



Ohio Legislative Service Commission

Bill Analysis

Laurel Mannion

Sub. H.B. 438

129th General Assembly
(As Passed by the House)

Reps. Sears, Fende, Barnes, Carney, Garland, Schuring, Yuko, Amstutz, Antonio, Ashford, Buchy, Celebrezze, Conditt, Fedor, Hackett, Hall, Henne, Hill, Hottinger, Letson, Luckie, Maag, Mallory, Newbold, O'Brien, Patmon, Phillips, Slaby, Stebelton, Winburn, Batchelder

BILL SUMMARY

- Changes the name of the State Medical Board's visiting medical faculty certificate to clinical research faculty certificate.
 - Permits a certificate holder to practice medicine and surgery as incidental to the holder's research duties (in addition to the holder's teaching duties) at a medical school or teaching hospital affiliated with the school.
 - Specifies additional requirements that must be met to obtain an initial clinical research faculty certificate.
 - Permits the renewal of a clinical research faculty certificate and specifies the requirements for renewal.
 - Permits a person who was granted a visiting medical faculty certificate to apply for a clinical research faculty certificate as a renewal.
 - Declares an emergency.
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CONTENT AND OPERATION

Clinical research faculty certificates

Current law permits the State Medical Board to issue a visiting medical faculty certificate to a physician licensed in another state or country who has been appointed to serve in Ohio on the academic staff of a medical school. The certificate entitles the

holder to practice medicine and surgery or osteopathic medicine and surgery only as incidental to the certificate holder's teaching duties at the school or teaching hospital affiliated with the school. The fee for the certificate is \$375. The Board may adopt any rules it considers necessary to implement the laws governing visiting medical faculty certificates. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).¹

The bill changes the name of the visiting medical faculty certificate to clinical research faculty certificate.² Under the bill, the certificate entitles the holder to practice medicine and surgery or osteopathic medicine and surgery only as incidental to the certificate holder's teaching *and research* duties at the school or teaching hospital affiliated with the school.³ In addition to the requirements that exist under current law with respect to visiting medical faculty certificates, the bill requires that an applicant for a clinical research faculty certificate provide evidence satisfactory to the Board that (1) the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory, and (2) the applicant will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the school where the applicant's teaching and research activities will occur.⁴

An applicant also must provide (1) an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is qualified to person teaching and research activities, (2) a description from the school or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged, and (3) a description of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.⁵

Renewal of clinical research faculty certificates

Under current law, a visiting medical faculty certificate is valid for the shorter of three years or the duration of the certificate holder's appointment. The certificate may

¹ R.C. 4731.293.

² R.C. 4731.293(A).

³ R.C. 4731.293(C).

⁴ R.C. 4731.293(A)(1) and (2).

⁵ R.C. 4731.293(A)(2), (3), and (4).

not be renewed, and only one certificate may be granted to a particular person. However, if a person was granted a certificate before January 6, 2009, the person may apply for a second certificate, unless the first certificate was revoked.⁶

The bill provides that a clinical research faculty certificate may be renewed for an additional three-year period and that there is no limit on the number of times a certificate may be renewed. A person seeking renewal must apply to the Board and pay a renewal fee of \$375. The person must provide an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is in compliance with the current certificate.⁷ Finally, the person must provide evidence satisfactory to the Board of all of the following:⁸

--That the applicant continues to maintain a current unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;

--That the applicant's initial appointment to the medical school faculty is still valid or has been renewed;

--That the applicant has satisfied the same continuing medical education requirements that other physicians in Ohio must fulfill.

Renewal provisions specific to visiting medical faculty certificate holders

Under the bill, if a person was granted a visiting medical faculty certificate, the person may apply for a clinical research faculty certificate as a renewal, regardless of whether the person's original certificate has expired. The Board is permitted to issue the clinical research faculty certificate if the applicant meets the requirements for renewing a clinical research faculty certificate, but may not do so if the person's visiting medical faculty certificate was revoked.⁹

⁶ R.C. 4731.293(A), (D), and (E).

⁷ R.C. 4731.293(E)(1) and (2).

⁸ R.C. 4731.293(E)(3).

⁹ R.C. 4731.293(E)(2).

HISTORY

ACTION	DATE
Introduced	02-02-12
Reported, H. Health & Aging	02-15-12
Passed House (93-0)	02-15-12

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