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Senators Jones, Tavares

Cosponsors: Senators Brown, Bacon, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Skindell, Smith, Turner, Uecker, Widener
Representatives Antonio, Sears, Smith, Sprague, Anielski, Baker, Blessing, Brown, Burkley, Carney, Conditt, Dovilla, Duffey, Grossman, Hackett, Hayes, Heard, Johnson, Kunze, Mallory, McGregor, Perales, Phillips, Pillich, Retherford, Rogers, Sheehy, Stinziano, Thompson Speaker Batchelder

A BILL

To amend sections 2925.02, 3701.63, 3701.64, 3719.01, 1
3719.061, 4715.14, 4715.30, 4723.28, 4723.481, 2
4723.486, 4725.16, 4725.19, 4729.12, 4729.16, 3
4729.18, 4729.85, 4729.86, 4730.25, 4730.41, 4
4730.48, 4731.22, 4731.281, 4773.03, 4773.08, 5
5165.08, 5165.513, 5165.515, and 5165.99; to enact 6
sections 3701.66, 3701.67, and 3701.68; and to 7
repeal sections 4715.15, 4723.433, 4730.093, and 8
4731.77 of the Revised Code to create the 9
Commission on Infant Mortality and require the 10
establishment of infant safe sleep procedures and 11
policies; to modify the offense of "corrupting 12
another with drugs"; to require the State Board of 13
Pharmacy to prepare semiannual reports on opioid 14
prescriptions; to revise the laws governing the 15
Ohio Automated Rx Reporting System and opioid 16
prescriptions issued for minors; to require under 17

certain conditions the reinstatement of inactive 18
licenses to practice certain radiologic 19
professions; to eliminate requirements regarding 20
patient notice of the limits of Lyme disease 21
testing; to retain certain laws regarding nursing 22
facilities' admission policies and exclusions of 23
parts of nursing facilities from Medicaid provider 24
agreements; to amend the versions of 4715.30, 25
4715.302, 4723.28, 4723.487, 4725.092, 4725.19, 26
4730.25, 4730.53, 4731.055, and 4731.22 of the 27
Revised Code that are scheduled to take effect 28
April 1, 2015, to continue the provisions of this 29
act on and after that effective date; and to 30
declare an emergency. 31

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

Section 1. That sections 2925.02, 3701.63, 3701.64, 3719.01, 32
3719.061, 4715.14, 4715.30, 4723.28, 4723.481, 4723.486, 4725.16, 33
4725.19, 4729.12, 4729.16, 4729.18, 4729.85, 4729.86, 4730.25, 34
4730.41, 4730.48, 4731.22, 4731.281, 4773.03, 4773.08, 5165.08, 35
5165.513, 5165.515, and 5165.99 be amended and sections 3701.66, 36
3701.67, and 3701.68 of the Revised Code be enacted to read as 37
follows: 38

Sec. 2925.02. (A) No person shall knowingly do any of the 39
following: 40

(1) By force, threat, or deception, administer to another or 41
induce or cause another to use a controlled substance; 42

(2) By any means, administer or furnish to another or induce 43
or cause another to use a controlled substance with purpose to 44
cause serious physical harm to the other person, or with purpose 45

to cause the other person to become drug dependent; 46

(3) By any means, administer or furnish to another or induce 47
or cause another to use a controlled substance, and thereby cause 48
serious physical harm to the other person, or cause the other 49
person to become drug dependent; 50

(4) By any means, do any of the following: 51

(a) Furnish or administer a controlled substance to a 52
juvenile who is at least two years the offender's junior, when the 53
offender knows the age of the juvenile or is reckless in that 54
regard; 55

(b) Induce or cause a juvenile who is at least two years the 56
offender's junior to use a controlled substance, when the offender 57
knows the age of the juvenile or is reckless in that regard; 58

(c) Induce or cause a juvenile who is at least two years the 59
offender's junior to commit a felony drug abuse offense, when the 60
offender knows the age of the juvenile or is reckless in that 61
regard; 62

(d) Use a juvenile, whether or not the offender knows the age 63
of the juvenile, to perform any surveillance activity that is 64
intended to prevent the detection of the offender or any other 65
person in the commission of a felony drug abuse offense or to 66
prevent the arrest of the offender or any other person for the 67
commission of a felony drug abuse offense. 68

(5) By any means, furnish or administer a controlled 69
substance to a pregnant woman or induce or cause a pregnant woman 70
to use a controlled substance, when the offender knows that the 71
woman is pregnant or is reckless in that regard. 72

(B) Division (A)(1), (3), ~~or (4)~~, or (5) of this section does 73
not apply to manufacturers, wholesalers, licensed health 74
professionals authorized to prescribe drugs, pharmacists, owners 75

of pharmacies, and other persons whose conduct is in accordance 76
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. 77
of the Revised Code. 78

(C) Whoever violates this section is guilty of corrupting 79
another with drugs. The penalty for the offense shall be 80
determined as follows: 81

~~(1) Except as otherwise provided in this division, if~~ If the 82
offense is a violation of division (A)(1), (2), (3), or (4) of 83
this section and the drug involved is any compound, mixture, 84
preparation, or substance included in schedule I or II, with the 85
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 86
1-Butyl-3-(1-naphthoyl)indole, 87
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 88
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 89
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 90
offender shall be punished as follows: 91

(a) Except as otherwise provided in division (C)(1)(b) of 92
this section, corrupting another with drugs committed in those 93
circumstances is a felony of the second degree, and, subject to 94
division (E) of this section, the court shall impose as a 95
mandatory prison term one of the prison terms prescribed for a 96
felony of the second degree. ~~If the drug involved is any compound,~~ 97
~~mixture, preparation, or substance included in schedule I or II,~~ 98
~~with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole,~~ 99
~~1-Butyl-3-(1-naphthoyl)indole,~~ 100
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 101
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or~~ 102
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and~~ 103
~~if~~ 104

(b) If the offense was committed in the vicinity of a school, 105
corrupting another with drugs committed in those circumstances is 106
a felony of the first degree, and, subject to division (E) of this 107

section, the court shall impose as a mandatory prison term one of 108
the prison terms prescribed for a felony of the first degree. 109

(2) ~~Except as otherwise provided in this division, if~~ If the 110
offense is a violation of division (A)(1), (2), (3), or (4) of 111
this section and the drug involved is any compound, mixture, 112
preparation, or substance included in schedule III, IV, or V, the 113
offender shall be punished as follows: 114

(a) Except as otherwise provided in division (C)(2)(b) of 115
this section, corrupting another with drugs committed in those 116
circumstances is a felony of the second degree, and there is a 117
presumption for a prison term for the offense. ~~If the drug~~ 118
~~involved is any compound, mixture, preparation, or substance~~ 119
~~included in schedule III, IV, or V and if~~ 120

(b) If the offense was committed in the vicinity of a school, 121
corrupting another with drugs committed in those circumstances is 122
a felony of the second degree, and the court shall impose as a 123
mandatory prison term one of the prison terms prescribed for a 124
felony of the second degree. 125

(3) ~~Except as otherwise provided in this division, if~~ If the 126
offense is a violation of division (A)(1), (2), (3), or (4) of 127
this section and the drug involved is marihuana, 128
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 129
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 130
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 131
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 132
offender shall be punished as follows: 133

(a) Except as otherwise provided in division (C)(3)(b) of 134
this section, corrupting another with drugs committed in those 135
circumstances is a felony of the fourth degree, and division (C) 136
of section 2929.13 of the Revised Code applies in determining 137
whether to impose a prison term on the offender. ~~If the drug~~ 138

~~involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 139~~
~~1-Butyl-3-(1-naphthoyl)indole, 140~~
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 141~~
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 142~~
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 143~~
~~if 144~~

(b) If the offense was committed in the vicinity of a school, 145
corrupting another with drugs committed in those circumstances is 146
a felony of the third degree, and division (C) of section 2929.13 147
of the Revised Code applies in determining whether to impose a 148
prison term on the offender. 149

(4) If the offense is a violation of division (A)(5) of this 150
section and the drug involved is any compound, mixture, 151
preparation, or substance included in schedule I or II, with the 152
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 153
1-Butyl-3-(1-naphthoyl)indole, 154
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 155
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 156
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 157
corrupting another with drugs is a felony of the first degree and, 158
subject to division (E) of this section, the court shall impose as 159
a mandatory prison term one of the prison terms prescribed for a 160
felony of the first degree. 161

(5) If the offense is a violation of division (A)(5) of this 162
section and the drug involved is any compound, mixture, 163
preparation, or substance included in schedule III, IV, or V, 164
corrupting another with drugs is a felony of the second degree and 165
the court shall impose as a mandatory prison term one of the 166
prison terms prescribed for a felony of the second degree. 167

(6) If the offense is a violation of division (A)(5) of this 168
section and the drug involved is marihuana, 169
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 170

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 171
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 172
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 173
corrupting another with drugs is a felony of the third degree and 174
division (C) of section 2929.13 of the Revised Code applies in 175
determining whether to impose a prison term on the offender. 176

(D) In addition to any prison term authorized or required by 177
division (C) or (E) of this section and sections 2929.13 and 178
2929.14 of the Revised Code and in addition to any other sanction 179
imposed for the offense under this section or sections 2929.11 to 180
2929.18 of the Revised Code, the court that sentences an offender 181
who is convicted of or pleads guilty to a violation of division 182
(A) of this section or the clerk of that court shall do all of the 183
following that are applicable regarding the offender: 184

(1)(a) If the violation is a felony of the first, second, or 185
third degree, the court shall impose upon the offender the 186
mandatory fine specified for the offense under division (B)(1) of 187
section 2929.18 of the Revised Code unless, as specified in that 188
division, the court determines that the offender is indigent. 189

(b) Notwithstanding any contrary provision of section 3719.21 190
of the Revised Code, any mandatory fine imposed pursuant to 191
division (D)(1)(a) of this section and any fine imposed for a 192
violation of this section pursuant to division (A) of section 193
2929.18 of the Revised Code shall be paid by the clerk of the 194
court in accordance with and subject to the requirements of, and 195
shall be used as specified in, division (F) of section 2925.03 of 196
the Revised Code. 197

(c) If a person is charged with any violation of this section 198
that is a felony of the first, second, or third degree, posts 199
bail, and forfeits the bail, the forfeited bail shall be paid by 200
the clerk of the court pursuant to division (D)(1)(b) of this 201
section as if it were a fine imposed for a violation of this 202

section. 203

(2) The court shall suspend for not less than six months nor 204
more than five years the offender's driver's or commercial 205
driver's license or permit. If an offender's driver's or 206
commercial driver's license or permit is suspended pursuant to 207
this division, the offender, at any time after the expiration of 208
two years from the day on which the offender's sentence was 209
imposed or from the day on which the offender finally was released 210
from a prison term under the sentence, whichever is later, may 211
file a motion with the sentencing court requesting termination of 212
the suspension. Upon the filing of the motion and the court's 213
finding of good cause for the termination, the court may terminate 214
the suspension. 215

(3) If the offender is a professionally licensed person, in 216
addition to any other sanction imposed for a violation of this 217
section, the court immediately shall comply with section 2925.38 218
of the Revised Code. 219

(E) Notwithstanding the prison term otherwise authorized or 220
required for the offense under division (C) of this section and 221
sections 2929.13 and 2929.14 of the Revised Code, if the violation 222
of division (A) of this section involves the sale, offer to sell, 223
or possession of a schedule I or II controlled substance, with the 224
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 225
1-Butyl-3-(1-naphthoyl)indole, 226
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 227
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 228
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 229
if the court imposing sentence upon the offender finds that the 230
offender as a result of the violation is a major drug offender and 231
is guilty of a specification of the type described in section 232
2941.1410 of the Revised Code, the court, in lieu of the prison 233
term that otherwise is authorized or required, shall impose upon 234

the offender the mandatory prison term specified in division 235
(B)(3)(a) of section 2929.14 of the Revised Code. 236

Sec. 3701.63. (A) As used in this section and ~~section~~ 237
sections 3701.64, 3701.66, and 3701.67 of the Revised Code: 238

(1) "Child day-care center," "type A family day-care home," 239
and "licensed type B family day-care home" have the same meanings 240
as in section 5104.01 of the Revised Code. 241

(2) "Child care facility" means a child day-care center, a 242
type A family day-care home, or a licensed type B family day-care 243
home. 244

(3) "Foster caregiver" has the same meaning as in section 245
5103.02 of the Revised Code. 246

(4) "Freestanding birthing center" has the same meaning as in 247
section 3702.141 of the Revised Code. 248

~~(4)~~(5) "Hospital" means a hospital classified pursuant to 249
rules adopted under section 3701.07 of the Revised Code as a 250
general hospital or children's hospital and to which either of the 251
following applies: 252

(a) The hospital has a maternity unit. 253

(b) The hospital receives for care infants who have been 254
transferred to it from other facilities and who have never been 255
discharged to their residences following birth. 256

~~(5)~~(6) "Infant" means a child who is less than one year of 257
age. 258

(7) "Maternity unit" means ~~any unit or place in the distinct~~ 259
~~portion of a hospital where women are regularly received and~~ 260
~~provided care during all or part of the maternity cycle, except~~ 261
~~that "maternity unit" does not include an emergency department or~~ 262
~~similar place dedicated to providing emergency health care~~ 263

licensed as a maternity unit under Chapter 3711. of the Revised 264
Code. 265

~~(6)~~(8) "Other person responsible for the infant" includes a 266
foster caregiver. 267

(9) "Parent" means either parent, unless the parents are 268
separated or divorced or their marriage has been dissolved or 269
annulled, in which case "parent" means the parent who is the 270
residential parent and legal custodian of the child. "Parent" also 271
means a prospective adoptive parent with whom a child is placed. 272

~~(7)~~(10) "Shaken baby syndrome" means signs and symptoms, 273
including, but not limited to, retinal hemorrhages in one or both 274
eyes, subdural hematoma, or brain swelling, resulting from the 275
violent shaking or the shaking and impacting of the head of an 276
infant or small child. 277

(B) The director of health shall establish the shaken baby 278
syndrome education program by doing all of the following: 279

(1) ~~By not later than one year after February 29, 2008,~~ 280
~~developing~~ Developing educational materials that present readily 281
comprehensible information on shaken baby syndrome; 282

(2) Making available on the department of health web site in 283
an easily accessible format the educational materials developed 284
under division (B)(1) of this section; 285

(3) ~~Beginning in 2009, annually~~ Annually assessing the 286
effectiveness of the shaken baby syndrome education program by 287
evaluating the reports received pursuant to section 5101.135 of 288
the Revised Code. 289

(C) In meeting the requirements under division (B) of this 290
section, the director shall ~~not~~ develop educational materials that 291
~~will impose an~~, to the extent possible, minimize administrative or 292
financial ~~burden~~ burdens on any of the entities or persons listed 293

in section 3701.64 of the Revised Code. 294

Sec. 3701.64. (A) A copy of the shaken baby syndrome 295
educational materials developed under section 3701.63 of the 296
Revised Code shall be distributed in the following manner: 297

(1) By child birth educators and the staff of ~~pediatric~~ 298
~~physicians' offices and obstetricians'~~ obstetricians' offices, to 299
an expectant parent who uses their services; 300

(2) By the staff of pediatric physicians' offices, to any of 301
the following who use their services: an infant's parent, 302
guardian, or other person responsible for the infant; 303

(3) By the staff of a hospital or freestanding birthing 304
center ~~in which a child is born,~~ to ~~the child's~~ an infant's 305
parent, guardian, or other person responsible for the infant, 306
before the child is discharged from the facility to the infant's 307
residence following birth; 308

~~(3)~~(4) By the staff of the "help me grow" program established 309
pursuant to section 3701.61 of the Revised Code, to ~~the child's~~ an 310
infant's parent, guardian, or other person responsible for the 311
infant, during home-visiting services conducted in accordance with 312
that section; 313

~~(4)~~(5) By each child care facility operating in this state, 314
to each of its employees; 315

(6) By a public children services agency, when the agency has 316
initial contact with an infant's parent, guardian, or other person 317
responsible for the infant. 318

(B) ~~Each~~ An entity ~~and~~ or person required to distribute 319
educational materials pursuant to division (A) of this section is 320
~~immune from any~~ not liable for damages in a civil and criminal 321
~~liability action~~ for injury, death, or loss to person or property 322
~~resulting~~ that allegedly arises from an act or omission associated 323

with the dissemination of, or failure to disseminate, those 324
educational materials unless the act or omission constitutes 325
willful or wanton misconduct. 326

An entity or person required to distribute educational 327
materials in accordance with division (A) of this section is not 328
subject to criminal prosecution or, to the extent that a person is 329
regulated under Title XLVII of the Revised Code, professional 330
disciplinary action under that title, for an act or omission 331
associated with the dissemination of those educational materials. 332

This division does not eliminate, limit, or reduce any other 333
immunity or defense that an entity or person may be entitled to 334
under Chapter 2744. of the Revised Code, or any other provision of 335
the Revised Code, or the common law of this state. 336

Sec. 3701.66. (A) As used in this section, "sudden unexpected 337
infant death" means the death of an infant that occurs suddenly 338
and unexpectedly, the cause of which is not immediately obvious 339
prior to investigation. 340

(B) The department of health shall establish the safe sleep 341
education program by doing all of the following: 342

(1) By not later than sixty days after the effective date of 343
this section, developing educational materials that present 344
readily comprehensible information on safe sleeping practices for 345
infants and possible causes of sudden unexpected infant death; 346

(2) Making available on the department's internet web site in 347
an easily accessible format the educational materials developed 348
under division (B)(1) of this section; 349

(3) Beginning in 2015, annually assessing the effectiveness 350
of the safe sleep education program by evaluating the reports 351
submitted by child fatality review boards to the department 352
pursuant to section 307.626 of the Revised Code. 353

(C) In meeting the requirements under division (B) of this section, the department shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons required by division (D) of this section to distribute the materials. 354
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(D) A copy of the safe sleep educational materials developed under this section shall be distributed by entities and persons with and in the same manner as the shaken baby syndrome educational materials are distributed pursuant to section 3701.64 of the Revised Code. 359
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An entity or person required to distribute the educational materials is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with the dissemination of those educational materials unless the act or omission constitutes willful or wanton misconduct. 364
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An entity or person required to distribute the educational materials is not subject to criminal prosecution or, to the extent that a person is regulated under Title XLVII of the Revised Code, professional disciplinary action under that title, for an act or omission associated with the dissemination of those educational materials. 370
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This division does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state. 376
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(E) Each entity or person that is required to distribute the educational materials and has infants regularly sleeping at a facility or location under the entity's or person's control shall adopt an internal infant safe sleep policy. The policy shall specify when and to whom educational materials on infant safe 380
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sleep practices are to be delivered to individuals working or 385
volunteering at the facility or location and be consistent with 386
the model internal infant safe sleep policy adopted under division 387
(F) of this section. 388

(F) The director of health shall adopt a model internal 389
infant safe sleep policy for use by entities and persons that must 390
comply with division (E) of this section. The policy shall specify 391
safe infant sleep practices, include images depicting safe infant 392
sleep practices, and specify sample content for an infant safe 393
sleep education program that entities and persons may use when 394
conducting new staff orientation programs. 395

Sec. 3701.67. (A) As used in this section: 396

(1) "Contractor" means a person who provides personal 397
services pursuant to a contract. 398

(2) "Critical access hospital" means a facility designated as 399
a critical access hospital by the director of health under section 400
3701.073 of the Revised Code. 401

(3) "Crib" includes a portable play yard or other suitable 402
sleeping place. 403

(B) Each hospital and freestanding birthing center shall 404
implement an infant safe sleep screening procedure. The purpose of 405
the procedure is to determine whether there will be a safe crib 406
for an infant to sleep in once the infant is discharged from the 407
facility to the infant's residence following birth. The procedure 408
shall consist of questions that facility staff or volunteers must 409
ask the infant's parent, guardian, or other person responsible for 410
the infant regarding the infant's intended sleeping place and 411
environment. 412

The director of health shall develop questions that 413
facilities may use when implementing the infant safe sleep 414

screening procedure required by this division. The director may 415
consult with persons and government entities that have expertise 416
in infant safe sleep practices when developing the questions. 417

(C) If, prior to an infant's discharge from a facility to the 418
infant's residence following birth, a facility other than a 419
critical access hospital or a facility identified under division 420
(D) of this section determines through the procedure implemented 421
under division (B) of this section that the infant is unlikely to 422
have a safe crib at the infant's residence, the facility shall 423
make a good faith effort to arrange for the parent, guardian, or 424
other person responsible for the infant to obtain a safe crib at 425
no charge to that individual. In meeting this requirement, the 426
facility may do any of the following: 427

(1) Obtain a safe crib with its own resources; 428

(2) Collaborate with or obtain assistance from persons or 429
government entities that are able to procure a safe crib or 430
provide money to purchase a safe crib; 431

(3) Refer the parent, guardian, or other person responsible 432
for the infant to a person or government entity described in 433
division (C)(2) of this section to obtain a safe crib free of 434
charge from that source; 435

(4) If funds are available for the cribs for kids program or 436
a successor program administered by the department of health, 437
refer the parent, guardian, or other person responsible for the 438
infant to a site, designated by the department for purposes of the 439
program, at which a safe crib may be obtained at no charge. 440

(D) The director of health shall identify the facilities in 441
this state that are not critical access hospitals and are not 442
served by a site described in division (C)(4) of this section. The 443
director shall identify not less than annually the facilities that 444
meet both criteria and notify those that do so. 445

(E) When a facility that is a hospital registers with the 446
department of health under section 3701.07 of the Revised Code or 447
a facility that is a freestanding birthing center renews its 448
license in accordance with rules adopted under section 3702.30 of 449
the Revised Code, the facility shall report the following 450
information to the department in a manner the department 451
prescribes: 452

(1) The number of safe cribs that the facility obtained and 453
distributed by using its own resources as described in division 454
(C)(1) of this section since the last time the facility reported 455
this information to the department; 456

(2) The number of safe cribs that the facility obtained and 457
distributed by collaborating with or obtaining assistance from 458
another person or government entity as described in division 459
(C)(2) of this section since the last time the facility reported 460
this information to the department; 461

(3) The number of referrals that the facility made to a 462
person or government entity as described in division (C)(3) of 463
this section since the last time the facility reported this 464
information to the department; 465

(4) The number of referrals that the facility made to a site 466
designated by the department as described in division (C)(4) of 467
this section since the last time the facility reported this 468
information to the department; 469

(5) Demographic information specified by the director of 470
health regarding the individuals to whom safe cribs were 471
distributed as described in division (E)(1) or (2) of this section 472
or for whom a referral described in division (E)(3) or (4) of this 473
section was made; 474

(6) In the case of a critical access hospital or a facility 475
identified under division (D) of this section, demographic 476

information specified by the director of health regarding each 477
parent, guardian, or other person responsible for the infant 478
determined to be unlikely to have a safe crib at the infant's 479
residence pursuant to the procedure implemented under division (B) 480
of this section; 481

(7) Any other information collected by the facility regarding 482
infant sleep environments and intended infant sleep environments 483
that the director determines to be appropriate. 484

(F) Not later than July 1 of each year beginning in 2015, the 485
director of health shall prepare a written report that summarizes 486
the information collected under division (E) of this section for 487
the preceding twelve months and provides any other information the 488
director considers appropriate for inclusion in the report. On 489
completion, the report shall be submitted to the governor and, in 490
accordance with section 101.68 of the Revised Code, the general 491
assembly. 492

(G) A facility, and any employee, contractor, or volunteer of 493
a facility, that implements an infant safe sleep procedure in 494
accordance with division (B) of this section is not liable for 495
damages in a civil action for injury, death, or loss to person or 496
property that allegedly arises from an act or omission associated 497
with implementation of the procedure, unless the act or omission 498
constitutes willful or wanton misconduct. 499

A facility, and any employee, contractor, or volunteer of a 500
facility, that implements an infant safe sleep screening procedure 501
in accordance with division (B) of this section is not subject to 502
criminal prosecution or, to the extent that a person is regulated 503
under Title XLVII of the Revised Code, professional disciplinary 504
action under that title, for an act or omission associated with 505
implementation of the procedure. 506

This division does not eliminate, limit, or reduce any other 507

immunity or defense that a facility, or an employee, contractor, or volunteer of a facility, may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state. 508
509
510
511

(H) A facility, and any employee, contractor, or volunteer of a facility, is neither liable for damages in a civil action, nor subject to criminal prosecution, for injury, death, or loss to person or property that allegedly arises from a crib obtained by a parent, guardian, or other person responsible for the infant as a result of any action the facility, employee, contractor, or volunteer takes to comply with division (C) of this section. 512
513
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The immunity provided by this division does not require compliance with division (D) of section 2305.37 of the Revised Code. 519
520
521

Sec. 3701.68. (A) As used in this section: 522

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals. 523
524

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code. 525
526

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following: 527
528

(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state; 529
530
531

(2) For each service identified under division (B)(1) of this section, determine both of the following: 532
533

(a) The sources of the funds that are used to pay for the service; 534
535

(b) Whether the service and its funding sources have a 536

connection with programs provided or administered by local or 537
community-based public or private entities and, to the extent they 538
do not, whether they should. 539

(3) With assistance from academic medical centers, track and 540
analyze infant mortality rates by county for the purpose of 541
determining the impact of state and local initiatives to reduce 542
those rates. 543

(C) The commission shall consist of the following members: 544

(1) Two members of the senate, one from the majority party 545
and one from the minority party, each appointed by the senate 546
president; 547

(2) Two members of the house of representatives, one from the 548
majority party and one from the minority party, each appointed by 549
the speaker of the house of representatives; 550

(3) The executive director of the office of health 551
transformation or the executive director's designee; 552

(4) The medicaid director or the director's designee; 553

(5) The director of health or the director's designee; 554

(6) The executive director of the commission on minority 555
health or the executive director's designee; 556

(7) The attorney general or the attorney general's designee; 557

(8) A health commissioner of a city or general health 558
district, appointed by the governor; 559

(9) A coroner, deputy coroner, or other person who conducts 560
death scene investigations, appointed by the governor; 561

(10) An individual who represents the Ohio hospital 562
association, appointed by the association's president; 563

(11) An individual who represents the Ohio children's 564
hospital association, appointed by the association's president; 565

(12) Two individuals who represent community-based programs 566
that serve pregnant women or new mothers whose infants tend to be 567
at a higher risk for infant mortality, appointed by the governor. 568

(D) The commission members described in divisions (C)(1), 569
(2), (8), (9), (10), (11), and (12) of this section shall be 570
appointed not later than thirty days after the effective date of 571
this section. An appointed member shall hold office until a 572
successor is appointed. A vacancy shall be filled in the same 573
manner as the original appointment. 574

From among the members, the president of the senate and 575
speaker of the house of representatives shall appoint two to serve 576
as co-chairpersons of the commission. 577

A member shall serve without compensation except to the 578
extent that serving on the commission is considered part of the 579
member's regular duties of employment. 580

(E) The commission may request assistance from the staff of 581
the legislative service commission. 582

(F) For purposes of division (B)(3) of this section, the 583
state registrar shall ensure that the commission and academic 584
medical centers located in this state have access to any 585
electronic system of vital records the state registrar or 586
department of health maintains, including the Ohio public health 587
information warehouse. Not later than six months after the 588
effective date of this section, the commission on infant mortality 589
shall prepare a written report of its findings and recommendations 590
concerning the matters described in division (B) of this section. 591
On completion, the commission shall submit the report to the 592
governor and, in accordance with section 101.68 of the Revised 593
Code, the general assembly. 594

(G) The president of the senate and speaker of the house of 595
representatives shall determine the responsibilities of the 596

<u>commission following submission of the report under division (F)</u>	597
<u>of this section.</u>	598
<u>(H) The commission is not subject to sections 101.82 to</u>	599
<u>101.87 of the Revised Code.</u>	600
Sec. 3719.01. As used in this chapter:	601
(A) "Administer" means the direct application of a drug,	602
whether by injection, inhalation, ingestion, or any other means to	603
a person or an animal.	604
(B) "Drug enforcement administration" means the drug	605
enforcement administration of the United States department of	606
justice or its successor agency.	607
(C) "Controlled substance" means a drug, compound, mixture,	608
preparation, or substance included in schedule I, II, III, IV, or	609
V.	610
(D) "Dangerous drug" has the same meaning as in section	611
4729.01 of the Revised Code.	612
(E) "Dispense" means to sell, leave with, give away, dispose	613
of, or deliver.	614
(F) "Distribute" means to deal in, ship, transport, or	615
deliver but does not include administering or dispensing a drug.	616
(G) "Drug" has the same meaning as in section 4729.01 of the	617
Revised Code.	618
(H) "Drug abuse offense," "felony drug abuse offense,"	619
"cocaine," and "hashish" have the same meanings as in section	620
2925.01 of the Revised Code.	621
(I) "Federal drug abuse control laws" means the	622
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 84	623
Stat. 1242, 21 U.S.C. 801, as amended.	624
(J) "Hospital" means an institution for the care and	625

treatment of the sick and injured that is certified by the 626
department of health and approved by the state board of pharmacy 627
as proper to be entrusted with the custody of controlled 628
substances and the professional use of controlled substances. 629

(K) "Hypodermic" means a hypodermic syringe or needle, or 630
other instrument or device for the injection of medication. 631

(L) "Isomer," except as otherwise expressly stated, means the 632
optical isomer. 633

(M) "Laboratory" means a laboratory approved by the state 634
board of pharmacy as proper to be entrusted with the custody of 635
controlled substances and the use of controlled substances for 636
scientific and clinical purposes and for purposes of instruction. 637

(N) "Manufacturer" means a person who manufactures a 638
controlled substance, as "manufacture" is defined in section 639
3715.01 of the Revised Code. 640

(O) "Marihuana" means all parts of a plant of the genus 641
cannabis, whether growing or not; the seeds of a plant of that 642
type; the resin extracted from a part of a plant of that type; and 643
every compound, manufacture, salt, derivative, mixture, or 644
preparation of a plant of that type or of its seeds or resin. 645
"Marihuana" does not include the mature stalks of the plant, fiber 646
produced from the stalks, oils or cake made from the seeds of the 647
plant, or any other compound, manufacture, salt, derivative, 648
mixture, or preparation of the mature stalks, except the resin 649
extracted from the mature stalks, fiber, oil or cake, or the 650
sterilized seed of the plant that is incapable of germination. 651

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, 652
amidone, isoamidone, ketobemidone, as defined in this division, 653
and every substance not chemically distinguished from them and 654
every drug, other than cannabis, that may be included in the 655
meaning of "narcotic drug" under the federal drug abuse control 656

laws. As used in this division: 657

(1) "Coca leaves" includes cocaine and any compound, 658
manufacture, salt, derivative, mixture, or preparation of coca 659
leaves, except derivatives of coca leaves, that does not contain 660
cocaine, ecgonine, or substances from which cocaine or ecgonine 661
may be synthesized or made. 662

(2) "Isonipecaine" means any substance identified chemically 663
as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or 664
any salt thereof, by whatever trade name designated. 665

(3) "Amidone" means any substance identified chemically as 666
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by 667
whatever trade name designated. 668

(4) "Isoamidone" means any substance identified chemically as 669
4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 670
thereof, by whatever trade name designated. 671

(5) "Ketobemidone" means any substance identified chemically 672
as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone 673
hydrochloride, or any salt thereof, by whatever trade name 674
designated. 675

(Q) "Official written order" means an order written on a form 676
provided for that purpose by the director of the United States 677
drug enforcement administration, under any laws of the United 678
States making provision for the order, if the order forms are 679
authorized and required by federal law. 680

(R) "Opiate" means any substance having an addiction-forming 681
or addiction-sustaining liability similar to morphine or being 682
capable of conversion into a drug having addiction-forming or 683
addiction-sustaining liability. "Opiate" does not include, unless 684
specifically designated as controlled under section 3719.41 of the 685
Revised Code, the dextrorotatory isomer of 686
3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). 687

"Opiate" does include its racemic and levoratory forms. 688

(S) "Opium poppy" means the plant of the species papaver 689
somniferum L., except its seeds. 690

(T) "Person" means any individual, corporation, government, 691
governmental subdivision or agency, business trust, estate, trust, 692
partnership, association, or other legal entity. 693

(U) "Pharmacist" means a person licensed under Chapter 4729. 694
of the Revised Code to engage in the practice of pharmacy. 695

(V) "Pharmacy" has the same meaning as in section 4729.01 of 696
the Revised Code. 697

(W) "Poison" means any drug, chemical, or preparation likely 698
to be deleterious or destructive to adult human life in quantities 699
of four grams or less. 700

(X) "Poppy straw" means all parts, except the seeds, of the 701
opium poppy, after mowing. 702

(Y) "Licensed health professional authorized to prescribe 703
drugs," "prescriber," and "prescription" have the same meanings as 704
in section 4729.01 of the Revised Code. 705

(Z) "Registry number" means the number assigned to each 706
person registered under the federal drug abuse control laws. 707

(AA) "Sale" includes delivery, barter, exchange, transfer, or 708
gift, or offer thereof, and each transaction of those natures made 709
by any person, whether as principal, proprietor, agent, servant, 710
or employee. 711

(BB) "Schedule I," "schedule II," "schedule III," "schedule 712
IV," and "schedule V" mean controlled substance schedules I, II, 713
III, IV, and V, respectively, established pursuant to section 714
3719.41 of the Revised Code, as amended pursuant to section 715
3719.43 or 3719.44 of the Revised Code. 716

(CC) "Wholesaler" means a person who, on official written 717

orders other than prescriptions, supplies controlled substances 718
that the person has not manufactured, produced, or prepared 719
personally and includes a "wholesale distributor of dangerous 720
drugs" as defined in section 4729.01 of the Revised Code. 721

(DD) "Animal shelter" means a facility operated by a humane 722
society or any society organized under Chapter 1717. of the 723
Revised Code or a dog pound operated pursuant to Chapter 955. of 724
the Revised Code. 725

(EE) "Terminal distributor of dangerous drugs" has the same 726
meaning as in section 4729.01 of the Revised Code. 727

(FF) "Category III license" means a license issued to a 728
terminal distributor of dangerous drugs as set forth in section 729
4729.54 of the Revised Code. 730

(GG) "Prosecutor" has the same meaning as in section 2935.01 731
of the Revised Code. 732

(HH)(1) "Controlled substance analog" means, except as 733
provided in division (HH)(2) of this section, a substance to which 734
both of the following apply: 735

(a) The chemical structure of the substance is substantially 736
similar to the structure of a controlled substance in schedule I 737
or II. 738

(b) One of the following applies regarding the substance: 739

(i) The substance has a stimulant, depressant, or 740
hallucinogenic effect on the central nervous system that is 741
substantially similar to or greater than the stimulant, 742
depressant, or hallucinogenic effect on the central nervous system 743
of a controlled substance in schedule I or II. 744

(ii) With respect to a particular person, that person 745
represents or intends the substance to have a stimulant, 746
depressant, or hallucinogenic effect on the central nervous system 747

that is substantially similar to or greater than the stimulant, 748
depressant, or hallucinogenic effect on the central nervous system 749
of a controlled substance in schedule I or II. 750

(2) "Controlled substance analog" does not include any of the 751
following: 752

(a) A controlled substance; 753

(b) Any substance for which there is an approved new drug 754
application; 755

(c) With respect to a particular person, any substance if an 756
exemption is in effect for investigational use for that person 757
pursuant to federal law to the extent that conduct with respect to 758
that substance is pursuant to that exemption; 759

(d) Any substance to the extent it is not intended for human 760
consumption before the exemption described in division (HH)(2)(b) 761
of this section takes effect with respect to that substance. 762

(II) "Benzodiazepine" means a controlled substance that has 763
United States food and drug administration approved labeling 764
indicating that it is a benzodiazepine, benzodiazepine derivative,
765
triazolobenzodiazepine, or triazolobenzodiazepine derivative,
766
including the following drugs and their varying salt forms or
767
chemical congeners: alprazolam, chlordiazepoxide hydrochloride,
768
clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam
769
hydrochloride, lorazepam, midazolam, oxazepam, quazepam,
770
temazepam, and triazolam. 771

(JJ) "Opioid analgesic" means a controlled substance that has 772
analgesic pharmacologic activity at the opioid receptors of the
773
central nervous system, including the following drugs and their
774
varying salt forms or chemical congeners: buprenorphine,
775
butorphanol, codeine (including acetaminophen and other
776
combination products), dihydrocodeine, fentanyl, hydrocodone
777
(including acetaminophen combination products), hydromorphone, 778

meperidine, methadone, morphine sulfate, oxycodone (including 779
acetaminophen, aspirin, and other combination products), 780
oxymorphone, tapentadol, and tramadol. 781

(KK) "Emergency facility" means a hospital emergency 782
department or any other facility that provides emergency care. 783

Sec. 3719.061. (A)(1) As used in this section: 784

(a) "Another adult authorized to consent to the minor's 785
medical treatment" means an adult to whom a minor's parent or 786
guardian has given written authorization to consent to the minor's 787
medical treatment. 788

(b) "Medical emergency" means a situation that in a 789
prescriber's good faith medical judgment creates an immediate 790
threat of serious risk to the life or physical health of a minor. 791

(c) "Minor" means an individual under eighteen years of age 792
who is not emancipated. 793

(2) For purposes of this section, an individual under 794
eighteen years of age is emancipated only if the individual has 795
married, has entered the armed services of the United States, 796
~~became~~ has become employed and self-sustaining, or ~~has~~ otherwise 797
has become independent from the care and control of the 798
individual's parent, guardian, or custodian. 799

(B) Except as provided in division (C) of this section, 800
before issuing for a minor the first prescription in a single 801
course of treatment for ~~a particular compound that is a controlled~~ 802
~~substance containing~~ an opioid analgesic, regardless of whether 803
the dosage is modified during that course of treatment, a 804
prescriber shall do all of the following: 805

(1) As part of the prescriber's examination of the minor, 806
assess whether the minor has ever suffered, or is currently 807
suffering, from mental health or substance abuse disorders and 808

whether the minor has taken or is currently taking prescription 809
drugs for treatment of those disorders; 810

(2) Discuss with the minor and the minor's parent, guardian, 811
or another adult authorized to consent to the minor's medical 812
treatment all of the following: 813

(a) The risks of addiction and overdose associated with ~~the~~ 814
~~compound~~ opioid analgesics; 815

(b) The increased risk of addiction to controlled substances 816
of individuals suffering from both mental and substance abuse 817
disorders; 818

(c) The dangers of taking ~~controlled substances containing~~ 819
~~opioids~~ opioid analgesics with benzodiazepines, alcohol, or other 820
central nervous system depressants; 821

(d) Any other information in the patient counseling 822
information section of the labeling for the ~~compound~~ opioid 823
analgesic required under 21 C.F.R. 201.57(c)(18). 824

(3) Obtain written consent for the prescription from the 825
minor's parent, guardian, or, subject to division (E) of this 826
section, another adult authorized to consent to the minor's 827
medical treatment. 828

The prescriber shall record the consent on a form, which 829
shall be known as the "Start Talking!" consent form. The form 830
shall be separate from any other document the prescriber uses to 831
obtain informed consent for other treatment provided to the minor. 832
The form shall contain all of the following: 833

(a) The name and quantity of the ~~compound~~ opioid analgesic 834
being prescribed and the amount of the initial dose; 835

(b) A statement indicating that a controlled substance is a 836
drug or other substance that the United States drug enforcement 837
administration has identified as having a potential for abuse; 838

(c) A statement certifying that the prescriber discussed with 839
the minor and the minor's parent, guardian, or another adult 840
authorized to consent to the minor's medical treatment the matters 841
described in division (B)(2) of this section; 842

(d) The number of refills, if any, authorized by the 843
prescription; 844

(e) The signature of the minor's parent, guardian, or another 845
adult authorized to consent to the minor's medical treatment and 846
the date of signing. 847

(C)(1) The requirements in division (B) of this section do 848
not apply if the minor's treatment with a ~~compound that is a~~ 849
~~controlled substance containing~~ an opioid analgesic meets any of 850
the following criteria: 851

(a) The treatment is associated with or incident to a medical 852
emergency. 853

(b) The treatment is associated with or incident to surgery, 854
regardless of whether the surgery is performed on an inpatient or 855
outpatient basis. 856

(c) In the prescriber's professional judgment, fulfilling the 857
requirements of division (B) of this section with respect to the 858
minor's treatment would be a detriment to the minor's health or 859
safety. 860

(d) Except as provided in division (D) of this section, the 861
treatment is rendered in a hospital, emergency facility, 862
ambulatory surgical facility, nursing home, pediatric respite care 863
program, residential care facility, freestanding rehabilitation 864
facility, or similar institutional facility. 865

(2) The requirements in division (B) of this section do not 866
apply to a prescription for a ~~compound that is a controlled~~ 867
~~substance containing~~ an opioid analgesic that a prescriber issues 868

to a minor at the time of discharge from a facility or other 869
location described in division (C)(1)(d) of this section. 870

(D) The exemption in division (C)(1)(d) of this section does 871
not apply to treatment rendered in a prescriber's office that is 872
located on the premises of or adjacent to a facility or other 873
location described in that division. 874

(E) If the individual who signs the consent form required by 875
division (B)(3) of this section is another adult authorized to 876
consent to the minor's medical treatment, the prescriber shall 877
prescribe not more than a single, seventy-two-hour supply and 878
indicate on the prescription the quantity that is to be dispensed 879
pursuant to the prescription. 880

(F) A signed "Start Talking!" consent form obtained under 881
this section shall be maintained in the minor's medical record. 882

Sec. 4715.14. (A)(1) Each person who is licensed to practice 883
dentistry in Ohio shall, on or before the first day of January of 884
each even-numbered year, register with the state dental board. The 885
registration shall be made on a form prescribed by the board and 886
furnished by the secretary, shall include the licensee's name, 887
address, license number, and such other reasonable information as 888
the board may consider necessary, and shall include payment of a 889
biennial registration fee of two hundred forty-five dollars. 890
Except as provided in division (E) of this section, this fee shall 891
be paid to the treasurer of state. Subject to division (C) of this 892
section, a registration shall be in effect for the two-year period 893
beginning on the first day of January of the even-numbered year 894
and ending on the last day of December of the following 895
odd-numbered year, and shall be renewed in accordance with the 896
standard renewal procedure of sections 4745.01 to 4745.03 of the 897
Revised Code. 898

(2)(a) Except as provided in division (A)(2)(b) of this 899

section, in the case of a licensee seeking registration who 900
prescribes or personally furnishes opioid analgesics or 901
benzodiazepines, as defined in section 3719.01 of the Revised 902
Code, the licensee shall certify to the board whether the licensee 903
has been granted access to the drug database established and 904
maintained by the state board of pharmacy pursuant to section 905
4729.75 of the Revised Code. 906

(b) The requirement in division (A)(2)(a) of this section 907
does not apply if ~~either~~ any of the following is the case: 908

(i) The state board of pharmacy notifies the state dental 909
board pursuant to section 4729.861 of the Revised Code that the 910
licensee has been restricted from obtaining further information 911
from the drug database. 912

(ii) The state board of pharmacy no longer maintains the drug 913
database. 914

(iii) The licensee does not practice dentistry in this state. 915

(3) If a licensee certifies to the state dental board that 916
the licensee has been granted access to the drug database and the 917
board finds through an audit or other means that the licensee has 918
not been granted access, the board may take action under section 919
4715.30 of the Revised Code. 920

(B) A licensed dentist who desires to temporarily retire from 921
practice and who has given the board notice in writing to that 922
effect shall be granted such a retirement, provided only that at 923
that time all previous registration fees and additional costs of 924
reinstatement have been paid. 925

(C) Not later than the thirty-first day of January of an 926
even-numbered year, the board shall send a notice by certified 927
mail to a dentist who fails to renew a license in accordance with 928
division (A) of this section. The notice shall state all of the 929
following: 930

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

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

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

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

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

(D) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered.

(E) Twenty dollars of each biennial registration fee shall be paid to the dentist loan repayment fund created under section

3702.95 of the Revised Code. 962

Sec. 4715.30. (A) An applicant for or holder of a certificate 963
or license issued under this chapter is subject to disciplinary 964
action by the state dental board for any of the following reasons: 965
966

(1) Employing or cooperating in fraud or material deception 967
in applying for or obtaining a license or certificate; 968

(2) Obtaining or attempting to obtain money or anything of 969
value by intentional misrepresentation or material deception in 970
the course of practice; 971

(3) Advertising services in a false or misleading manner or 972
violating the board's rules governing time, place, and manner of 973
advertising; 974

(4) Commission of an act that constitutes a felony in this 975
state, regardless of the jurisdiction in which the act was 976
committed; 977

(5) Commission of an act in the course of practice that 978
constitutes a misdemeanor in this state, regardless of the 979
jurisdiction in which the act was committed; 980

(6) Conviction of, a plea of guilty to, a judicial finding of 981
guilt of, a judicial finding of guilt resulting from a plea of no 982
contest to, or a judicial finding of eligibility for intervention 983
in lieu of conviction for, any felony or of a misdemeanor 984
committed in the course of practice; 985

(7) Engaging in lewd or immoral conduct in connection with 986
the provision of dental services; 987

(8) Selling, prescribing, giving away, or administering drugs 988
for other than legal and legitimate therapeutic purposes, or 989
conviction of, a plea of guilty to, a judicial finding of guilt 990
of, a judicial finding of guilt resulting from a plea of no 991

contest to, or a judicial finding of eligibility for intervention	992
in lieu of conviction for, a violation of any federal or state law	993
regulating the possession, distribution, or use of any drug;	994
(9) Providing or allowing dental hygienists, expanded	995
function dental auxiliaries, or other practitioners of auxiliary	996
dental occupations working under the certificate or license	997
holder's supervision, or a dentist holding a temporary limited	998
continuing education license under division (C) of section 4715.16	999
of the Revised Code working under the certificate or license	1000
holder's direct supervision, to provide dental care that departs	1001
from or fails to conform to accepted standards for the profession,	1002
whether or not injury to a patient results;	1003
(10) Inability to practice under accepted standards of the	1004
profession because of physical or mental disability, dependence on	1005
alcohol or other drugs, or excessive use of alcohol or other	1006
drugs;	1007
(11) Violation of any provision of this chapter or any rule	1008
adopted thereunder;	1009
(12) Failure to use universal blood and body fluid	1010
precautions established by rules adopted under section 4715.03 of	1011
the Revised Code;	1012
(13) Except as provided in division (H) of this section,	1013
either of the following:	1014
(a) Waiving the payment of all or any part of a deductible or	1015
copayment that a patient, pursuant to a health insurance or health	1016
care policy, contract, or plan that covers dental services, would	1017
otherwise be required to pay if the waiver is used as an	1018
enticement to a patient or group of patients to receive health	1019
care services from that certificate or license holder;	1020
(b) Advertising that the certificate or license holder will	1021
waive the payment of all or any part of a deductible or copayment	1022

that a patient, pursuant to a health insurance or health care 1023
policy, contract, or plan that covers dental services, would 1024
otherwise be required to pay. 1025

(14) Failure to comply with section 4729.79 of the Revised 1026
Code, unless the state board of pharmacy no longer maintains a 1027
drug database pursuant to section 4729.75 of the Revised Code; 1028

(15) Any of the following actions taken by an agency 1029
responsible for authorizing, certifying, or regulating an 1030
individual to practice a health care occupation or provide health 1031
care services in this state or another jurisdiction, for any 1032
reason other than the nonpayment of fees: the limitation, 1033
revocation, or suspension of an individual's license to practice; 1034
acceptance of an individual's license surrender; denial of a 1035
license; refusal to renew or reinstate a license; imposition of 1036
probation; or issuance of an order of censure or other reprimand; 1037

(16) Failure to cooperate in an investigation conducted by 1038
the board under division (D) of section 4715.03 of the Revised 1039
Code, including failure to comply with a subpoena or order issued 1040
by the board or failure to answer truthfully a question presented 1041
by the board at a deposition or in written interrogatories, except 1042
that failure to cooperate with an investigation shall not 1043
constitute grounds for discipline under this section if a court of 1044
competent jurisdiction has issued an order that either quashes a 1045
subpoena or permits the individual to withhold the testimony or 1046
evidence in issue; 1047

(17) Failure to comply with the requirements in section 1048
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 1049
prescription for ~~a controlled substance containing~~ an opioid 1050
analgesic, as defined in section 3719.01 of the Revised Code. 1051

(B) A manager, proprietor, operator, or conductor of a dental 1052
facility shall be subject to disciplinary action if any dentist, 1053

dental hygienist, expanded function dental auxiliary, or qualified 1054
personnel providing services in the facility is found to have 1055
committed a violation listed in division (A) of this section and 1056
the manager, proprietor, operator, or conductor knew of the 1057
violation and permitted it to occur on a recurring basis. 1058

(C) Subject to Chapter 119. of the Revised Code, the board 1059
may take one or more of the following disciplinary actions if one 1060
or more of the grounds for discipline listed in divisions (A) and 1061
(B) of this section exist: 1062

(1) Censure the license or certificate holder; 1063

(2) Place the license or certificate on probationary status 1064
for such period of time the board determines necessary and require 1065
the holder to: 1066

(a) Report regularly to the board upon the matters which are 1067
the basis of probation; 1068

(b) Limit practice to those areas specified by the board; 1069

(c) Continue or renew professional education until a 1070
satisfactory degree of knowledge or clinical competency has been 1071
attained in specified areas. 1072

(3) Suspend the certificate or license; 1073

(4) Revoke the certificate or license. 1074

Where the board places a holder of a license or certificate 1075
on probationary status pursuant to division (C)(2) of this 1076
section, the board may subsequently suspend or revoke the license 1077
or certificate if it determines that the holder has not met the 1078
requirements of the probation or continues to engage in activities 1079
that constitute grounds for discipline pursuant to division (A) or 1080
(B) of this section. 1081

Any order suspending a license or certificate shall state the 1082
conditions under which the license or certificate will be 1083

restored, which may include a conditional restoration during which 1084
time the holder is in a probationary status pursuant to division 1085
(C)(2) of this section. The board shall restore the license or 1086
certificate unconditionally when such conditions are met. 1087

(D) If the physical or mental condition of an applicant or a 1088
license or certificate holder is at issue in a disciplinary 1089
proceeding, the board may order the license or certificate holder 1090
to submit to reasonable examinations by an individual designated 1091
or approved by the board and at the board's expense. The physical 1092
examination may be conducted by any individual authorized by the 1093
Revised Code to do so, including a physician assistant, a clinical 1094
nurse specialist, a certified nurse practitioner, or a certified 1095
nurse-midwife. Any written documentation of the physical 1096
examination shall be completed by the individual who conducted the 1097
examination. 1098

Failure to comply with an order for an examination shall be 1099
grounds for refusal of a license or certificate or summary 1100
suspension of a license or certificate under division (E) of this 1101
section. 1102

(E) If a license or certificate holder has failed to comply 1103
with an order under division (D) of this section, the board may 1104
apply to the court of common pleas of the county in which the 1105
holder resides for an order temporarily suspending the holder's 1106
license or certificate, without a prior hearing being afforded by 1107
the board, until the board conducts an adjudication hearing 1108
pursuant to Chapter 119. of the Revised Code. If the court 1109
temporarily suspends a holder's license or certificate, the board 1110
shall give written notice of the suspension personally or by 1111
certified mail to the license or certificate holder. Such notice 1112
shall inform the license or certificate holder of the right to a 1113
hearing pursuant to Chapter 119. of the Revised Code. 1114

(F) Any holder of a certificate or license issued under this 1115

chapter who has pleaded guilty to, has been convicted of, or has 1116
had a judicial finding of eligibility for intervention in lieu of 1117
conviction entered against the holder in this state for aggravated 1118
murder, murder, voluntary manslaughter, felonious assault, 1119
kidnapping, rape, sexual battery, gross sexual imposition, 1120
aggravated arson, aggravated robbery, or aggravated burglary, or 1121
who has pleaded guilty to, has been convicted of, or has had a 1122
judicial finding of eligibility for treatment or intervention in 1123
lieu of conviction entered against the holder in another 1124
jurisdiction for any substantially equivalent criminal offense, is 1125
automatically suspended from practice under this chapter in this 1126
state and any certificate or license issued to the holder under 1127
this chapter is automatically suspended, as of the date of the 1128
guilty plea, conviction, or judicial finding, whether the 1129
proceedings are brought in this state or another jurisdiction. 1130
Continued practice by an individual after the suspension of the 1131
individual's certificate or license under this division shall be 1132
considered practicing without a certificate or license. The board 1133
shall notify the suspended individual of the suspension of the 1134
individual's certificate or license under this division by 1135
certified mail or in person in accordance with section 119.07 of 1136
the Revised Code. If an individual whose certificate or license is 1137
suspended under this division fails to make a timely request for 1138
an adjudicatory hearing, the board shall enter a final order 1139
revoking the individual's certificate or license. 1140

(G) If the supervisory investigative panel determines both of 1141
the following, the panel may recommend that the board suspend an 1142
individual's certificate or license without a prior hearing: 1143

(1) That there is clear and convincing evidence that an 1144
individual has violated division (A) of this section; 1145

(2) That the individual's continued practice presents a 1146
danger of immediate and serious harm to the public. 1147

Written allegations shall be prepared for consideration by 1148
the board. The board, upon review of those allegations and by an 1149
affirmative vote of not fewer than four dentist members of the 1150
board and seven of its members in total, excluding any member on 1151
the supervisory investigative panel, may suspend a certificate or 1152
license without a prior hearing. A telephone conference call may 1153
be utilized for reviewing the allegations and taking the vote on 1154
the summary suspension. 1155

The board shall issue a written order of suspension by 1156
certified mail or in person in accordance with section 119.07 of 1157
the Revised Code. The order shall not be subject to suspension by 1158
the court during pendency or any appeal filed under section 119.12 1159
of the Revised Code. If the individual subject to the summary 1160
suspension requests an adjudicatory hearing by the board, the date 1161
set for the hearing shall be within fifteen days, but not earlier 1162
than seven days, after the individual requests the hearing, unless 1163
otherwise agreed to by both the board and the individual. 1164

Any summary suspension imposed under this division shall 1165
remain in effect, unless reversed on appeal, until a final 1166
adjudicative order issued by the board pursuant to this section 1167
and Chapter 119. of the Revised Code becomes effective. The board 1168
shall issue its final adjudicative order within seventy-five days 1169
after completion of its hearing. A failure to issue the order 1170
within seventy-five days shall result in dissolution of the 1171
summary suspension order but shall not invalidate any subsequent, 1172
final adjudicative order. 1173

(H) Sanctions shall not be imposed under division (A)(13) of 1174
this section against any certificate or license holder who waives 1175
deductibles and copayments as follows: 1176

(1) In compliance with the health benefit plan that expressly 1177
allows such a practice. Waiver of the deductibles or copayments 1178
shall be made only with the full knowledge and consent of the plan 1179

purchaser, payer, and third-party administrator. Documentation of 1180
the consent shall be made available to the board upon request. 1181

(2) For professional services rendered to any other person 1182
who holds a certificate or license issued pursuant to this chapter 1183
to the extent allowed by this chapter and the rules of the board. 1184

(I) In no event shall the board consider or raise during a 1185
hearing required by Chapter 119. of the Revised Code the 1186
circumstances of, or the fact that the board has received, one or 1187
more complaints about a person unless the one or more complaints 1188
are the subject of the hearing or resulted in the board taking an 1189
action authorized by this section against the person on a prior 1190
occasion. 1191

(J) The board may share any information it receives pursuant 1192
to an investigation under division (D) of section 4715.03 of the 1193
Revised Code, including patient records and patient record 1194
information, with law enforcement agencies, other licensing 1195
boards, and other governmental agencies that are prosecuting, 1196
adjudicating, or investigating alleged violations of statutes or 1197
administrative rules. An agency or board that receives the 1198
information shall comply with the same requirements regarding 1199
confidentiality as those with which the state dental board must 1200
comply, notwithstanding any conflicting provision of the Revised 1201
Code or procedure of the agency or board that applies when it is 1202
dealing with other information in its possession. In a judicial 1203
proceeding, the information may be admitted into evidence only in 1204
accordance with the Rules of Evidence, but the court shall require 1205
that appropriate measures are taken to ensure that confidentiality 1206
is maintained with respect to any part of the information that 1207
contains names or other identifying information about patients or 1208
complainants whose confidentiality was protected by the state 1209
dental board when the information was in the board's possession. 1210
Measures to ensure confidentiality that may be taken by the court 1211

include sealing its records or deleting specific information from 1212
its records. 1213

Sec. 4723.28. (A) The board of nursing, by a vote of a 1214
quorum, may impose one or more of the following sanctions if it 1215
finds that a person committed fraud in passing an examination 1216
required to obtain a license, certificate of authority, or 1217
dialysis technician certificate issued by the board or to have 1218
committed fraud, misrepresentation, or deception in applying for 1219
or securing any nursing license, certificate of authority, or 1220
dialysis technician certificate issued by the board: deny, revoke, 1221
suspend, or place restrictions on any nursing license, certificate 1222
of authority, or dialysis technician certificate issued by the 1223
board; reprimand or otherwise discipline a holder of a nursing 1224
license, certificate of authority, or dialysis technician 1225
certificate; or impose a fine of not more than five hundred 1226
dollars per violation. 1227

(B) The board of nursing, by a vote of a quorum, may impose 1228
one or more of the following sanctions: deny, revoke, suspend, or 1229
place restrictions on any nursing license, certificate of 1230
authority, or dialysis technician certificate issued by the board; 1231
reprimand or otherwise discipline a holder of a nursing license, 1232
certificate of authority, or dialysis technician certificate; or 1233
impose a fine of not more than five hundred dollars per violation. 1234
The sanctions may be imposed for any of the following: 1235

(1) Denial, revocation, suspension, or restriction of 1236
authority to engage in a licensed profession or practice a health 1237
care occupation, including nursing or practice as a dialysis 1238
technician, for any reason other than a failure to renew, in Ohio 1239
or another state or jurisdiction; 1240

(2) Engaging in the practice of nursing or engaging in 1241
practice as a dialysis technician, having failed to renew a 1242

nursing license or dialysis technician certificate issued under 1243
this chapter, or while a nursing license or dialysis technician 1244
certificate is under suspension; 1245

(3) Conviction of, a plea of guilty to, a judicial finding of 1246
guilt of, a judicial finding of guilt resulting from a plea of no 1247
contest to, or a judicial finding of eligibility for a pretrial 1248
diversion or similar program or for intervention in lieu of 1249
conviction for, a misdemeanor committed in the course of practice; 1250

(4) Conviction of, a plea of guilty to, a judicial finding of 1251
guilt of, a judicial finding of guilt resulting from a plea of no 1252
contest to, or a judicial finding of eligibility for a pretrial 1253
diversion or similar program or for intervention in lieu of 1254
conviction for, any felony or of any crime involving gross 1255
immorality or moral turpitude; 1256

(5) Selling, giving away, or administering drugs or 1257
therapeutic devices for other than legal and legitimate 1258
therapeutic purposes; or conviction of, a plea of guilty to, a 1259
judicial finding of guilt of, a judicial finding of guilt 1260
resulting from a plea of no contest to, or a judicial finding of 1261
eligibility for a pretrial diversion or similar program or for 1262
intervention in lieu of conviction for, violating any municipal, 1263
state, county, or federal drug law; 1264

(6) Conviction of, a plea of guilty to, a judicial finding of 1265
guilt of, a judicial finding of guilt resulting from a plea of no 1266
contest to, or a judicial finding of eligibility for a pretrial 1267
diversion or similar program or for intervention in lieu of 1268
conviction for, an act in another jurisdiction that would 1269
constitute a felony or a crime of moral turpitude in Ohio; 1270

(7) Conviction of, a plea of guilty to, a judicial finding of 1271
guilt of, a judicial finding of guilt resulting from a plea of no 1272
contest to, or a judicial finding of eligibility for a pretrial 1273

diversion or similar program or for intervention in lieu of	1274
conviction for, an act in the course of practice in another	1275
jurisdiction that would constitute a misdemeanor in Ohio;	1276
(8) Self-administering or otherwise taking into the body any	1277
dangerous drug, as defined in section 4729.01 of the Revised Code,	1278
in any way that is not in accordance with a legal, valid	1279
prescription issued for that individual, or self-administering or	1280
otherwise taking into the body any drug that is a schedule I	1281
controlled substance;	1282
(9) Habitual or excessive use of controlled substances, other	1283
habit-forming drugs, or alcohol or other chemical substances to an	1284
extent that impairs the individual's ability to provide safe	1285
nursing care or safe dialysis care;	1286
(10) Impairment of the ability to practice according to	1287
acceptable and prevailing standards of safe nursing care or safe	1288
dialysis care because of the use of drugs, alcohol, or other	1289
chemical substances;	1290
(11) Impairment of the ability to practice according to	1291
acceptable and prevailing standards of safe nursing care or safe	1292
dialysis care because of a physical or mental disability;	1293
(12) Assaulting or causing harm to a patient or depriving a	1294
patient of the means to summon assistance;	1295
(13) Misappropriation or attempted misappropriation of money	1296
or anything of value in the course of practice;	1297
(14) Adjudication by a probate court of being mentally ill or	1298
mentally incompetent. The board may reinstate the person's nursing	1299
license or dialysis technician certificate upon adjudication by a	1300
probate court of the person's restoration to competency or upon	1301
submission to the board of other proof of competency.	1302
(15) The suspension or termination of employment by the	1303

department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	1304 1305
(16) Violation of this chapter or any rules adopted under it;	1306
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	1307 1308
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	1309 1310 1311
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	1312 1313
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	1314 1315 1316
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	1317 1318 1319
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	1320 1321 1322
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	1323 1324 1325
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, except as provided in division (M) of this section, either of the following:	1326 1327 1328 1329
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an	1330 1331 1332 1333

enticement to a patient or group of patients to receive health care services from that provider; 1334
1335

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay. 1336
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(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code; 1341
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1343

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code; 1344
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1346

(27) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner: 1347
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(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code; 1350
1351
1352

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code. 1353
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(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement; 1355
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(29) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code, failure to prescribe drugs and therapeutic devices 1360
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in accordance with section 4723.481 of the Revised Code; 1364

(30) Prescribing any drug or device to perform or induce an 1365
abortion, or otherwise performing or inducing an abortion; 1366

(31) Failure to establish and maintain professional 1367
boundaries with a patient, as specified in rules adopted under 1368
section 4723.07 of the Revised Code; 1369

(32) Regardless of whether the contact or verbal behavior is 1370
consensual, engaging with a patient other than the spouse of the 1371
registered nurse, licensed practical nurse, or dialysis technician 1372
in any of the following: 1373

(a) Sexual contact, as defined in section 2907.01 of the 1374
Revised Code; 1375

(b) Verbal behavior that is sexually demeaning to the patient 1376
or may be reasonably interpreted by the patient as sexually 1377
demeaning. 1378

(33) Assisting suicide, as defined in section 3795.01 of the 1379
Revised Code; 1380

(34) Failure to comply with the requirements in section 1381
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 1382
prescription for ~~a controlled substance containing~~ an opioid 1383
analgesic, as defined in section 3719.01 of the Revised Code. 1384

(C) Disciplinary actions taken by the board under divisions 1385
(A) and (B) of this section shall be taken pursuant to an 1386
adjudication conducted under Chapter 119. of the Revised Code, 1387
except that in lieu of a hearing, the board may enter into a 1388
consent agreement with an individual to resolve an allegation of a 1389
violation of this chapter or any rule adopted under it. A consent 1390
agreement, when ratified by a vote of a quorum, shall constitute 1391
the findings and order of the board with respect to the matter 1392
addressed in the agreement. If the board refuses to ratify a 1393

consent agreement, the admissions and findings contained in the 1394
agreement shall be of no effect. 1395

(D) The hearings of the board shall be conducted in 1396
accordance with Chapter 119. of the Revised Code, the board may 1397
appoint a hearing examiner, as provided in section 119.09 of the 1398
Revised Code, to conduct any hearing the board is authorized to 1399
hold under Chapter 119. of the Revised Code. 1400

In any instance in which the board is required under Chapter 1401
119. of the Revised Code to give notice of an opportunity for a 1402
hearing and the applicant, licensee, or certificate holder does 1403
not make a timely request for a hearing in accordance with section 1404
119.07 of the Revised Code, the board is not required to hold a 1405
hearing, but may adopt, by a vote of a quorum, a final order that 1406
contains the board's findings. In the final order, the board may 1407
order any of the sanctions listed in division (A) or (B) of this 1408
section. 1409

(E) If a criminal action is brought against a registered 1410
nurse, licensed practical nurse, or dialysis technician for an act 1411
or crime described in divisions (B)(3) to (7) of this section and 1412
the action is dismissed by the trial court other than on the 1413
merits, the board shall conduct an adjudication to determine 1414
whether the registered nurse, licensed practical nurse, or 1415
dialysis technician committed the act on which the action was 1416
based. If the board determines on the basis of the adjudication 1417
that the registered nurse, licensed practical nurse, or dialysis 1418
technician committed the act, or if the registered nurse, licensed 1419
practical nurse, or dialysis technician fails to participate in 1420
the adjudication, the board may take action as though the 1421
registered nurse, licensed practical nurse, or dialysis technician 1422
had been convicted of the act. 1423

If the board takes action on the basis of a conviction, plea, 1424
or a judicial finding as described in divisions (B)(3) to (7) of 1425

this section that is overturned on appeal, the registered nurse, 1426
licensed practical nurse, or dialysis technician may, on 1427
exhaustion of the appeal process, petition the board for 1428
reconsideration of its action. On receipt of the petition and 1429
supporting court documents, the board shall temporarily rescind 1430
its action. If the board determines that the decision on appeal 1431
was a decision on the merits, it shall permanently rescind its 1432
action. If the board determines that the decision on appeal was 1433
not a decision on the merits, it shall conduct an adjudication to 1434
determine whether the registered nurse, licensed practical nurse, 1435
or dialysis technician committed the act on which the original 1436
conviction, plea, or judicial finding was based. If the board 1437
determines on the basis of the adjudication that the registered 1438
nurse, licensed practical nurse, or dialysis technician committed 1439
such act, or if the registered nurse, licensed practical nurse, or 1440
dialysis technician does not request an adjudication, the board 1441
shall reinstate its action; otherwise, the board shall permanently 1442
rescind its action. 1443

Notwithstanding the provision of division (C)(2) of section 1444
2953.32 of the Revised Code specifying that if records pertaining 1445
to a criminal case are sealed under that section the proceedings 1446
in the case shall be deemed not to have occurred, sealing of the 1447
following records on which the board has based an action under 1448
this section shall have no effect on the board's action or any 1449
sanction imposed by the board under this section: records of any 1450
conviction, guilty plea, judicial finding of guilt resulting from 1451
a plea of no contest, or a judicial finding of eligibility for a 1452
pretrial diversion program or intervention in lieu of conviction. 1453

The board shall not be required to seal, destroy, redact, or 1454
otherwise modify its records to reflect the court's sealing of 1455
conviction records. 1456

(F) The board may investigate an individual's criminal 1457

background in performing its duties under this section. As part of 1458
such investigation, the board may order the individual to submit, 1459
at the individual's expense, a request to the bureau of criminal 1460
identification and investigation for a criminal records check and 1461
check of federal bureau of investigation records in accordance 1462
with the procedure described in section 4723.091 of the Revised 1463
Code. 1464

(G) During the course of an investigation conducted under 1465
this section, the board may compel any registered nurse, licensed 1466
practical nurse, or dialysis technician or applicant under this 1467
chapter to submit to a mental or physical examination, or both, as 1468
required by the board and at the expense of the individual, if the 1469
board finds reason to believe that the individual under 1470
investigation may have a physical or mental impairment that may 1471
affect the individual's ability to provide safe nursing care. 1472
Failure of any individual to submit to a mental or physical 1473
examination when directed constitutes an admission of the 1474
allegations, unless the failure is due to circumstances beyond the 1475
individual's control, and a default and final order may be entered 1476
without the taking of testimony or presentation of evidence. 1477

If the board finds that an individual is impaired, the board 1478
shall require the individual to submit to care, counseling, or 1479
treatment approved or designated by the board, as a condition for 1480
initial, continued, reinstated, or renewed authority to practice. 1481
The individual shall be afforded an opportunity to demonstrate to 1482
the board that the individual can begin or resume the individual's 1483
occupation in compliance with acceptable and prevailing standards 1484
of care under the provisions of the individual's authority to 1485
practice. 1486

For purposes of this division, any registered nurse, licensed 1487
practical nurse, or dialysis technician or applicant under this 1488
chapter shall be deemed to have given consent to submit to a 1489

mental or physical examination when directed to do so in writing 1490
by the board, and to have waived all objections to the 1491
admissibility of testimony or examination reports that constitute 1492
a privileged communication. 1493

(H) The board shall investigate evidence that appears to show 1494
that any person has violated any provision of this chapter or any 1495
rule of the board. Any person may report to the board any 1496
information the person may have that appears to show a violation 1497
of any provision of this chapter or rule of the board. In the 1498
absence of bad faith, any person who reports such information or 1499
who testifies before the board in any adjudication conducted under 1500
Chapter 119. of the Revised Code shall not be liable for civil 1501
damages as a result of the report or testimony. 1502

(I) All of the following apply under this chapter with 1503
respect to the confidentiality of information: 1504

(1) Information received by the board pursuant to a complaint 1505
or an investigation is confidential and not subject to discovery 1506
in any civil action, except that the board may disclose 1507
information to law enforcement officers and government entities 1508
for purposes of an investigation of either a licensed health care 1509
professional, including a registered nurse, licensed practical 1510
nurse, or dialysis technician, or a person who may have engaged in 1511
the unauthorized practice of nursing or dialysis care. No law 1512
enforcement officer or government entity with knowledge of any 1513
information disclosed by the board pursuant to this division shall 1514
divulge the information to any other person or government entity 1515
except for the purpose of a government investigation, a 1516
prosecution, or an adjudication by a court or government entity. 1517

(2) If an investigation requires a review of patient records, 1518
the investigation and proceeding shall be conducted in such a 1519
manner as to protect patient confidentiality. 1520

(3) All adjudications and investigations of the board shall 1521
be considered civil actions for the purposes of section 2305.252 1522
of the Revised Code. 1523

(4) Any board activity that involves continued monitoring of 1524
an individual as part of or following any disciplinary action 1525
taken under this section shall be conducted in a manner that 1526
maintains the individual's confidentiality. Information received 1527
or maintained by the board with respect to the board's monitoring 1528
activities is not subject to discovery in any civil action and is 1529
confidential, except that the board may disclose information to 1530
law enforcement officers and government entities for purposes of 1531
an investigation of a licensee or certificate holder. 1532

(J) Any action taken by the board under this section 1533
resulting in a suspension from practice shall be accompanied by a 1534
written statement of the conditions under which the person may be 1535
reinstated to practice. 1536

(K) When the board refuses to grant a license or certificate 1537
to an applicant, revokes a license or certificate, or refuses to 1538
reinstate a license or certificate, the board may specify that its 1539
action is permanent. An individual subject to permanent action 1540
taken by the board is forever ineligible to hold a license or 1541
certificate of the type that was refused or revoked and the board 1542
shall not accept from the individual an application for 1543
reinstatement of the license or certificate or for a new license 1544
or certificate. 1545

(L) No unilateral surrender of a nursing license, certificate 1546
of authority, or dialysis technician certificate issued under this 1547
chapter shall be effective unless accepted by majority vote of the 1548
board. No application for a nursing license, certificate of 1549
authority, or dialysis technician certificate issued under this 1550
chapter may be withdrawn without a majority vote of the board. The 1551
board's jurisdiction to take disciplinary action under this 1552

section is not removed or limited when an individual has a license 1553
or certificate classified as inactive or fails to renew a license 1554
or certificate. 1555

(M) Sanctions shall not be imposed under division (B)(24) of 1556
this section against any licensee who waives deductibles and 1557
copayments as follows: 1558

(1) In compliance with the health benefit plan that expressly 1559
allows such a practice. Waiver of the deductibles or copayments 1560
shall be made only with the full knowledge and consent of the plan 1561
purchaser, payer, and third-party administrator. Documentation of 1562
the consent shall be made available to the board upon request. 1563

(2) For professional services rendered to any other person 1564
licensed pursuant to this chapter to the extent allowed by this 1565
chapter and the rules of the board. 1566

Sec. 4723.481. This section establishes standards and 1567
conditions regarding the authority of a clinical nurse specialist, 1568
certified nurse-midwife, or certified nurse practitioner to 1569
prescribe drugs and therapeutic devices under a certificate to 1570
prescribe issued under section 4723.48 of the Revised Code. 1571

(A) A clinical nurse specialist, certified nurse-midwife, or 1572
certified nurse practitioner shall not prescribe any drug or 1573
therapeutic device that is not included in the types of drugs and 1574
devices listed on the formulary established in rules adopted under 1575
section 4723.50 of the Revised Code. 1576

(B) The prescriptive authority of a clinical nurse 1577
specialist, certified nurse-midwife, or certified nurse 1578
practitioner shall not exceed the prescriptive authority of the 1579
collaborating physician or podiatrist, including the collaborating 1580
physician's authority to treat chronic pain with controlled 1581
substances and products containing tramadol as described in 1582

section 4731.052 of the Revised Code. 1583

(C)(1) Except as provided in division (C)(2) or (3) of this 1584
section, a clinical nurse specialist, certified nurse-midwife, or 1585
certified nurse practitioner may prescribe to a patient a schedule 1586
II controlled substance only if all of the following are the case: 1587

(a) The patient has a terminal condition, as defined in 1588
section 2133.01 of the Revised Code. 1589

(b) The collaborating physician of the clinical nurse 1590
specialist, certified nurse-midwife, or certified nurse 1591
practitioner initially prescribed the substance for the patient. 1592

(c) The prescription is for an amount that does not exceed 1593
the amount necessary for the patient's use in a single, 1594
twenty-four-hour period. 1595

(2) The restrictions on prescriptive authority in division 1596
(C)(1) of this section do not apply if a clinical nurse 1597
specialist, certified nurse-midwife, or certified nurse 1598
practitioner issues the prescription to the patient from any of 1599
the following locations: 1600

(a) A hospital registered under section 3701.07 of the 1601
Revised Code; 1602

(b) An entity owned or controlled, in whole or in part, by a 1603
hospital or by an entity that owns or controls, in whole or in 1604
part, one or more hospitals; 1605

(c) A health care facility operated by the department of 1606
mental health and addiction services or the department of 1607
developmental disabilities; 1608

(d) A nursing home licensed under section 3721.02 of the 1609
Revised Code or by a political subdivision certified under section 1610
3721.09 of the Revised Code; 1611

(e) A county home or district home operated under Chapter 1612

5155. of the Revised Code that is certified under the medicare or 1613
medicaid program; 1614

(f) A hospice care program, as defined in section 3712.01 of 1615
the Revised Code; 1616

(g) A community mental health services provider, as defined 1617
in section 5122.01 of the Revised Code; 1618

(h) An ambulatory surgical facility, as defined in section 1619
3702.30 of the Revised Code; 1620

(i) A freestanding birthing center, as defined in section 1621
3702.141 of the Revised Code; 1622

(j) A federally qualified health center, as defined in 1623
section 3701.047 of the Revised Code; 1624

(k) A federally qualified health center look-alike, as 1625
defined in section 3701.047 of the Revised Code; 1626

(l) A health care office or facility operated by the board of 1627
health of a city or general health district or the authority 1628
having the duties of a board of health under section 3709.05 of 1629
the Revised Code; 1630

(m) A site where a medical practice is operated, but only if 1631
the practice is comprised of one or more physicians who also are 1632
owners of the practice; the practice is organized to provide 1633
direct patient care; and the clinical nurse specialist, certified 1634
nurse-midwife, or certified nurse practitioner providing services 1635
at the site has a standard care arrangement and collaborates with 1636
at least one of the physician owners who practices primarily at 1637
that site. 1638

(3) A clinical nurse specialist, certified nurse-midwife, or 1639
certified nurse practitioner shall not issue to a patient a 1640
prescription for a schedule II controlled substance from a 1641
convenience care clinic even if the clinic is owned or operated by 1642

an entity specified in division (C)(2) of this section. 1643

(D) A pharmacist who acts in good faith reliance on a 1644
prescription issued by a clinical nurse specialist, certified 1645
nurse-midwife, or certified nurse practitioner under division 1646
(C)(2) of this section is not liable for or subject to any of the 1647
following for relying on the prescription: damages in any civil 1648
action, prosecution in any criminal proceeding, or professional 1649
disciplinary action by the state board of pharmacy under Chapter 1650
4729. of the Revised Code. 1651

(E) A clinical nurse specialist, certified nurse-midwife, or 1652
certified nurse practitioner may personally furnish to a patient a 1653
sample of any drug or therapeutic device included in the types of 1654
drugs and devices listed on the formulary, except that all of the 1655
following conditions apply: 1656

(1) The amount of the sample furnished shall not exceed a 1657
seventy-two-hour supply, except when the minimum available 1658
quantity of the sample is packaged in an amount that is greater 1659
than a seventy-two-hour supply, in which case the packaged amount 1660
may be furnished. 1661

(2) No charge may be imposed for the sample or for furnishing 1662
it. 1663

(3) Samples of controlled substances may not be personally 1664
furnished. 1665

(F) A clinical nurse specialist, certified nurse-midwife, or 1666
certified nurse practitioner may personally furnish to a patient a 1667
complete or partial supply of a drug or therapeutic device 1668
included in the types of drugs and devices listed on the 1669
formulary, except that all of the following conditions apply: 1670

(1) The clinical nurse specialist, certified nurse-midwife, 1671
or certified nurse practitioner shall personally furnish only 1672
antibiotics, antifungals, scabicides, contraceptives, prenatal 1673

vitamins, antihypertensives, drugs and devices used in the 1674
treatment of diabetes, drugs and devices used in the treatment of 1675
asthma, and drugs used in the treatment of dyslipidemia. 1676

(2) The clinical nurse specialist, certified nurse-midwife, 1677
or certified nurse practitioner shall not furnish the drugs and 1678
devices in locations other than a health department operated by 1679
the board of health of a city or general health district or the 1680
authority having the duties of a board of health under section 1681
3709.05 of the Revised Code, a federally funded comprehensive 1682
primary care clinic, or a nonprofit health care clinic or program. 1683

(3) The clinical nurse specialist, certified nurse-midwife, 1684
or certified nurse practitioner shall comply with all safety 1685
standards for personally furnishing supplies of drugs and devices, 1686
as established in rules adopted under section 4723.50 of the 1687
Revised Code. 1688

(G) A clinical nurse specialist, certified nurse-midwife, or 1689
certified nurse practitioner shall comply with section 3719.061 of 1690
the Revised Code if the nurse prescribes for a minor, as defined 1691
in that section, ~~a compound that is a controlled substance~~ 1692
containing an opioid analgesic, as defined in section 3719.01 of 1693
the Revised Code. 1694

Sec. 4723.486. (A) A certificate to prescribe issued under 1695
section 4723.48 of the Revised Code that is not issued as an 1696
externship certificate is valid for two years, unless otherwise 1697
provided in rules adopted under section 4723.50 of the Revised 1698
Code or earlier suspended or revoked by the board. The board of 1699
nursing shall renew certificates to prescribe according to 1700
procedures and a renewal schedule established in rules adopted 1701
under section 4723.50 of the Revised Code. 1702

(B) Except as provided in division (C) of this section, the 1703
board may renew a certificate to prescribe if the holder submits 1704

to the board all of the following: 1705

(1) Evidence of having completed during the previous two 1706
years at least twelve hours of continuing education in advanced 1707
pharmacology, or, if the certificate has been held for less than a 1708
full renewal period, the number of hours required by the board in 1709
rules adopted under section 4723.50 of the Revised Code; 1710

(2) The fee required under section 4723.08 of the Revised 1711
Code for renewal of a certificate to prescribe; 1712

(3) Any additional information the board requires pursuant to 1713
rules adopted under section 4723.50 of the Revised Code. 1714

(C)(1) Except as provided in division (C)(2) of this section, 1715
in the case of a certificate holder seeking renewal who prescribes 1716
opioid analgesics or benzodiazepines, as defined in section 1717
3719.01 of the Revised Code, the holder shall certify to the board 1718
whether the holder has been granted access to the drug database 1719
established and maintained by the state board of pharmacy pursuant 1720
to section 4729.75 of the Revised Code. 1721

(2) The requirement in division (C)(1) of this section does 1722
not apply if ~~either~~ any of the following is the case: 1723

(a) The state board of pharmacy notifies the board of nursing 1724
pursuant to section 4729.861 of the Revised Code that the 1725
certificate holder has been restricted from obtaining further 1726
information from the drug database. 1727

(b) The state board of pharmacy no longer maintains the drug 1728
database. 1729

(c) The certificate holder does not practice nursing in this 1730
state. 1731

(3) If a certificate holder certifies to the board of nursing 1732
that the holder has been granted access to the drug database and 1733
the board finds through an audit or other means that the holder 1734

has not been granted access, the board may take action under 1735
section 4723.28 of the Revised Code. 1736

(D) The continuing education in pharmacology required under 1737
division (B)(1) of this section must be received from an 1738
accredited institution recognized by the board. The hours of 1739
continuing education required are in addition to any other 1740
continuing education requirement that must be completed pursuant 1741
to this chapter. 1742

Sec. 4725.16. (A)(1) Each certificate of licensure, topical 1743
ocular pharmaceutical agents certificate, and therapeutic 1744
pharmaceutical agents certificate issued by the state board of 1745
optometry shall expire annually on the last day of December, and 1746
may be renewed in accordance with this section and the standard 1747
renewal procedure established under Chapter 4745. of the Revised 1748
Code. 1749

(2) An optometrist seeking to continue to practice optometry 1750
shall file with the board an application for license renewal. The 1751
application shall be in such form and require such pertinent 1752
professional biographical data as the board may require. 1753

(3)(a) Except as provided in division (A)(3)(b) of this 1754
section, in the case of an optometrist seeking renewal who holds a 1755
~~topical ocular~~ therapeutic pharmaceutical agents certificate and 1756
who prescribes or personally furnishes analgesic controlled 1757
substances authorized pursuant to section 4725.091 of the Revised 1758
Code that are opioid analgesics ~~or benzodiazepines~~, as defined in 1759
section 3719.01 of the Revised Code, the optometrist shall certify 1760
to the board whether the optometrist has been granted access to 1761
the drug database established and maintained by the state board of 1762
pharmacy pursuant to section 4729.75 of the Revised Code. 1763

(b) The requirement in division (A)(3)(a) of this section 1764
does not apply if ~~either~~ any of the following is the case: 1765

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

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

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

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

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

Unless the continuing education required under this division is waived or deferred under division (D) of this section, the continuing education must be completed during the twelve-month period beginning on the first day of October and ending on the last day of September. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of September, and the optometrist wants to use the continuing education completed after

that day to renew the license that expires on the last day of 1797
December of that year, the optometrist shall pay the penalty 1798
specified under section 4725.34 of the Revised Code for late 1799
completion of continuing education. 1800

At least once annually, the board shall post on its web site 1801
and shall mail, or send by electronic mail, to each licensed 1802
optometrist a list of courses approved in accordance with 1803
standards prescribed by board rule. Upon the request of a licensed 1804
optometrist, the executive director of the board shall supply a 1805
list of additional courses that the board has approved subsequent 1806
to the most recent web site posting, electronic mail transmission, 1807
or mailing of the list of approved courses. 1808

(C)(1) Annually, not later than the first day of November, 1809
the board shall mail or send by electronic mail a notice regarding 1810
license renewal to each licensed optometrist who may be eligible 1811
for renewal. The notice shall be sent to the optometrist's most 1812
recent electronic mail or mailing address shown in the board's 1813
records. If the board knows that the optometrist has completed the 1814
required continuing optometric education for the year, the board 1815
may include with the notice an application for license renewal. 1816

(2) Filing a license renewal application with the board shall 1817
serve as notice by the optometrist that the continuing optometric 1818
education requirement has been successfully completed. If the 1819
board finds that an optometrist has not completed the required 1820
continuing optometric education, the board shall disapprove the 1821
optometrist's application. The board's disapproval of renewal is 1822
effective without a hearing, unless a hearing is requested 1823
pursuant to Chapter 119. of the Revised Code. 1824

(3) The board shall refuse to accept an application for 1825
renewal from any applicant whose license is not in good standing 1826
or who is under disciplinary review pursuant to section 4725.19 of 1827
the Revised Code. 1828

(4) Notice of an applicant's failure to qualify for renewal 1829
shall be served upon the applicant by mail. The notice shall be 1830
sent not later than the fifteenth day of November to the 1831
applicant's last address shown in the board's records. 1832

(D) In cases of certified illness or undue hardship, the 1833
board may waive or defer for up to twelve months the requirement 1834
of continuing optometric education, except that in such cases the 1835
board may not waive or defer the continuing education in 1836
pharmacology required to be completed by optometrists who hold 1837
topical ocular pharmaceutical agents certificates or therapeutic 1838
pharmaceutical agents certificates. The board shall waive the 1839
requirement of continuing optometric education for any optometrist 1840
who is serving on active duty in the armed forces of the United 1841
States or a reserve component of the armed forces of the United 1842
States, including the Ohio national guard or the national guard of 1843
any other state or who has received an initial certificate of 1844
licensure during the nine-month period which ended on the last day 1845
of September. 1846

(E) An optometrist whose renewal application has been 1847
approved may renew each certificate held by paying to the 1848
treasurer of state the fees for renewal specified under section 1849
4725.34 of the Revised Code. On payment of all applicable fees, 1850
the board shall issue a renewal of the optometrist's certificate 1851
of licensure, topical ocular pharmaceutical agents certificate, 1852
and therapeutic pharmaceutical agents certificate, as appropriate. 1853

(F) Not later than the fifteenth day of December, the board 1854
shall mail or send by electronic mail a second notice regarding 1855
license renewal to each licensed optometrist who may be eligible 1856
for renewal but did not respond to the notice sent under division 1857
(C)(1) of this section. The notice shall be sent to the 1858
optometrist's most recent electronic mail or mailing address shown 1859
in the board's records. If an optometrist fails to file a renewal 1860

application after the second notice is sent, the board shall send 1861
a third notice regarding license renewal prior to any action under 1862
division (I) of this section to classify the optometrist's 1863
certificates as delinquent. 1864

(G) The failure of an optometrist to apply for license 1865
renewal or the failure to pay the applicable annual renewal fees 1866
on or before the date of expiration, shall automatically work a 1867
forfeiture of the optometrist's authority to practice optometry in 1868
this state. 1869

(H) The board shall accept renewal applications and renewal 1870
fees that are submitted from the first day of January to the last 1871
day of April of the year next succeeding the date of expiration. 1872
An individual who submits such a late renewal application or fee 1873
shall pay the late renewal fee specified in section 4725.34 of the 1874
Revised Code. 1875

(I)(1) If the certificates issued by the board to an 1876
individual have expired and the individual has not filed a 1877
complete application during the late renewal period, the 1878
individual's certificates shall be classified in the board's 1879
records as delinquent. 1880

(2) Any optometrist subject to delinquent classification may 1881
submit a written application to the board for reinstatement. For 1882
reinstatement to occur, the applicant must meet all of the 1883
following conditions: 1884

(a) Submit to the board evidence of compliance with board 1885
rules requiring continuing optometric education in a sufficient 1886
number of hours to make up for any delinquent compliance; 1887

(b) Pay the renewal fees for the year in which application 1888
for reinstatement is made and the reinstatement fee specified 1889
under division (A)(8) of section 4725.34 of the Revised Code; 1890

(c) Pass all or part of the licensing examination accepted by 1891

the board under section 4725.11 of the Revised Code as the board
considers appropriate to determine whether the application for
reinstatement should be approved;

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

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

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

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

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

(3) Limit or otherwise place restrictions on any or all of
the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the
board is imposing the penalty involves a criminal offense that
carries a fine under the Revised Code, the penalty shall not
exceed the maximum fine that may be imposed for the criminal

offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;

(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;

(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;

(8) Being denied a license to practice optometry in another

state or country or being subject to any other sanction by the	1952
optometric licensing authority of another state or country, other	1953
than sanctions imposed for the nonpayment of fees;	1954
(9) Departing from or failing to conform to acceptable and	1955
prevailing standards of care in the practice of optometry as	1956
followed by similar practitioners under the same or similar	1957
circumstances, regardless of whether actual injury to a patient is	1958
established;	1959
(10) Failing to maintain comprehensive patient records;	1960
(11) Advertising a price of optical accessories, eye	1961
examinations, or other products or services by any means that	1962
would deceive or mislead the public;	1963
(12) Being addicted to the use of alcohol, stimulants,	1964
narcotics, or any other substance which impairs the intellect and	1965
judgment to such an extent as to hinder or diminish the	1966
performance of the duties included in the person's practice of	1967
optometry;	1968
(13) Engaging in the practice of optometry as provided in	1969
division (A)(2) or (3) of section 4725.01 of the Revised Code	1970
without authority to do so or, if authorized, in a manner	1971
inconsistent with the authority granted;	1972
(14) Failing to make a report to the board as required by	1973
division (A) of section 4725.21 or section 4725.31 of the Revised	1974
Code;	1975
(15) Soliciting patients from door to door or establishing	1976
temporary offices, in which case the board shall suspend all	1977
certificates held by the optometrist;	1978
(16) Except as provided in division (D) of this section:	1979
(a) Waiving the payment of all or any part of a deductible or	1980
copayment that a patient, pursuant to a health insurance or health	1981

care policy, contract, or plan that covers optometric services, 1982
would otherwise be required to pay if the waiver is used as an 1983
enticement to a patient or group of patients to receive health 1984
care services from that optometrist. 1985

(b) Advertising that the optometrist will waive the payment 1986
of all or any part of a deductible or copayment that a patient, 1987
pursuant to a health insurance or health care policy, contract, or 1988
plan that covers optometric services, would otherwise be required 1989
to pay. 1990

(17) Failing to comply with the requirements in section 1991
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 1992
prescription for a ~~controlled substance containing~~ an analgesic 1993
controlled substance authorized pursuant to section 4725.091 of 1994
the Revised Code that is an opioid analgesic, as defined in 1995
section 3719.01 of the Revised Code. 1996

(C) Any person who is the holder of a certificate of 1997
licensure, or who is an applicant for a certificate of licensure 1998
against whom is preferred any charges, shall be furnished by the 1999
board with a copy of the complaint and shall have a hearing before 2000
the board in accordance with Chapter 119. of the Revised Code. 2001

(D) Sanctions shall not be imposed under division (B)(16) of 2002
this section against any optometrist who waives deductibles and 2003
copayments: 2004

(1) In compliance with the health benefit plan that expressly 2005
allows such a practice. Waiver of the deductibles or copayments 2006
shall be made only with the full knowledge and consent of the plan 2007
purchaser, payer, and third-party administrator. Documentation of 2008
the consent shall be made available to the board upon request. 2009

(2) For professional services rendered to any other 2010
optometrist licensed by the board, to the extent allowed by 2011
sections 4725.01 to 4725.34 of the Revised Code and the rules of 2012

the board. 2013

Sec. 4729.12. An identification card issued by the state 2014
board of pharmacy under section 4729.08 of the Revised Code 2015
entitles the individual to whom it is issued to practice as a 2016
pharmacist or as a pharmacy intern in this state until the next 2017
annual renewal date. 2018

Identification cards shall be renewed annually on the 2019
fifteenth day of September, according to the standard renewal 2020
procedure of Chapter 4745. of the Revised Code. 2021

Each pharmacist and pharmacy intern shall carry the 2022
identification card or renewal identification card while engaged 2023
in the practice of pharmacy. The license shall be conspicuously 2024
exposed at the principal place where the pharmacist or pharmacy 2025
intern practices pharmacy. 2026

A pharmacist or pharmacy intern who desires to continue in 2027
the practice of pharmacy shall file with the board an application 2028
in such form and containing such data as the board may require for 2029
renewal of an identification card. An In the case of a pharmacist 2030
who dispenses or plans to dispense controlled substances in this 2031
state, the pharmacist shall certify, as part of the application, 2032
that the pharmacist has been granted access to the drug database 2033
established and maintained by the board pursuant to section 2034
4729.75 of the Revised Code, unless the board has restricted the 2035
pharmacist from obtaining further information from the database or 2036
the board no longer maintains the database. If the pharmacist 2037
certifies to the board that the applicant has been granted access 2038
to the drug database and the board finds through an audit or other 2039
means that the pharmacist has not been granted access, the board 2040
may take action under section 4729.16 of the Revised Code. 2041

An application filed under this section for renewal of an 2042
identification card may not be withdrawn without the approval of 2043

the board. ~~If~~ 2044

If the board finds that ~~the~~ an applicant's identification 2045
card has not been revoked or placed under suspension and that the 2046
applicant has paid the renewal fee, has continued pharmacy 2047
education in accordance with the rules of the board, ~~has been~~ 2048
~~granted access to the drug database established and maintained by~~ 2049
~~the board pursuant to section 4729.75 of the Revised Code (unless~~ 2050
~~the board has restricted the applicant from obtaining any further~~ 2051
~~information from the database or the board no longer maintains the~~ 2052
~~database),~~ and is entitled to continue in the practice of 2053
pharmacy, the board shall issue a renewal identification card to 2054
the applicant. 2055

When an identification card has lapsed for more than sixty 2056
days but application is made within three years after the 2057
expiration of the card, the applicant shall be issued a renewal 2058
identification card without further examination if the applicant 2059
meets the requirements of this section and pays the fee designated 2060
under division (A)(5) of section 4729.15 of the Revised Code. 2061

Sec. 4729.16. (A) The state board of pharmacy, after notice 2062
and hearing in accordance with Chapter 119. of the Revised Code, 2063
may revoke, suspend, limit, place on probation, or refuse to grant 2064
or renew an identification card, or may impose a monetary penalty 2065
or forfeiture not to exceed in severity any fine designated under 2066
the Revised Code for a similar offense, or in the case of a 2067
violation of a section of the Revised Code that does not bear a 2068
penalty, a monetary penalty or forfeiture of not more than five 2069
hundred dollars, if the board finds a pharmacist or pharmacy 2070
intern: 2071

(1) Guilty of a felony or gross immorality; 2072

(2) Guilty of dishonesty or unprofessional conduct in the 2073
practice of pharmacy; 2074

(3) Addicted to or abusing liquor <u>alcohol</u> or drugs or	2075
impaired physically or mentally to such a degree as to render the	2076
pharmacist or pharmacy intern unfit to practice pharmacy;	2077
(4) Has been convicted of a misdemeanor related to, or	2078
committed in, the practice of pharmacy;	2079
(5) Guilty of willfully violating, conspiring to violate,	2080
attempting to violate, or aiding and abetting the violation of any	2081
of the provisions of this chapter, sections 3715.52 to 3715.72 of	2082
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or	2083
any rule adopted by the board under those provisions;	2084
(6) Guilty of permitting anyone other than a pharmacist or	2085
pharmacy intern to practice pharmacy;	2086
(7) Guilty of knowingly lending the pharmacist's or pharmacy	2087
intern's name to an illegal practitioner of pharmacy or having	2088
professional connection with an illegal practitioner of pharmacy;	2089
(8) Guilty of dividing or agreeing to divide remuneration	2090
made in the practice of pharmacy with any other individual,	2091
including, but not limited to, any licensed health professional	2092
authorized to prescribe drugs or any owner, manager, or employee	2093
of a health care facility, residential care facility, or nursing	2094
home;	2095
(9) Has violated the terms of a consult agreement entered	2096
into pursuant to section 4729.39 of the Revised Code;	2097
(10) Has committed fraud, misrepresentation, or deception in	2098
applying for or securing a license or identification card issued	2099
by the board under this chapter or under Chapter 3715. or 3719. of	2100
the Revised Code.	2101
(B) Any individual whose identification card is revoked,	2102
suspended, or refused, shall return the identification card and	2103
license to the offices of the state board of pharmacy within ten	2104

days after receipt of notice of such action.	2105
(C) As used in this section:	2106
"Unprofessional conduct in the practice of pharmacy" includes	2107
any of the following:	2108
(1) Advertising or displaying signs that promote dangerous	2109
drugs to the public in a manner that is false or misleading;	2110
(2) Except as provided in section 4729.281 of the Revised	2111
Code, the sale of any drug for which a prescription is required,	2112
without having received a prescription for the drug;	2113
(3) Knowingly dispensing medication pursuant to false or	2114
forged prescriptions;	2115
(4) Knowingly failing to maintain complete and accurate	2116
records of all dangerous drugs received or dispensed in compliance	2117
with federal laws and regulations and state laws and rules;	2118
(5) Obtaining any remuneration by fraud, misrepresentation,	2119
or deception.	2120
(D) The board may suspend a license or identification card	2121
under division (B) of section 3719.121 of the Revised Code by	2122
utilizing a telephone conference call to review the allegations	2123
and take a vote.	2124
(E) If, pursuant to an adjudication under Chapter 119. of the	2125
Revised Code, the board has reasonable cause to believe that a	2126
pharmacist or pharmacy intern is physically or mentally impaired,	2127
the board may require the pharmacist or pharmacy intern to submit	2128
to a physical or mental examination, or both.	2129
Sec. 4729.18. The state board of pharmacy shall adopt rules	2130
in accordance with Chapter 119. of the Revised Code establishing	2131
standards for approving and designating physicians and facilities	2132
as treatment providers for pharmacists with substance abuse	2133

problems and shall approve and designate treatment providers in 2134
accordance with the rules. The rules shall include standards for 2135
both inpatient and outpatient treatment. The rules shall provide 2136
that to be approved, a treatment provider must be capable of 2137
making an initial examination to determine the type of treatment 2138
required for a pharmacist with substance abuse problems. Subject 2139
to the rules, the board shall review and approve treatment 2140
providers on a regular basis and may, at its discretion, withdraw 2141
or deny approval. 2142

An approved treatment provider shall: 2143

(A) Report to the board the name of any pharmacist suffering 2144
or showing evidence of suffering impairment by reason of being 2145
addicted to or abusing ~~liquor~~ alcohol or drugs as described in 2146
division (A)(3) of section 4729.16 of the Revised Code who fails 2147
to comply within one week with a referral for examination; 2148

(B) Report to the board the name of any impaired pharmacist 2149
who fails to enter treatment within forty-eight hours following 2150
the provider's determination that the pharmacist needs treatment; 2151

(C) Require every pharmacist who enters treatment to agree to 2152
a treatment contract establishing the terms of treatment and 2153
aftercare, including any required supervision or restrictions of 2154
practice during treatment or aftercare; 2155

(D) Require a pharmacist to suspend practice on entering any 2156
required inpatient treatment; 2157

(E) Report to the board any failure by an impaired pharmacist 2158
to comply with the terms of the treatment contract during 2159
inpatient or outpatient treatment or aftercare; 2160

(F) Report to the board the resumption of practice of any 2161
impaired pharmacist before the treatment provider has made a clear 2162
determination that the pharmacist is capable of practicing 2163
according to acceptable and prevailing standards; 2164

(G) Require a pharmacist who resumes practice after 2165
completion of treatment to comply with an aftercare contract that 2166
meets the requirements of rules adopted by the board for approval 2167
of treatment providers; 2168

(H) Report to the board any pharmacist who suffers a relapse 2169
at any time during or following aftercare. 2170

Any pharmacist who enters into treatment by an approved 2171
treatment provider shall be deemed to have waived any 2172
confidentiality requirements that would otherwise prevent the 2173
treatment provider from making reports required under this 2174
section. 2175

In the absence of fraud or bad faith, no professional 2176
association of pharmacists licensed under this chapter that 2177
sponsors a committee or program to provide peer assistance to 2178
pharmacists with substance abuse problems, no representative or 2179
agent of such a committee or program, and no member of the state 2180
board of pharmacy shall be liable to any person for damages in a 2181
civil action by reason of actions taken to refer a pharmacist to a 2182
treatment provider designated by the board or actions or omissions 2183
of the provider in treating a pharmacist. 2184

In the absence of fraud or bad faith, no person who reports 2185
to the board a pharmacist with a suspected substance abuse problem 2186
shall be liable to any person for damages in a civil action as a 2187
result of the report. 2188

Sec. 4729.85. ~~(A)~~ If the state board of pharmacy establishes 2189
and maintains a drug database pursuant to section 4729.75 of the 2190
Revised Code, the board shall prepare reports regarding the 2191
database and present or submit them in accordance with both of the 2192
following: 2193

(A) The board shall present a biennial report to the standing 2194

committees of the house of representatives and the senate that are 2195
primarily responsible for considering health and human services 2196
issues. ~~The initial report shall be presented not later than two~~ 2197
~~years after the database is established.~~ 2198

~~(B) Each report presented under this section shall include~~ 2199
all of the following: 2200

(1) The cost to the state of establishing and maintaining the 2201
database; 2202

(2) Information from terminal distributors of dangerous 2203
drugs, prescribers, and the board regarding the board's 2204
effectiveness in providing information from the database; 2205

(3) The board's timeliness in transmitting information from 2206
the database. 2207

(B) The board shall submit a semiannual report to the 2208
governor, the president of the senate, the speaker of the house of 2209
representatives, the attorney general, the chairpersons of the 2210
standing committees of the house of representatives and the senate 2211
that are primarily responsible for considering health and human 2212
services issues, the department of public safety, the state dental 2213
board, the board of nursing, the state board of optometry, the 2214
state medical board, and the state veterinary medical licensing 2215
board. The state board of pharmacy shall make the report available 2216
to the public on its internet web site. Each report submitted 2217
shall include all of the following for the period covered by the 2218
report: 2219

(1) An aggregate of the information submitted to the board 2220
under section 4729.77 of the Revised Code regarding prescriptions 2221
for controlled substances containing opioids, including all of the 2222
following: 2223

(a) The number of prescribers who issued the prescriptions; 2224

<u>(b) The number of patients to whom the controlled substances were dispensed;</u>	2225
	2226
<u>(c) The average quantity of the controlled substances dispensed per prescription;</u>	2227
	2228
<u>(d) The average daily morphine equivalent dose of the controlled substances dispensed per prescription.</u>	2229
	2230
<u>(2) An aggregate of the information submitted to the board under section 4729.79 of the Revised Code regarding controlled substances containing opioids that have been personally furnished to a patient by a prescriber, other than a prescriber who is a veterinarian, including all of the following:</u>	2231
	2232
	2233
	2234
	2235
<u>(a) The number of prescribers who personally furnished the controlled substances;</u>	2236
	2237
<u>(b) The number of patients to whom the controlled substances were personally furnished;</u>	2238
	2239
<u>(c) The average quantity of the controlled substances that were furnished at one time;</u>	2240
	2241
<u>(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.</u>	2242
	2243
Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:	2244
	2245
	2246
(A)(1) No person identified in divisions (A)(1) to (12) or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:	2247
	2248
	2249
	2250
	2251
	2252
(a) When necessary in the investigation or prosecution of a	2253

possible or alleged criminal offense; 2254

(b) When a person provides the information to the prescriber 2255
or pharmacist for whom the person is approved by the board to 2256
serve as a delegate of the prescriber or pharmacist for purposes 2257
of requesting and receiving information from the drug database 2258
under division (A)(5) or (6) of section 4729.80 of the Revised 2259
Code; 2260

(c) When a prescriber or pharmacist provides the information 2261
to a person who is approved by the board to serve as such a 2262
delegate of the prescriber or pharmacist; 2263

(d) When a prescriber or pharmacist provides the information 2264
to a patient or patient's personal representative; 2265

(e) When a prescriber or pharmacist includes the information 2266
in a medical record, as defined in section 3701.74 of the Revised 2267
Code. 2268

(2) No person shall provide false information to the state 2269
board of pharmacy with the intent to obtain or alter information 2270
contained in the drug database. 2271

(3) No person shall obtain drug database information by any 2272
means except as provided under section 4729.80 or 4729.81 of the 2273
Revised Code. 2274

(B) A person shall not use information obtained pursuant to 2275
division (A) of section 4729.80 of the Revised Code as evidence in 2276
any civil or administrative proceeding. 2277

(C)(1) Except as provided in division (C)(2) of this section, 2278
after providing notice and affording an opportunity for a hearing 2279
in accordance with Chapter 119. of the Revised Code, the board may 2280
restrict a person from obtaining further information from the drug 2281
database if any of the following is the case: 2282

(a) The person violates division (A)(1), (2), or (3) of this 2283

section;	2284
(b) The person is a requestor identified in division (A)(13)	2285
of section 4729.80 of the Revised Code and the board determines	2286
that the person's actions in another state would have constituted	2287
a violation of division (A)(1), (2), or (3) of this section;	2288
(c) The person fails to comply with division (B) of this	2289
section, regardless of the jurisdiction in which the failure to	2290
comply occurred;	2291
(d) The person creates, by clear and convincing evidence, a	2292
threat to the security of information contained in the database.	2293
(2) If the board determines that allegations regarding a	2294
person's actions warrant restricting the person from obtaining	2295
further information from the drug database without a prior	2296
hearing, the board may summarily impose the restriction. A	2297
telephone conference call may be used for reviewing the	2298
allegations and taking a vote on the summary restriction. The	2299
summary restriction shall remain in effect, unless removed by the	2300
board, until the board's final adjudication order becomes	2301
effective.	2302
(3) The board shall determine the extent to which the person	2303
is restricted from obtaining further information from the	2304
database.	2305
Sec. 4730.25. (A) The state medical board, by an affirmative	2306
vote of not fewer than six members, may revoke or may refuse to	2307
grant a certificate to practice as a physician assistant or a	2308
certificate to prescribe to a person found by the board to have	2309
committed fraud, misrepresentation, or deception in applying for	2310
or securing the certificate.	2311
(B) The board, by an affirmative vote of not fewer than six	2312
members, shall, to the extent permitted by law, limit, revoke, or	2313

suspend an individual's certificate to practice as a physician 2314
assistant or certificate to prescribe, refuse to issue a 2315
certificate to an applicant, refuse to reinstate a certificate, or 2316
reprimand or place on probation the holder of a certificate for 2317
any of the following reasons: 2318

(1) Failure to practice in accordance with the conditions 2319
under which the supervising physician's supervision agreement with 2320
the physician assistant was approved, including the requirement 2321
that when practicing under a particular supervising physician, the 2322
physician assistant must practice only according to the physician 2323
supervisory plan the board approved for that physician or the 2324
policies of the health care facility in which the supervising 2325
physician and physician assistant are practicing; 2326

(2) Failure to comply with the requirements of this chapter, 2327
Chapter 4731. of the Revised Code, or any rules adopted by the 2328
board; 2329

(3) Violating or attempting to violate, directly or 2330
indirectly, or assisting in or abetting the violation of, or 2331
conspiring to violate, any provision of this chapter, Chapter 2332
4731. of the Revised Code, or the rules adopted by the board; 2333

(4) Inability to practice according to acceptable and 2334
prevailing standards of care by reason of mental illness or 2335
physical illness, including physical deterioration that adversely 2336
affects cognitive, motor, or perceptive skills; 2337

(5) Impairment of ability to practice according to acceptable 2338
and prevailing standards of care because of habitual or excessive 2339
use or abuse of drugs, alcohol, or other substances that impair 2340
ability to practice; 2341

(6) Administering drugs for purposes other than those 2342
authorized under this chapter; 2343

(7) Willfully betraying a professional confidence; 2344

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.

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.

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

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

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

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

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor committed in the course of practice;	2376
(14) A plea of guilty to, a judicial finding of guilt of, or	2377
a judicial finding of eligibility for intervention in lieu of	2378
conviction for, a misdemeanor involving moral turpitude;	2379
(15) Commission of an act in the course of practice that	2380
constitutes a misdemeanor in this state, regardless of the	2381
jurisdiction in which the act was committed;	2382
(16) Commission of an act involving moral turpitude that	2383
constitutes a misdemeanor in this state, regardless of the	2384
jurisdiction in which the act was committed;	2385
(17) A plea of guilty to, a judicial finding of guilt of, or	2386
a judicial finding of eligibility for intervention in lieu of	2387
conviction for violating any state or federal law regulating the	2388
possession, distribution, or use of any drug, including	2389
trafficking in drugs;	2390
(18) Any of the following actions taken by the state agency	2391
responsible for regulating the practice of physician assistants in	2392
another state, for any reason other than the nonpayment of fees:	2393
the limitation, revocation, or suspension of an individual's	2394
license to practice; acceptance of an individual's license	2395
surrender; denial of a license; refusal to renew or reinstate a	2396
license; imposition of probation; or issuance of an order of	2397
censure or other reprimand;	2398
(19) A departure from, or failure to conform to, minimal	2399
standards of care of similar physician assistants under the same	2400
or similar circumstances, regardless of whether actual injury to a	2401
patient is established;	2402
(20) Violation of the conditions placed by the board on a	2403
certificate to practice as a physician assistant, a certificate to	2404
prescribe, a physician supervisory plan, or supervision agreement;	2405

(21) Failure to use universal blood and body fluid 2406
precautions established by rules adopted under section 4731.051 of 2407
the Revised Code; 2408

(22) Failure to cooperate in an investigation conducted by 2409
the board under section 4730.26 of the Revised Code, including 2410
failure to comply with a subpoena or order issued by the board or 2411
failure to answer truthfully a question presented by the board at 2412
a deposition or in written interrogatories, except that failure to 2413
cooperate with an investigation shall not constitute grounds for 2414
discipline under this section if a court of competent jurisdiction 2415
has issued an order that either quashes a subpoena or permits the 2416
individual to withhold the testimony or evidence in issue; 2417

(23) Assisting suicide, as defined in section 3795.01 of the 2418
Revised Code; 2419

(24) Prescribing any drug or device to perform or induce an 2420
abortion, or otherwise performing or inducing an abortion; 2421

(25) Failure to comply with the requirements in section 2422
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 2423
prescription for ~~a controlled substance containing~~ an opioid 2424
analgesic, as defined in section 3719.01 of the Revised Code. 2425

(C) Disciplinary actions taken by the board under divisions 2426
(A) and (B) of this section shall be taken pursuant to an 2427
adjudication under Chapter 119. of the Revised Code, except that 2428
in lieu of an adjudication, the board may enter into a consent 2429
agreement with a physician assistant or applicant to resolve an 2430
allegation of a violation of this chapter or any rule adopted 2431
under it. A consent agreement, when ratified by an affirmative 2432
vote of not fewer than six members of the board, shall constitute 2433
the findings and order of the board with respect to the matter 2434
addressed in the agreement. If the board refuses to ratify a 2435
consent agreement, the admissions and findings contained in the 2436

consent agreement shall be of no force or effect. 2437

(D) For purposes of divisions (B)(12), (15), and (16) of this 2438
section, the commission of the act may be established by a finding 2439
by the board, pursuant to an adjudication under Chapter 119. of 2440
the Revised Code, that the applicant or certificate holder 2441
committed the act in question. The board shall have no 2442
jurisdiction under these divisions in cases where the trial court 2443
renders a final judgment in the certificate holder's favor and 2444
that judgment is based upon an adjudication on the merits. The 2445
board shall have jurisdiction under these divisions in cases where 2446
the trial court issues an order of dismissal upon technical or 2447
procedural grounds. 2448

(E) The sealing of conviction records by any court shall have 2449
no effect upon a prior board order entered under the provisions of 2450
this section or upon the board's jurisdiction to take action under 2451
the provisions of this section if, based upon a plea of guilty, a 2452
judicial finding of guilt, or a judicial finding of eligibility 2453
for intervention in lieu of conviction, the board issued a notice 2454
of opportunity for a hearing prior to the court's order to seal 2455
the records. The board shall not be required to seal, destroy, 2456
redact, or otherwise modify its records to reflect the court's 2457
sealing of conviction records. 2458

(F) For purposes of this division, any individual who holds a 2459
certificate issued under this chapter, or applies for a 2460
certificate issued under this chapter, shall be deemed to have 2461
given consent to submit to a mental or physical examination when 2462
directed to do so in writing by the board and to have waived all 2463
objections to the admissibility of testimony or examination 2464
reports that constitute a privileged communication. 2465

(1) In enforcing division (B)(4) of this section, the board, 2466
upon a showing of a possible violation, may compel any individual 2467
who holds a certificate issued under this chapter or who has 2468

applied for a certificate pursuant to this chapter to submit to a 2469
mental examination, physical examination, including an HIV test, 2470
or both a mental and physical examination. The expense of the 2471
examination is the responsibility of the individual compelled to 2472
be examined. Failure to submit to a mental or physical examination 2473
or consent to an HIV test ordered by the board constitutes an 2474
admission of the allegations against the individual unless the 2475
failure is due to circumstances beyond the individual's control, 2476
and a default and final order may be entered without the taking of 2477
testimony or presentation of evidence. If the board finds a 2478
physician assistant unable to practice because of the reasons set 2479
forth in division (B)(4) of this section, the board shall require 2480
the physician assistant to submit to care, counseling, or 2481
treatment by physicians approved or designated by the board, as a 2482
condition for an initial, continued, reinstated, or renewed 2483
certificate. An individual affected under this division shall be 2484
afforded an opportunity to demonstrate to the board the ability to 2485
resume practicing in compliance with acceptable and prevailing 2486
standards of care. 2487

(2) For purposes of division (B)(5) of this section, if the 2488
board has reason to believe that any individual who holds a 2489
certificate issued under this chapter or any applicant for a 2490
certificate suffers such impairment, the board may compel the 2491
individual to submit to a mental or physical examination, or both. 2492
The expense of the examination is the responsibility of the 2493
individual compelled to be examined. Any mental or physical 2494
examination required under this division shall be undertaken by a 2495
treatment provider or physician qualified to conduct such 2496
examination and chosen by the board. 2497

Failure to submit to a mental or physical examination ordered 2498
by the board constitutes an admission of the allegations against 2499
the individual unless the failure is due to circumstances beyond 2500

the individual's control, and a default and final order may be 2501
entered without the taking of testimony or presentation of 2502
evidence. If the board determines that the individual's ability to 2503
practice is impaired, the board shall suspend the individual's 2504
certificate or deny the individual's application and shall require 2505
the individual, as a condition for initial, continued, reinstated, 2506
or renewed certification to practice or prescribe, to submit to 2507
treatment. 2508

Before being eligible to apply for reinstatement of a 2509
certificate suspended under this division, the physician assistant 2510
shall demonstrate to the board the ability to resume practice or 2511
prescribing in compliance with acceptable and prevailing standards 2512
of care. The demonstration shall include the following: 2513

(a) Certification from a treatment provider approved under 2514
section 4731.25 of the Revised Code that the individual has 2515
successfully completed any required inpatient treatment; 2516

(b) Evidence of continuing full compliance with an aftercare 2517
contract or consent agreement; 2518

(c) Two written reports indicating that the individual's 2519
ability to practice has been assessed and that the individual has 2520
been found capable of practicing according to acceptable and 2521
prevailing standards of care. The reports shall be made by 2522
individuals or providers approved by the board for making such 2523
assessments and shall describe the basis for their determination. 2524

The board may reinstate a certificate suspended under this 2525
division after such demonstration and after the individual has 2526
entered into a written consent agreement. 2527

When the impaired physician assistant resumes practice or 2528
prescribing, the board shall require continued monitoring of the 2529
physician assistant. The monitoring shall include compliance with 2530
the written consent agreement entered into before reinstatement or 2531

with conditions imposed by board order after a hearing, and, upon 2532
termination of the consent agreement, submission to the board for 2533
at least two years of annual written progress reports made under 2534
penalty of falsification stating whether the physician assistant 2535
has maintained sobriety. 2536

(G) If the secretary and supervising member determine that 2537
there is clear and convincing evidence that a physician assistant 2538
has violated division (B) of this section and that the 2539
individual's continued practice or prescribing presents a danger 2540
of immediate and serious harm to the public, they may recommend 2541
that the board suspend the individual's certificate to practice or 2542
prescribe without a prior hearing. Written allegations shall be 2543
prepared for consideration by the board. 2544

The board, upon review of those allegations and by an 2545
affirmative vote of not fewer than six of its members, excluding 2546
the secretary and supervising member, may suspend a certificate 2547
without a prior hearing. A telephone conference call may be 2548
utilized for reviewing the allegations and taking the vote on the 2549
summary suspension. 2550

The board shall issue a written order of suspension by 2551
certified mail or in person in accordance with section 119.07 of 2552
the Revised Code. The order shall not be subject to suspension by 2553
the court during pendency of any appeal filed under section 119.12 2554
of the Revised Code. If the physician assistant requests an 2555
adjudicatory hearing by the board, the date set for the hearing 2556
shall be within fifteen days, but not earlier than seven days, 2557
after the physician assistant requests the hearing, unless 2558
otherwise agreed to by both the board and the certificate holder. 2559

A summary suspension imposed under this division shall remain 2560
in effect, unless reversed on appeal, until a final adjudicative 2561
order issued by the board pursuant to this section and Chapter 2562
119. of the Revised Code becomes effective. The board shall issue 2563

its final adjudicative order within sixty days after completion of 2564
its hearing. Failure to issue the order within sixty days shall 2565
result in dissolution of the summary suspension order, but shall 2566
not invalidate any subsequent, final adjudicative order. 2567

(H) If the board takes action under division (B)(11), (13), 2568
or (14) of this section, and the judicial finding of guilt, guilty 2569
plea, or judicial finding of eligibility for intervention in lieu 2570
of conviction is overturned on appeal, upon exhaustion of the 2571
criminal appeal, a petition for reconsideration of the order may 2572
be filed with the board along with appropriate court documents. 2573
Upon receipt of a petition and supporting court documents, the 2574
board shall reinstate the certificate to practice or prescribe. 2575
The board may then hold an adjudication under Chapter 119. of the 2576
Revised Code to determine whether the individual committed the act 2577
in question. Notice of opportunity for hearing shall be given in 2578
accordance with Chapter 119. of the Revised Code. If the board 2579
finds, pursuant to an adjudication held under this division, that 2580
the individual committed the act, or if no hearing is requested, 2581
it may order any of the sanctions identified under division (B) of 2582
this section. 2583

(I) The certificate to practice issued to a physician 2584
assistant and the physician assistant's practice in this state are 2585
automatically suspended as of the date the physician assistant 2586
pleads guilty to, is found by a judge or jury to be guilty of, or 2587
is subject to a judicial finding of eligibility for intervention 2588
in lieu of conviction in this state or treatment or intervention 2589
in lieu of conviction in another state for any of the following 2590
criminal offenses in this state or a substantially equivalent 2591
criminal offense in another jurisdiction: aggravated murder, 2592
murder, voluntary manslaughter, felonious assault, kidnapping, 2593
rape, sexual battery, gross sexual imposition, aggravated arson, 2594
aggravated robbery, or aggravated burglary. Continued practice 2595

after the suspension shall be considered practicing without a certificate. 2596
2597

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice. 2598
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(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section. 2605
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(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 2614
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(L) When the board refuses to grant to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. 2623
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An individual subject to a permanent action taken by the board is 2628
forever thereafter ineligible to hold the certificate and the 2629
board shall not accept an application for reinstatement of the 2630
certificate or for issuance of a new certificate. 2631

(M) Notwithstanding any other provision of the Revised Code, 2632
all of the following apply: 2633

(1) The surrender of a certificate issued under this chapter 2634
is not effective unless or until accepted by the board. 2635
Reinstatement of a certificate surrendered to the board requires 2636
an affirmative vote of not fewer than six members of the board. 2637

(2) An application made under this chapter for a certificate, 2638
approval of a physician supervisory plan, or approval of a 2639
supervision agreement may not be withdrawn without approval of the 2640
board. 2641

(3) Failure by an individual to renew a certificate in 2642
accordance with section 4730.14 or section 4730.48 of the Revised 2643
Code shall not remove or limit the board's jurisdiction to take 2644
disciplinary action under this section against the individual. 2645

Sec. 4730.41. (A) A certificate to prescribe issued under 2646
this chapter authorizes a physician assistant to prescribe and 2647
personally furnish drugs and therapeutic devices in the exercise 2648
of physician-delegated prescriptive authority. 2649

(B) In exercising physician-delegated prescriptive authority, 2650
a physician assistant is subject to all of the following: 2651

(1) The physician assistant shall exercise 2652
physician-delegated prescriptive authority only to the extent that 2653
the physician supervising the physician assistant has granted that 2654
authority. 2655

(2) The physician assistant shall comply with all conditions 2656
placed on the physician-delegated prescriptive authority, as 2657

specified by the supervising physician who is supervising the 2658
physician assistant in the exercise of physician-delegated 2659
prescriptive authority. 2660

(3) If the physician assistant possesses physician-delegated 2661
prescriptive authority for controlled substances, the physician 2662
assistant shall register with the federal drug enforcement 2663
administration. 2664

(4) If the physician assistant possesses physician-delegated 2665
prescriptive authority for schedule II controlled substances, the 2666
physician assistant shall comply with section 4730.411 of the 2667
Revised Code. 2668

(5) If the physician assistant possesses physician-delegated 2669
prescriptive authority to prescribe for a minor an opioid 2670
analgesic, as those terms are defined in ~~section~~ sections 3719.061 2671
and 3719.01 of the Revised Code, ~~a compound that is a controlled~~ 2672
~~substance containing an opioid~~ respectively, the physician 2673
assistant shall comply with section 3719.061 of the Revised Code. 2674
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Sec. 4730.48. (A)(1) Except in the case of a provisional 2676
certificate to prescribe, a physician assistant's certificate to 2677
prescribe expires on the same date as the physician assistant's 2678
certificate to practice as a physician assistant, as provided in 2679
section 4730.14 of the Revised Code. The certificate to prescribe 2680
may be renewed in accordance with this section. 2681

(2) A person seeking to renew a certificate to prescribe 2682
shall, on or before the thirty-first day of January of each 2683
even-numbered year, apply for renewal of the certificate. The 2684
state medical board shall send renewal notices at least one month 2685
prior to the expiration date. The notice may be sent as part of 2686
the notice sent for renewal of the certificate to practice. 2687

(3) Applications for renewal shall be submitted to the board 2688
on forms the board shall prescribe and furnish. An application for 2689
renewal of a certificate to prescribe may be submitted in 2690
conjunction with an application for renewal of a certificate to 2691
practice. 2692

(4)(a) Except as provided in division (A)(4)(b) of this 2693
section, in the case of an applicant who prescribes opioid 2694
analgesics or benzodiazepines, as defined in section 3719.01 of 2695
the Revised Code, the applicant shall certify to the board whether 2696
the applicant has been granted access to the drug database 2697
established and maintained by the state board of pharmacy pursuant 2698
to section 4729.75 of the Revised Code. 2699

(b) The requirement in division (A)(4)(a) of this section 2700
does not apply if ~~either~~ any of the following is the case: 2701

(i) The state board of pharmacy notifies the state medical 2702
board pursuant to section 4729.861 of the Revised Code that the 2703
applicant has been restricted from obtaining further information 2704
from the drug database. 2705

(ii) The state board of pharmacy no longer maintains the drug 2706
database. 2707

(iii) The applicant does not practice as a physician 2708
assistant in this state. 2709

(c) If an applicant certifies to the state medical board that 2710
the applicant has been granted access to the drug database and the 2711
board finds through an audit or other means that the applicant has 2712
not been granted access, the board may take action under section 2713
4730.25 of the Revised Code. 2714

(5) Each application for renewal of a certificate to 2715
prescribe shall be accompanied by a biennial renewal fee of fifty 2716
dollars. The board shall deposit the fees in accordance with 2717
section 4731.24 of the Revised Code. 2718

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

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

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

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

(1) Permitting one's name or one's certificate to practice or
certificate of registration to be used by a person, group, or

corporation when the individual concerned is not actually 2750
directing the treatment given; 2751

(2) Failure to maintain minimal standards applicable to the 2752
selection or administration of drugs, or failure to employ 2753
acceptable scientific methods in the selection of drugs or other 2754
modalities for treatment of disease; 2755

(3) Selling, giving away, personally furnishing, prescribing, 2756
or administering drugs for other than legal and legitimate 2757
therapeutic purposes or a plea of guilty to, a judicial finding of 2758
guilt of, or a judicial finding of eligibility for intervention in 2759
lieu of conviction of, a violation of any federal or state law 2760
regulating the possession, distribution, or use of any drug; 2761

(4) Willfully betraying a professional confidence. 2762

For purposes of this division, "willfully betraying a 2763
professional confidence" does not include providing any 2764
information, documents, or reports to a child fatality review 2765
board under sections 307.621 to 307.629 of the Revised Code and 2766
does not include the making of a report of an employee's use of a 2767
drug of abuse, or a report of a condition of an employee other 2768
than one involving the use of a drug of abuse, to the employer of 2769
the employee as described in division (B) of section 2305.33 of 2770
the Revised Code. Nothing in this division affects the immunity 2771
from civil liability conferred by that section upon a physician 2772
who makes either type of report in accordance with division (B) of 2773
that section. As used in this division, "employee," "employer," 2774
and "physician" have the same meanings as in section 2305.33 of 2775
the Revised Code. 2776

(5) Making a false, fraudulent, deceptive, or misleading 2777
statement in the solicitation of or advertising for patients; in 2778
relation to the practice of medicine and surgery, osteopathic 2779
medicine and surgery, podiatric medicine and surgery, or a limited 2780

branch of medicine; or in securing or attempting to secure any 2781
certificate to practice or certificate of registration issued by 2782
the board. 2783

As used in this division, "false, fraudulent, deceptive, or 2784
misleading statement" means a statement that includes a 2785
misrepresentation of fact, is likely to mislead or deceive because 2786
of a failure to disclose material facts, is intended or is likely 2787
to create false or unjustified expectations of favorable results, 2788
or includes representations or implications that in reasonable 2789
probability will cause an ordinarily prudent person to 2790
misunderstand or be deceived. 2791

(6) A departure from, or the failure to conform to, minimal 2792
standards of care of similar practitioners under the same or 2793
similar circumstances, whether or not actual injury to a patient 2794
is established; 2795

(7) Representing, with the purpose of obtaining compensation 2796
or other advantage as personal gain or for any other person, that 2797
an incurable disease or injury, or other incurable condition, can 2798
be permanently cured; 2799

(8) The obtaining of, or attempting to obtain, money or 2800
anything of value by fraudulent misrepresentations in the course 2801
of practice; 2802

(9) A plea of guilty to, a judicial finding of guilt of, or a 2803
judicial finding of eligibility for intervention in lieu of 2804
conviction for, a felony; 2805

(10) Commission of an act that constitutes a felony in this 2806
state, regardless of the jurisdiction in which the act was 2807
committed; 2808

(11) A plea of guilty to, a judicial finding of guilt of, or 2809
a judicial finding of eligibility for intervention in lieu of 2810
conviction for, a misdemeanor committed in the course of practice; 2811

(12) Commission of an act in the course of practice that 2812
constitutes a misdemeanor in this state, regardless of the 2813
jurisdiction in which the act was committed; 2814

(13) A plea of guilty to, a judicial finding of guilt of, or 2815
a judicial finding of eligibility for intervention in lieu of 2816
conviction for, a misdemeanor involving moral turpitude; 2817

(14) Commission of an act involving moral turpitude that 2818
constitutes a misdemeanor in this state, regardless of the 2819
jurisdiction in which the act was committed; 2820

(15) Violation of the conditions of limitation placed by the 2821
board upon a certificate to practice; 2822

(16) Failure to pay license renewal fees specified in this 2823
chapter; 2824

(17) Except as authorized in section 4731.31 of the Revised 2825
Code, engaging in the division of fees for referral of patients, 2826
or the receiving of a thing of value in return for a specific 2827
referral of a patient to utilize a particular service or business; 2828

(18) Subject to section 4731.226 of the Revised Code, 2829
violation of any provision of a code of ethics of the American 2830
medical association, the American osteopathic association, the 2831
American podiatric medical association, or any other national 2832
professional organizations that the board specifies by rule. The 2833
state medical board shall obtain and keep on file current copies 2834
of the codes of ethics of the various national professional 2835
organizations. The individual whose certificate is being suspended 2836
or revoked shall not be found to have violated any provision of a 2837
code of ethics of an organization not appropriate to the 2838
individual's profession. 2839

For purposes of this division, a "provision of a code of 2840
ethics of a national professional organization" does not include 2841
any provision that would preclude the making of a report by a 2842

physician of an employee's use of a drug of abuse, or of a 2843
condition of an employee other than one involving the use of a 2844
drug of abuse, to the employer of the employee as described in 2845
division (B) of section 2305.33 of the Revised Code. Nothing in 2846
this division affects the immunity from civil liability conferred 2847
by that section upon a physician who makes either type of report 2848
in accordance with division (B) of that section. As used in this 2849
division, "employee," "employer," and "physician" have the same 2850
meanings as in section 2305.33 of the Revised Code. 2851

(19) Inability to practice according to acceptable and 2852
prevailing standards of care by reason of mental illness or 2853
physical illness, including, but not limited to, physical 2854
deterioration that adversely affects cognitive, motor, or 2855
perceptive skills. 2856

In enforcing this division, the board, upon a showing of a 2857
possible violation, may compel any individual authorized to 2858
practice by this chapter or who has submitted an application 2859
pursuant to this chapter to submit to a mental examination, 2860
physical examination, including an HIV test, or both a mental and 2861
a physical examination. The expense of the examination is the 2862
responsibility of the individual compelled to be examined. Failure 2863
to submit to a mental or physical examination or consent to an HIV 2864
test ordered by the board constitutes an admission of the 2865
allegations against the individual unless the failure is due to 2866
circumstances beyond the individual's control, and a default and 2867
final order may be entered without the taking of testimony or 2868
presentation of evidence. If the board finds an individual unable 2869
to practice because of the reasons set forth in this division, the 2870
board shall require the individual to submit to care, counseling, 2871
or treatment by physicians approved or designated by the board, as 2872
a condition for initial, continued, reinstated, or renewed 2873
authority to practice. An individual affected under this division 2874

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

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

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or 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.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant

to section 3701.341 of the Revised Code; 2907

(22) Any of the following actions taken by an agency 2908
responsible for authorizing, certifying, or regulating an 2909
individual to practice a health care occupation or provide health 2910
care services in this state or another jurisdiction, for any 2911
reason other than the nonpayment of fees: the limitation, 2912
revocation, or suspension of an individual's license to practice; 2913
acceptance of an individual's license surrender; denial of a 2914
license; refusal to renew or reinstate a license; imposition of 2915
probation; or issuance of an order of censure or other reprimand; 2916

(23) The violation of section 2919.12 of the Revised Code or 2917
the performance or inducement of an abortion upon a pregnant woman 2918
with actual knowledge that the conditions specified in division 2919
(B) of section 2317.56 of the Revised Code have not been satisfied 2920
or with a heedless indifference as to whether those conditions 2921
have been satisfied, unless an affirmative defense as specified in 2922
division (H)(2) of that section would apply in a civil action 2923
authorized by division (H)(1) of that section; 2924

(24) The revocation, suspension, restriction, reduction, or 2925
termination of clinical privileges by the United States department 2926
of defense or department of veterans affairs or the termination or 2927
suspension of a certificate of registration to prescribe drugs by 2928
the drug enforcement administration of the United States 2929
department of justice; 2930

(25) Termination or suspension from participation in the 2931
medicare or medicaid programs by the department of health and 2932
human services or other responsible agency for any act or acts 2933
that also would constitute a violation of division (B)(2), (3), 2934
(6), (8), or (19) of this section; 2935

(26) Impairment of ability to practice according to 2936
acceptable and prevailing standards of care because of habitual or 2937

excessive use or abuse of drugs, alcohol, or other substances that 2938
impair ability to practice. 2939

For the purposes of this division, any individual authorized 2940
to practice by this chapter accepts the privilege of practicing in 2941
this state subject to supervision by the board. By filing an 2942
application for or holding a certificate to practice under this 2943
chapter, an individual shall be deemed to have given consent to 2944
submit to a mental or physical examination when ordered to do so 2945
by the board in writing, and to have waived all objections to the 2946
admissibility of testimony or examination reports that constitute 2947
privileged communications. 2948

If it has reason to believe that any individual authorized to 2949
practice by this chapter or any applicant for certification to 2950
practice suffers such impairment, the board may compel the 2951
individual to submit to a mental or physical examination, or both. 2952
The expense of the examination is the responsibility of the 2953
individual compelled to be examined. Any mental or physical 2954
examination required under this division shall be undertaken by a 2955
treatment provider or physician who is qualified to conduct the 2956
examination and who is chosen by the board. 2957

Failure to submit to a mental or physical examination ordered 2958
by the board constitutes an admission of the allegations against 2959
the individual unless the failure is due to circumstances beyond 2960
the individual's control, and a default and final order may be 2961
entered without the taking of testimony or presentation of 2962
evidence. If the board determines that the individual's ability to 2963
practice is impaired, the board shall suspend the individual's 2964
certificate or deny the individual's application and shall require 2965
the individual, as a condition for initial, continued, reinstated, 2966
or renewed certification to practice, to submit to treatment. 2967

Before being eligible to apply for reinstatement of a 2968
certificate suspended under this division, the impaired 2969

practitioner shall demonstrate to the board the ability to resume 2970
practice in compliance with acceptable and prevailing standards of 2971
care under the provisions of the practitioner's certificate. The 2972
demonstration shall include, but shall not be limited to, the 2973
following: 2974

(a) Certification from a treatment provider approved under 2975
section 4731.25 of the Revised Code that the individual has 2976
successfully completed any required inpatient treatment; 2977

(b) Evidence of continuing full compliance with an aftercare 2978
contract or consent agreement; 2979

(c) Two written reports indicating that the individual's 2980
ability to practice has been assessed and that the individual has 2981
been found capable of practicing according to acceptable and 2982
prevailing standards of care. The reports shall be made by 2983
individuals or providers approved by the board for making the 2984
assessments and shall describe the basis for their determination. 2985

The board may reinstate a certificate suspended under this 2986
division after that demonstration and after the individual has 2987
entered into a written consent agreement. 2988

When the impaired practitioner resumes practice, the board 2989
shall require continued monitoring of the individual. The 2990
monitoring shall include, but not be limited to, compliance with 2991
the written consent agreement entered into before reinstatement or 2992
with conditions imposed by board order after a hearing, and, upon 2993
termination of the consent agreement, submission to the board for 2994
at least two years of annual written progress reports made under 2995
penalty of perjury stating whether the individual has maintained 2996
sobriety. 2997

(27) A second or subsequent violation of section 4731.66 or 2998
4731.69 of the Revised Code; 2999

(28) Except as provided in division (N) of this section: 3000

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

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

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

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of 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; 3032
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(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; 3034
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(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; 3044
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 3047
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(37) Assisting suicide, as defined in section 3795.01 of the Revised Code; 3050
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(38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 3052
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(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; 3054
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(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; 3057
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(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code 3060
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for the operation of or the provision of care at a pain management 3062
clinic; 3063

(42) Failure to comply with the standards and procedures 3064
established in rules under section 4731.054 of the Revised Code 3065
for providing supervision, direction, and control of individuals 3066
at a pain management clinic; 3067

(43) Failure to comply with the requirements of section 3068
4729.79 of the Revised Code, unless the state board of pharmacy no 3069
longer maintains a drug database pursuant to section 4729.75 of 3070
the Revised Code; 3071

(44) Failure to comply with the requirements of section 3072
2919.171 of the Revised Code or failure to submit to the 3073
department of health in accordance with a court order a complete 3074
report as described in section 2919.171 of the Revised Code; 3075

(45) Practicing at a facility that is subject to licensure as 3076
a category III terminal distributor of dangerous drugs with a pain 3077
management clinic classification unless the person operating the 3078
facility has obtained and maintains the license with the 3079
classification; 3080

(46) Owning a facility that is subject to licensure as a 3081
category III terminal distributor of dangerous drugs with a pain 3082
management clinic classification unless the facility is licensed 3083
with the classification; 3084

(47) Failure to comply with the requirement regarding 3085
maintaining notes described in division (B) of section 2919.191 of 3086
the Revised Code or failure to satisfy the requirements of section 3087
2919.191 of the Revised Code prior to performing or inducing an 3088
abortion upon a pregnant woman; 3089

(48) Failure to comply with the requirements in section 3090
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 3091
prescription for ~~a controlled substance containing~~ an opioid 3092

analgesic, as defined in section 3719.01 of the Revised Code. 3093

(C) Disciplinary actions taken by the board under divisions 3094
(A) and (B) of this section shall be taken pursuant to an 3095
adjudication under Chapter 119. of the Revised Code, except that 3096
in lieu of an adjudication, the board may enter into a consent 3097
agreement with an individual to resolve an allegation of a 3098
violation of this chapter or any rule adopted under it. A consent 3099
agreement, when ratified by an affirmative vote of not fewer than 3100
six members of the board, shall constitute the findings and order 3101
of the board with respect to the matter addressed in the 3102
agreement. If the board refuses to ratify a consent agreement, the 3103
admissions and findings contained in the consent agreement shall 3104
be of no force or effect. 3105

A telephone conference call may be utilized for ratification 3106
of a consent agreement that revokes or suspends an individual's 3107
certificate to practice. The telephone conference call shall be 3108
considered a special meeting under division (F) of section 121.22 3109
of the Revised Code. 3110

If the board takes disciplinary action against an individual 3111
under division (B) of this section for a second or subsequent plea 3112
of guilty to, or judicial finding of guilt of, a violation of 3113
section 2919.123 of the Revised Code, the disciplinary action 3114
shall consist of a suspension of the individual's certificate to 3115
practice for a period of at least one year or, if determined 3116
appropriate by the board, a more serious sanction involving the 3117
individual's certificate to practice. Any consent agreement 3118
entered into under this division with an individual that pertains 3119
to a second or subsequent plea of guilty to, or judicial finding 3120
of guilt of, a violation of that section shall provide for a 3121
suspension of the individual's certificate to practice for a 3122
period of at least one year or, if determined appropriate by the 3123
board, a more serious sanction involving the individual's 3124

certificate to practice. 3125

(D) For purposes of divisions (B)(10), (12), and (14) of this 3126
section, the commission of the act may be established by a finding 3127
by the board, pursuant to an adjudication under Chapter 119. of 3128
the Revised Code, that the individual committed the act. The board 3129
does not have jurisdiction under those divisions if the trial 3130
court renders a final judgment in the individual's favor and that 3131
judgment is based upon an adjudication on the merits. The board 3132
has jurisdiction under those divisions if the trial court issues 3133
an order of dismissal upon technical or procedural grounds. 3134

(E) The sealing of conviction records by any court shall have 3135
no effect upon a prior board order entered under this section or 3136
upon the board's jurisdiction to take action under this section 3137
if, based upon a plea of guilty, a judicial finding of guilt, or a 3138
judicial finding of eligibility for intervention in lieu of 3139
conviction, the board issued a notice of opportunity for a hearing 3140
prior to the court's order to seal the records. The board shall 3141
not be required to seal, destroy, redact, or otherwise modify its 3142
records to reflect the court's sealing of conviction records. 3143

(F)(1) The board shall investigate evidence that appears to 3144
show that a person has violated any provision of this chapter or 3145
any rule adopted under it. Any person may report to the board in a 3146
signed writing any information that the person may have that 3147
appears to show a violation of any provision of this chapter or 3148
any rule adopted under it. In the absence of bad faith, any person 3149
who reports information of that nature or who testifies before the 3150
board in any adjudication conducted under Chapter 119. of the 3151
Revised Code shall not be liable in damages in a civil action as a 3152
result of the report or testimony. Each complaint or allegation of 3153
a violation received by the board shall be assigned a case number 3154
and shall be recorded by the board. 3155

(2) Investigations of alleged violations of this chapter or 3156

any rule adopted under it shall be supervised by the supervising 3157
member elected by the board in accordance with section 4731.02 of 3158
the Revised Code and by the secretary as provided in section 3159
4731.39 of the Revised Code. The president may designate another 3160
member of the board to supervise the investigation in place of the 3161
supervising member. No member of the board who supervises the 3162
investigation of a case shall participate in further adjudication 3163
of the case. 3164

(3) In investigating a possible violation of this chapter or 3165
any rule adopted under this chapter, or in conducting an 3166
inspection under division (E) of section 4731.054 of the Revised 3167
Code, the board may question witnesses, conduct interviews, 3168
administer oaths, order the taking of depositions, inspect and 3169
copy any books, accounts, papers, records, or documents, issue 3170
subpoenas, and compel the attendance of witnesses and production 3171
of books, accounts, papers, records, documents, and testimony, 3172
except that a subpoena for patient record information shall not be 3173
issued without consultation with the attorney general's office and 3174
approval of the secretary and supervising member of the board. 3175

(a) Before issuance of a subpoena for patient record 3176
information, the secretary and supervising member shall determine 3177
whether there is probable cause to believe that the complaint 3178
filed alleges a violation of this chapter or any rule adopted 3179
under it and that the records sought are relevant to the alleged 3180
violation and material to the investigation. The subpoena may 3181
apply only to records that cover a reasonable period of time 3182
surrounding the alleged violation. 3183

(b) On failure to comply with any subpoena issued by the 3184
board and after reasonable notice to the person being subpoenaed, 3185
the board may move for an order compelling the production of 3186
persons or records pursuant to the Rules of Civil Procedure. 3187

(c) A subpoena issued by the board may be served by a 3188

sheriff, the sheriff's deputy, or a board employee designated by 3189
the board. Service of a subpoena issued by the board may be made 3190
by delivering a copy of the subpoena to the person named therein, 3191
reading it to the person, or leaving it at the person's usual 3192
place of residence, usual place of business, or address on file 3193
with the board. When serving a subpoena to an applicant for or the 3194
holder of a certificate issued under this chapter, service of the 3195
subpoena may be made by certified mail, return receipt requested, 3196
and the subpoena shall be deemed served on the date delivery is 3197
made or the date the person refuses to accept delivery. If the 3198
person being served refuses to accept the subpoena or is not 3199
located, service may be made to an attorney who notifies the board 3200
that the attorney is representing the person. 3201

(d) A sheriff's deputy who serves a subpoena shall receive 3202
the same fees as a sheriff. Each witness who appears before the 3203
board in obedience to a subpoena shall receive the fees and 3204
mileage provided for under section 119.094 of the Revised Code. 3205

(4) All hearings, investigations, and inspections of the 3206
board shall be considered civil actions for the purposes of 3207
section 2305.252 of the Revised Code. 3208

(5) A report required to be submitted to the board under this 3209
chapter, a complaint, or information received by the board 3210
pursuant to an investigation or pursuant to an inspection under 3211
division (E) of section 4731.054 of the Revised Code is 3212
confidential and not subject to discovery in any civil action. 3213

The board shall conduct all investigations or inspections and 3214
proceedings in a manner that protects the confidentiality of 3215
patients and persons who file complaints with the board. The board 3216
shall not make public the names or any other identifying 3217
information about patients or complainants unless proper consent 3218
is given or, in the case of a patient, a waiver of the patient 3219
privilege exists under division (B) of section 2317.02 of the 3220

Revised Code, except that consent or a waiver of that nature is 3221
not required if the board possesses reliable and substantial 3222
evidence that no bona fide physician-patient relationship exists. 3223

The board may share any information it receives pursuant to 3224
an investigation or inspection, including patient records and 3225
patient record information, with law enforcement agencies, other 3226
licensing boards, and other governmental agencies that are 3227
prosecuting, adjudicating, or investigating alleged violations of 3228
statutes or administrative rules. An agency or board that receives 3229
the information shall comply with the same requirements regarding 3230
confidentiality as those with which the state medical board must 3231
comply, notwithstanding any conflicting provision of the Revised 3232
Code or procedure of the agency or board that applies when it is 3233
dealing with other information in its possession. In a judicial 3234
proceeding, the information may be admitted into evidence only in 3235
accordance with the Rules of Evidence, but the court shall require 3236
that appropriate measures are taken to ensure that confidentiality 3237
is maintained with respect to any part of the information that 3238
contains names or other identifying information about patients or 3239
complainants whose confidentiality was protected by the state 3240
medical board when the information was in the board's possession. 3241
Measures to ensure confidentiality that may be taken by the court 3242
include sealing its records or deleting specific information from 3243
its records. 3244

(6) On a quarterly basis, the board shall prepare a report 3245
that documents the disposition of all cases during the preceding 3246
three months. The report shall contain the following information 3247
for each case with which the board has completed its activities: 3248

(a) The case number assigned to the complaint or alleged 3249
violation; 3250

(b) The type of certificate to practice, if any, held by the 3251
individual against whom the complaint is directed; 3252

(c) A description of the allegations contained in the 3253
complaint; 3254

(d) The disposition of the case. 3255

The report shall state how many cases are still pending and 3256
shall be prepared in a manner that protects the identity of each 3257
person involved in each case. The report shall be a public record 3258
under section 149.43 of the Revised Code. 3259

(G) If the secretary and supervising member determine both of 3260
the following, they may recommend that the board suspend an 3261
individual's certificate to practice without a prior hearing: 3262

(1) That there is clear and convincing evidence that an 3263
individual has violated division (B) of this section; 3264

(2) That the individual's continued practice presents a 3265
danger of immediate and serious harm to the public. 3266

Written allegations shall be prepared for consideration by 3267
the board. The board, upon review of those allegations and by an 3268
affirmative vote of not fewer than six of its members, excluding 3269
the secretary and supervising member, may suspend a certificate 3270
without a prior hearing. A telephone conference call may be 3271
utilized for reviewing the allegations and taking the vote on the 3272
summary suspension. 3273

The board shall issue a written order of suspension by 3274
certified mail or in person in accordance with section 119.07 of 3275
the Revised Code. The order shall not be subject to suspension by 3276
the court during pendency of any appeal filed under section 119.12 3277
of the Revised Code. If the individual subject to the summary 3278
suspension requests an adjudicatory hearing by the board, the date 3279
set for the hearing shall be within fifteen days, but not earlier 3280
than seven days, after the individual requests the hearing, unless 3281
otherwise agreed to by both the board and the individual. 3282

Any summary suspension imposed under this division shall 3283
remain in effect, unless reversed on appeal, until a final 3284
adjudicative order issued by the board pursuant to this section 3285
and Chapter 119. of the Revised Code becomes effective. The board 3286
shall issue its final adjudicative order within seventy-five days 3287
after completion of its hearing. A failure to issue the order 3288
within seventy-five days shall result in dissolution of the 3289
summary suspension order but shall not invalidate any subsequent, 3290
final adjudicative order. 3291

(H) If the board takes action under division (B)(9), (11), or 3292
(13) of this section and the judicial finding of guilt, guilty 3293
plea, or judicial finding of eligibility for intervention in lieu 3294
of conviction is overturned on appeal, upon exhaustion of the 3295
criminal appeal, a petition for reconsideration of the order may 3296
be filed with the board along with appropriate court documents. 3297
Upon receipt of a petition of that nature and supporting court 3298
documents, the board shall reinstate the individual's certificate 3299
to practice. The board may then hold an adjudication under Chapter 3300
119. of the Revised Code to determine whether the individual 3301
committed the act in question. Notice of an opportunity for a 3302
hearing shall be given in accordance with Chapter 119. of the 3303
Revised Code. If the board finds, pursuant to an adjudication held 3304
under this division, that the individual committed the act or if 3305
no hearing is requested, the board may order any of the sanctions 3306
identified under division (B) of this section. 3307

(I) The certificate to practice issued to an individual under 3308
this chapter and the individual's practice in this state are 3309
automatically suspended as of the date of the individual's second 3310
or subsequent plea of guilty to, or judicial finding of guilt of, 3311
a violation of section 2919.123 of the Revised Code, or the date 3312
the individual pleads guilty to, is found by a judge or jury to be 3313
guilty of, or is subject to a judicial finding of eligibility for 3314

intervention in lieu of conviction in this state or treatment or 3315
intervention in lieu of conviction in another jurisdiction for any 3316
of the following criminal offenses in this state or a 3317
substantially equivalent criminal offense in another jurisdiction: 3318
aggravated murder, murder, voluntary manslaughter, felonious 3319
assault, kidnapping, rape, sexual battery, gross sexual 3320
imposition, aggravated arson, aggravated robbery, or aggravated 3321
burglary. Continued practice after suspension shall be considered 3322
practicing without a certificate. 3323

The board shall notify the individual subject to the 3324
suspension by certified mail or in person in accordance with 3325
section 119.07 of the Revised Code. If an individual whose 3326
certificate is automatically suspended under this division fails 3327
to make a timely request for an adjudication under Chapter 119. of 3328
the Revised Code, the board shall do whichever of the following is 3329
applicable: 3330

(1) If the automatic suspension under this division is for a 3331
second or subsequent plea of guilty to, or judicial finding of 3332
guilt of, a violation of section 2919.123 of the Revised Code, the 3333
board shall enter an order suspending the individual's certificate 3334
to practice for a period of at least one year or, if determined 3335
appropriate by the board, imposing a more serious sanction 3336
involving the individual's certificate to practice. 3337

(2) In all circumstances in which division (I)(1) of this 3338
section does not apply, enter a final order permanently revoking 3339
the individual's certificate to practice. 3340

(J) If the board is required by Chapter 119. of the Revised 3341
Code to give notice of an opportunity for a hearing and if the 3342
individual subject to the notice does not timely request a hearing 3343
in accordance with section 119.07 of the Revised Code, the board 3344
is not required to hold a hearing, but may adopt, by an 3345
affirmative vote of not fewer than six of its members, a final 3346

order that contains the board's findings. In that final order, the 3347
board may order any of the sanctions identified under division (A) 3348
or (B) of this section. 3349

(K) Any action taken by the board under division (B) of this 3350
section resulting in a suspension from practice shall be 3351
accompanied by a written statement of the conditions under which 3352
the individual's certificate to practice may be reinstated. The 3353
board shall adopt rules governing conditions to be imposed for 3354
reinstatement. Reinstatement of a certificate suspended pursuant 3355
to division (B) of this section requires an affirmative vote of 3356
not fewer than six members of the board. 3357

(L) When the board refuses to grant a certificate to an 3358
applicant, revokes an individual's certificate to practice, 3359
refuses to register an applicant, or refuses to reinstate an 3360
individual's certificate to practice, the board may specify that 3361
its action is permanent. An individual subject to a permanent 3362
action taken by the board is forever thereafter ineligible to hold 3363
a certificate to practice and the board shall not accept an 3364
application for reinstatement of the certificate or for issuance 3365
of a new certificate. 3366

(M) Notwithstanding any other provision of the Revised Code, 3367
all of the following apply: 3368

(1) The surrender of a certificate issued under this chapter 3369
shall not be effective unless or until accepted by the board. A 3370
telephone conference call may be utilized for acceptance of the 3371
surrender of an individual's certificate to practice. The 3372
telephone conference call shall be considered a special meeting 3373
under division (F) of section 121.22 of the Revised Code. 3374
Reinstatement of a certificate surrendered to the board requires 3375
an affirmative vote of not fewer than six members of the board. 3376

(2) An application for a certificate made under the 3377

provisions of this chapter may not be withdrawn without approval 3378
of the board. 3379

(3) Failure by an individual to renew a certificate of 3380
registration in accordance with this chapter shall not remove or 3381
limit the board's jurisdiction to take any disciplinary action 3382
under this section against the individual. 3383

(4) At the request of the board, a certificate holder shall 3384
immediately surrender to the board a certificate that the board 3385
has suspended, revoked, or permanently revoked. 3386

(N) Sanctions shall not be imposed under division (B)(28) of 3387
this section against any person who waives deductibles and 3388
copayments as follows: 3389

(1) In compliance with the health benefit plan that expressly 3390
allows such a practice. Waiver of the deductibles or copayments 3391
shall be made only with the full knowledge and consent of the plan 3392
purchaser, payer, and third-party administrator. Documentation of 3393
the consent shall be made available to the board upon request. 3394

(2) For professional services rendered to any other person 3395
authorized to practice pursuant to this chapter, to the extent 3396
allowed by this chapter and rules adopted by the board. 3397

(O) Under the board's investigative duties described in this 3398
section and subject to division (F) of this section, the board 3399
shall develop and implement a quality intervention program 3400
designed to improve through remedial education the clinical and 3401
communication skills of individuals authorized under this chapter 3402
to practice medicine and surgery, osteopathic medicine and 3403
surgery, and podiatric medicine and surgery. In developing and 3404
implementing the quality intervention program, the board may do 3405
all of the following: 3406

(1) Offer in appropriate cases as determined by the board an 3407
educational and assessment program pursuant to an investigation 3408

the board conducts under this section; 3409

(2) Select providers of educational and assessment services, 3410
including a quality intervention program panel of case reviewers; 3411

(3) Make referrals to educational and assessment service 3412
providers and approve individual educational programs recommended 3413
by those providers. The board shall monitor the progress of each 3414
individual undertaking a recommended individual educational 3415
program. 3416

(4) Determine what constitutes successful completion of an 3417
individual educational program and require further monitoring of 3418
the individual who completed the program or other action that the 3419
board determines to be appropriate; 3420

(5) Adopt rules in accordance with Chapter 119. of the 3421
Revised Code to further implement the quality intervention 3422
program. 3423

An individual who participates in an individual educational 3424
program pursuant to this division shall pay the financial 3425
obligations arising from that educational program. 3426

Sec. 4731.281. (A) On or before the deadline established 3427
under division (B) of this section for applying for renewal of a 3428
certificate of registration, each person holding a certificate 3429
under this chapter to practice medicine and surgery, osteopathic 3430
medicine and surgery, or podiatric medicine and surgery shall 3431
certify to the state medical board that in the preceding two years 3432
the person has completed one hundred hours of continuing medical 3433
education. The certification shall be made upon the application 3434
for biennial registration submitted pursuant to division (B) of 3435
this section. The board shall adopt rules providing for pro rata 3436
reductions by month of the number of hours of continuing education 3437
required for persons who are in their first registration period, 3438

who have been disabled due to illness or accident, or who have 3439
been absent from the country. 3440

In determining whether a course, program, or activity 3441
qualifies for credit as continuing medical education, the board 3442
shall approve all continuing medical education taken by persons 3443
holding a certificate to practice medicine and surgery that is 3444
certified by the Ohio state medical association, all continuing 3445
medical education taken by persons holding a certificate to 3446
practice osteopathic medicine and surgery that is certified by the 3447
Ohio osteopathic association, and all continuing medical education 3448
taken by persons holding a certificate to practice podiatric 3449
medicine and surgery that is certified by the Ohio podiatric 3450
medical association. Each person holding a certificate to practice 3451
under this chapter shall be given sufficient choice of continuing 3452
education programs to ensure that the person has had a reasonable 3453
opportunity to participate in continuing education programs that 3454
are relevant to the person's medical practice in terms of subject 3455
matter and level. 3456

The board may require a random sample of persons holding a 3457
certificate to practice under this chapter to submit materials 3458
documenting completion of the continuing medical education 3459
requirement during the preceding registration period, but this 3460
provision shall not limit the board's authority to investigate 3461
pursuant to section 4731.22 of the Revised Code. 3462

(B)(1) Every person holding a certificate under this chapter 3463
to practice medicine and surgery, osteopathic medicine and 3464
surgery, or podiatric medicine and surgery wishing to renew that 3465
certificate shall apply to the board for a certificate of 3466
registration upon an application furnished by the board, and pay 3467
to the board at the time of application a fee of three hundred 3468
five dollars, according to the following schedule: 3469

(a) Persons whose last name begins with the letters "A" 3470

through "B," on or before April 1, 2001, and the first day of 3471
April of every odd-numbered year thereafter; 3472

(b) Persons whose last name begins with the letters "C" 3473
through "D," on or before January 1, 2001, and the first day of 3474
January of every odd-numbered year thereafter; 3475

(c) Persons whose last name begins with the letters "E" 3476
through "G," on or before October 1, 2000, and the first day of 3477
October of every even-numbered year thereafter; 3478

(d) Persons whose last name begins with the letters "H" 3479
through "K," on or before July 1, 2000, and the first day of July 3480
of every even-numbered year thereafter; 3481

(e) Persons whose last name begins with the letters "L" 3482
through "M," on or before April 1, 2000, and the first day of 3483
April of every even-numbered year thereafter; 3484

(f) Persons whose last name begins with the letters "N" 3485
through "R," on or before January 1, 2000, and the first day of 3486
January of every even-numbered year thereafter; 3487

(g) Persons whose last name begins with the letter "S," on or 3488
before October 1, 1999, and the first day of October of every 3489
odd-numbered year thereafter; 3490

(h) Persons whose last name begins with the letters "T" 3491
through "Z," on or before July 1, 1999, and the first day of July 3492
of every odd-numbered year thereafter. 3493

The board shall deposit the fee in accordance with section 3494
4731.24 of the Revised Code, except that the board shall deposit 3495
twenty dollars of the fee into the state treasury to the credit of 3496
the physician loan repayment fund created by section 3702.78 of 3497
the Revised Code. 3498

(2) The board shall mail or cause to be mailed to every 3499
person registered to practice medicine and surgery, osteopathic 3500

medicine and surgery, or podiatric medicine and surgery, a notice 3501
of registration renewal addressed to the person's last known 3502
address or may cause the notice to be sent to the person through 3503
the secretary of any recognized medical, osteopathic, or podiatric 3504
society, according to the following schedule: 3505

(a) To persons whose last name begins with the letters "A" 3506
through "B," on or before January 1, 2001, and the first day of 3507
January of every odd-numbered year thereafter; 3508

(b) To persons whose last name begins with the letters "C" 3509
through "D," on or before October 1, 2000, and the first day of 3510
October of every even-numbered year thereafter; 3511

(c) To persons whose last name begins with the letters "E" 3512
through "G," on or before July 1, 2000, and the first day of July 3513
of every even-numbered year thereafter; 3514

(d) To persons whose last name begins with the letters "H" 3515
through "K," on or before April 1, 2000, and the first day of 3516
April of every even-numbered year thereafter; 3517

(e) To persons whose last name begins with the letters "L" 3518
through "M," on or before January 1, 2000, and the first day of 3519
January of every even-numbered year thereafter; 3520

(f) To persons whose last name begins with the letters "N" 3521
through "R," on or before October 1, 1999, and the first day of 3522
October of every odd-numbered year thereafter; 3523

(g) To persons whose last name begins with the letter "S," on 3524
or before July 1, 1999, and the first day of July of every 3525
odd-numbered year thereafter; 3526

(h) To persons whose last name begins with the letters "T" 3527
through "Z," on or before April 1, 1999, and the first day of 3528
April of every odd-numbered year thereafter. 3529

(3) Failure of any person to receive a notice of renewal from 3530

the board shall not excuse the person from the requirements 3531
contained in this section. 3532

(4) The board's notice shall inform the applicant of the 3533
renewal procedure. The board shall provide the application for 3534
registration renewal in a form determined by the board. 3535

(5) The applicant shall provide in the application the 3536
applicant's full name, principal practice address and residence 3537
address, the number of the applicant's certificate to practice, 3538
and any other information required by the board. 3539

(6)(a) Except as provided in division (B)(6)(b) of this 3540
section, in the case of an applicant who prescribes or personally 3541
furnishes opioid analgesics or benzodiazepines, as defined in 3542
section 3719.01 of the Revised Code, the applicant shall certify 3543
to the board whether the applicant has been granted access to the 3544
drug database established and maintained by the state board of 3545
pharmacy pursuant to section 4729.75 of the Revised Code. 3546

(b) The requirement in division (B)(6)(a) of this section 3547
does not apply if ~~either~~ any of the following is the case: 3548

(i) The state board of pharmacy notifies the state medical 3549
board pursuant to section 4729.861 of the Revised Code that the 3550
applicant has been restricted from obtaining further information 3551
from the drug database. 3552

(ii) The state board of pharmacy no longer maintains the drug 3553
database. 3554

(iii) The applicant does not practice medicine and surgery, 3555
osteopathic medicine and surgery, or podiatric medicine and 3556
surgery in this state. 3557

(c) If an applicant certifies to the state medical board that 3558
the applicant has been granted access to the drug database and the 3559
board finds through an audit or other means that the applicant has 3560

not been granted access, the board may take action under section 3561
4731.22 of the Revised Code. 3562

(7) The applicant shall include with the application a list 3563
of the names and addresses of any clinical nurse specialists, 3564
certified nurse-midwives, or certified nurse practitioners with 3565
whom the applicant is currently collaborating, as defined in 3566
section 4723.01 of the Revised Code. Every person registered under 3567
this section shall give written notice to the state medical board 3568
of any change of principal practice address or residence address 3569
or in the list within thirty days of the change. 3570

(8) The applicant shall report any criminal offense to which 3571
the applicant has pleaded guilty, of which the applicant has been 3572
found guilty, or for which the applicant has been found eligible 3573
for intervention in lieu of conviction, since last filing an 3574
application for a certificate of registration. 3575

(9) The applicant shall execute and deliver the application 3576
to the board in a manner prescribed by the board. 3577

(C) The board shall issue to any person holding a certificate 3578
under this chapter to practice medicine and surgery, osteopathic 3579
medicine and surgery, or podiatric medicine and surgery, upon 3580
application and qualification therefor in accordance with this 3581
section, a certificate of registration under the seal of the 3582
board. A certificate of registration shall be valid for a two-year 3583
period. 3584

(D) Failure of any certificate holder to register and comply 3585
with this section shall operate automatically to suspend the 3586
holder's certificate to practice. Continued practice after the 3587
suspension of the certificate to practice shall be considered as 3588
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 3589
the Revised Code. If the certificate has been suspended pursuant 3590
to this division for two years or less, it may be reinstated. The 3591

board shall reinstate a certificate to practice suspended for 3592
failure to register upon an applicant's submission of a renewal 3593
application, the biennial registration fee, and the applicable 3594
monetary penalty. The penalty for reinstatement shall be fifty 3595
dollars. If the certificate has been suspended pursuant to this 3596
division for more than two years, it may be restored. Subject to 3597
section 4731.222 of the Revised Code, the board may restore a 3598
certificate to practice suspended for failure to register upon an 3599
applicant's submission of a restoration application, the biennial 3600
registration fee, and the applicable monetary penalty and 3601
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3602
The board shall not restore to an applicant a certificate to 3603
practice unless the board, in its discretion, decides that the 3604
results of the criminal records check do not make the applicant 3605
ineligible for a certificate issued pursuant to section 4731.14, 3606
4731.56, or 4731.57 of the Revised Code. The penalty for 3607
restoration shall be one hundred dollars. The board shall deposit 3608
the penalties in accordance with section 4731.24 of the Revised 3609
Code. 3610

(E) If an individual certifies completion of the number of 3611
hours and type of continuing medical education required to receive 3612
a certificate of registration or reinstatement of a certificate to 3613
practice, and the board finds through the random samples it 3614
conducts under this section or through any other means that the 3615
individual did not complete the requisite continuing medical 3616
education, the board may impose a civil penalty of not more than 3617
five thousand dollars. The board's finding shall be made pursuant 3618
to an adjudication under Chapter 119. of the Revised Code and by 3619
an affirmative vote of not fewer than six members. 3620

A civil penalty imposed under this division may be in 3621
addition to or in lieu of any other action the board may take 3622
under section 4731.22 of the Revised Code. The board shall deposit 3623

civil penalties in accordance with section 4731.24 of the Revised Code. 3624
3625

(F) The state medical board may obtain information not 3626
protected by statutory or common law privilege from courts and 3627
other sources concerning malpractice claims against any person 3628
holding a certificate to practice under this chapter or practicing 3629
as provided in section 4731.36 of the Revised Code. 3630

(G) Each mailing sent by the board under division (B)(2) of 3631
this section to a person registered to practice medicine and 3632
surgery or osteopathic medicine and surgery shall inform the 3633
applicant of the reporting requirement established by division (H) 3634
of section 3701.79 of the Revised Code. At the discretion of the 3635
board, the information may be included on the application for 3636
registration or on an accompanying page. 3637

Sec. 4773.03. (A) Each individual seeking a license to 3638
practice as a general x-ray machine operator, radiographer, 3639
radiation therapy technologist, or nuclear medicine technologist 3640
shall apply to the department of health on a form the department 3641
shall prescribe and provide. The application shall be accompanied 3642
by the appropriate license application fee established in rules 3643
adopted under section 4773.08 of the Revised Code. 3644

(B) The department shall review all applications received and 3645
issue the appropriate general x-ray machine operator, 3646
radiographer, radiation therapy technologist, or nuclear medicine 3647
technologist license to each applicant who meets all of the 3648
following requirements: 3649

(1) Is eighteen years of age or older-;i 3650

(2) Is of good moral character-;i 3651

(3) Except as provided in division (C) of this section, 3652
passes the examination administered under section 4773.04 of the 3653

Revised Code for the applicant's area of practice-; 3654

(4) Complies with any other licensing standards established 3655
in rules adopted under section 4773.08 of the Revised Code. 3656

(C) An applicant is not required to take a licensing 3657
examination if ~~any~~ one of the following ~~apply~~ applies to the
applicant: 3658
3659

(1) The individual is applying for a license as a general 3660
x-ray machine operator and holds certification in that area of 3661
practice from the American registry of radiologic technologists or 3662
the American chiropractic registry of radiologic technologists. 3663

(2) The individual is applying for a license as a 3664
radiographer and holds certification in that area of practice from 3665
the American registry of radiologic technologists. 3666

(3) The individual is applying for a license as a radiation 3667
therapy technologist and holds certification in that area of 3668
practice from the American registry of radiologic technologists. 3669

(4) The individual is applying for a license as a nuclear 3670
medicine technologist and holds certification in that area of 3671
practice from the American registry of radiologic technologists or 3672
the nuclear medicine technology certification board. 3673

(5) The individual holds a conditional license issued under 3674
section 4773.05 of the Revised Code and has completed the 3675
continuing education requirements established in rules adopted 3676
under section 4773.08 of the Revised Code. 3677

(6) The individual holds a license, certificate, or other 3678
credential issued by another state that the department determines 3679
uses standards for radiologic professions that are at least equal 3680
to those established under this chapter. 3681

(D) A license issued under this section expires biennially on 3682
the license holder's birthday, except for an initial license which 3683

expires on the license holder's birthday following two years after 3684
it is issued. For an initial license, the fee established in rules 3685
adopted under section 4773.08 of the Revised Code may be increased 3686
in proportion to the amount of time beyond two years that the 3687
license may be valid. 3688

A license may be renewed ~~if~~. To be eligible for renewal, the 3689
license holder ~~completes~~ must complete the continuing education 3690
requirements specified in rules adopted by the department under 3691
section 4773.08 of the Revised Code. Applications for license 3692
renewal shall be accompanied by the appropriate renewal fee 3693
established in rules adopted under section 4773.08 of the Revised 3694
Code. Renewals shall be made in accordance with the standard 3695
renewal procedure established under Chapter 4745. of the Revised 3696
Code. 3697

(E)(1) A license that has lapsed or otherwise become inactive 3698
may be reinstated. An individual seeking reinstatement of a 3699
license shall apply to the department on a form the department 3700
shall prescribe and provide. The application shall be accompanied 3701
by the appropriate reinstatement fee established in rules adopted 3702
under section 4773.08 of the Revised Code. 3703

(2) To be eligible for reinstatement, both of the following 3704
apply: 3705

(a) An applicant must continue to meet the conditions for 3706
receiving an initial license, including the examination or 3707
certification requirements specified in division (B) or (C) of 3708
this section. In the case of an applicant seeking reinstatement 3709
based on having passed an examination administered under section 3710
4773.04 of the Revised Code, the length of time that has elapsed 3711
since the examination was passed is not a consideration in 3712
determining whether the applicant is eligible for reinstatement. 3713

(b) The applicant must complete the continuing education 3714

requirements for reinstatement established in rules adopted under 3715
section 4773.08 of the Revised Code. 3716

(F) The department shall refuse to issue ~~or~~, renew, or 3717
reinstate and may suspend or revoke a general x-ray machine 3718
operator, radiographer, radiation therapy technologist, or nuclear 3719
medicine technologist license if the applicant or license holder 3720
does not comply with the applicable requirements of this chapter 3721
or rules adopted under it. 3722

Sec. 4773.08. The director of health shall adopt rules to 3723
implement and administer this chapter. In adopting the rules, the 3724
director shall consider any recommendations made by the radiation 3725
advisory council created under section 3701.93 of the Revised 3726
Code. The rules shall be adopted in accordance with Chapter 119. 3727
of the Revised Code and shall not be less stringent than any 3728
applicable standards specified in 42 C.F.R. 75. The rules shall 3729
establish all of the following: 3730

(A) Standards for licensing general x-ray machine operators, 3731
radiographers, radiation therapy technologists, and nuclear 3732
medicine technologists; 3733

(B) Application ~~and~~, renewal, and reinstatement fees for 3734
licenses issued under this chapter that do not exceed the cost 3735
incurred in issuing ~~and~~, renewing, and reinstating the licenses; 3736

(C) Standards for accreditation of educational programs and 3737
approval of continuing education programs in general x-ray machine 3738
operation, radiography, radiation therapy technology, and nuclear 3739
medicine technology; 3740

(D) Fees for accrediting educational programs and approving 3741
continuing education programs in general x-ray machine operation, 3742
radiography, radiation therapy technology, and nuclear medicine 3743
technology that do not exceed the cost incurred in accrediting the 3744

educational programs;	3745
(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;	3746 3747 3748
(F) Continuing education requirements that must be met to have a license renewed <u>or reinstated</u> under section 4773.03 of the Revised Code;	3749 3750 3751
(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;	3752 3753 3754
(H) Any other rules necessary for the implementation or administration of this chapter.	3755 3756
Sec. 5165.08. (A) <u>As used in this section:</u>	3757
<u>"Bed need" means the number of long-term care beds a county needs as determined by the director of health pursuant to division (B)(3) of section 3702.593 of the Revised Code.</u>	3758 3759 3760
<u>"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need.</u>	3761 3762 3763 3764
(B) Every provider agreement with a nursing facility provider shall prohibit <u>do both of the following:</u>	3765 3766
<u>(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply:</u>	3767 3768 3769 3770
<u>(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008.</u>	3771 3772 3773

(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement. 3774
3775
3776

(c) Federal law permits the provider to exclude the parts from the provider agreement. 3777
3778

(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur. 3779
3780
3781
3782

(2) Prohibit the provider from doing either of the following: 3783

~~(1)~~(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 3784
3785

~~(2)~~(b) Subject to division ~~(C)~~(D) of this section, failing or refusing to do either of the following: 3786
3787

~~(a)~~(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient unless at least ~~eighty~~ twenty-five per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted; 3788
3789
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~~(b)~~(ii) Retain as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient. 3795
3796
3797

~~(B)~~(C) For the purpose of division ~~(A)~~(B)(2)(b)(ii) of this section, a medicaid recipient who is a resident of a nursing facility shall be considered a resident of the nursing facility during any hospital stays totaling less than twenty-five days during any twelve-month period. 3798
3799
3800
3801
3802

~~(C)~~(D) Nothing in this section shall bar a provider from 3803

doing any of the following: 3804

(1) If the provider is a religious organization operating a 3805
religious or denominational nursing facility from giving 3806
preference to persons of the same religion or denomination; 3807

(2) Giving preference to persons with whom the provider has 3808
contracted to provide continuing care; 3809

(3) If the nursing facility is a county home organized under 3810
Chapter 5155. of the Revised Code, admitting residents exclusively 3811
from the county in which the county home is located; 3812

(4) Retaining residents who have resided in the provider's 3813
nursing facility for not less than one year as private pay 3814
patients and who subsequently become medicaid recipients, but 3815
refusing to accept as a resident any person who is, or may (as a 3816
resident of the nursing facility) become a medicaid recipient, if 3817
all of the following apply: 3818

(a) The provider does not refuse to retain any resident who 3819
has resided in the provider's nursing facility for not less than 3820
one year as a private pay resident because the resident becomes a 3821
medicaid recipient, except as necessary to comply with division 3822
~~(C)~~(D)(4)(b) of this section; 3823

(b) The number of medicaid recipients retained under division 3824
~~(C)~~(D)(4) of this section does not at any time exceed ten per cent 3825
of all the residents in the nursing facility; 3826

(c) On July 1, 1980, all the residents in the nursing 3827
facility were private pay residents. 3828

~~(D)~~(E) No provider shall violate the provider agreement 3829
obligations imposed by this section. 3830

(F) A nursing facility provider who excludes one or more 3831
parts of the nursing facility from a provider agreement pursuant 3832
to division (B)(1) of this section does not violate division (C) 3833

of section 3702.53 of the Revised Code. 3834

Sec. 5165.513. (A) A provider that enters into a provider 3835
agreement with the department of medicaid under section 5165.511 3836
or 5165.512 of the Revised Code shall do all of the following: 3837

~~(A)(1)~~ Comply with all applicable federal statutes and 3838
regulations; 3839

~~(B)(2)~~ Comply with section 5165.07 of the Revised Code and 3840
all other applicable state statutes and rules; 3841

~~(C)(3)~~ Subject to division (B) of this section, comply with 3842
all the terms and conditions of the exiting operator's provider 3843
agreement, including, but not limited to, all of the following: 3844

~~(1)(a)~~ Any plan of correction; 3845

~~(2)(b)~~ Compliance with health and safety standards; 3846

~~(3)(c)~~ Compliance with the ownership and financial interest 3847
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 3848

~~(4)(d)~~ Compliance with the civil rights requirements of 45 3849
C.F.R. parts 80, 84, and 90; 3850

~~(5)(e)~~ Compliance with additional requirements imposed by the 3851
department; 3852

~~(6)(f)~~ Any sanctions relating to remedies for violation of 3853
the provider agreement, including deficiencies, compliance 3854
periods, accountability periods, monetary penalties, notification 3855
for correction of contract violations, and history of 3856
deficiencies. 3857

(B) Division (A)(3) of this section does not prohibit a 3858
nursing facility provider from excluding one or more parts of the 3859
nursing facility from the provider agreement pursuant to division 3860
(B)(1) of section 5165.08 of the Revised Code. 3861

Sec. 5165.515. The department of medicaid may enter into a provider agreement as provided in section 5165.07 of the Revised Code, rather than section 5165.511 or 5165.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division ~~(C)~~(A)(3) of section 5165.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the nursing facility for participation in medicaid. The effective date of the provider agreement shall not precede any of the following:

(A) The date that the department of health certifies the nursing facility;

(B) The effective date of the change of operator;

(C) The date the requirement of section 5165.51 of the Revised Code is satisfied.

Sec. 5165.99. (A) Whoever violates section 5165.102 or division ~~(D)~~(E) of section 5165.08 of the Revised Code shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense and not less than one thousand dollars nor more than five thousand dollars for each subsequent offense. Fines paid under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(B) Whoever violates division (D) of section 5165.88 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

Section 2. That existing sections 2925.02, 3701.63, 3701.64, 3719.01, 3719.061, 4715.14, 4715.30, 4723.28, 4723.481, 4723.486, 4725.16, 4725.19, 4729.12, 4729.16, 4729.18, 4729.85, 4729.86,

4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 4773.03, 4773.08, 3891
5165.08, 5165.513, 5165.515, and 5165.99 and sections 4715.15, 3892
4723.433, 4730.093, and 4731.77 of the Revised Code are hereby 3893
repealed. 3894

Section 3. That the versions of sections 4715.30, 4715.302, 3895
4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, 3896
and 4731.22 of the Revised Code that are scheduled to take effect 3897
April 1, 2015, be amended to read as follows: 3898

Sec. 4715.30. (A) An applicant for or holder of a certificate 3899
or license issued under this chapter is subject to disciplinary 3900
action by the state dental board for any of the following reasons: 3901
3902

(1) Employing or cooperating in fraud or material deception 3903
in applying for or obtaining a license or certificate; 3904

(2) Obtaining or attempting to obtain money or anything of 3905
value by intentional misrepresentation or material deception in 3906
the course of practice; 3907

(3) Advertising services in a false or misleading manner or 3908
violating the board's rules governing time, place, and manner of 3909
advertising; 3910

(4) Commission of an act that constitutes a felony in this 3911
state, regardless of the jurisdiction in which the act was 3912
committed; 3913

(5) Commission of an act in the course of practice that 3914
constitutes a misdemeanor in this state, regardless of the 3915
jurisdiction in which the act was committed; 3916

(6) Conviction of, a plea of guilty to, a judicial finding of 3917
guilt of, a judicial finding of guilt resulting from a plea of no 3918
contest to, or a judicial finding of eligibility for intervention 3919

in lieu of conviction for, any felony or of a misdemeanor	3920
committed in the course of practice;	3921
(7) Engaging in lewd or immoral conduct in connection with	3922
the provision of dental services;	3923
(8) Selling, prescribing, giving away, or administering drugs	3924
for other than legal and legitimate therapeutic purposes, or	3925
conviction of, a plea of guilty to, a judicial finding of guilt	3926
of, a judicial finding of guilt resulting from a plea of no	3927
contest to, or a judicial finding of eligibility for intervention	3928
in lieu of conviction for, a violation of any federal or state law	3929
regulating the possession, distribution, or use of any drug;	3930
(9) Providing or allowing dental hygienists, expanded	3931
function dental auxiliaries, or other practitioners of auxiliary	3932
dental occupations working under the certificate or license	3933
holder's supervision, or a dentist holding a temporary limited	3934
continuing education license under division (C) of section 4715.16	3935
of the Revised Code working under the certificate or license	3936
holder's direct supervision, to provide dental care that departs	3937
from or fails to conform to accepted standards for the profession,	3938
whether or not injury to a patient results;	3939
(10) Inability to practice under accepted standards of the	3940
profession because of physical or mental disability, dependence on	3941
alcohol or other drugs, or excessive use of alcohol or other	3942
drugs;	3943
(11) Violation of any provision of this chapter or any rule	3944
adopted thereunder;	3945
(12) Failure to use universal blood and body fluid	3946
precautions established by rules adopted under section 4715.03 of	3947
the Revised Code;	3948
(13) Except as provided in division (H) of this section,	3949
either of the following:	3950

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

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

(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

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

(16) Failure to cooperate in an investigation conducted by the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a

subpoena or permits the individual to withhold the testimony or 3983
evidence in issue; 3984

(17) Failure to comply with the requirements in section 3985
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 3986
prescription for ~~a controlled substance containing~~ an opioid 3987
analgesic, as defined in section 3719.01 of the Revised Code. 3988

(B) A manager, proprietor, operator, or conductor of a dental 3989
facility shall be subject to disciplinary action if any dentist, 3990
dental hygienist, expanded function dental auxiliary, or qualified 3991
personnel providing services in the facility is found to have 3992
committed a violation listed in division (A) of this section and 3993
the manager, proprietor, operator, or conductor knew of the 3994
violation and permitted it to occur on a recurring basis. 3995

(C) Subject to Chapter 119. of the Revised Code, the board 3996
may take one or more of the following disciplinary actions if one 3997
or more of the grounds for discipline listed in divisions (A) and 3998
(B) of this section exist: 3999

(1) Censure the license or certificate holder; 4000

(2) Place the license or certificate on probationary status 4001
for such period of time the board determines necessary and require 4002
the holder to: 4003

(a) Report regularly to the board upon the matters which are 4004
the basis of probation; 4005

(b) Limit practice to those areas specified by the board; 4006

(c) Continue or renew professional education until a 4007
satisfactory degree of knowledge or clinical competency has been 4008
attained in specified areas. 4009

(3) Suspend the certificate or license; 4010

(4) Revoke the certificate or license. 4011

Where the board places a holder of a license or certificate 4012

on probationary status pursuant to division (C)(2) of this 4013
section, the board may subsequently suspend or revoke the license 4014
or certificate if it determines that the holder has not met the 4015
requirements of the probation or continues to engage in activities 4016
that constitute grounds for discipline pursuant to division (A) or 4017
(B) of this section. 4018

Any order suspending a license or certificate shall state the 4019
conditions under which the license or certificate will be 4020
restored, which may include a conditional restoration during which 4021
time the holder is in a probationary status pursuant to division 4022
(C)(2) of this section. The board shall restore the license or 4023
certificate unconditionally when such conditions are met. 4024

(D) If the physical or mental condition of an applicant or a 4025
license or certificate holder is at issue in a disciplinary 4026
proceeding, the board may order the license or certificate holder 4027
to submit to reasonable examinations by an individual designated 4028
or approved by the board and at the board's expense. The physical 4029
examination may be conducted by any individual authorized by the 4030
Revised Code to do so, including a physician assistant, a clinical 4031
nurse specialist, a certified nurse practitioner, or a certified 4032
nurse-midwife. Any written documentation of the physical 4033
examination shall be completed by the individual who conducted the 4034
examination. 4035

Failure to comply with an order for an examination shall be 4036
grounds for refusal of a license or certificate or summary 4037
suspension of a license or certificate under division (E) of this 4038
section. 4039

(E) If a license or certificate holder has failed to comply 4040
with an order under division (D) of this section, the board may 4041
apply to the court of common pleas of the county in which the 4042
holder resides for an order temporarily suspending the holder's 4043
license or certificate, without a prior hearing being afforded by 4044

the board, until the board conducts an adjudication hearing 4045
pursuant to Chapter 119. of the Revised Code. If the court 4046
temporarily suspends a holder's license or certificate, the board 4047
shall give written notice of the suspension personally or by 4048
certified mail to the license or certificate holder. Such notice 4049
shall inform the license or certificate holder of the right to a 4050
hearing pursuant to Chapter 119. of the Revised Code. 4051

(F) Any holder of a certificate or license issued under this 4052
chapter who has pleaded guilty to, has been convicted of, or has 4053
had a judicial finding of eligibility for intervention in lieu of 4054
conviction entered against the holder in this state for aggravated 4055
murder, murder, voluntary manslaughter, felonious assault, 4056
kidnapping, rape, sexual battery, gross sexual imposition, 4057
aggravated arson, aggravated robbery, or aggravated burglary, or 4058
who has pleaded guilty to, has been convicted of, or has had a 4059
judicial finding of eligibility for treatment or intervention in 4060
lieu of conviction entered against the holder in another 4061
jurisdiction for any substantially equivalent criminal offense, is 4062
automatically suspended from practice under this chapter in this 4063
state and any certificate or license issued to the holder under 4064
this chapter is automatically suspended, as of the date of the 4065
guilty plea, conviction, or judicial finding, whether the 4066
proceedings are brought in this state or another jurisdiction. 4067
Continued practice by an individual after the suspension of the 4068
individual's certificate or license under this division shall be 4069
considered practicing without a certificate or license. The board 4070
shall notify the suspended individual of the suspension of the 4071
individual's certificate or license under this division by 4072
certified mail or in person in accordance with section 119.07 of 4073
the Revised Code. If an individual whose certificate or license is 4074
suspended under this division fails to make a timely request for 4075
an adjudicatory hearing, the board shall enter a final order 4076
revoking the individual's certificate or license. 4077

(G) If the supervisory investigative panel determines both of 4078
the following, the panel may recommend that the board suspend an 4079
individual's certificate or license without a prior hearing: 4080

(1) That there is clear and convincing evidence that an 4081
individual has violated division (A) of this section; 4082

(2) That the individual's continued practice presents a 4083
danger of immediate and serious harm to the public. 4084

Written allegations shall be prepared for consideration by 4085
the board. The board, upon review of those allegations and by an 4086
affirmative vote of not fewer than four dentist members of the 4087
board and seven of its members in total, excluding any member on 4088
the supervisory investigative panel, may suspend a certificate or 4089
license without a prior hearing. A telephone conference call may 4090
be utilized for reviewing the allegations and taking the vote on 4091
the summary suspension. 4092

The board shall issue a written order of suspension by 4093
certified mail or in person in accordance with section 119.07 of 4094
the Revised Code. The order shall not be subject to suspension by 4095
the court during pendency or any appeal filed under section 119.12 4096
of the Revised Code. If the individual subject to the summary 4097
suspension requests an adjudicatory hearing by the board, the date 4098
set for the hearing shall be within fifteen days, but not earlier 4099
than seven days, after the individual requests the hearing, unless 4100
otherwise agreed to by both the board and the individual. 4101

Any summary suspension imposed under this division shall 4102
remain in effect, unless reversed on appeal, until a final 4103
adjudicative order issued by the board pursuant to this section 4104
and Chapter 119. of the Revised Code becomes effective. The board 4105
shall issue its final adjudicative order within seventy-five days 4106
after completion of its hearing. A failure to issue the order 4107
within seventy-five days shall result in dissolution of the 4108

summary suspension order but shall not invalidate any subsequent, 4109
final adjudicative order. 4110

(H) Sanctions shall not be imposed under division (A)(13) of 4111
this section against any certificate or license holder who waives 4112
deductibles and copayments as follows: 4113

(1) In compliance with the health benefit plan that expressly 4114
allows such a practice. Waiver of the deductibles or copayments 4115
shall be made only with the full knowledge and consent of the plan 4116
purchaser, payer, and third-party administrator. Documentation of 4117
the consent shall be made available to the board upon request. 4118

(2) For professional services rendered to any other person 4119
who holds a certificate or license issued pursuant to this chapter 4120
to the extent allowed by this chapter and the rules of the board. 4121

(I) In no event shall the board consider or raise during a 4122
hearing required by Chapter 119. of the Revised Code the 4123
circumstances of, or the fact that the board has received, one or 4124
more complaints about a person unless the one or more complaints 4125
are the subject of the hearing or resulted in the board taking an 4126
action authorized by this section against the person on a prior 4127
occasion. 4128

(J) The board may share any information it receives pursuant 4129
to an investigation under division (D) of section 4715.03 of the 4130
Revised Code, including patient records and patient record 4131
information, with law enforcement agencies, other licensing 4132
boards, and other governmental agencies that are prosecuting, 4133
adjudicating, or investigating alleged violations of statutes or 4134
administrative rules. An agency or board that receives the 4135
information shall comply with the same requirements regarding 4136
confidentiality as those with which the state dental board must 4137
comply, notwithstanding any conflicting provision of the Revised 4138
Code or procedure of the agency or board that applies when it is 4139

dealing with other information in its possession. In a judicial 4140
proceeding, the information may be admitted into evidence only in 4141
accordance with the Rules of Evidence, but the court shall require 4142
that appropriate measures are taken to ensure that confidentiality 4143
is maintained with respect to any part of the information that 4144
contains names or other identifying information about patients or 4145
complainants whose confidentiality was protected by the state 4146
dental board when the information was in the board's possession. 4147
Measures to ensure confidentiality that may be taken by the court 4148
include sealing its records or deleting specific information from 4149
its records. 4150

Sec. 4715.302. (A) As used in this section, ~~"drug:~~ 4151

(1) "Drug database" means the database established and 4152
maintained by the state board of pharmacy pursuant to section 4153
4729.75 of the Revised Code. 4154

(2) "Opioid analgesic" and "benzodiazepine" have the same 4155
meanings as in section 3719.01 of the Revised Code. 4156

(B) Except as provided in divisions (C) and (E) of this 4157
section, a dentist shall comply with all of the following as 4158
conditions of prescribing a drug that is either an opioid 4159
analgesic or a benzodiazepine, or personally furnishing a complete 4160
or partial supply of such a drug, as part of a patient's course of 4161
treatment for a particular condition: 4162

(1) Before initially prescribing or furnishing the drug, the 4163
dentist or the dentist's delegate shall request from the drug 4164
database a report of information related to the patient that 4165
covers at least the twelve months immediately preceding the date 4166
of the request. If the dentist practices primarily in a county of 4167
this state that adjoins another state, the dentist or delegate 4168
also shall request a report of any information available in the 4169
drug database that pertains to prescriptions issued or drugs 4170

furnished to the patient in the state adjoining that county. 4171

(2) If the patient's course of treatment for the condition 4172
continues for more than ninety days after the initial report is 4173
requested, the dentist or delegate shall make periodic requests 4174
for reports of information from the drug database until the course 4175
of treatment has ended. The requests shall be made at intervals 4176
not exceeding ninety days, determined according to the date the 4177
initial request was made. The request shall be made in the same 4178
manner provided in division (B)(1) of this section for requesting 4179
the initial report of information from the drug database. 4180

(3) On receipt of a report under division (B)(1) or (2) of 4181
this section, the dentist shall assess the information in the 4182
report. The dentist shall document in the patient's record that 4183
the report was received and the information was assessed. 4184

(C)(1) Division (B) of this section does not apply if a drug 4185
database report regarding the patient is not available. In this 4186
event, the dentist shall document in the patient's record the 4187
reason that the report is not available. 4188

(2) Division (B) of this section does not apply if the drug 4189
is prescribed or personally furnished in an amount indicated for a 4190
period not to exceed seven days. 4191

(D) ~~With respect to prescribing or personally furnishing any~~ 4192
~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 4193
~~included in the drug database pursuant to rules adopted under~~ 4194
~~section 4729.84 of the Revised Code, the~~ The state dental board 4195
~~shall~~ may adopt rules that establish standards and procedures to 4196
be followed by a dentist regarding the review of patient 4197
information available through the drug database under division 4198
(A)(5) of section 4729.80 of the Revised Code. The rules shall be 4199
adopted in accordance with Chapter 119. of the Revised Code. 4200

(E) This section and ~~the~~ any rules adopted under it do not 4201

apply if the state board of pharmacy no longer maintains the drug 4202
database. 4203

Sec. 4723.28. (A) The board of nursing, by a vote of a 4204
quorum, may impose one or more of the following sanctions if it 4205
finds that a person committed fraud in passing an examination 4206
required to obtain a license, certificate of authority, or 4207
dialysis technician certificate issued by the board or to have 4208
committed fraud, misrepresentation, or deception in applying for 4209
or securing any nursing license, certificate of authority, or 4210
dialysis technician certificate issued by the board: deny, revoke, 4211
suspend, or place restrictions on any nursing license, certificate 4212
of authority, or dialysis technician certificate issued by the 4213
board; reprimand or otherwise discipline a holder of a nursing 4214
license, certificate of authority, or dialysis technician 4215
certificate; or impose a fine of not more than five hundred 4216
dollars per violation. 4217

(B) The board of nursing, by a vote of a quorum, may impose 4218
one or more of the following sanctions: deny, revoke, suspend, or 4219
place restrictions on any nursing license, certificate of 4220
authority, or dialysis technician certificate issued by the board; 4221
reprimand or otherwise discipline a holder of a nursing license, 4222
certificate of authority, or dialysis technician certificate; or 4223
impose a fine of not more than five hundred dollars per violation. 4224
The sanctions may be imposed for any of the following: 4225

(1) Denial, revocation, suspension, or restriction of 4226
authority to engage in a licensed profession or practice a health 4227
care occupation, including nursing or practice as a dialysis 4228
technician, for any reason other than a failure to renew, in Ohio 4229
or another state or jurisdiction; 4230

(2) Engaging in the practice of nursing or engaging in 4231
practice as a dialysis technician, having failed to renew a 4232

nursing license or dialysis technician certificate issued under 4233
this chapter, or while a nursing license or dialysis technician 4234
certificate is under suspension; 4235

(3) Conviction of, a plea of guilty to, a judicial finding of 4236
guilt of, a judicial finding of guilt resulting from a plea of no 4237
contest to, or a judicial finding of eligibility for a pretrial 4238
diversion or similar program or for intervention in lieu of 4239
conviction for, a misdemeanor committed in the course of practice; 4240

(4) Conviction of, a plea of guilty to, a judicial finding of 4241
guilt of, a judicial finding of guilt resulting from a plea of no 4242
contest to, or a judicial finding of eligibility for a pretrial 4243
diversion or similar program or for intervention in lieu of 4244
conviction for, any felony or of any crime involving gross 4245
immorality or moral turpitude; 4246

(5) Selling, giving away, or administering drugs or 4247
therapeutic devices for other than legal and legitimate 4248
therapeutic purposes; or conviction of, a plea of guilty to, a 4249
judicial finding of guilt of, a judicial finding of guilt 4250
resulting from a plea of no contest to, or a judicial finding of 4251
eligibility for a pretrial diversion or similar program or for 4252
intervention in lieu of conviction for, violating any municipal, 4253
state, county, or federal drug law; 4254

(6) Conviction of, a plea of guilty to, a judicial finding of 4255
guilt of, a judicial finding of guilt resulting from a plea of no 4256
contest to, or a judicial finding of eligibility for a pretrial 4257
diversion or similar program or for intervention in lieu of 4258
conviction for, an act in another jurisdiction that would 4259
constitute a felony or a crime of moral turpitude in Ohio; 4260

(7) Conviction of, a plea of guilty to, a judicial finding of 4261
guilt of, a judicial finding of guilt resulting from a plea of no 4262
contest to, or a judicial finding of eligibility for a pretrial 4263

diversion or similar program or for intervention in lieu of 4264
conviction for, an act in the course of practice in another 4265
jurisdiction that would constitute a misdemeanor in Ohio; 4266

(8) Self-administering or otherwise taking into the body any 4267
dangerous drug, as defined in section 4729.01 of the Revised Code, 4268
in any way that is not in accordance with a legal, valid 4269
prescription issued for that individual, or self-administering or 4270
otherwise taking into the body any drug that is a schedule I 4271
controlled substance; 4272

(9) Habitual or excessive use of controlled substances, other 4273
habit-forming drugs, or alcohol or other chemical substances to an 4274
extent that impairs the individual's ability to provide safe 4275
nursing care or safe dialysis care; 4276

(10) Impairment of the ability to practice according to 4277
acceptable and prevailing standards of safe nursing care or safe 4278
dialysis care because of the use of drugs, alcohol, or other 4279
chemical substances; 4280

(11) Impairment of the ability to practice according to 4281
acceptable and prevailing standards of safe nursing care or safe 4282
dialysis care because of a physical or mental disability; 4283

(12) Assaulting or causing harm to a patient or depriving a 4284
patient of the means to summon assistance; 4285

(13) Misappropriation or attempted misappropriation of money 4286
or anything of value in the course of practice; 4287

(14) Adjudication by a probate court of being mentally ill or 4288
mentally incompetent. The board may reinstate the person's nursing 4289
license or dialysis technician certificate upon adjudication by a 4290
probate court of the person's restoration to competency or upon 4291
submission to the board of other proof of competency. 4292

(15) The suspension or termination of employment by the 4293

department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	4294 4295
(16) Violation of this chapter or any rules adopted under it;	4296
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	4297 4298
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	4299 4300 4301
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	4302 4303
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	4304 4305 4306
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	4307 4308 4309
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	4310 4311 4312
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	4313 4314 4315
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, except as provided in division (M) of this section, either of the following:	4316 4317 4318 4319
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an	4320 4321 4322 4323

enticement to a patient or group of patients to receive health 4324
care services from that provider; 4325

(b) Advertising that the nurse will waive the payment of all 4326
or any part of a deductible or copayment that a patient, pursuant 4327
to a health insurance or health care policy, contract, or plan 4328
that covers such nursing services, would otherwise be required to 4329
pay. 4330

(25) Failure to comply with the terms and conditions of 4331
participation in the chemical dependency monitoring program 4332
established under section 4723.35 of the Revised Code; 4333

(26) Failure to comply with the terms and conditions required 4334
under the practice intervention and improvement program 4335
established under section 4723.282 of the Revised Code; 4336

(27) In the case of a certified registered nurse anesthetist, 4337
clinical nurse specialist, certified nurse-midwife, or certified 4338
nurse practitioner: 4339

(a) Engaging in activities that exceed those permitted for 4340
the nurse's nursing specialty under section 4723.43 of the Revised 4341
Code; 4342

(b) Failure to meet the quality assurance standards 4343
established under section 4723.07 of the Revised Code. 4344

(28) In the case of a clinical nurse specialist, certified 4345
nurse-midwife, or certified nurse practitioner, failure to 4346
maintain a standard care arrangement in accordance with section 4347
4723.431 of the Revised Code or to practice in accordance with the 4348
standard care arrangement; 4349

(29) In the case of a clinical nurse specialist, certified 4350
nurse-midwife, or certified nurse practitioner who holds a 4351
certificate to prescribe issued under section 4723.48 of the 4352
Revised Code, failure to prescribe drugs and therapeutic devices 4353

in accordance with section 4723.481 of the Revised Code; 4354

(30) Prescribing any drug or device to perform or induce an 4355
abortion, or otherwise performing or inducing an abortion; 4356

(31) Failure to establish and maintain professional 4357
boundaries with a patient, as specified in rules adopted under 4358
section 4723.07 of the Revised Code; 4359

(32) Regardless of whether the contact or verbal behavior is 4360
consensual, engaging with a patient other than the spouse of the 4361
registered nurse, licensed practical nurse, or dialysis technician 4362
in any of the following: 4363

(a) Sexual contact, as defined in section 2907.01 of the 4364
Revised Code; 4365

(b) Verbal behavior that is sexually demeaning to the patient 4366
or may be reasonably interpreted by the patient as sexually 4367
demeaning. 4368

(33) Assisting suicide, as defined in section 3795.01 of the 4369
Revised Code; 4370

(34) Failure to comply with the requirements in section 4371
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4372
prescription for ~~a controlled substance containing~~ an opioid- 4373
analgesic, as defined in section 3719.01 of the Revised Code; 4374

~~(34)~~(35) Failure to comply with section 4723.487 of the 4375
Revised Code, unless the state board of pharmacy no longer 4376
maintains a drug database pursuant to section 4729.75 of the 4377
Revised Code. 4378

(C) Disciplinary actions taken by the board under divisions 4379
(A) and (B) of this section shall be taken pursuant to an 4380
adjudication conducted under Chapter 119. of the Revised Code, 4381
except that in lieu of a hearing, the board may enter into a 4382
consent agreement with an individual to resolve an allegation of a 4383

violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

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

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

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the

registered nurse, licensed practical nurse, or dialysis technician 4416
had been convicted of the act. 4417

If the board takes action on the basis of a conviction, plea, 4418
or a judicial finding as described in divisions (B)(3) to (7) of 4419
this section that is overturned on appeal, the registered nurse, 4420
licensed practical nurse, or dialysis technician may, on 4421
exhaustion of the appeal process, petition the board for 4422
reconsideration of its action. On receipt of the petition and 4423
supporting court documents, the board shall temporarily rescind 4424
its action. If the board determines that the decision on appeal 4425
was a decision on the merits, it shall permanently rescind its 4426
action. If the board determines that the decision on appeal was 4427
not a decision on the merits, it shall conduct an adjudication to 4428
determine whether the registered nurse, licensed practical nurse, 4429
or dialysis technician committed the act on which the original 4430
conviction, plea, or judicial finding was based. If the board 4431
determines on the basis of the adjudication that the registered 4432
nurse, licensed practical nurse, or dialysis technician committed 4433
such act, or if the registered nurse, licensed practical nurse, or 4434
dialysis technician does not request an adjudication, the board 4435
shall reinstate its action; otherwise, the board shall permanently 4436
rescind its action. 4437

Notwithstanding the provision of division (C)(2) of section 4438
2953.32 of the Revised Code specifying that if records pertaining 4439
to a criminal case are sealed under that section the proceedings 4440
in the case shall be deemed not to have occurred, sealing of the 4441
following records on which the board has based an action under 4442
this section shall have no effect on the board's action or any 4443
sanction imposed by the board under this section: records of any 4444
conviction, guilty plea, judicial finding of guilt resulting from 4445
a plea of no contest, or a judicial finding of eligibility for a 4446
pretrial diversion program or intervention in lieu of conviction. 4447

The board shall not be required to seal, destroy, redact, or 4448
otherwise modify its records to reflect the court's sealing of 4449
conviction records. 4450

(F) The board may investigate an individual's criminal 4451
background in performing its duties under this section. As part of 4452
such investigation, the board may order the individual to submit, 4453
at the individual's expense, a request to the bureau of criminal 4454
identification and investigation for a criminal records check and 4455
check of federal bureau of investigation records in accordance 4456
with the procedure described in section 4723.091 of the Revised 4457
Code. 4458

(G) During the course of an investigation conducted under 4459
this section, the board may compel any registered nurse, licensed 4460
practical nurse, or dialysis technician or applicant under this 4461
chapter to submit to a mental or physical examination, or both, as 4462
required by the board and at the expense of the individual, if the 4463
board finds reason to believe that the individual under 4464
investigation may have a physical or mental impairment that may 4465
affect the individual's ability to provide safe nursing care. 4466
Failure of any individual to submit to a mental or physical 4467
examination when directed constitutes an admission of the 4468
allegations, unless the failure is due to circumstances beyond the 4469
individual's control, and a default and final order may be entered 4470
without the taking of testimony or presentation of evidence. 4471

If the board finds that an individual is impaired, the board 4472
shall require the individual to submit to care, counseling, or 4473
treatment approved or designated by the board, as a condition for 4474
initial, continued, reinstated, or renewed authority to practice. 4475
The individual shall be afforded an opportunity to demonstrate to 4476
the board that the individual can begin or resume the individual's 4477
occupation in compliance with acceptable and prevailing standards 4478
of care under the provisions of the individual's authority to 4479

practice. 4480

For purposes of this division, any registered nurse, licensed 4481
practical nurse, or dialysis technician or applicant under this 4482
chapter shall be deemed to have given consent to submit to a 4483
mental or physical examination when directed to do so in writing 4484
by the board, and to have waived all objections to the 4485
admissibility of testimony or examination reports that constitute 4486
a privileged communication. 4487

(H) The board shall investigate evidence that appears to show 4488
that any person has violated any provision of this chapter or any 4489
rule of the board. Any person may report to the board any 4490
information the person may have that appears to show a violation 4491
of any provision of this chapter or rule of the board. In the 4492
absence of bad faith, any person who reports such information or 4493
who testifies before the board in any adjudication conducted under 4494
Chapter 119. of the Revised Code shall not be liable for civil 4495
damages as a result of the report or testimony. 4496

(I) All of the following apply under this chapter with 4497
respect to the confidentiality of information: 4498

(1) Information received by the board pursuant to a complaint 4499
or an investigation is confidential and not subject to discovery 4500
in any civil action, except that the board may disclose 4501
information to law enforcement officers and government entities 4502
for purposes of an investigation of either a licensed health care 4503
professional, including a registered nurse, licensed practical 4504
nurse, or dialysis technician, or a person who may have engaged in 4505
the unauthorized practice of nursing or dialysis care. No law 4506
enforcement officer or government entity with knowledge of any 4507
information disclosed by the board pursuant to this division shall 4508
divulge the information to any other person or government entity 4509
except for the purpose of a government investigation, a 4510
prosecution, or an adjudication by a court or government entity. 4511

(2) If an investigation requires a review of patient records, 4512
the investigation and proceeding shall be conducted in such a 4513
manner as to protect patient confidentiality. 4514

(3) All adjudications and investigations of the board shall 4515
be considered civil actions for the purposes of section 2305.252 4516
of the Revised Code. 4517

(4) Any board activity that involves continued monitoring of 4518
an individual as part of or following any disciplinary action 4519
taken under this section shall be conducted in a manner that 4520
maintains the individual's confidentiality. Information received 4521
or maintained by the board with respect to the board's monitoring 4522
activities is not subject to discovery in any civil action and is 4523
confidential, except that the board may disclose information to 4524
law enforcement officers and government entities for purposes of 4525
an investigation of a licensee or certificate holder. 4526

(J) Any action taken by the board under this section 4527
resulting in a suspension from practice shall be accompanied by a 4528
written statement of the conditions under which the person may be 4529
reinstated to practice. 4530

(K) When the board refuses to grant a license or certificate 4531
to an applicant, revokes a license or certificate, or refuses to 4532
reinstate a license or certificate, the board may specify that its 4533
action is permanent. An individual subject to permanent action 4534
taken by the board is forever ineligible to hold a license or 4535
certificate of the type that was refused or revoked and the board 4536
shall not accept from the individual an application for 4537
reinstatement of the license or certificate or for a new license 4538
or certificate. 4539

(L) No unilateral surrender of a nursing license, certificate 4540
of authority, or dialysis technician certificate issued under this 4541
chapter shall be effective unless accepted by majority vote of the 4542

board. No application for a nursing license, certificate of 4543
authority, or dialysis technician certificate issued under this 4544
chapter may be withdrawn without a majority vote of the board. The 4545
board's jurisdiction to take disciplinary action under this 4546
section is not removed or limited when an individual has a license 4547
or certificate classified as inactive or fails to renew a license 4548
or certificate. 4549

(M) Sanctions shall not be imposed under division (B)(24) of 4550
this section against any licensee who waives deductibles and 4551
copayments as follows: 4552

(1) In compliance with the health benefit plan that expressly 4553
allows such a practice. Waiver of the deductibles or copayments 4554
shall be made only with the full knowledge and consent of the plan 4555
purchaser, payer, and third-party administrator. Documentation of 4556
the consent shall be made available to the board upon request. 4557

(2) For professional services rendered to any other person 4558
licensed pursuant to this chapter to the extent allowed by this 4559
chapter and the rules of the board. 4560

Sec. 4723.487. (A) As used in this section, ~~"drug:~~ 4561

(1) "Drug database" means the database established and 4562
maintained by the state board of pharmacy pursuant to section 4563
4729.75 of the Revised Code. 4564

(2) "Opioid analgesic" and "benzodiazepine" have the same 4565
meanings as in section 3719.01 of the Revised Code. 4566

(B) Except as provided in divisions (C) and (E) of this 4567
section, an advanced practice registered nurse holding a 4568
certificate to prescribe issued under this chapter shall comply 4569
with all of the following as conditions of prescribing a drug that 4570
is either an opioid analgesic or a benzodiazepine as part of a 4571
patient's course of treatment for a particular condition: 4572

(1) Before initially prescribing the drug, the nurse or the nurse's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the nurse practices primarily in a county of this state that adjoins another state, the nurse or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the nurse or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of this section, the nurse shall assess the information in the report. The nurse shall document in the patient's record that the report was received and the information was assessed.

(C) Division (B) of this section does not apply if in any of the following circumstances:

(1) A drug database report regarding the patient is not available, in which case the nurse shall document in the patient's record the reason that the report is not available.

(2) The drug is prescribed in an amount indicated for a period not to exceed seven days.

(3) The drug is prescribed for the treatment of cancer or another condition associated with cancer.

(4) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill.

(5) The drug is prescribed for administration in a hospital, nursing home, or residential care facility.

~~(D) With respect to prescribing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the~~ The board of nursing shall may adopt rules, in accordance with Chapter 119. of the Revised Code, that establish standards and procedures to be followed by an advanced practice registered nurse with a certificate to prescribe issued under section 4723.48 of the Revised Code regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) This section and ~~the~~ any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

Sec. 4725.092. (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

~~(B) Except as provided in divisions (C) and (E) of this section, an optometrist holding a therapeutic pharmaceutical agents certificate shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:~~

~~(1) Before initially prescribing or furnishing the drug, the optometrist or the optometrist's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the optometrist practices primarily in a county of this state that adjoins another state, the optometrist or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.~~

~~(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the optometrist or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.~~

~~(3) On receipt of a report under division (B)(1) or (2) of this section, the optometrist shall assess the information in the report. The optometrist shall document in the patient's record that the report was received and the information was assessed.~~

~~(C)(1) Division (B) of this section does not apply if a drug database report regarding the patient is not available. In this event, the optometrist shall document in the patient's record the reason that the report is not available.~~

~~(2) Division (B) of this section does not apply if the drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days.~~

~~(D) With respect to prescribing or personally furnishing any~~

~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 4665
~~included in the drug database pursuant to rules adopted under~~ 4666
~~section 4729.84 of the Revised Code, the~~ The state board of 4667
optometry shall adopt rules that establish standards and 4668
procedures to be followed by an optometrist who holds a 4669
therapeutic pharmaceutical agents certificate regarding the review 4670
of patient information available through the drug database under 4671
division (A)(5) of section 4729.80 of the Revised Code. The rules 4672
shall be adopted in accordance with Chapter 119. of the Revised 4673
Code. 4674

~~(E)(C)~~ This section and the rules adopted under it do not 4675
apply if the state board of pharmacy no longer maintains the drug 4676
database. 4677

Sec. 4725.19. (A) In accordance with Chapter 119. of the 4678
Revised Code and by an affirmative vote of a majority of its 4679
members, the state board of optometry, for any of the reasons 4680
specified in division (B) of this section, shall refuse to grant a 4681
certificate of licensure to an applicant and may, with respect to 4682
a licensed optometrist, do one or more of the following: 4683

(1) Suspend the operation of any certificate of licensure, 4684
topical ocular pharmaceutical agents certificate, or therapeutic 4685
pharmaceutical agents certificate, or all certificates granted by 4686
it to the optometrist; 4687

(2) Permanently revoke any or all of the certificates; 4688

(3) Limit or otherwise place restrictions on any or all of 4689
the certificates; 4690

(4) Reprimand the optometrist; 4691

(5) Impose a monetary penalty. If the reason for which the 4692
board is imposing the penalty involves a criminal offense that 4693
carries a fine under the Revised Code, the penalty shall not 4694

exceed the maximum fine that may be imposed for the criminal 4695
offense. In any other case, the penalty imposed by the board shall 4696
not exceed five hundred dollars. 4697

(6) Require the optometrist to take corrective action 4698
courses. 4699

The amount and content of corrective action courses shall be 4700
established by the board in rules adopted under section 4725.09 of 4701
the Revised Code. 4702

(B) The sanctions specified in division (A) of this section 4703
may be taken by the board for any of the following reasons: 4704

(1) Committing fraud in passing the licensing examination or 4705
making false or purposely misleading statements in an application 4706
for a certificate of licensure; 4707

(2) Being at any time guilty of immorality, regardless of the 4708
jurisdiction in which the act was committed; 4709

(3) Being guilty of dishonesty or unprofessional conduct in 4710
the practice of optometry; 4711

(4) Being at any time guilty of a felony, regardless of the 4712
jurisdiction in which the act was committed; 4713

(5) Being at any time guilty of a misdemeanor committed in 4714
the course of practice, regardless of the jurisdiction in which 4715
the act was committed; 4716

(6) Violating the conditions of any limitation or other 4717
restriction placed by the board on any certificate issued by the 4718
board; 4719

(7) Engaging in the practice of optometry as provided in 4720
division (A)(1), (2), or (3) of section 4725.01 of the Revised 4721
Code when the certificate authorizing that practice is under 4722
suspension, in which case the board shall permanently revoke the 4723
certificate; 4724

- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 4725
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 4729
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- (10) Failing to maintain comprehensive patient records; 4734
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 4735
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry; 4738
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- (13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted; 4743
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- (14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code; 4747
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- (15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist; 4750
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- ~~(16) Failing to comply with section 4725.092 of the Revised Code, unless the state board of pharmacy no longer maintains a~~ 4753
4754

~~drug database pursuant to section 4729.75 of the Revised Code;~~ 4755

~~(17)~~ Except as provided in division (D) of this section: 4756

(a) Waiving the payment of all or any part of a deductible or 4757
copayment that a patient, pursuant to a health insurance or health 4758
care policy, contract, or plan that covers optometric services, 4759
would otherwise be required to pay if the waiver is used as an 4760
enticement to a patient or group of patients to receive health 4761
care services from that optometrist. 4762

(b) Advertising that the optometrist will waive the payment 4763
of all or any part of a deductible or copayment that a patient, 4764
pursuant to a health insurance or health care policy, contract, or 4765
plan that covers optometric services, would otherwise be required 4766
to pay. 4767

(17) Failing to comply with the requirements in section 4768
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4769
prescription for ~~a controlled substance containing an analgesic~~ 4770
controlled substance authorized pursuant to section 4725.091 of 4771
the Revised Code that is an opioid analgesic, as defined in 4772
section 3719.01 of the Revised Code. 4773

(C) Any person who is the holder of a certificate of 4774
licensure, or who is an applicant for a certificate of licensure 4775
against whom is preferred any charges, shall be furnished by the 4776
board with a copy of the complaint and shall have a hearing before 4777
the board in accordance with Chapter 119. of the Revised Code. 4778

(D) Sanctions shall not be imposed under division (B)(17) of 4779
this section against any optometrist who waives deductibles and 4780
copayments: 4781

(1) In compliance with the health benefit plan that expressly 4782
allows such a practice. Waiver of the deductibles or copayments 4783
shall be made only with the full knowledge and consent of the plan 4784
purchaser, payer, and third-party administrator. Documentation of 4785

the consent shall be made available to the board upon request. 4786

(2) For professional services rendered to any other 4787
optometrist licensed by the board, to the extent allowed by 4788
sections 4725.01 to 4725.34 of the Revised Code and the rules of 4789
the board. 4790

Sec. 4730.25. (A) The state medical board, by an affirmative 4791
vote of not fewer than six members, may revoke or may refuse to 4792
grant a certificate to practice as a physician assistant or a 4793
certificate to prescribe to a person found by the board to have 4794
committed fraud, misrepresentation, or deception in applying for 4795
or securing the certificate. 4796

(B) The board, by an affirmative vote of not fewer than six 4797
members, shall, to the extent permitted by law, limit, revoke, or 4798
suspend an individual's certificate to practice as a physician 4799
assistant or certificate to prescribe, refuse to issue a 4800
certificate to an applicant, refuse to reinstate a certificate, or 4801
reprimand or place on probation the holder of a certificate for 4802
any of the following reasons: 4803

(1) Failure to practice in accordance with the conditions 4804
under which the supervising physician's supervision agreement with 4805
the physician assistant was approved, including the requirement 4806
that when practicing under a particular supervising physician, the 4807
physician assistant must practice only according to the physician 4808
supervisory plan the board approved for that physician or the 4809
policies of the health care facility in which the supervising 4810
physician and physician assistant are practicing; 4811

(2) Failure to comply with the requirements of this chapter, 4812
Chapter 4731. of the Revised Code, or any rules adopted by the 4813
board; 4814

(3) Violating or attempting to violate, directly or 4815

indirectly, or assisting in or abetting the violation of, or 4816
conspiring to violate, any provision of this chapter, Chapter 4817
4731. of the Revised Code, or the rules adopted by the board; 4818

(4) Inability to practice according to acceptable and 4819
prevailing standards of care by reason of mental illness or 4820
physical illness, including physical deterioration that adversely 4821
affects cognitive, motor, or perceptive skills; 4822

(5) Impairment of ability to practice according to acceptable 4823
and prevailing standards of care because of habitual or excessive 4824
use or abuse of drugs, alcohol, or other substances that impair 4825
ability to practice; 4826

(6) Administering drugs for purposes other than those 4827
authorized under this chapter; 4828

(7) Willfully betraying a professional confidence; 4829

(8) Making a false, fraudulent, deceptive, or misleading 4830
statement in soliciting or advertising for employment as a 4831
physician assistant; in connection with any solicitation or 4832
advertisement for patients; in relation to the practice of 4833
medicine as it pertains to physician assistants; or in securing or 4834
attempting to secure a certificate to practice as a physician 4835
assistant, a certificate to prescribe, or approval of a 4836
supervision agreement. 4837

As used in this division, "false, fraudulent, deceptive, or 4838
misleading statement" means a statement that includes a 4839
misrepresentation of fact, is likely to mislead or deceive because 4840
of a failure to disclose material facts, is intended or is likely 4841
to create false or unjustified expectations of favorable results, 4842
or includes representations or implications that in reasonable 4843
probability will cause an ordinarily prudent person to 4844
misunderstand or be deceived. 4845

(9) Representing, with the purpose of obtaining compensation 4846

or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

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

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

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

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

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

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

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

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

(18) Any of the following actions taken by the state agency

responsible for regulating the practice of physician assistants in 4877
another state, for any reason other than the nonpayment of fees: 4878
the limitation, revocation, or suspension of an individual's 4879
license to practice; acceptance of an individual's license 4880
surrender; denial of a license; refusal to renew or reinstate a 4881
license; imposition of probation; or issuance of an order of 4882
censure or other reprimand; 4883

(19) A departure from, or failure to conform to, minimal 4884
standards of care of similar physician assistants under the same 4885
or similar circumstances, regardless of whether actual injury to a 4886
patient is established; 4887

(20) Violation of the conditions placed by the board on a 4888
certificate to practice as a physician assistant, a certificate to 4889
prescribe, a physician supervisory plan, or supervision agreement; 4890

(21) Failure to use universal blood and body fluid 4891
precautions established by rules adopted under section 4731.051 of 4892
the Revised Code; 4893

(22) Failure to cooperate in an investigation conducted by 4894
the board under section 4730.26 of the Revised Code, including 4895
failure to comply with a subpoena or order issued by the board or 4896
failure to answer truthfully a question presented by the board at 4897
a deposition or in written interrogatories, except that failure to 4898
cooperate with an investigation shall not constitute grounds for 4899
discipline under this section if a court of competent jurisdiction 4900
has issued an order that either quashes a subpoena or permits the 4901
individual to withhold the testimony or evidence in issue; 4902

(23) Assisting suicide, as defined in section 3795.01 of the 4903
Revised Code; 4904

(24) Prescribing any drug or device to perform or induce an 4905
abortion, or otherwise performing or inducing an abortion; 4906

(25) Failure to comply with section 4730.53 of the Revised 4907

Code, unless the board no longer maintains a drug database 4908
pursuant to section 4729.75 of the Revised Code; 4909

~~(25)~~(26) Failure to comply with the requirements in section 4910
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4911
prescription for ~~a controlled substance containing~~ an opioid 4912
analgesic, as defined in section 3719.01 of the Revised Code. 4913

(C) Disciplinary actions taken by the board under divisions 4914
(A) and (B) of this section shall be taken pursuant to an 4915
adjudication under Chapter 119. of the Revised Code, except that 4916
in lieu of an adjudication, the board may enter into a consent 4917
agreement with a physician assistant or applicant to resolve an 4918
allegation of a violation of this chapter or any rule adopted 4919
under it. A consent agreement, when ratified by an affirmative 4920
vote of not fewer than six members of the board, shall constitute 4921
the findings and order of the board with respect to the matter 4922
addressed in the agreement. If the board refuses to ratify a 4923
consent agreement, the admissions and findings contained in the 4924
consent agreement shall be of no force or effect. 4925

(D) For purposes of divisions (B)(12), (15), and (16) of this 4926
section, the commission of the act may be established by a finding 4927
by the board, pursuant to an adjudication under Chapter 119. of 4928
the Revised Code, that the applicant or certificate holder 4929
committed the act in question. The board shall have no 4930
jurisdiction under these divisions in cases where the trial court 4931
renders a final judgment in the certificate holder's favor and 4932
that judgment is based upon an adjudication on the merits. The 4933
board shall have jurisdiction under these divisions in cases where 4934
the trial court issues an order of dismissal upon technical or 4935
procedural grounds. 4936

(E) The sealing of conviction records by any court shall have 4937
no effect upon a prior board order entered under the provisions of 4938
this section or upon the board's jurisdiction to take action under 4939

the provisions of this section if, based upon a plea of guilty, a 4940
judicial finding of guilt, or a judicial finding of eligibility 4941
for intervention in lieu of conviction, the board issued a notice 4942
of opportunity for a hearing prior to the court's order to seal 4943
the records. The board shall not be required to seal, destroy, 4944
redact, or otherwise modify its records to reflect the court's 4945
sealing of conviction records. 4946

(F) For purposes of this division, any individual who holds a 4947
certificate issued under this chapter, or applies for a 4948
certificate issued under this chapter, shall be deemed to have 4949
given consent to submit to a mental or physical examination when 4950
directed to do so in writing by the board and to have waived all 4951
objections to the admissibility of testimony or examination 4952
reports that constitute a privileged communication. 4953

(1) In enforcing division (B)(4) of this section, the board, 4954
upon a showing of a possible violation, may compel any individual 4955
who holds a certificate issued under this chapter or who has 4956
applied for a certificate pursuant to this chapter to submit to a 4957
mental examination, physical examination, including an HIV test, 4958
or both a mental and physical examination. The expense of the 4959
examination is the responsibility of the individual compelled to 4960
be examined. Failure to submit to a mental or physical examination 4961
or consent to an HIV test ordered by the board constitutes an 4962
admission of the allegations against the individual unless the 4963
failure is due to circumstances beyond the individual's control, 4964
and a default and final order may be entered without the taking of 4965
testimony or presentation of evidence. If the board finds a 4966
physician assistant unable to practice because of the reasons set 4967
forth in division (B)(4) of this section, the board shall require 4968
the physician assistant to submit to care, counseling, or 4969
treatment by physicians approved or designated by the board, as a 4970
condition for an initial, continued, reinstated, or renewed 4971

certificate. An individual affected under this division shall be 4972
afforded an opportunity to demonstrate to the board the ability to 4973
resume practicing in compliance with acceptable and prevailing 4974
standards of care. 4975

(2) For purposes of division (B)(5) of this section, if the 4976
board has reason to believe that any individual who holds a 4977
certificate issued under this chapter or any applicant for a 4978
certificate suffers such impairment, the board may compel the 4979
individual to submit to a mental or physical examination, or both. 4980
The expense of the examination is the responsibility of the 4981
individual compelled to be examined. Any mental or physical 4982
examination required under this division shall be undertaken by a 4983
treatment provider or physician qualified to conduct such 4984
examination and chosen by the board. 4985

Failure to submit to a mental or physical examination ordered 4986
by the board constitutes an admission of the allegations against 4987
the individual unless the failure is due to circumstances beyond 4988
the individual's control, and a default and final order may be 4989
entered without the taking of testimony or presentation of 4990
evidence. If the board determines that the individual's ability to 4991
practice is impaired, the board shall suspend the individual's 4992
certificate or deny the individual's application and shall require 4993
the individual, as a condition for initial, continued, reinstated, 4994
or renewed certification to practice or prescribe, to submit to 4995
treatment. 4996

Before being eligible to apply for reinstatement of a 4997
certificate suspended under this division, the physician assistant 4998
shall demonstrate to the board the ability to resume practice or 4999
prescribing in compliance with acceptable and prevailing standards 5000
of care. The demonstration shall include the following: 5001

(a) Certification from a treatment provider approved under 5002
section 4731.25 of the Revised Code that the individual has 5003

successfully completed any required inpatient treatment; 5004

(b) Evidence of continuing full compliance with an aftercare 5005
contract or consent agreement; 5006

(c) Two written reports indicating that the individual's 5007
ability to practice has been assessed and that the individual has 5008
been found capable of practicing according to acceptable and 5009
prevailing standards of care. The reports shall be made by 5010
individuals or providers approved by the board for making such 5011
assessments and shall describe the basis for their determination. 5012

The board may reinstate a certificate suspended under this 5013
division after such demonstration and after the individual has 5014
entered into a written consent agreement. 5015

When the impaired physician assistant resumes practice or 5016
prescribing, the board shall require continued monitoring of the 5017
physician assistant. The monitoring shall include compliance with 5018
the written consent agreement entered into before reinstatement or 5019
with conditions imposed by board order after a hearing, and, upon 5020
termination of the consent agreement, submission to the board for 5021
at least two years of annual written progress reports made under 5022
penalty of falsification stating whether the physician assistant 5023
has maintained sobriety. 5024

(G) If the secretary and supervising member determine that 5025
there is clear and convincing evidence that a physician assistant 5026
has violated division (B) of this section and that the 5027
individual's continued practice or prescribing presents a danger 5028
of immediate and serious harm to the public, they may recommend 5029
that the board suspend the individual's certificate to practice or 5030
prescribe without a prior hearing. Written allegations shall be 5031
prepared for consideration by the board. 5032

The board, upon review of those allegations and by an 5033
affirmative vote of not fewer than six of its members, excluding 5034

the secretary and supervising member, may suspend a certificate 5035
without a prior hearing. A telephone conference call may be 5036
utilized for reviewing the allegations and taking the vote on the 5037
summary suspension. 5038

The board shall issue a written order of suspension by 5039
certified mail or in person in accordance with section 119.07 of 5040
the Revised Code. The order shall not be subject to suspension by 5041
the court during pendency of any appeal filed under section 119.12 5042
of the Revised Code. If the physician assistant requests an 5043
adjudicatory hearing by the board, the date set for the hearing 5044
shall be within fifteen days, but not earlier than seven days, 5045
after the physician assistant requests the hearing, unless 5046
otherwise agreed to by both the board and the certificate holder. 5047

A summary suspension imposed under this division shall remain 5048
in effect, unless reversed on appeal, until a final adjudicative 5049
order issued by the board pursuant to this section and Chapter 5050
119. of the Revised Code becomes effective. The board shall issue 5051
its final adjudicative order within sixty days after completion of 5052
its hearing. Failure to issue the order within sixty days shall 5053
result in dissolution of the summary suspension order, but shall 5054
not invalidate any subsequent, final adjudicative order. 5055

(H) If the board takes action under division (B)(11), (13), 5056
or (14) of this section, and the judicial finding of guilt, guilty 5057
plea, or judicial finding of eligibility for intervention in lieu 5058
of conviction is overturned on appeal, upon exhaustion of the 5059
criminal appeal, a petition for reconsideration of the order may 5060
be filed with the board along with appropriate court documents. 5061
Upon receipt of a petition and supporting court documents, the 5062
board shall reinstate the certificate to practice or prescribe. 5063
The board may then hold an adjudication under Chapter 119. of the 5064
Revised Code to determine whether the individual committed the act 5065
in question. Notice of opportunity for hearing shall be given in 5066

accordance with Chapter 119. of the Revised Code. If the board 5067
finds, pursuant to an adjudication held under this division, that 5068
the individual committed the act, or if no hearing is requested, 5069
it may order any of the sanctions identified under division (B) of 5070
this section. 5071

(I) The certificate to practice issued to a physician 5072
assistant and the physician assistant's practice in this state are 5073
automatically suspended as of the date the physician assistant 5074
pleads guilty to, is found by a judge or jury to be guilty of, or 5075
is subject to a judicial finding of eligibility for intervention 5076
in lieu of conviction in this state or treatment or intervention 5077
in lieu of conviction in another state for any of the following 5078
criminal offenses in this state or a substantially equivalent 5079
criminal offense in another jurisdiction: aggravated murder, 5080
murder, voluntary manslaughter, felonious assault, kidnapping, 5081
rape, sexual battery, gross sexual imposition, aggravated arson, 5082
aggravated robbery, or aggravated burglary. Continued practice 5083
after the suspension shall be considered practicing without a 5084
certificate. 5085

The board shall notify the individual subject to the 5086
suspension by certified mail or in person in accordance with 5087
section 119.07 of the Revised Code. If an individual whose 5088
certificate is suspended under this division fails to make a 5089
timely request for an adjudication under Chapter 119. of the 5090
Revised Code, the board shall enter a final order permanently 5091
revoking the individual's certificate to practice. 5092

(J) In any instance in which the board is required by Chapter 5093
119. of the Revised Code to give notice of opportunity for hearing 5094
and the individual subject to the notice does not timely request a 5095
hearing in accordance with section 119.07 of the Revised Code, the 5096
board is not required to hold a hearing, but may adopt, by an 5097
affirmative vote of not fewer than six of its members, a final 5098

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

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

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

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

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

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

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

Sec. 4730.53. (A) As used in this section, ~~"drug:~~ 5134

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.

(B) Except as provided in divisions (C) and (E) of this section, a physician assistant holding a certificate to prescribe issued under this chapter shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing the drug, the physician assistant or the physician assistant's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician assistant practices primarily in a county of this state that adjoins another state, the physician assistant or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician assistant or delegate shall make periodic requests for reports of information from the drug database until

the course of treatment has ended. The requests shall be made at 5160
intervals not exceeding ninety days, determined according to the 5161
date the initial request was made. The request shall be made in 5162
the same manner provided in division (B)(1) of this section for 5163
requesting the initial report of information from the drug 5164
database. 5165

(3) On receipt of a report under division (B)(1) or (2) of 5166
this section, the physician assistant shall assess the information 5167
in the report. The physician assistant shall document in the 5168
patient's record that the report was received and the information 5169
was assessed. 5170

(C) Division (B) of this section does not apply in any of the 5171
following circumstances: 5172

(1) A drug database report regarding the patient is not 5173
available, in which case the physician assistant shall document in 5174
the patient's record the reason that the report is not available. 5175

(2) The drug is prescribed in an amount indicated for a 5176
period not to exceed seven days. 5177

(3) The drug is prescribed for the treatment of cancer or 5178
another condition associated with cancer. 5179

(4) The drug is prescribed to a hospice patient in a hospice 5180
care program, as those terms are defined in section 3712.01 of the 5181
Revised Code, or any other patient diagnosed as terminally ill. 5182

(5) The drug is prescribed for administration in a hospital, 5183
nursing home, or residential care facility. 5184

(D) ~~With respect to prescribing any drug that is not an~~ 5185
~~opioid analgesic or a benzodiazepine but is included in the drug~~ 5186
~~database pursuant to rules adopted under section 4729.84 of the~~ 5187
~~Revised Code, the~~ The state medical board ~~shall~~ may adopt rules 5188
that establish standards and procedures to be followed by a 5189

physician assistant who holds a certificate to prescribe issued 5190
under this chapter regarding the review of patient information 5191
available through the drug database under division (A)(5) of 5192
section 4729.80 of the Revised Code. The rules shall be adopted in 5193
accordance with Chapter 119. of the Revised Code. 5194

(E) This section and ~~the~~ any rules adopted under it do not 5195
apply if the state board of pharmacy no longer maintains the drug 5196
database. 5197

Sec. 4731.055. (A) As used in this section: 5198

(1) "Drug database" means the database established and 5199
maintained by the state board of pharmacy pursuant to section 5200
4729.75 of the Revised Code. 5201

(2) "Physician" means an individual authorized under this 5202
chapter to practice medicine and surgery, osteopathic medicine and 5203
surgery, or podiatric medicine and surgery. 5204

(3) "Opioid analgesic" and "benzodiazepine" have the same 5205
meanings as in section 3719.01 of the Revised Code. 5206

(B) Except as provided in divisions (C) and (E) of this 5207
section, a physician shall comply with all of the following as 5208
conditions of prescribing a drug that is either an opioid 5209
analgesic or a benzodiazepine, or personally furnishing a complete 5210
or partial supply of such a drug, as part of a patient's course of 5211
treatment for a particular condition: 5212

(1) Before initially prescribing or furnishing the drug, the 5213
physician or the physician's delegate shall request from the drug 5214
database a report of information related to the patient that 5215
covers at least the twelve months immediately preceding the date 5216
of the request. If the physician practices primarily in a county 5217
of this state that adjoins another state, the physician or 5218
delegate also shall request a report of any information available 5219

in the drug database that pertains to prescriptions issued or 5220
drugs furnished to the patient in the state adjoining that county. 5221

(2) If the patient's course of treatment for the condition 5222
continues for more than ninety days after the initial report is 5223
requested, the physician or delegate shall make periodic requests 5224
for reports of information from the drug database until the course 5225
of treatment has ended. The requests shall be made at intervals 5226
not exceeding ninety days, determined according to the date the 5227
initial request was made. The request shall be made in the same 5228
manner provided in division (B)(1) of this section for requesting 5229
the initial report of information from the drug database. 5230

(3) On receipt of a report under division (B)(1) or (2) of 5231
this section, the physician shall assess the information in the 5232
report. The physician shall document in the patient's record that 5233
the report was received and the information was assessed. 5234

(C) Division (B) of this section does not apply in any of the 5235
following circumstances: 5236

(1) A drug database report regarding the patient is not 5237
available, in which case the physician shall document in the 5238
patient's record the reason that the report is not available. 5239

(2) The drug is prescribed or personally furnished in an 5240
amount indicated for a period not to exceed seven days. 5241

(3) The drug is prescribed or personally furnished for the 5242
treatment of cancer or another condition associated with cancer. 5243

(4) The drug is prescribed or personally furnished to a 5244
hospice patient in a hospice care program, as those terms are 5245
defined in section 3712.01 of the Revised Code, or any other 5246
patient diagnosed as terminally ill. 5247

(5) The drug is prescribed or personally furnished for 5248
administration in a hospital, nursing home, or residential care 5249

facility. 5250

(6) The drug is prescribed or personally furnished to treat 5251
acute pain resulting from a surgical or other invasive procedure 5252
or a delivery. 5253

(D) ~~With respect to prescribing or personally furnishing any~~ 5254
~~drug that is not an opioid analgesic or a benzodiazepine but is~~ 5255
~~included in the drug database pursuant to rules adopted under~~ 5256
~~section 4729.84 of the Revised Code, the~~ The state medical board 5257
~~shall~~ may adopt rules that establish standards and procedures to 5258
be followed by a physician regarding the review of patient 5259
information available through the drug database under division 5260
(A)(5) of section 4729.80 of the Revised Code. The rules shall be 5261
adopted in accordance with Chapter 119. of the Revised Code. 5262

(E) This section and ~~the~~ any rules adopted under it do not 5263
apply if the state board of pharmacy no longer maintains the drug 5264
database. 5265

Sec. 4731.22. (A) The state medical board, by an affirmative 5266
vote of not fewer than six of its members, may limit, revoke, or 5267
suspend an individual's certificate to practice, refuse to grant a 5268
certificate to an individual, refuse to register an individual, 5269
refuse to reinstate a certificate, or reprimand or place on 5270
probation the holder of a certificate if the individual or 5271
certificate holder is found by the board to have committed fraud 5272
during the administration of the examination for a certificate to 5273
practice or to have committed fraud, misrepresentation, or 5274
deception in applying for or securing any certificate to practice 5275
or certificate of registration issued by the board. 5276

(B) The board, by an affirmative vote of not fewer than six 5277
members, shall, to the extent permitted by law, limit, revoke, or 5278
suspend an individual's certificate to practice, refuse to 5279
register an individual, refuse to reinstate a certificate, or 5280

reprimand or place on probation the holder of a certificate for 5281
one or more of the following reasons: 5282

(1) Permitting one's name or one's certificate to practice or 5283
certificate of registration to be used by a person, group, or 5284
corporation when the individual concerned is not actually 5285
directing the treatment given; 5286

(2) Failure to maintain minimal standards applicable to the 5287
selection or administration of drugs, or failure to employ 5288
acceptable scientific methods in the selection of drugs or other 5289
modalities for treatment of disease; 5290

(3) Selling, giving away, personally furnishing, prescribing, 5291
or administering drugs for other than legal and legitimate 5292
therapeutic purposes or a plea of guilty to, a judicial finding of 5293
guilt of, or a judicial finding of eligibility for intervention in 5294
lieu of conviction of, a violation of any federal or state law 5295
regulating the possession, distribution, or use of any drug; 5296

(4) Willfully betraying a professional confidence. 5297

For purposes of this division, "willfully betraying a 5298
professional confidence" does not include providing any 5299
information, documents, or reports to a child fatality review 5300
board under sections 307.621 to 307.629 of the Revised Code and 5301
does not include the making of a report of an employee's use of a 5302
drug of abuse, or a report of a condition of an employee other 5303
than one involving the use of a drug of abuse, to the employer of 5304
the employee as described in division (B) of section 2305.33 of 5305
the Revised Code. Nothing in this division affects the immunity 5306
from civil liability conferred by that section upon a physician 5307
who makes either type of report in accordance with division (B) of 5308
that section. As used in this division, "employee," "employer," 5309
and "physician" have the same meanings as in section 2305.33 of 5310
the Revised Code. 5311

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

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

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

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

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

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

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

committed; 5343

(11) A plea of guilty to, a judicial finding of guilt of, or 5344
a judicial finding of eligibility for intervention in lieu of 5345
conviction for, a misdemeanor committed in the course of practice; 5346

(12) Commission of an act in the course of practice that 5347
constitutes a misdemeanor in this state, regardless of the 5348
jurisdiction in which the act was committed; 5349

(13) A plea of guilty to, a judicial finding of guilt of, or 5350
a judicial finding of eligibility for intervention in lieu of 5351
conviction for, a misdemeanor involving moral turpitude; 5352

(14) Commission of an act involving moral turpitude that 5353
constitutes a misdemeanor in this state, regardless of the 5354
jurisdiction in which the act was committed; 5355

(15) Violation of the conditions of limitation placed by the 5356
board upon a certificate to practice; 5357

(16) Failure to pay license renewal fees specified in this 5358
chapter; 5359

(17) Except as authorized in section 4731.31 of the Revised 5360
Code, engaging in the division of fees for referral of patients, 5361
or the receiving of a thing of value in return for a specific 5362
referral of a patient to utilize a particular service or business; 5363

(18) Subject to section 4731.226 of the Revised Code, 5364
violation of any provision of a code of ethics of the American 5365
medical association, the American osteopathic association, the 5366
American podiatric medical association, or any other national 5367
professional organizations that the board specifies by rule. The 5368
state medical board shall obtain and keep on file current copies 5369
of the codes of ethics of the various national professional 5370
organizations. The individual whose certificate is being suspended 5371
or revoked shall not be found to have violated any provision of a 5372

code of ethics of an organization not appropriate to the 5373
individual's profession. 5374

For purposes of this division, a "provision of a code of 5375
ethics of a national professional organization" does not include 5376
any provision that would preclude the making of a report by a 5377
physician of an employee's use of a drug of abuse, or of a 5378
condition of an employee other than one involving the use of a 5379
drug of abuse, to the employer of the employee as described in 5380
division (B) of section 2305.33 of the Revised Code. Nothing in 5381
this division affects the immunity from civil liability conferred 5382
by that section upon a physician who makes either type of report 5383
in accordance with division (B) of that section. As used in this 5384
division, "employee," "employer," and "physician" have the same 5385
meanings as in section 2305.33 of the Revised Code. 5386

(19) Inability to practice according to acceptable and 5387
prevailing standards of care by reason of mental illness or 5388
physical illness, including, but not limited to, physical 5389
deterioration that adversely affects cognitive, motor, or 5390
perceptive skills. 5391

In enforcing this division, the board, upon a showing of a 5392
possible violation, may compel any individual authorized to 5393
practice by this chapter or who has submitted an application 5394
pursuant to this chapter to submit to a mental examination, 5395
physical examination, including an HIV test, or both a mental and 5396
a physical examination. The expense of the examination is the 5397
responsibility of the individual compelled to be examined. Failure 5398
to submit to a mental or physical examination or consent to an HIV 5399
test ordered by the board constitutes an admission of the 5400
allegations against the individual unless the failure is due to 5401
circumstances beyond the individual's control, and a default and 5402
final order may be entered without the taking of testimony or 5403
presentation of evidence. If the board finds an individual unable 5404

to practice because of the reasons set forth in this division, the 5405
board shall require the individual to submit to care, counseling, 5406
or treatment by physicians approved or designated by the board, as 5407
a condition for initial, continued, reinstated, or renewed 5408
authority to practice. An individual affected under this division 5409
shall be afforded an opportunity to demonstrate to the board the 5410
ability to resume practice in compliance with acceptable and 5411
prevailing standards under the provisions of the individual's 5412
certificate. For the purpose of this division, any individual who 5413
applies for or receives a certificate to practice under this 5414
chapter accepts the privilege of practicing in this state and, by 5415
so doing, shall be deemed to have given consent to submit to a 5416
mental or physical examination when directed to do so in writing 5417
by the board, and to have waived all objections to the 5418
admissibility of testimony or examination reports that constitute 5419
a privileged communication. 5420

(20) Except when civil penalties are imposed under section 5421
4731.225 or 4731.281 of the Revised Code, and subject to section 5422
4731.226 of the Revised Code, violating or attempting to violate, 5423
directly or indirectly, or assisting in or abetting the violation 5424
of, or conspiring to violate, any provisions of this chapter or 5425
any rule promulgated by the board. 5426

This division does not apply to a violation or attempted 5427
violation of, assisting in or abetting the violation of, or a 5428
conspiracy to violate, any provision of this chapter or any rule 5429
adopted by the board that would preclude the making of a report by 5430
a physician of an employee's use of a drug of abuse, or of a 5431
condition of an employee other than one involving the use of a 5432
drug of abuse, to the employer of the employee as described in 5433
division (B) of section 2305.33 of the Revised Code. Nothing in 5434
this division affects the immunity from civil liability conferred 5435
by that section upon a physician who makes either type of report 5436

in accordance with division (B) of that section. As used in this 5437
division, "employee," "employer," and "physician" have the same 5438
meanings as in section 2305.33 of the Revised Code. 5439

(21) The violation of section 3701.79 of the Revised Code or 5440
of any abortion rule adopted by the public health council pursuant 5441
to section 3701.341 of the Revised Code; 5442

(22) Any of the following actions taken by an agency 5443
responsible for authorizing, certifying, or regulating an 5444
individual to practice a health care occupation or provide health 5445
care services in this state or another jurisdiction, for any 5446
reason other than the nonpayment of fees: the limitation, 5447
revocation, or suspension of an individual's license to practice; 5448
acceptance of an individual's license surrender; denial of a 5449
license; refusal to renew or reinstate a license; imposition of 5450
probation; or issuance of an order of censure or other reprimand; 5451

(23) The violation of section 2919.12 of the Revised Code or 5452
the performance or inducement of an abortion upon a pregnant woman 5453
with actual knowledge that the conditions specified in division 5454
(B) of section 2317.56 of the Revised Code have not been satisfied 5455
or with a heedless indifference as to whether those conditions 5456
have been satisfied, unless an affirmative defense as specified in 5457
division (H)(2) of that section would apply in a civil action 5458
authorized by division (H)(1) of that section; 5459

(24) The revocation, suspension, restriction, reduction, or 5460
termination of clinical privileges by the United States department 5461
of defense or department of veterans affairs or the termination or 5462
suspension of a certificate of registration to prescribe drugs by 5463
the drug enforcement administration of the United States 5464
department of justice; 5465

(25) Termination or suspension from participation in the 5466
medicare or medicaid programs by the department of health and 5467

human services or other responsible agency for any act or acts 5468
that also would constitute a violation of division (B)(2), (3), 5469
(6), (8), or (19) of this section; 5470

(26) Impairment of ability to practice according to 5471
acceptable and prevailing standards of care because of habitual or 5472
excessive use or abuse of drugs, alcohol, or other substances that 5473
impair ability to practice. 5474

For the purposes of this division, any individual authorized 5475
to practice by this chapter accepts the privilege of practicing in 5476
this state subject to supervision by the board. By filing an 5477
application for or holding a certificate to practice under this 5478
chapter, an individual shall be deemed to have given consent to 5479
submit to a mental or physical examination when ordered to do so 5480
by the board in writing, and to have waived all objections to the 5481
admissibility of testimony or examination reports that constitute 5482
privileged communications. 5483

If it has reason to believe that any individual authorized to 5484
practice by this chapter or any applicant for certification to 5485
practice suffers such impairment, the board may compel the 5486
individual to submit to a mental or physical examination, or both. 5487
The expense of the examination is the responsibility of the 5488
individual compelled to be examined. Any mental or physical 5489
examination required under this division shall be undertaken by a 5490
treatment provider or physician who is qualified to conduct the 5491
examination and who is chosen by the board. 5492

Failure to submit to a mental or physical examination ordered 5493
by the board constitutes an admission of the allegations against 5494
the individual unless the failure is due to circumstances beyond 5495
the individual's control, and a default and final order may be 5496
entered without the taking of testimony or presentation of 5497
evidence. If the board determines that the individual's ability to 5498
practice is impaired, the board shall suspend the individual's 5499

certificate or deny the individual's application and shall require 5500
the individual, as a condition for initial, continued, reinstated, 5501
or renewed certification to practice, to submit to treatment. 5502

Before being eligible to apply for reinstatement of a 5503
certificate suspended under this division, the impaired 5504
practitioner shall demonstrate to the board the ability to resume 5505
practice in compliance with acceptable and prevailing standards of 5506
care under the provisions of the practitioner's certificate. The 5507
demonstration shall include, but shall not be limited to, the 5508
following: 5509

(a) Certification from a treatment provider approved under 5510
section 4731.25 of the Revised Code that the individual has 5511
successfully completed any required inpatient treatment; 5512

(b) Evidence of continuing full compliance with an aftercare 5513
contract or consent agreement; 5514

(c) Two written reports indicating that the individual's 5515
ability to practice has been assessed and that the individual has 5516
been found capable of practicing according to acceptable and 5517
prevailing standards of care. The reports shall be made by 5518
individuals or providers approved by the board for making the 5519
assessments and shall describe the basis for their determination. 5520

The board may reinstate a certificate suspended under this 5521
division after that demonstration and after the individual has 5522
entered into a written consent agreement. 5523

When the impaired practitioner resumes practice, the board 5524
shall require continued monitoring of the individual. The 5525
monitoring shall include, but not be limited to, compliance with 5526
the written consent agreement entered into before reinstatement or 5527
with conditions imposed by board order after a hearing, and, upon 5528
termination of the consent agreement, submission to the board for 5529
at least two years of annual written progress reports made under 5530

penalty of perjury stating whether the individual has maintained sobriety.	5531 5532
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	5533 5534
(28) Except as provided in division (N) of this section:	5535
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	5536 5537 5538 5539 5540 5541
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	5542 5543 5544 5545 5546
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	5547 5548 5549
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	5550 5551 5552 5553 5554
(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;	5555 5556 5557 5558
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	5559 5560

certified nurse-midwife, or certified nurse practitioner with whom 5561
the physician or podiatrist is in collaboration pursuant to 5562
section 4731.27 of the Revised Code or failure to fulfill the 5563
responsibilities of collaboration after entering into a standard 5564
care arrangement; 5565

(33) Failure to comply with the terms of a consult agreement 5566
entered into with a pharmacist pursuant to section 4729.39 of the 5567
Revised Code; 5568

(34) Failure to cooperate in an investigation conducted by 5569
the board under division (F) of this section, including failure to 5570
comply with a subpoena or order issued by the board or failure to 5571
answer truthfully a question presented by the board in an 5572
investigative interview, an investigative office conference, at a 5573
deposition, or in written interrogatories, except that failure to 5574
cooperate with an investigation shall not constitute grounds for 5575
discipline under this section if a court of competent jurisdiction 5576
has issued an order that either quashes a subpoena or permits the 5577
individual to withhold the testimony or evidence in issue; 5578

(35) Failure to supervise an oriental medicine practitioner 5579
or acupuncturist in accordance with Chapter 4762. of the Revised 5580
Code and the board's rules for providing that supervision; 5581

(36) Failure to supervise an anesthesiologist assistant in 5582
accordance with Chapter 4760. of the Revised Code and the board's 5583
rules for supervision of an anesthesiologist assistant; 5584

(37) Assisting suicide, as defined in section 3795.01 of the 5585
Revised Code; 5586

(38) Failure to comply with the requirements of section 5587
2317.561 of the Revised Code; 5588

(39) Failure to supervise a radiologist assistant in 5589
accordance with Chapter 4774. of the Revised Code and the board's 5590
rules for supervision of radiologist assistants; 5591

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	5592 5593 5594
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	5595 5596 5597 5598
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	5599 5600 5601 5602
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	5603 5604 5605 5606
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	5607 5608 5609 5610
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	5611 5612 5613 5614 5615
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	5616 5617 5618 5619
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section	5620 5621 5622

2919.191 of the Revised Code prior to performing or inducing an 5623
abortion upon a pregnant woman; 5624

(48) Failure to comply with the requirements in section 5625
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 5626
prescription for ~~a controlled substance containing~~ an opioid 5627
analgesic, as defined in section 3719.01 of the Revised Code. 5628

(C) Disciplinary actions taken by the board under divisions 5629
(A) and (B) of this section shall be taken pursuant to an 5630
adjudication under Chapter 119. of the Revised Code, except that 5631
in lieu of an adjudication, the board may enter into a consent 5632
agreement with an individual to resolve an allegation of a 5633
violation of this chapter or any rule adopted under it. A consent 5634
agreement, when ratified by an affirmative vote of not fewer than 5635
six members of the board, shall constitute the findings and order 5636
of the board with respect to the matter addressed in the 5637
agreement. If the board refuses to ratify a consent agreement, the 5638
admissions and findings contained in the consent agreement shall 5639
be of no force or effect. 5640

A telephone conference call may be utilized for ratification 5641
of a consent agreement that revokes or suspends an individual's 5642
certificate to practice. The telephone conference call shall be 5643
considered a special meeting under division (F) of section 121.22 5644
of the Revised Code. 5645

If the board takes disciplinary action against an individual 5646
under division (B) of this section for a second or subsequent plea 5647
of guilty to, or judicial finding of guilt of, a violation of 5648
section 2919.123 of the Revised Code, the disciplinary action 5649
shall consist of a suspension of the individual's certificate to 5650
practice for a period of at least one year or, if determined 5651
appropriate by the board, a more serious sanction involving the 5652
individual's certificate to practice. Any consent agreement 5653
entered into under this division with an individual that pertains 5654

to a second or subsequent plea of guilty to, or judicial finding 5655
of guilt of, a violation of that section shall provide for a 5656
suspension of the individual's certificate to practice for a 5657
period of at least one year or, if determined appropriate by the 5658
board, a more serious sanction involving the individual's 5659
certificate to practice. 5660

(D) For purposes of divisions (B)(10), (12), and (14) of this 5661
section, the commission of the act may be established by a finding 5662
by the board, pursuant to an adjudication under Chapter 119. of 5663
the Revised Code, that the individual committed the act. The board 5664
does not have jurisdiction under those divisions if the trial 5665
court renders a final judgment in the individual's favor and that 5666
judgment is based upon an adjudication on the merits. The board 5667
has jurisdiction under those divisions if the trial court issues 5668
an order of dismissal upon technical or procedural grounds. 5669

(E) The sealing of conviction records by any court shall have 5670
no effect upon a prior board order entered under this section or 5671
upon the board's jurisdiction to take action under this section 5672
if, based upon a plea of guilty, a judicial finding of guilt, or a 5673
judicial finding of eligibility for intervention in lieu of 5674
conviction, the board issued a notice of opportunity for a hearing 5675
prior to the court's order to seal the records. The board shall 5676
not be required to seal, destroy, redact, or otherwise modify its 5677
records to reflect the court's sealing of conviction records. 5678

(F)(1) The board shall investigate evidence that appears to 5679
show that a person has violated any provision of this chapter or 5680
any rule adopted under it. Any person may report to the board in a 5681
signed writing any information that the person may have that 5682
appears to show a violation of any provision of this chapter or 5683
any rule adopted under it. In the absence of bad faith, any person 5684
who reports information of that nature or who testifies before the 5685
board in any adjudication conducted under Chapter 119. of the 5686

Revised Code shall not be liable in damages in a civil action as a 5687
result of the report or testimony. Each complaint or allegation of 5688
a violation received by the board shall be assigned a case number 5689
and shall be recorded by the board. 5690

(2) Investigations of alleged violations of this chapter or 5691
any rule adopted under it shall be supervised by the supervising 5692
member elected by the board in accordance with section 4731.02 of 5693
the Revised Code and by the secretary as provided in section 5694
4731.39 of the Revised Code. The president may designate another 5695
member of the board to supervise the investigation in place of the 5696
supervising member. No member of the board who supervises the 5697
investigation of a case shall participate in further adjudication 5698
of the case. 5699

(3) In investigating a possible violation of this chapter or 5700
any rule adopted under this chapter, or in conducting an 5701
inspection under division (E) of section 4731.054 of the Revised 5702
Code, the board may question witnesses, conduct interviews, 5703
administer oaths, order the taking of depositions, inspect and 5704
copy any books, accounts, papers, records, or documents, issue 5705
subpoenas, and compel the attendance of witnesses and production 5706
of books, accounts, papers, records, documents, and testimony, 5707
except that a subpoena for patient record information shall not be 5708
issued without consultation with the attorney general's office and 5709
approval of the secretary and supervising member of the board. 5710

(a) Before issuance of a subpoena for patient record 5711
information, the secretary and supervising member shall determine 5712
whether there is probable cause to believe that the complaint 5713
filed alleges a violation of this chapter or any rule adopted 5714
under it and that the records sought are relevant to the alleged 5715
violation and material to the investigation. The subpoena may 5716
apply only to records that cover a reasonable period of time 5717
surrounding the alleged violation. 5718

(b) On failure to comply with any subpoena issued by the 5719
board and after reasonable notice to the person being subpoenaed, 5720
the board may move for an order compelling the production of 5721
persons or records pursuant to the Rules of Civil Procedure. 5722

(c) A subpoena issued by the board may be served by a 5723
sheriff, the sheriff's deputy, or a board employee designated by 5724
the board. Service of a subpoena issued by the board may be made 5725
by delivering a copy of the subpoena to the person named therein, 5726
reading it to the person, or leaving it at the person's usual 5727
place of residence, usual place of business, or address on file 5728
with the board. When serving a subpoena to an applicant for or the 5729
holder of a certificate issued under this chapter, service of the 5730
subpoena may be made by certified mail, return receipt requested, 5731
and the subpoena shall be deemed served on the date delivery is 5732
made or the date the person refuses to accept delivery. If the 5733
person being served refuses to accept the subpoena or is not 5734
located, service may be made to an attorney who notifies the board 5735
that the attorney is representing the person. 5736

(d) A sheriff's deputy who serves a subpoena shall receive 5737
the same fees as a sheriff. Each witness who appears before the 5738
board in obedience to a subpoena shall receive the fees and 5739
mileage provided for under section 119.094 of the Revised Code. 5740

(4) All hearings, investigations, and inspections of the 5741
board shall be considered civil actions for the purposes of 5742
section 2305.252 of the Revised Code. 5743

(5) A report required to be submitted to the board under this 5744
chapter, a complaint, or information received by the board 5745
pursuant to an investigation or pursuant to an inspection under 5746
division (E) of section 4731.054 of the Revised Code is 5747
confidential and not subject to discovery in any civil action. 5748

The board shall conduct all investigations or inspections and 5749

proceedings in a manner that protects the confidentiality of 5750
patients and persons who file complaints with the board. The board 5751
shall not make public the names or any other identifying 5752
information about patients or complainants unless proper consent 5753
is given or, in the case of a patient, a waiver of the patient 5754
privilege exists under division (B) of section 2317.02 of the 5755
Revised Code, except that consent or a waiver of that nature is 5756
not required if the board possesses reliable and substantial 5757
evidence that no bona fide physician-patient relationship exists. 5758

The board may share any information it receives pursuant to 5759
an investigation or inspection, including patient records and 5760
patient record information, with law enforcement agencies, other 5761
licensing boards, and other governmental agencies that are 5762
prosecuting, adjudicating, or investigating alleged violations of 5763
statutes or administrative rules. An agency or board that receives 5764
the information shall comply with the same requirements regarding 5765
confidentiality as those with which the state medical board must 5766
comply, notwithstanding any conflicting provision of the Revised 5767
Code or procedure of the agency or board that applies when it is 5768
dealing with other information in its possession. In a judicial 5769
proceeding, the information may be admitted into evidence only in 5770
accordance with the Rules of Evidence, but the court shall require 5771
that appropriate measures are taken to ensure that confidentiality 5772
is maintained with respect to any part of the information that 5773
contains names or other identifying information about patients or 5774
complainants whose confidentiality was protected by the state 5775
medical board when the information was in the board's possession. 5776
Measures to ensure confidentiality that may be taken by the court 5777
include sealing its records or deleting specific information from 5778
its records. 5779

(6) On a quarterly basis, the board shall prepare a report 5780
that documents the disposition of all cases during the preceding 5781

three months. The report shall contain the following information 5782
for each case with which the board has completed its activities: 5783

(a) The case number assigned to the complaint or alleged 5784
violation; 5785

(b) The type of certificate to practice, if any, held by the 5786
individual against whom the complaint is directed; 5787

(c) A description of the allegations contained in the 5788
complaint; 5789

(d) The disposition of the case. 5790

The report shall state how many cases are still pending and 5791
shall be prepared in a manner that protects the identity of each 5792
person involved in each case. The report shall be a public record 5793
under section 149.43 of the Revised Code. 5794

(G) If the secretary and supervising member determine both of 5795
the following, they may recommend that the board suspend an 5796
individual's certificate to practice without a prior hearing: 5797

(1) That there is clear and convincing evidence that an 5798
individual has violated division (B) of this section; 5799

(2) That the individual's continued practice presents a 5800
danger of immediate and serious harm to the public. 5801

Written allegations shall be prepared for consideration by 5802
the board. The board, upon review of those allegations and by an 5803
affirmative vote of not fewer than six of its members, excluding 5804
the secretary and supervising member, may suspend a certificate 5805
without a prior hearing. A telephone conference call may be 5806
utilized for reviewing the allegations and taking the vote on the 5807
summary suspension. 5808

The board shall issue a written order of suspension by 5809
certified mail or in person in accordance with section 119.07 of 5810
the Revised Code. The order shall not be subject to suspension by 5811

the court during pendency of any appeal filed under section 119.12 5812
of the Revised Code. If the individual subject to the summary 5813
suspension requests an adjudicatory hearing by the board, the date 5814
set for the hearing shall be within fifteen days, but not earlier 5815
than seven days, after the individual requests the hearing, unless 5816
otherwise agreed to by both the board and the individual. 5817

Any summary suspension imposed under this division shall 5818
remain in effect, unless reversed on appeal, until a final 5819
adjudicative order issued by the board pursuant to this section 5820
and Chapter 119. of the Revised Code becomes effective. The board 5821
shall issue its final adjudicative order within seventy-five days 5822
after completion of its hearing. A failure to issue the order 5823
within seventy-five days shall result in dissolution of the 5824
summary suspension order but shall not invalidate any subsequent, 5825
final adjudicative order. 5826

(H) If the board takes action under division (B)(9), (11), or 5827
(13) of this section and the judicial finding of guilt, guilty 5828
plea, or judicial finding of eligibility for intervention in lieu 5829
of conviction is overturned on appeal, upon exhaustion of the 5830
criminal appeal, a petition for reconsideration of the order may 5831
be filed with the board along with appropriate court documents. 5832
Upon receipt of a petition of that nature and supporting court 5833
documents, the board shall reinstate the individual's certificate 5834
to practice. The board may then hold an adjudication under Chapter 5835
119. of the Revised Code to determine whether the individual 5836
committed the act in question. Notice of an opportunity for a 5837
hearing shall be given in accordance with Chapter 119. of the 5838
Revised Code. If the board finds, pursuant to an adjudication held 5839
under this division, that the individual committed the act or if 5840
no hearing is requested, the board may order any of the sanctions 5841
identified under division (B) of this section. 5842

(I) The certificate to practice issued to an individual under 5843

this chapter and the individual's practice in this state are 5844
automatically suspended as of the date of the individual's second 5845
or subsequent plea of guilty to, or judicial finding of guilt of, 5846
a violation of section 2919.123 of the Revised Code, or the date 5847
the individual pleads guilty to, is found by a judge or jury to be 5848
guilty of, or is subject to a judicial finding of eligibility for 5849
intervention in lieu of conviction in this state or treatment or 5850
intervention in lieu of conviction in another jurisdiction for any 5851
of the following criminal offenses in this state or a 5852
substantially equivalent criminal offense in another jurisdiction: 5853
aggravated murder, murder, voluntary manslaughter, felonious 5854
assault, kidnapping, rape, sexual battery, gross sexual 5855
imposition, aggravated arson, aggravated robbery, or aggravated 5856
burglary. Continued practice after suspension shall be considered 5857
practicing without a certificate. 5858

The board shall notify the individual subject to the 5859
suspension by certified mail or in person in accordance with 5860
section 119.07 of the Revised Code. If an individual whose 5861
certificate is automatically suspended under this division fails 5862
to make a timely request for an adjudication under Chapter 119. of 5863
the Revised Code, the board shall do whichever of the following is 5864
applicable: 5865

(1) If the automatic suspension under this division is for a 5866
second or subsequent plea of guilty to, or judicial finding of 5867
guilt of, a violation of section 2919.123 of the Revised Code, the 5868
board shall enter an order suspending the individual's certificate 5869
to practice for a period of at least one year or, if determined 5870
appropriate by the board, imposing a more serious sanction 5871
involving the individual's certificate to practice. 5872

(2) In all circumstances in which division (I)(1) of this 5873
section does not apply, enter a final order permanently revoking 5874
the individual's certificate to practice. 5875

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

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

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

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

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 5908
under division (F) of section 121.22 of the Revised Code. 5909
Reinstatement of a certificate surrendered to the board requires 5910
an affirmative vote of not fewer than six members of the board. 5911

(2) An application for a certificate made under the 5912
provisions of this chapter may not be withdrawn without approval 5913
of the board. 5914

(3) Failure by an individual to renew a certificate of 5915
registration in accordance with this chapter shall not remove or 5916
limit the board's jurisdiction to take any disciplinary action 5917
under this section against the individual. 5918

(4) At the request of the board, a certificate holder shall 5919
immediately surrender to the board a certificate that the board 5920
has suspended, revoked, or permanently revoked. 5921

(N) Sanctions shall not be imposed under division (B)(28) of 5922
this section against any person who waives deductibles and 5923
copayments as follows: 5924

(1) In compliance with the health benefit plan that expressly 5925
allows such a practice. Waiver of the deductibles or copayments 5926
shall be made only with the full knowledge and consent of the plan 5927
purchaser, payer, and third-party administrator. Documentation of 5928
the consent shall be made available to the board upon request. 5929

(2) For professional services rendered to any other person 5930
authorized to practice pursuant to this chapter, to the extent 5931
allowed by this chapter and rules adopted by the board. 5932

(O) Under the board's investigative duties described in this 5933
section and subject to division (F) of this section, the board 5934
shall develop and implement a quality intervention program 5935
designed to improve through remedial education the clinical and 5936
communication skills of individuals authorized under this chapter 5937
to practice medicine and surgery, osteopathic medicine and 5938

surgery, and podiatric medicine and surgery. In developing and 5939
implementing the quality intervention program, the board may do 5940
all of the following: 5941

(1) Offer in appropriate cases as determined by the board an 5942
educational and assessment program pursuant to an investigation 5943
the board conducts under this section; 5944

(2) Select providers of educational and assessment services, 5945
including a quality intervention program panel of case reviewers; 5946

(3) Make referrals to educational and assessment service 5947
providers and approve individual educational programs recommended 5948
by those providers. The board shall monitor the progress of each 5949
individual undertaking a recommended individual educational 5950
program. 5951

(4) Determine what constitutes successful completion of an 5952
individual educational program and require further monitoring of 5953
the individual who completed the program or other action that the 5954
board determines to be appropriate; 5955

(5) Adopt rules in accordance with Chapter 119. of the 5956
Revised Code to further implement the quality intervention 5957
program. 5958

An individual who participates in an individual educational 5959
program pursuant to this division shall pay the financial 5960
obligations arising from that educational program. 5961

Section 4. That the existing versions of sections 4715.30, 5962
4715.302, 4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 5963
4731.055, and 4731.22 of the Revised Code that are scheduled to 5964
take effect April 1, 2015, are hereby repealed. 5965

Section 5. Sections 3 and 4 of this act shall take effect 5966
April 1, 2015. 5967

Section 6. An individual may apply for reinstatement of a 5968
license under division (E) of section 4773.03 of the Revised Code, 5969
as amended by this act, even if the individual had applied prior 5970
to the effective date of this section for a new license pursuant 5971
to paragraph (O) of rule 3701-72-02 of the Administrative Code and 5972
the application was denied. The Department of Health shall accept 5973
and review the individual's application for reinstatement. If the 5974
applicant meets the requirements of division (E) of section 5975
4773.03 of the Revised Code, as amended by this act, the 5976
Department shall reinstate the applicant's license to practice as 5977
a general x-ray machine operator, radiographer, radiation therapy 5978
technologist, or nuclear medicine technologist. 5979

Section 7. Sections 1 and 2 of this act, except sections 5980
4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 5165.99 of the 5981
Revised Code, take effect ninety days after the effective date of 5982
this section. 5983

Sections 4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 5984
5165.99 of the Revised Code, as amended by this act, take effect 5985
January 1, 2015. 5986

Section 8. The versions of sections 5165.08, 5165.513, 5987
5165.515, and 5165.99 of the Revised Code presented in this act 5988
are the versions of the sections that result from Sections 110.25, 5989
110.26, and 110.27 of Am. Sub. H.B. 59 of the 130th General 5990
Assembly. 5991

Section 9. The General Assembly, applying the principle 5992
stated in division (B) of section 1.52 of the Revised Code that 5993
amendments are to be harmonized if reasonably capable of 5994
simultaneous operation, finds that the following sections, 5995
presented in this act as composites of the sections as amended by 5996

the acts indicated, are the resulting versions of the sections in 5997
effect prior to the effective date of the sections as presented in 5998
this act: 5999

Section 2925.02 of the Revised Code as amended by both Sub. 6000
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. 6001

Section 3701.63 of the Revised Code as amended by both Am. 6002
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. 6003

Sections 4715.30, 4723.28, 4725.19, 4730.25, and 4731.22 of 6004
the Revised Code as amended by Sub. H.B. 314, Am. Sub. H.B. 341, 6005
and Am. Sub. H.B. 483 all of the 130th General Assembly. 6006

Section 4729.12 of the Revised Code as amended by Am. Sub. 6007
H.B. 341, Am. Sub. H.B. 483, and Am. Sub. H.B. 488, all of the 6008
130th General Assembly. 6009

Section 10. This act is hereby declared to be an emergency 6010
measure necessary for the immediate preservation of the public 6011
peace, health, and safety. The reason for such necessity is to 6012
provide continuity in the operation of nursing facilities in this 6013
state and in the provision of services by radiologic personnel to 6014
the residents of this state. Therefore, this act shall go into 6015
immediate effect. 6016