

Am. Sub. H.B. 166
As Passed by the Senate
AGOCD18

_____ moved to amend as follows:

- In line 151 of the title, after "940.37," insert "1349.05," 1
- In line 332, after "940.37," insert "1349.05," 2
- In line 8187, after "Code" insert "; 3
- (mm) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report" 4
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- After line 15714, insert: 9
- "Sec. 1349.05. (A) As used in this section: 10
- (1) "Agency" and "license" have the same meanings as in section 119.01 of the Revised Code. 11
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- (2) "Crime" and "victim" have the same meanings as in section 2930.01 of the Revised Code. 13
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- (3) "Health care practitioner" means any of the following: 15
- (a) An individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery; 16
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- (b) An individual licensed under Chapter 4723. of the Revised 18

<u>Code to practice as an advanced practice registered nurse;</u>	19
<u>(c) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;</u>	20
<u>(d) An individual licensed under Chapter 4732. of the Revised Code to practice as a psychologist;</u>	22
<u>(e) An individual licensed under Chapter 4734. of the Revised Code to practice as a chiropractor.</u>	24
<u>(B) No health care practitioner, with the intent to obtain professional employment for the health care practitioner, shall directly contact in person, by telephone, or by electronic means any party to a motor vehicle accident, any victim of a crime, or any witness to a motor vehicle accident or crime until thirty days after the date of the motor vehicle accident or crime. Any communication to obtain professional employment shall be sent via the United States postal service.</u>	26
<u>(C) No person who has been paid or given, or was offered to be paid or given, money or anything of value to solicit employment on behalf of another shall directly contact in person, by telephone, or by electronic means any party to a motor vehicle accident, any victim of a crime, or any witness to a motor vehicle accident or crime until thirty days after the date of the motor vehicle accident or crime. Any communication to solicit employment on behalf of another shall be sent via the United States postal service.</u>	27
<u>(D) If the attorney general believes that a health care practitioner or a person described in division (C) of this section has violated division (B) or (C) of this section, the attorney general shall issue a notice and conduct a hearing in accordance with Chapter 119. of the Revised Code. If, after the hearing, the</u>	28
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attorney general determines that a violation of division (B) or 48
(C) of this section occurred, the attorney general shall impose a 49
fine of five thousand dollars for each violation to each health 50
care practitioner or person described in division (C) of this 51
section who sought to financially benefit from the solicitation. 52
If the attorney general determines that a health care practitioner 53
or person described in division (C) of this section has 54
subsequently violated division (B) or (C) of this section, the 55
attorney general shall impose a fine of twenty-five thousand 56
dollars for each violation. 57

(E) After determining that a health care practitioner or 58
person described in division (C) of this section has violated 59
division (B) or (C) of this section on three separate occasions, 60
and if that health care practitioner or person described in 61
division (C) of this section holds a license issued by an agency, 62
the attorney general shall notify that agency in writing of the 63
three violations. On receipt of that notice, the agency shall 64
suspend the health care practitioner's or the person's license 65
without a prior hearing and shall afford the health care 66
practitioner or the person a hearing on request in accordance with 67
section 119.06 of the Revised Code." 68

The motion was _____ agreed to.

SYNOPSIS

Victim information and solicitation for professional 69
employment 70
R.C. 149.43 and 1349.05 71

Restores the House provision that provides that the telephone 72
number of a victim of a crime, a witness to a crime, or a party to 73
a motor vehicle accident that is included in a law enforcement 74
record or report is not a public record, prohibits a health care 75
practitioner or another specified person from contacting those 76
persons for professional employment purposes until 30 days after 77
the date of the motor vehicle accident or crime, allows the 78
Attorney General to issue a fine to a health care practitioner or 79
another specified person who violates that prohibition, and allows 80
for the suspension of that health care practitioner's or person's 81
license, if applicable. 82