken by the board under divisions 541
(A) and (B) of this section shall be taken pursuant to an 542
adjudication under Chapter 119. of the Revised Code, except that 543
in lieu of an adjudication, the board may enter into a consent 544
agreement with an individual to resolve an allegation of a 545
violation of this chapter or any rule adopted under it. A consent 546
agreement, when ratified by an affirmative vote of not fewer than 547
six members of the board, shall constitute the findings and order 548

of the board with respect to the matter addressed in the 549
agreement. If the board refuses to ratify a consent agreement, the 550
admissions and findings contained in the consent agreement shall 551
be of no force or effect. 552

A telephone conference call may be utilized for ratification 553
of a consent agreement that revokes or suspends an individual's 554
certificate to practice. The telephone conference call shall be 555
considered a special meeting under division (F) of section 121.22 556
of the Revised Code. 557

If the board takes disciplinary action against an individual 558
under division (B) of this section for a second or subsequent plea 559
of guilty to, or judicial finding of guilt of, a violation of 560
section 2919.123 of the Revised Code, the disciplinary action 561
shall consist of a suspension of the individual's certificate to 562
practice for a period of at least one year or, if determined 563
appropriate by the board, a more serious sanction involving the 564
individual's certificate to practice. Any consent agreement 565
entered into under this division with an individual that pertains 566
to a second or subsequent plea of guilty to, or judicial finding 567
of guilt of, a violation of that section shall provide for a 568
suspension of the individual's certificate to practice for a 569
period of at least one year or, if determined appropriate by the 570
board, a more serious sanction involving the individual's 571
certificate to practice. 572

(D) For purposes of divisions (B)(10), (12), and (14) of this 573
section, the commission of the act may be established by a finding 574
by the board, pursuant to an adjudication under Chapter 119. of 575
the Revised Code, that the individual committed the act. The board 576
does not have jurisdiction under those divisions if the trial 577
court renders a final judgment in the individual's favor and that 578
judgment is based upon an adjudication on the merits. The board 579
has jurisdiction under those divisions if the trial court issues 580

an order of dismissal upon technical or procedural grounds. 581

(E) The sealing of conviction records by any court shall have 582
no effect upon a prior board order entered under this section or 583
upon the board's jurisdiction to take action under this section 584
if, based upon a plea of guilty, a judicial finding of guilt, or a 585
judicial finding of eligibility for intervention in lieu of 586
conviction, the board issued a notice of opportunity for a hearing 587
prior to the court's order to seal the records. The board shall 588
not be required to seal, destroy, redact, or otherwise modify its 589
records to reflect the court's sealing of conviction records. 590

(F)(1) The board shall investigate evidence that appears to 591
show that a person has violated any provision of this chapter or 592
any rule adopted under it. Any person may report to the board in a 593
signed writing any information that the person may have that 594
appears to show a violation of any provision of this chapter or 595
any rule adopted under it. In the absence of bad faith, any person 596
who reports information of that nature or who testifies before the 597
board in any adjudication conducted under Chapter 119. of the 598
Revised Code shall not be liable in damages in a civil action as a 599
result of the report or testimony. Each complaint or allegation of 600
a violation received by the board shall be assigned a case number 601
and shall be recorded by the board. 602

(2) Investigations of alleged violations of this chapter or 603
any rule adopted under it shall be supervised by the supervising 604
member elected by the board in accordance with section 4731.02 of 605
the Revised Code and by the secretary as provided in section 606
4731.39 of the Revised Code. The president may designate another 607
member of the board to supervise the investigation in place of the 608
supervising member. No member of the board who supervises the 609
investigation of a case shall participate in further adjudication 610
of the case. 611

(3) In investigating a possible violation of this chapter or 612

any rule adopted under this chapter, or in conducting an 613
inspection under division (E) of section 4731.054 of the Revised 614
Code, the board may question witnesses, conduct interviews, 615
administer oaths, order the taking of depositions, inspect and 616
copy any books, accounts, papers, records, or documents, issue 617
subpoenas, and compel the attendance of witnesses and production 618
of books, accounts, papers, records, documents, and testimony, 619
except that a subpoena for patient record information shall not be 620
issued without consultation with the attorney general's office and 621
approval of the secretary and supervising member of the board. 622

(a) Before issuance of a subpoena for patient record 623
information, the secretary and supervising member shall determine 624
whether there is probable cause to believe that the complaint 625
filed alleges a violation of this chapter or any rule adopted 626
under it and that the records sought are relevant to the alleged 627
violation and material to the investigation. The subpoena may 628
apply only to records that cover a reasonable period of time 629
surrounding the alleged violation. 630

(b) On failure to comply with any subpoena issued by the 631
board and after reasonable notice to the person being subpoenaed, 632
the board may move for an order compelling the production of 633
persons or records pursuant to the Rules of Civil Procedure. 634

(c) A subpoena issued by the board may be served by a 635
sheriff, the sheriff's deputy, or a board employee designated by 636
the board. Service of a subpoena issued by the board may be made 637
by delivering a copy of the subpoena to the person named therein, 638
reading it to the person, or leaving it at the person's usual 639
place of residence, usual place of business, or address on file 640
with the board. When serving a subpoena to an applicant for or the 641
holder of a certificate issued under this chapter, service of the 642
subpoena may be made by certified mail, return receipt requested, 643
and the subpoena shall be deemed served on the date delivery is 644

made or the date the person refuses to accept delivery. If the 645
person being served refuses to accept the subpoena or is not 646
located, service may be made to an attorney who notifies the board 647
that the attorney is representing the person. 648

(d) A sheriff's deputy who serves a subpoena shall receive 649
the same fees as a sheriff. Each witness who appears before the 650
board in obedience to a subpoena shall receive the fees and 651
mileage provided for under section 119.094 of the Revised Code. 652

(4) All hearings, investigations, and inspections of the 653
board shall be considered civil actions for the purposes of 654
section 2305.252 of the Revised Code. 655

(5) A report required to be submitted to the board under this 656
chapter, a complaint, or information received by the board 657
pursuant to an investigation or pursuant to an inspection under 658
division (E) of section 4731.054 of the Revised Code is 659
confidential and not subject to discovery in any civil action. 660

The board shall conduct all investigations or inspections and 661
proceedings in a manner that protects the confidentiality of 662
patients and persons who file complaints with the board. The board 663
shall not make public the names or any other identifying 664
information about patients or complainants unless proper consent 665
is given or, in the case of a patient, a waiver of the patient 666
privilege exists under division (B) of section 2317.02 of the 667
Revised Code, except that consent or a waiver of that nature is 668
not required if the board possesses reliable and substantial 669
evidence that no bona fide physician-patient relationship exists. 670

The board may share any information it receives pursuant to 671
an investigation or inspection, including patient records and 672
patient record information, with law enforcement agencies, other 673
licensing boards, and other governmental agencies that are 674
prosecuting, adjudicating, or investigating alleged violations of 675

statutes or administrative rules. An agency or board that receives 676
the information shall comply with the same requirements regarding 677
confidentiality as those with which the state medical board must 678
comply, notwithstanding any conflicting provision of the Revised 679
Code or procedure of the agency or board that applies when it is 680
dealing with other information in its possession. In a judicial 681
proceeding, the information may be admitted into evidence only in 682
accordance with the Rules of Evidence, but the court shall require 683
that appropriate measures are taken to ensure that confidentiality 684
is maintained with respect to any part of the information that 685
contains names or other identifying information about patients or 686
complainants whose confidentiality was protected by the state 687
medical board when the information was in the board's possession. 688
Measures to ensure confidentiality that may be taken by the court 689
include sealing its records or deleting specific information from 690
its records. 691

(6) On a quarterly basis, the board shall prepare a report 692
that documents the disposition of all cases during the preceding 693
three months. The report shall contain the following information 694
for each case with which the board has completed its activities: 695

(a) The case number assigned to the complaint or alleged 696
violation; 697

(b) The type of certificate to practice, if any, held by the 698
individual against whom the complaint is directed; 699

(c) A description of the allegations contained in the 700
complaint; 701

(d) The disposition of the case. 702

The report shall state how many cases are still pending and 703
shall be prepared in a manner that protects the identity of each 704
person involved in each case. The report shall be a public record 705
under section 149.43 of the Revised Code. 706

(G) If the secretary and supervising member determine both of 707
the following, they may recommend that the board suspend an 708
individual's certificate to practice without a prior hearing: 709

(1) That there is clear and convincing evidence that an 710
individual has violated division (B) of this section; 711

(2) That the individual's continued practice presents a 712
danger of immediate and serious harm to the public. 713

Written allegations shall be prepared for consideration by 714
the board. The board, upon review of those allegations and by an 715
affirmative vote of not fewer than six of its members, excluding 716
the secretary and supervising member, may suspend a certificate 717
without a prior hearing. A telephone conference call may be 718
utilized for reviewing the allegations and taking the vote on the 719
summary suspension. 720

The board shall issue a written order of suspension by 721
certified mail or in person in accordance with section 119.07 of 722
the Revised Code. The order shall not be subject to suspension by 723
the court during pendency of any appeal filed under section 119.12 724
of the Revised Code. If the individual subject to the summary 725
suspension requests an adjudicatory hearing by the board, the date 726
set for the hearing shall be within fifteen days, but not earlier 727
than seven days, after the individual requests the hearing, unless 728
otherwise agreed to by both the board and the individual. 729

Any summary suspension imposed under this division shall 730
remain in effect, unless reversed on appeal, until a final 731
adjudicative order issued by the board pursuant to this section 732
and Chapter 119. of the Revised Code becomes effective. The board 733
shall issue its final adjudicative order within seventy-five days 734
after completion of its hearing. A failure to issue the order 735
within seventy-five days shall result in dissolution of the 736
summary suspension order but shall not invalidate any subsequent, 737

final adjudicative order. 738

(H) If the board takes action under division (B)(9), (11), or 739
(13) of this section and the judicial finding of guilt, guilty 740
plea, or judicial finding of eligibility for intervention in lieu 741
of conviction is overturned on appeal, upon exhaustion of the 742
criminal appeal, a petition for reconsideration of the order may 743
be filed with the board along with appropriate court documents. 744
Upon receipt of a petition of that nature and supporting court 745
documents, the board shall reinstate the individual's certificate 746
to practice. The board may then hold an adjudication under Chapter 747
119. of the Revised Code to determine whether the individual 748
committed the act in question. Notice of an opportunity for a 749
hearing shall be given in accordance with Chapter 119. of the 750
Revised Code. If the board finds, pursuant to an adjudication held 751
under this division, that the individual committed the act or if 752
no hearing is requested, the board may order any of the sanctions 753
identified under division (B) of this section. 754

(I) The certificate to practice issued to an individual under 755
this chapter and the individual's practice in this state are 756
automatically suspended as of the date of the individual's second 757
or subsequent plea of guilty to, or judicial finding of guilt of, 758
a violation of section 2919.123 of the Revised Code, or the date 759
the individual pleads guilty to, is found by a judge or jury to be 760
guilty of, or is subject to a judicial finding of eligibility for 761
intervention in lieu of conviction in this state or treatment or 762
intervention in lieu of conviction in another jurisdiction for any 763
of the following criminal offenses in this state or a 764
substantially equivalent criminal offense in another jurisdiction: 765
aggravated murder, murder, voluntary manslaughter, felonious 766
assault, kidnapping, rape, sexual battery, gross sexual 767
imposition, aggravated arson, aggravated robbery, or aggravated 768
burglary. Continued practice after suspension shall be considered 769

practicing without a certificate. 770

The board shall notify the individual subject to the 771
suspension by certified mail or in person in accordance with 772
section 119.07 of the Revised Code. If an individual whose 773
certificate is automatically suspended under this division fails 774
to make a timely request for an adjudication under Chapter 119. of 775
the Revised Code, the board shall do whichever of the following is 776
applicable: 777

(1) If the automatic suspension under this division is for a 778
second or subsequent plea of guilty to, or judicial finding of 779
guilt of, a violation of section 2919.123 of the Revised Code, the 780
board shall enter an order suspending the individual's certificate 781
to practice for a period of at least one year or, if determined 782
appropriate by the board, imposing a more serious sanction 783
involving the individual's certificate to practice. 784

(2) In all circumstances in which division (I)(1) of this 785
section does not apply, enter a final order permanently revoking 786
the individual's certificate to practice. 787

(J) If the board is required by Chapter 119. of the Revised 788
Code to give notice of an opportunity for a hearing and if the 789
individual subject to the notice does not timely request a hearing 790
in accordance with section 119.07 of the Revised Code, the board 791
is not required to hold a hearing, but may adopt, by an 792
affirmative vote of not fewer than six of its members, a final 793
order that contains the board's findings. In that final order, the 794
board may order any of the sanctions identified under division (A) 795
or (B) of this section. 796

(K) Any action taken by the board under division (B) of this 797
section resulting in a suspension from practice shall be 798
accompanied by a written statement of the conditions under which 799
the individual's certificate to practice may be reinstated. The 800

board shall adopt rules governing conditions to be imposed for 801
reinstatement. Reinstatement of a certificate suspended pursuant 802
to division (B) of this section requires an affirmative vote of 803
not fewer than six members of the board. 804

(L) When the board refuses to grant a certificate to an 805
applicant, revokes an individual's certificate to practice, 806
refuses to register an applicant, or refuses to reinstate an 807
individual's certificate to practice, the board may specify that 808
its action is permanent. An individual subject to a permanent 809
action taken by the board is forever thereafter ineligible to hold 810
a certificate to practice and the board shall not accept an 811
application for reinstatement of the certificate or for issuance 812
of a new certificate. 813

(M) Notwithstanding any other provision of the Revised Code, 814
all of the following apply: 815

(1) The surrender of a certificate issued under this chapter 816
shall not be effective unless or until accepted by the board. A 817
telephone conference call may be utilized for acceptance of the 818
surrender of an individual's certificate to practice. The 819
telephone conference call shall be considered a special meeting 820
under division (F) of section 121.22 of the Revised Code. 821
Reinstatement of a certificate surrendered to the board requires 822
an affirmative vote of not fewer than six members of the board. 823

(2) An application for a certificate made under the 824
provisions of this chapter may not be withdrawn without approval 825
of the board. 826

(3) Failure by an individual to renew a certificate of 827
registration in accordance with this chapter shall not remove or 828
limit the board's jurisdiction to take any disciplinary action 829
under this section against the individual. 830

(4) At the request of the board, a certificate holder shall 831

immediately surrender to the board a certificate that the board 832
has suspended, revoked, or permanently revoked. 833

(N) Sanctions shall not be imposed under division (B)(28) of 834
this section against any person who waives deductibles and 835
copayments as follows: 836

(1) In compliance with the health benefit plan that expressly 837
allows such a practice. Waiver of the deductibles or copayments 838
shall be made only with the full knowledge and consent of the plan 839
purchaser, payer, and third-party administrator. Documentation of 840
the consent shall be made available to the board upon request. 841

(2) For professional services rendered to any other person 842
authorized to practice pursuant to this chapter, to the extent 843
allowed by this chapter and rules adopted by the board. 844

(O) Under the board's investigative duties described in this 845
section and subject to division (F) of this section, the board 846
shall develop and implement a quality intervention program 847
designed to improve through remedial education the clinical and 848
communication skills of individuals authorized under this chapter 849
to practice medicine and surgery, osteopathic medicine and 850
surgery, and podiatric medicine and surgery. In developing and 851
implementing the quality intervention program, the board may do 852
all of the following: 853

(1) Offer in appropriate cases as determined by the board an 854
educational and assessment program pursuant to an investigation 855
the board conducts under this section; 856

(2) Select providers of educational and assessment services, 857
including a quality intervention program panel of case reviewers; 858

(3) Make referrals to educational and assessment service 859
providers and approve individual educational programs recommended 860
by those providers. The board shall monitor the progress of each 861
individual undertaking a recommended individual educational 862

program.	863
(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;	864 865 866 867
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	868 869 870
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	871 872 873
Sec. 4731.222. (A) This section applies to both of the following:	874 875
(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;	876 877 878
(2) An applicant seeking issuance of a certificate pursuant to section <u>4731.17</u> , 4731.29, 4731.295, 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:	879 880 881 882 883 884
(a) An active practitioner;	885
(b) A participant in a program of graduate medical education, as defined in section 4731.091 of the Revised Code;	886 887
(c) A student in a college of podiatry determined by the state medical board to be in good standing;	888 889
(d) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the	890 891

board to be in good standing under section 4731.16 of the Revised Code. 892
893

(B) Before restoring a certificate to good standing for or 894
issuing a certificate to an applicant subject to this section, the 895
state medical board may impose terms and conditions including any 896
one or more of the following: 897

(1) Requiring the applicant to pass an oral or written 898
examination, or both, to determine the applicant's present fitness 899
to resume practice; 900

(2) Requiring the applicant to obtain additional training and 901
to pass an examination upon completion of such training; 902

(3) Requiring an assessment of the applicant's physical 903
skills for purposes of determining whether the applicant's 904
coordination, fine motor skills, and dexterity are sufficient for 905
performing medical evaluations and procedures in a manner that 906
meets the minimal standards of care; 907

(4) Requiring an assessment of the applicant's skills in 908
recognizing and understanding diseases and conditions; 909

(5) Requiring the applicant to undergo a comprehensive 910
physical examination, which may include an assessment of physical 911
abilities, evaluation of sensory capabilities, or screening for 912
the presence of neurological disorders; 913

(6) Restricting or limiting the extent, scope, or type of 914
practice of the applicant. 915

The board shall consider the moral background and the 916
activities of the applicant during the period of suspension or 917
inactivity, in accordance with section 4731.08, 4731.19, or 918
4731.52 of the Revised Code. The board shall not restore a 919
certificate under this section unless the applicant complies with 920
sections 4776.01 to 4776.04 of the Revised Code. 921

Sec. 4731.225. (A) If the holder of a certificate issued 922
under this chapter violates division (A), (B), or (C) of section 923
4731.66 or section 4731.69 of the Revised Code, or if any other 924
person violates division (B) or (C) of section 4731.66 or section 925
4731.69 of the Revised Code, the state medical board, pursuant to 926
an adjudication under Chapter 119. of the Revised Code and an 927
affirmative vote of not fewer than six of its members, shall: 928

~~(A)~~(1) For a first violation, impose a civil penalty of not 929
more than five thousand dollars; 930

~~(B)~~(2) For each subsequent violation, impose a civil penalty 931
of not more than twenty thousand dollars and, if the violator is a 932
certificate holder, proceed under division (B)(27) of section 933
4731.22 of the Revised Code. 934

(B) If the holder of a certificate issued under this chapter 935
violates any section of this chapter other than section 4731.281 936
of the Revised Code or the sections specified in division (A) of 937
this section, or violates any rule adopted under this chapter, the 938
board may, pursuant to an adjudication under Chapter 119. of the 939
Revised Code and an affirmative vote of not fewer than six of its 940
members, impose a civil penalty in an amount specified by the 941
board, which may be up to, but not more than twenty thousand 942
dollars. The civil penalty may be in addition to any other action 943
the board may take under section 4731.22 of the Revised Code. 944

The board shall adopt and may amend guidelines regarding the 945
amounts of civil penalties to be imposed under this section. 946
Adoption or any amendment of the guidelines requires the approval 947
of not fewer than six board members. 948

(C) Amounts received from payment of civil penalties imposed 949
under this section shall be deposited by the board in accordance 950
with section 4731.24 of the Revised Code. Amounts received from 951
payment of civil penalties imposed for violations of division 952

(B)(26) of section 4731.22 of the Revised Code shall be used by 953
the board solely for investigation, enforcement, and compliance 954
monitoring. 955

Sec. 4731.24. Except as provided in sections 4731.281 and 956
4731.40 of the Revised Code, all receipts of the state medical 957
board, from any source, shall be deposited in the state treasury. 958
Until July 1, 1998, the funds shall be deposited to the credit of 959
the occupational licensing and regulatory fund. On and after July 960
1, 1998, the funds shall be deposited to the credit of the state 961
medical board operating fund, which is hereby created on July 1, 962
1998. ~~All~~ Except as provided in sections 4730.252, 4731.225, 963
4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code, 964
all funds deposited into the state treasury under this section 965
shall be used solely for the administration and enforcement of 966
this chapter and Chapters 4730., 4760., 4762., 4774., and 4778. of 967
the Revised Code by the board. 968

Sec. 4731.281. (A) On or before the deadline established 969
under division (B) of this section for applying for renewal of a 970
certificate of registration, each person holding a certificate 971
under this chapter to practice medicine and surgery, osteopathic 972
medicine and surgery, or podiatric medicine and surgery shall 973
certify to the state medical board that in the preceding two years 974
the person has completed one hundred hours of continuing medical 975
education. The certification shall be made upon the application 976
for biennial registration submitted pursuant to division (B) of 977
this section. The board shall adopt rules providing for pro rata 978
reductions by month of the number of hours of continuing education 979
required for persons who are in their first registration period, 980
who have been disabled due to illness or accident, or who have 981
been absent from the country. 982

In determining whether a course, program, or activity 983

qualifies for credit as continuing medical education, the board 984
shall approve all continuing medical education taken by persons 985
holding a certificate to practice medicine and surgery that is 986
certified by the Ohio state medical association, all continuing 987
medical education taken by persons holding a certificate to 988
practice osteopathic medicine and surgery that is certified by the 989
Ohio osteopathic association, and all continuing medical education 990
taken by persons holding a certificate to practice podiatric 991
medicine and surgery that is certified by the Ohio podiatric 992
medical association. Each person holding a certificate to practice 993
under this chapter shall be given sufficient choice of continuing 994
education programs to ensure that the person has had a reasonable 995
opportunity to participate in continuing education programs that 996
are relevant to the person's medical practice in terms of subject 997
matter and level. 998

The board may require a random sample of persons holding a 999
certificate to practice under this chapter to submit materials 1000
documenting completion of the continuing medical education 1001
requirement during the preceding registration period, but this 1002
provision shall not limit the board's authority to investigate 1003
pursuant to section 4731.22 of the Revised Code. 1004

(B)(1) Every person holding a certificate under this chapter 1005
to practice medicine and surgery, osteopathic medicine and 1006
surgery, or podiatric medicine and surgery wishing to renew that 1007
certificate shall apply to the board for a certificate of 1008
registration upon an application furnished by the board, and pay 1009
to the board at the time of application a fee of three hundred 1010
five dollars, according to the following schedule: 1011

(a) Persons whose last name begins with the letters "A" 1012
through "B," on or before April 1, 2001, and the first day of 1013
April of every odd-numbered year thereafter; 1014

(b) Persons whose last name begins with the letters "C" 1015

through "D," on or before January 1, 2001, and the first day of 1016
January of every odd-numbered year thereafter; 1017

(c) Persons whose last name begins with the letters "E" 1018
through "G," on or before October 1, 2000, and the first day of 1019
October of every even-numbered year thereafter; 1020

(d) Persons whose last name begins with the letters "H" 1021
through "K," on or before July 1, 2000, and the first day of July 1022
of every even-numbered year thereafter; 1023

(e) Persons whose last name begins with the letters "L" 1024
through "M," on or before April 1, 2000, and the first day of 1025
April of every even-numbered year thereafter; 1026

(f) Persons whose last name begins with the letters "N" 1027
through "R," on or before January 1, 2000, and the first day of 1028
January of every even-numbered year thereafter; 1029

(g) Persons whose last name begins with the letter "S," on or 1030
before October 1, 1999, and the first day of October of every 1031
odd-numbered year thereafter; 1032

(h) Persons whose last name begins with the letters "T" 1033
through "Z," on or before July 1, 1999, and the first day of July 1034
of every odd-numbered year thereafter. 1035

The board shall deposit the fee in accordance with section 1036
4731.24 of the Revised Code, except that the board shall deposit 1037
twenty dollars of the fee into the state treasury to the credit of 1038
the physician loan repayment fund created by section 3702.78 of 1039
the Revised Code. 1040

(2) The board shall mail or cause to be mailed to every 1041
person registered to practice medicine and surgery, osteopathic 1042
medicine and surgery, or podiatric medicine and surgery, a notice 1043
of registration renewal addressed to the person's last known 1044
address or may cause the notice to be sent to the person through 1045

the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:	1046 1047
(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;	1048 1049 1050
(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;	1051 1052 1053
(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;	1054 1055 1056
(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;	1057 1058 1059
(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;	1060 1061 1062
(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;	1063 1064 1065
(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;	1066 1067 1068
(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.	1069 1070 1071
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.	1072 1073 1074
The notice shall inform the applicant of the renewal	1075

procedure. The board shall provide the application for 1076
registration renewal in a form determined by the board. The 1077
applicant shall provide in the application the applicant's full 1078
name, principal practice address and residence address, the number 1079
of the applicant's certificate to practice, and any other 1080
information required by the board. The applicant shall include 1081
with the application a list of the names and addresses of any 1082
clinical nurse specialists, certified nurse-midwives, or certified 1083
nurse practitioners with whom the applicant is currently 1084
collaborating, as defined in section 4723.01 of the Revised Code. 1085
The applicant shall execute and deliver the application to the 1086
board in a manner prescribed by the board. Every person registered 1087
under this section shall give written notice to the board of any 1088
change of principal practice address or residence address or in 1089
the list within thirty days of the change. 1090

The applicant shall report any criminal offense to which the 1091
applicant has pleaded guilty, of which the applicant has been 1092
found guilty, or for which the applicant has been found eligible 1093
for intervention in lieu of conviction, since last filing an 1094
application for a certificate of registration. 1095

(C) The board shall issue to any person holding a certificate 1096
under this chapter to practice medicine and surgery, osteopathic 1097
medicine and surgery, or podiatric medicine and surgery, upon 1098
application and qualification therefor in accordance with this 1099
section, a certificate of registration under the seal of the 1100
board. A certificate of registration shall be valid for a two-year 1101
period. 1102

~~(D) Failure of any certificate holder to register and comply 1103
with this section shall operate automatically to suspend the 1104
holder's certificate to practice. Continued practice after the 1105
suspension of the certificate to practice shall be considered as 1106
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 1107~~

~~the Revised Code. If the certificate has been suspended pursuant 1108
to this division for two years or less, it may be reinstated. The 1109
board shall reinstate a certificate to practice suspended for 1110
failure to register upon an applicant's submission of a renewal 1111
application, the biennial registration fee, and the applicable 1112
monetary penalty. The penalty for reinstatement shall be fifty 1113
dollars. If the certificate has been suspended pursuant to this 1114
division for more than two years, it may be restored. Subject to 1115
section 4731.222 of the Revised Code, the board may restore a 1116
certificate to practice suspended for failure to register upon an 1117
applicant's submission of a restoration application, the biennial 1118
registration fee, and the applicable monetary penalty and 1119
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1120
The board shall not restore to an applicant a certificate to 1121
practice unless the board, in its discretion, decides that the 1122
results of the criminal records check do not make the applicant 1123
ineligible for a certificate issued pursuant to section 4731.14, 1124
4731.56, or 4731.57 of the Revised Code. The penalty for 1125
restoration shall be one hundred dollars. The board shall deposit 1126
the penalties in accordance with section 4731.24 of the Revised 1127
Code. 1128~~

~~(E) If an individual certifies completion of the number of 1129
hours and type of continuing medical education required to receive 1130
a certificate of registration or reinstatement of a certificate to 1131
practice, and the board finds through the random samples it 1132
conducts under this section or through any other means that the 1133
individual did not complete the requisite continuing medical 1134
education, The board may impose a civil penalty of not more 1135
than five thousand dollars if, through a random sample it conducts 1136
under this section or through any other means, it finds that an 1137
individual certified that the individual completed the number of 1138
hours and type of continuing medical education required for 1139
renewal of a certificate of registration when the individual did 1140~~

~~not fulfill the requirement. The board's finding shall be made 1141
pursuant to an adjudication under Chapter 119. of the Revised Code 1142
and by an affirmative vote of not fewer than six members. 1143~~

A civil penalty imposed under this division may be in 1144
addition to or in lieu of any other action the board may take 1145
under section 4731.22 of the Revised Code. The board ~~shall deposit 1146
civil penalties in accordance with section 4731.24 of the Revised 1147
Code shall not conduct an adjudication under Chapter 119. of the 1148
Revised Code if the board imposes only a civil penalty. 1149~~

~~(F) Pursuant to section 4731.22 of the Revised Code, the 1150
board may suspend an individual's certificate to practice for 1151
failure to register and comply with this section. If an individual 1152
continues to practice after suspension, that activity constitutes 1153
practicing in violation of section 4731.41 or 4731.60 of the 1154
Revised Code. If the certificate has been suspended for two years 1155
or less, it may be reinstated. The board shall reinstate a 1156
certificate to practice for failure to register on an applicant's 1157
submission of a renewal application, the biennial registration 1158
fee, and the applicable monetary penalty. If the certificate has 1159
been suspended for more than two years, it may be restored. 1160
Subject to section 4731.222 of the Revised Code, the board may 1161
restore a certificate to practice suspended for failure to 1162
register on an applicant's submission of a restoration 1163
application, the biennial registration fee, and the applicable 1164
monetary penalty and compliance with sections 4776.01 to 4776.04 1165
of the Revised Code. The board shall not restore to an applicant a 1166
certificate to practice unless the board, in its discretion, 1167
decides that the results of the criminal records check required by 1168
section 4776.02 of the Revised Code do not make the applicant 1169
ineligible for a certificate issued pursuant to section 4731.14, 1170
4731.56, or 4731.57 of the Revised Code. 1171~~

~~The monetary penalty for reinstatement is one hundred 1172~~

dollars. The monetary penalty for restoration is two hundred 1173
dollars. 1174

Amounts received from payment of civil penalties and monetary 1175
penalties imposed under this division shall be deposited in 1176
accordance with section 4731.24 of the Revised Code. 1177

(E) The state medical board may obtain information not 1178
protected by statutory or common law privilege from courts and 1179
other sources concerning malpractice claims against any person 1180
holding a certificate to practice under this chapter or practicing 1181
as provided in section 4731.36 of the Revised Code. 1182

~~(G)~~(F) Each mailing sent by the board under division (B)(2) 1183
of this section to a person registered to practice medicine and 1184
surgery or osteopathic medicine and surgery shall inform the 1185
applicant of the reporting requirement established by division (H) 1186
of section 3701.79 of the Revised Code. At the discretion of the 1187
board, the information may be included on the application for 1188
registration or on an accompanying page. 1189

Sec. 4760.133. If an anesthesiologist assistant violates any 1190
section of this chapter or any rule adopted under this chapter, 1191
the state medical board may, pursuant to an adjudication under 1192
Chapter 119. of the Revised Code and an affirmative vote of not 1193
fewer than six of its members, impose a civil penalty in an amount 1194
specified by the board, which may be up to, but not more than 1195
twenty thousand dollars. The civil penalty may be in addition to 1196
any other action the board may take under section 4760.13 of the 1197
Revised Code. 1198

The board shall adopt and may amend guidelines regarding the 1199
amounts of civil penalties to be imposed under this section. 1200
Adoption or any amendment of the guidelines requires the approval 1201
of not fewer than six board members. 1202

Amounts received from payment of civil penalties imposed 1203
under this section shall be deposited by the board in accordance 1204
with section 4731.24 of the Revised Code. Amounts received from 1205
payment of civil penalties imposed for violations of division 1206
(B)(6) of section 4760.13 of the Revised Code shall be used by the 1207
board solely for investigation, enforcement, and compliance 1208
monitoring. 1209

Sec. 4762.133. If an oriental medicine practitioner or 1210
acupuncturist violates any section of this chapter or any rule 1211
adopted under this chapter, the state medical board may, pursuant 1212
to an adjudication under Chapter 119. of the Revised Code and an 1213
affirmative vote of not fewer than six of its members, impose a 1214
civil penalty in an amount specified by the board, which may be up 1215
to, but not more than twenty thousand dollars. The civil penalty 1216
may be in addition to any other action the board may take under 1217
section 4762.13 of the Revised Code. 1218

The board shall adopt and may amend guidelines regarding the 1219
amounts of civil penalties to be imposed under this section. 1220
Adoption or any amendment of the guidelines requires the approval 1221
of not fewer than six board members. 1222

Amounts received from payment of civil penalties imposed 1223
under this section shall be deposited by the board in accordance 1224
with section 4731.24 of the Revised Code. Amounts received from 1225
payment of civil penalties imposed for violations of division 1226
(B)(6) of section 4762.13 of the Revised Code shall be used by the 1227
board solely for investigation, enforcement, and compliance 1228
monitoring. 1229

Sec. 4774.133. If a radiologist assistant violates any 1230
section of this chapter or any rule adopted under this chapter, 1231
the state medical board may, pursuant to an adjudication under 1232

Chapter 119. of the Revised Code and an affirmative vote of not 1233
fewer than six of its members, impose a civil penalty in an amount 1234
specified by the board, which may be up to, but not more than 1235
twenty thousand dollars. The civil penalty may be in addition to 1236
any other action the board may take under section 4774.13 of the 1237
Revised Code. 1238

The board shall adopt and may amend guidelines regarding the 1239
amounts of civil penalties to be imposed under this section. 1240
Adoption or any amendment of the guidelines requires the approval 1241
of not fewer than six board members. 1242

Amounts received from payment of civil penalties imposed 1243
under this section shall be deposited by the board in accordance 1244
with section 4731.24 of the Revised Code. Amounts received from 1245
payment of civil penalties imposed for violations of division 1246
(B)(6) of section 4774.13 of the Revised Code shall be used by the 1247
board solely for investigation, enforcement, and compliance 1248
monitoring. 1249

Sec. 4778.06. (A) An individual seeking to renew a license to 1250
practice as a genetic counselor shall, on or before the 1251
thirty-first day of January of each even-numbered year, apply for 1252
renewal of the license. The state medical board shall send renewal 1253
notices at least one month prior to the expiration date. 1254

Renewal applications shall be submitted to the board in a 1255
manner prescribed by the board. Each application shall be 1256
accompanied by a biennial renewal fee of one hundred fifty 1257
dollars. 1258

The applicant shall report any criminal offense to which the 1259
applicant has pleaded guilty, of which the applicant has been 1260
found guilty, or for which the applicant has been found eligible 1261
for intervention in lieu of conviction, since last signing an 1262
application for a license to practice as a genetic counselor. 1263

(B) To be eligible for renewal, a genetic counselor shall 1264
certify to the board that the counselor has done both of the 1265
following: 1266

(1) Maintained the counselor's status as a certified genetic 1267
counselor; 1268

(2) Completed at least thirty hours of continuing education 1269
in genetic counseling that has been approved by the national 1270
society of genetic counselors or American board of genetic 1271
counseling. 1272

(C) If an applicant submits a renewal application that the 1273
board considers to be complete and qualifies for renewal pursuant 1274
to division (B) of this section, the board shall issue to the 1275
applicant a renewed license to practice as a genetic counselor. 1276

(D) The board may require a random sample of genetic 1277
counselors to submit materials documenting that their status as 1278
certified genetic counselors has been maintained and that the 1279
number of hours of continuing education required under division 1280
(B)(2) of this section has been completed. 1281

If a genetic counselor certifies that the genetic counselor 1282
has completed the number of hours and type of continuing education 1283
required for renewal of a license, and the board finds through the 1284
random sample or any other means that the genetic counselor did 1285
not complete the requisite continuing education, the board may 1286
impose a civil penalty of not more than five thousand dollars. ~~The~~ 1287
~~board's finding shall be made pursuant to an adjudication under~~ 1288
~~Chapter 119. of the Revised Code and by an affirmative vote of not~~ 1289
~~fewer than six members. A~~ 1290

A civil penalty imposed under this division may be in 1291
addition to or in lieu of any other action the board may take 1292
under section 4778.14 of the Revised Code. The board shall not 1293
conduct an adjudication under Chapter 119. of the Revised Code if 1294

the board imposes only a civil penalty. 1295

Sec. 4778.141. If a genetic counselor violates any section of 1296
this chapter other than section 4778.06 of the Revised Code or 1297
violates any rule adopted under this chapter, the state medical 1298
board may, pursuant to an adjudication under Chapter 119. of the 1299
Revised Code and an affirmative vote of not fewer than six of its 1300
members, impose a civil penalty in an amount specified by the 1301
board, which may be up to, but not more than twenty thousand 1302
dollars. The civil penalty may be in addition to any other action 1303
the board may take under section 4778.14 of the Revised Code. 1304

The board shall adopt and may amend guidelines regarding the 1305
amounts of civil penalties to be imposed under this section. 1306
Adoption or any amendment of the guidelines requires the approval 1307
of not fewer than six board members. 1308

Amounts received from payment of civil penalties imposed 1309
under this section shall be deposited by the board in accordance 1310
with section 4731.24 of the Revised Code. Amounts received from 1311
payment of civil penalties imposed for violations of division 1312
(B)(6) of section 4778.14 of the Revised Code shall be used by the 1313
board solely for investigation, enforcement, and compliance 1314
monitoring. 1315

Section 2. That existing sections 4730.14, 4731.22, 4731.222, 1316
4731.225, 4731.24, 4731.281, and 4778.06 of the Revised Code are 1317
hereby repealed. 1318