As Passed by the Senate

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Senators Lehner, Hackett

Cosponsors: Senators McColley, Hoagland, Huffman, S., Roegner, Fedor, Maharath, Craig, Uecker, Hottinger, Kunze, Antonio, Brenner, Burke, Coley, Dolan, Eklund, Gavarone, Hill, Huffman, M., Manning, Obhof, O'Brien, Peterson, Rulli, Sykes, Terhar, Thomas, Williams, Wilson, Yuko

A BILL

To amend sections 4731.299, 4734.281, 4734.285, 1
4734.49, 4743.04, 4759.02, 4759.10, 4761.03, 2
4762.03, 4778.07, 4778.08, and 5903.04 and to 3
enact sections 4730.121, 4731.153, 4731.57, 4
4743.041, 4759.063, 4760.041, 4761.052, 5
4762.041, 4774.041, 4778.051, and 4778.081 of 6
the Revised Code regarding temporary state 7
occupational licenses for members of the 8
military and their spouses and regarding the 9
state medical board issuing expedited licenses 10
or certificates by endorsement to those 11
individuals under certain circumstances. 12

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

Section 1. That sections 4731.299, 4734.281, 4734.285, 13
4734.49, 4743.04, 4759.02, 4759.10, 4761.03, 4762.03, 4778.07, 14
4778.08, and 5903.04 be amended and sections 4730.121, 4731.153, 15
4731.57, 4743.041, 4759.063, 4760.041, 4761.052, 4762.041, 16
4774.041, 4778.051, and 4778.081 of the Revised Code be enacted 17
to read as follows:

Sec. 4730.121. (A) The state medical board shall issue an expedited license to practice as a physician assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a physician assistant issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4730.101 and 4730.11 of the
Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 4731.153. (A) The state medical board shall issue, without examination, an expedited certificate to practice a limited branch of medicine by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited certificate by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice a limited branch of medicine issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.
(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a certificate as specified in sections 4731.171 and 4731.19 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited certificate by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited certificate by endorsement, the board shall issue the certificate to the applicant.

Sec. 4731.299. (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement.

(B) An individual who seeks an expedited license by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by
endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board.

(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.
(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.08 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code.

(E) At (1) Except as provided in division (E)(2) of this section, at the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(2) The board shall waive the application fee required by division (E)(1) of this section if the applicant presents
adequate proof to the board of both of the following:

(a) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(b) The applicant moved or will move to this state from the state or jurisdiction in which the applicant holds a current license.

(F) The secretary and supervising member of the board shall review all applications received under this section.

If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited license by endorsement, the application shall be treated as an application under section 4731.09 of the Revised Code.

(G) Each license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.09 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.57. (A) The state medical board shall issue, without examination, an expedited license to practice podiatric medicine and surgery by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by
endorsement under this section shall file with the board a
written application on a form prescribed and supplied by the
board. The applicant shall include in the application all of the
information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by
endorsement, an applicant shall provide evidence satisfactory to
the board that the applicant meets all of the following
requirements:

(1) The applicant holds a valid license or certificate to
practice podiatric medicine and surgery issued by any other
state or jurisdiction.

(2) The license or certificate is current, and the
applicant is in good standing in the state or jurisdiction of
licensure or certification.

(3) One of the circumstances described in division (B)(3)
of section 4743.041 of the Revised Code applies to the
applicant.

(4) The applicant moved or will move to this state from
the state or jurisdiction in which the individual holds a
current license or certificate.

(5) The individual meets the requirements to receive a
license as specified in sections 4731.52 and 4731.531 of the
Revised Code.

(D) The board shall waive all fees associated with the
application for and issuance of an expedited license by
endorsement under this section.

(E) The secretary and supervising member of the board
shall review all applications received under this section. If
the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 4734.281. Except in cases where a chiropractor holds a certificate issued under section 4762.04 Chapter 4762, of the Revised Code or is an individual described in division (B) of section 4762.02 of the Revised Code, a chiropractor licensed under this chapter shall not engage in the practice of acupuncture unless the chiropractor holds a valid certificate to practice acupuncture issued by the state chiropractic board under this chapter.

Sec. 4734.285. A chiropractor who holds a certificate to practice acupuncture issued under this chapter may represent or advertise the chiropractor to be a "chiropractor certified by the state chiropractic board to practice acupuncture." Unless the chiropractor holds a license issued under section 4762.04 Chapter 4762, of the Revised Code, the chiropractor shall not represent or advertise the chiropractor as holding any of the titles listed in section 4762.08 of the Revised Code.

This section does not prohibit a chiropractor from using any of the titles listed in division (C) of section 4734.15 of the Revised Code.

Sec. 4734.49. (A) The attorney general, the prosecuting attorney of the county in which a violation of this chapter is committed or is threatened to be committed or in which the offender resides, the state chiropractic board, or any other person having knowledge of a person committing or threatening to commit a violation of this chapter may, in accordance with the provisions of the Revised Code governing injunctions, maintain an action in the name of this state to enjoin the person from
committing the violation by applying for an injunction in any court of competent jurisdiction. Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. If the court grants a final or permanent injunction that is a final appealable order, the court may award to the person or entity that maintained the action an amount not exceeding five thousand dollars to cover reasonable attorney's fees, investigative costs, and other costs related to the investigation or prosecution of the case. Injunction proceedings brought under this section shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

(B)(1) The practice of chiropractic by any person not at that time holding a valid and current license issued under this chapter is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(2) Except for the practice of acupuncture by persons described in section 4762.02 of the Revised Code and persons who hold certificates issued under section 4762.04 Chapter 4762. of the Revised Code, the practice of acupuncture by any person not at that time holding a valid and current certificate to practice acupuncture issued under this chapter is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

Sec. 4743.04. (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of
section 5903.10 of the Revised Code relating to service in the armed forces.

(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service.

(C) A department, agency, or office of this state or of any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.

(D) A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code. This division does not apply to the state medical board with respect to a license or certificate issued by the board under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code.

(E) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.

Sec. 4743.041. (A) As used in this section:

(1) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(2) An individual or an individual's license or
certificate issued by another state or jurisdiction is in "good standing" if all of the following apply:

(a) The individual is in compliance with all applicable federal, state, and local regulations.

(b) The individual is not the subject of an investigation or disciplinary action by any agency of federal, state, or local government.

(c) The individual has not been denied a license or certificate, or had a license or certificate limited, suspended, or revoked by any public agency or licensing agency.

(B) Pursuant to division (D) of section 4743.04 of the Revised Code, a department, agency, or office of this state, excluding the state medical board as described in that division, shall issue a temporary license or certificate to practice a trade or profession to an individual for not more than six years, provided that all of the following qualifications are met:

(1) The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction.

(2) The license or certificate is current, and the individual is in good standing in the state or jurisdiction of licensure or certification.

(3) The individual presents adequate proof to the department, agency, or office of any of the following circumstances:

(a) The individual or the individual's spouse is a member of the uniformed services and is on active military duty in this
state.

(b) The individual or the individual's spouse is a military technician dual status under 10 U.S.C. 10216 and was transferred to duty in this state.

(c) A circumstance described in division (B)(3)(a) or (b) of this section will occur within three months after the date of application.

(4) The individual presents adequate proof to the department, agency, or office that the individual moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual complies with sections 4776.01 to 4776.04 of the Revised Code.

(C) A department, agency, or office of this state may, in accordance with Chapter 119. of the Revised Code, deny an individual a temporary license or certificate issued under this section or revoke an individual's temporary license or certificate issued under this section if any of the following circumstances occur:

(1) The individual has a criminal record according to a criminal records check.

(2) The individual is unable to practice the trade or profession according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills.

(3) The individual is unable to practice the trade or profession according to acceptable and prevailing standards of
care because of the habitual or excessive use or abuse of alcohol or other substances that impair the ability to practice.

(4) An adverse action has been taken against the individual by a health care institution.

(5) The individual's license or certificate issued by another state or jurisdiction expires, is revoked, or is not in good standing or the individual, with respect to that license or certificate, is placed on disciplinary probation.

(6) With respect to an individual who was eligible for a temporary license or certificate under this section as the spouse of a member of the uniformed services or of a military technician dual status, six months have elapsed since the divorce, dissolution, or annulment of the marriage.

(7) The individual is dishonorably discharged from the military.

(8) The individual is required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.

(9) The individual is required to register under section 2909.15 of the Revised Code or a substantially similar law of another state, the United States, or another country.

(10) The individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for any criminal violation set forth in the Revised Code mandating that the individual is ineligible for licensure or certification in the trade or profession.

(11) An individual issued a temporary license or certificate under this section fails to obtain a full license or
certificate within six years after the temporary license or certificate was issued.

(D) A department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate under this section.

(E) An individual with a temporary license or certificate issued under this section may practice the trade or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.

(F) Each department, agency, or office subject to this section that issues a license or certificate to practice a trade or profession shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

(G) The director of administrative services shall, on the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under section 4743.041 of the Revised Code. The director of administrative services shall provide the report to the director of veterans services not later than thirty days after the end of the fiscal year. The director of veterans services shall compile the reports and make them available to the public.

Sec. 4759.02. (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold self forth to practice dietetics unless the person has been licensed under section 4759.06 of the Revised Code this chapter.

(B) Except for a person licensed under section 4759.06 of
the Revised Code this chapter, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian";

(2) No person except for a person licensed under Title XLVII of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(4) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(5) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division (E) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any
county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of this section, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that the person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided under this chapter.

Sec. 4759.063. (A) The state medical board shall issue,
without examination, an expedited license to practice dietetics by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice dietetics issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4759.06 and 4759.061 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by
endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 4759.10. Sections 4759.01 to 4759.08 of the Revised Code do not apply to any of the following:

(A) A person licensed under Title XLVII of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the state medical board who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code this chapter or registered by the commission on dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the state medical board or by a regional agency recognized by the council on postsecondary accreditation, who performs only
nutritional education activities and such other nutritional activities as the board, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code; 

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code; 

(F) A person when acting, under the direction and supervision of a person licensed under Title XLVII of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code; 

(G) The free dissemination of literature in the state; 

(H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate Chapter 1345. of the Revised Code; 

(I) A person who offers dietary supplements for sale and who makes the following statements about the product if the
statements are consistent with the dietary supplement's label or labeling:

(1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;

(2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;

(3) Characterize the documented mechanism by which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient.

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian;

(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under section 4759.06 of the Revised Code this chapter and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used
in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code.

Sec. 4760.041. (A) The state medical board shall issue an expedited certificate to practice as an anesthesiologist assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited certificate by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as an anesthesiologist assistant issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a
certificate as specified in sections 4760.03, 4760.031, and 4760.032 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited certificate by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited certificate by endorsement, the board shall issue the certificate to the applicant.

Sec. 4761.03. (A) The state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter. Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission or the American osteopathic association.

(B) The board shall adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing the following:

(1) The form and manner for filing applications under sections 4761.05, 4761.052, and 4761.06 of the Revised Code;

(2) Standards for the approval of examinations and
reexaminations administered by national organizations for licensure, license renewal, and license reinstatement;

(3) Standards for the approval of educational programs required to qualify for licensure and approval of continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal under section 4761.06 of the Revised Code, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the limitation, suspension, and revocation of licenses and limited permits, the refusal to issue, renew, or reinstate licenses and limited permits, and the imposition of a reprimand or probation under section 4761.09 of the Revised Code;

(7) Standards of ethical conduct for the practice of respiratory care;

(8) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;

(9) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.
(C) The board shall determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit.

(D) The board shall determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code.

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

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4761.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.
(3) In investigating a possible violation of this chapter or any rule adopted under it, the board may issue subpoenas, administer oaths, question witnesses, conduct interviews, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

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

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

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or limited permit issued under this
chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

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

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

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

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

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

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

(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;

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

(d) The disposition of the case.

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

(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.

(G) The board shall maintain and publish on its internet web site all of the following:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care.

Sec. 4761.052. (A) The state medical board shall issue, without examination, an expedited license to practice respiratory care by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to
practice respiratory care issued by any other state or
jurisdiction.

(2) The license or certificate is current, and the
applicant is in good standing in the state or jurisdiction of
licensure or certification.

(3) One of the circumstances described in division (B)(3)
of section 4743.041 of the Revised Code applies to the
applicant.

(4) The applicant moved or will move to this state from
the state or jurisdiction in which the individual holds a
current license or certificate.

(5) The individual meets the requirements to receive a
license as specified in sections 4761.04 and 4761.051 of the
Revised Code.

(D) The board shall waive all fees associated with the
application for and issuance of an expedited license by
endorsement under this section.

(E) The secretary and supervising member of the board
shall review all applications received under this section. If
the secretary and supervising member determine that an applicant
meets the requirements for an expedited license by endorsement,
the board shall issue the license to the applicant.

Sec. 4762.03. (A) An individual seeking a certificate to
practice as an oriental medicine practitioner or certificate to
practice as an acupuncturist shall file with the state medical
board a written application on a form prescribed and supplied by
the board.

(B) To be eligible for the certificate to practice, an
applicant shall meet all of the following conditions, as applicable:

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a certificate to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

   (a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

   (b) That the applicant has successfully completed, in the two-year period immediately preceding application for the certificate to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a certificate to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

   (a) Passing the examination described in section 4731.142
of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a certificate to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a certificate to practice as an acupuncturist issued under section 4762.04 of the Revised Code this chapter.

(5) The applicant shall submit to the board any other information the board requires.

(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant.

(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a certificate to practice not later than sixty days after receiving a complete application.
The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.

**Sec. 4762.041.** (A) The state medical board shall issue an expedited certificate to practice as an oriental medicine practitioner or acupuncturist by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited certificate by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as an oriental medicine practitioner or acupuncturist issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.
(5) The individual meets the requirements to receive a certificate as specified in sections 4762.03 and 4762.031 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited certificate by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited certificate by endorsement, the board shall issue the certificate to the applicant.

Sec. 4774.041. (A) The state medical board shall issue an expedited certificate to practice as a radiologist assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited certificate by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a radiologist assistant issued by any other state or jurisdiction.

(2) The license or certificate is current, and the
applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a certificate as specified in sections 4774.03 and 4774.031 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited certificate by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited certificate by endorsement, the board shall issue the certificate to the applicant.

Sec. 4778.051. (A) The state medical board shall issue an expedited license to practice as a genetic counselor by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.
(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a genetic counselor issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4778.03 and 4778.04 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 4778.07. (A) A license to practice as a genetic
counselor issued under section 4778.05 of the Revised Code this chapter that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4778.02 of the Revised Code.

(B) If a license has been suspended pursuant to this section for two years or less, the board shall reinstate the license upon an applicant's submission of a complete renewal application, the biennial renewal fee, and a monetary penalty of twenty-five dollars.

(C)(1) If a license has been suspended pursuant to this section for more than two years, it may be restored upon an applicant's submission of a complete restoration application, the biennial renewal fee, and a monetary penalty of fifty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4778.05 of the Revised Code.

(2) The board may impose terms and conditions for the restoration, including the following:

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

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

(c) Restricting or limiting the extent, scope, or type of practice of the applicant.
Sec. 4778.08. (A) The state medical board may issue to an applicant under section 4778.03 of the Revised Code a license to practice as a genetic counselor, designated as a supervised practice license, if both of the following apply:

1. The applicant meets the requirements specified in section 4778.03 of the Revised Code other than being a certified genetic counselor;

2. The applicant is in active candidate status with the American board of genetic counseling.

(B) A supervised practice license authorizes the holder to engage in the activities authorized by section 4778.11 of the Revised Code while the holder is under the general supervision of a genetic counselor licensed under section 4778.05 of the Revised Code or a physician. General supervision does not require the supervising licensed genetic counselor or physician to be present while the holder engages in such activities, but does require the licensed genetic counselor or physician to have professional responsibility for the holder and be readily accessible to the holder for professional consultation and assistance.

A supervised practice license is valid from the date of issuance until the earlier of one year from that date or the date a license is issued under section 4778.05 or 4778.051 of the Revised Code. A supervised practice license may not be renewed.

Sec. 4778.081. (A) The state medical board shall issue an expedited genetic counselor supervised practice license by endorsement to an applicant who meets all of the requirements of this section.
(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a genetic counselor under supervision issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in section 4778.08 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If
the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following:

(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran;

(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and

(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran.

In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants for a temporary license or certificate under division (D) of section 4743.04 of the Revised Code.

Section 2. That existing sections 4731.299, 4734.281, 4734.285, 4734.49, 4743.04, 4759.02, 4759.10, 4761.03, 4762.03, 4778.07, 4778.08, and 5903.04 of the Revised Code are hereby repealed.