

**As Passed by the Senate**

**CORRECTED VERSION**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 493**

**Representatives Sears, Ryan**

**Cosponsors: Representatives Perales, Antonio, Baker, Boyd, Brown, Craig, Fedor,  
LaTourette, Lepore-Hagan, Manning, McClain, O'Brien, M., Patterson, Rezabek,  
Rogers, Sheehy, Slaby, Sweeney**

**Senators Bacon, Faber, Hite, Hottinger, Jones, Jordan, Uecker**

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**A BILL**

To amend sections 307.627, 2151.421, 2151.422, 1  
2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2  
2919.192, 2919.193, 3701.701, 4731.22, 5153.16, 3  
5153.175, and 5153.176; to amend, for the 4  
purpose of adopting new section numbers as 5  
indicated in parentheses, sections 2919.191 6  
(2919.192), 2919.192 (2919.194), and 2919.193 7  
(2919.198); and to enact new sections 2919.191 8  
and 2919.193 and sections 2919.195, 2919.196, 9  
2919.197, 2919.199, 2919.1910, and 2919.1911 of 10  
the Revised Code to make changes in the child 11  
abuse and neglect reporting law, to generally 12  
prohibit an abortion of an unborn human 13  
individual with a detectable heartbeat, to 14  
create the Joint Legislative Committee on 15  
Adoption Promotion and Support, and to make an 16  
appropriation. 17

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

**Section 1.** That sections 307.627, 2151.421, 2151.422, 18  
2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2919.192, 19  
2919.193, 3701.701, 4731.22, 5153.16, 5153.175, and 5153.176 be 20  
amended; sections 2919.191 (2919.192), 2919.192 (2919.194), and 21  
2919.193 (2919.198) be amended for the purpose of adopting new 22  
section numbers as indicated in parentheses; and new sections 23  
2919.191 and 2919.193 and sections 2919.195, 2919.196, 2919.197, 24  
2919.199, 2919.1910, and 2919.1911 of the Revised Code be 25  
enacted to read as follows: 26

**Sec. 307.627.** (A) (1) Notwithstanding section 3701.243 and 27  
any other section of the Revised Code pertaining to 28  
confidentiality, any individual; public children services 29  
agency, private child placing agency, or agency that provides 30  
services specifically to individuals or families; law 31  
enforcement agency; or other public or private entity that 32  
provided services to a child whose death is being reviewed by a 33  
child fatality review board, on the request of the review board, 34  
shall submit to the review board a summary sheet of information. 35

(a) With respect to a request made to a health care 36  
entity, the summary sheet shall contain only information 37  
available and reasonably drawn from the child's medical record 38  
created by the health care entity. 39

(b) With respect to a request made to any other individual 40  
or entity, the summary shall contain only information available 41  
and reasonably drawn from any record involving the child that 42  
the individual or entity develops in the normal course of 43  
business. 44

(c) On the request of the review board, an individual or 45  
entity may, at the individual or entity's discretion, make any 46  
additional information, documents, or reports available to the 47

review board. 48

(2) Notwithstanding section 3701.243 and any other section 49  
of the Revised Code pertaining to confidentiality, in the case 50  
of a child one year of age or younger whose death is being 51  
reviewed by a child fatality review board, on the request of the 52  
review board, a health care entity that provided services to the 53  
child's mother shall submit to the review board a summary sheet 54  
of information available and reasonably drawn from the mother's 55  
medical record created by the health care entity. Before 56  
submitting the summary sheet, the health care entity shall 57  
attempt to obtain the mother's consent to do so, but lack of 58  
consent shall not preclude the entity from submitting the 59  
summary sheet. 60

(3) For purposes of the review, the review board shall 61  
have access to confidential information provided to the review 62  
board under this section or division ~~(H)~~(I)(4) of section 63  
2151.421 of the Revised Code, and each member of the review 64  
board shall preserve the confidentiality of that information. 65

(B) Notwithstanding division (A) of this section, no 66  
person, entity, law enforcement agency, or prosecuting attorney 67  
shall provide any information regarding the death of a child to 68  
a child fatality review board while an investigation of the 69  
death or prosecution of a person for causing the death is 70  
pending unless the prosecuting attorney has agreed pursuant to 71  
section 307.625 of the Revised Code to allow review of the 72  
death. 73

**Sec. 2151.421.** (A) (1) (a) No person described in division 74  
(A) (1) (b) of this section who is acting in an official or 75  
professional capacity and knows, or has reasonable cause to 76  
suspect based on facts that would cause a reasonable person in a 77

similar position to suspect, that a child under eighteen years 78  
of age or a mentally retarded, developmentally disabled, or 79  
physically impaired child under twenty-one years of age has 80  
suffered or faces a threat of suffering any physical or mental 81  
wound, injury, disability, or condition of a nature that 82  
reasonably indicates abuse or neglect of the child shall fail to 83  
immediately report that knowledge or reasonable cause to suspect 84  
to the entity or persons specified in this division. Except as 85  
provided in section 5120.173 of the Revised Code, the person 86  
making the report shall make it to the public children services 87  
agency or a municipal or county peace officer in the county in 88  
which the child resides or in which the abuse or neglect is 89  
occurring or has occurred. In the circumstances described in 90  
section 5120.173 of the Revised Code, the person making the 91  
report shall make it to the entity specified in that section. 92

(b) Division (A) (1) (a) of this section applies to any 93  
person who is an attorney; ~~physician, including a hospital-~~ 94  
~~intern or resident; dentist; podiatrist~~ health care 95  
professional; practitioner of a limited branch of medicine as 96  
specified in section 4731.15 of the Revised Code; ~~registered-~~ 97  
~~nurse; licensed practical nurse; visiting nurse; other health-~~ 98  
~~care professional; licensed psychologist;~~ licensed school 99  
psychologist; independent marriage and family therapist or 100  
marriage and family therapist; ~~speech pathologist or~~ 101  
~~audiologist;~~ coroner; administrator or employee of a child day- 102  
care center; administrator or employee of a residential camp, 103  
child day camp, or private, nonprofit therapeutic wilderness 104  
camp; administrator or employee of a certified child care agency 105  
or other public or private children services agency; school 106  
teacher; school employee; school authority; ~~person engaged in-~~ 107  
~~social work or the practice of professional counseling;~~ agent of 108

a county humane society; person, other than a cleric, rendering 109  
spiritual treatment through prayer in accordance with the tenets 110  
of a well-recognized religion; employee of a county department 111  
of job and family services who is a professional and who works 112  
with children and families; superintendent or regional 113  
administrator employed by the department of youth services; 114  
superintendent, board member, or employee of a county board of 115  
developmental disabilities; investigative agent contracted with 116  
by a county board of developmental disabilities; employee of the 117  
department of developmental disabilities; employee of a facility 118  
or home that provides respite care in accordance with section 119  
5123.171 of the Revised Code; ~~employee of a home health agency;~~ 120  
employee of an entity that provides homemaker services; a person 121  
performing the duties of an assessor pursuant to Chapter 3107. 122  
or 5103. of the Revised Code; third party employed by a public 123  
children services agency to assist in providing child or family 124  
related services; court appointed special advocate; or guardian 125  
ad litem. 126

(c) If two or more health care professionals, after 127  
providing health care services to a child, determine or suspect 128  
that the child has been or is being abused or neglected, the 129  
health care professionals may designate one of the health care 130  
professionals to report the abuse or neglect. A single report 131  
made under this division shall meet the reporting requirements 132  
of division (A) (1) of this section. 133

(2) Except as provided in division (A) (3) of this section, 134  
an attorney or a physician is not required to make a report 135  
pursuant to division (A) (1) of this section concerning any 136  
communication the attorney or physician receives from a client 137  
or patient in an attorney-client or physician-patient 138  
relationship, if, in accordance with division (A) or (B) of 139

section 2317.02 of the Revised Code, the attorney or physician 140  
could not testify with respect to that communication in a civil 141  
or criminal proceeding. 142

(3) The client or patient in an attorney-client or 143  
physician-patient relationship described in division (A)(2) of 144  
this section is deemed to have waived any testimonial privilege 145  
under division (A) or (B) of section 2317.02 of the Revised Code 146  
with respect to any communication the attorney or physician 147  
receives from the client or patient in that attorney-client or 148  
physician-patient relationship, and the attorney or physician 149  
shall make a report pursuant to division (A)(1) of this section 150  
with respect to that communication, if all of the following 151  
apply: 152

(a) The client or patient, at the time of the 153  
communication, is either a child under eighteen years of age or 154  
a mentally retarded, developmentally disabled, or physically 155  
impaired person under twenty-one years of age. 156

(b) The attorney or physician knows, or has reasonable 157  
cause to suspect based on facts that would cause a reasonable 158  
person in similar position to suspect, ~~as a result of the~~ 159  
~~communication or any observations made during that~~ 160  
~~communication,~~ that the client or patient has suffered or faces 161  
a threat of suffering any physical or mental wound, injury, 162  
disability, or condition of a nature that reasonably indicates 163  
abuse or neglect of the client or patient. 164

(c) The abuse or neglect does not arise out of the 165  
client's or patient's attempt to have an abortion without the 166  
notification of her parents, guardian, or custodian in 167  
accordance with section 2151.85 of the Revised Code. 168

(4) (a) No cleric and no person, other than a volunteer, 169  
designated by any church, religious society, or faith acting as 170  
a leader, official, or delegate on behalf of the church, 171  
religious society, or faith who is acting in an official or 172  
professional capacity, who knows, or has reasonable cause to 173  
believe based on facts that would cause a reasonable person in a 174  
similar position to believe, that a child under eighteen years 175  
of age or a mentally retarded, developmentally disabled, or 176  
physically impaired child under twenty-one years of age has 177  
suffered or faces a threat of suffering any physical or mental 178  
wound, injury, disability, or condition of a nature that 179  
reasonably indicates abuse or neglect of the child, and who 180  
knows, or has reasonable cause to believe based on facts that 181  
would cause a reasonable person in a similar position to 182  
believe, that another cleric or another person, other than a 183  
volunteer, designated by a church, religious society, or faith 184  
acting as a leader, official, or delegate on behalf of the 185  
church, religious society, or faith caused, or poses the threat 186  
of causing, the wound, injury, disability, or condition that 187  
reasonably indicates abuse or neglect shall fail to immediately 188  
report that knowledge or reasonable cause to believe to the 189  
entity or persons specified in this division. Except as provided 190  
in section 5120.173 of the Revised Code, the person making the 191  
report shall make it to the public children services agency or a 192  
municipal or county peace officer in the county in which the 193  
child resides or in which the abuse or neglect is occurring or 194  
has occurred. In the circumstances described in section 5120.173 195  
of the Revised Code, the person making the report shall make it 196  
to the entity specified in that section. 197

(b) Except as provided in division (A) (4) (c) of this 198  
section, a cleric is not required to make a report pursuant to 199

division (A) (4) (a) of this section concerning any communication 200  
the cleric receives from a penitent in a cleric-penitent 201  
relationship, if, in accordance with division (C) of section 202  
2317.02 of the Revised Code, the cleric could not testify with 203  
respect to that communication in a civil or criminal proceeding. 204

(c) The penitent in a cleric-penitent relationship 205  
described in division (A) (4) (b) of this section is deemed to 206  
have waived any testimonial privilege under division (C) of 207  
section 2317.02 of the Revised Code with respect to any 208  
communication the cleric receives from the penitent in that 209  
cleric-penitent relationship, and the cleric shall make a report 210  
pursuant to division (A) (4) (a) of this section with respect to 211  
that communication, if all of the following apply: 212

(i) The penitent, at the time of the communication, is 213  
either a child under eighteen years of age or a mentally 214  
retarded, developmentally disabled, or physically impaired 215  
person under twenty-one years of age. 216

(ii) The cleric knows, or has reasonable cause to believe 217  
based on facts that would cause a reasonable person in a similar 218  
position to believe, as a result of the communication or any 219  
observations made during that communication, the penitent has 220  
suffered or faces a threat of suffering any physical or mental 221  
wound, injury, disability, or condition of a nature that 222  
reasonably indicates abuse or neglect of the penitent. 223

(iii) The abuse or neglect does not arise out of the 224  
penitent's attempt to have an abortion performed upon a child 225  
under eighteen years of age or upon a mentally retarded, 226  
developmentally disabled, or physically impaired person under 227  
twenty-one years of age without the notification of her parents, 228  
guardian, or custodian in accordance with section 2151.85 of the 229



Revised Code.	230
(d) Divisions (A) (4) (a) and (c) of this section do not	231
apply in a cleric-penitent relationship when the disclosure of	232
any communication the cleric receives from the penitent is in	233
violation of the sacred trust.	234
(e) As used in divisions (A) (1) and (4) of this section,	235
"cleric" and "sacred trust" have the same meanings as in section	236
2317.02 of the Revised Code.	237
(B) Anyone who knows, or has reasonable cause to suspect	238
based on facts that would cause a reasonable person in similar	239
circumstances to suspect, that a child under eighteen years of	240
age or a mentally retarded, developmentally disabled, or	241
physically impaired person under twenty-one years of age has	242
suffered or faces a threat of suffering any physical or mental	243
wound, injury, disability, or other condition of a nature that	244
reasonably indicates abuse or neglect of the child may report or	245
cause reports to be made of that knowledge or reasonable cause	246
to suspect to the entity or persons specified in this division.	247
Except as provided in section 5120.173 of the Revised Code, a	248
person making a report or causing a report to be made under this	249
division shall make it or cause it to be made to the public	250
children services agency or to a municipal or county peace	251
officer. In the circumstances described in section 5120.173 of	252
the Revised Code, a person making a report or causing a report	253
to be made under this division shall make it or cause it to be	254
made to the entity specified in that section.	255
(C) Any report made pursuant to division (A) or (B) of	256
this section shall be made forthwith either by telephone or in	257
person and shall be followed by a written report, if requested	258
by the receiving agency or officer. The written report shall	259

contain:	260
(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;	261 262 263
(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;	264 265 266 267 268 269
(3) Any other information, <u>including, but not limited to,</u> <u>results and reports of any medical examinations, tests, or</u> <u>procedures performed under division (D) of this section,</u> that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.	270 271 272 273 274 275 276 277
<u>(D) (1) Any person, who is required by division (A) of this</u> section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically <del>indicated</del> <u>necessary for the purpose</u> <u>of diagnosing or treating injuries that are suspected to have</u> <u>occurred as a result of child abuse or child neglect, perform or</u> cause to be performed radiological examinations <del>of the child</del> <u>and</u> <u>any other medical examinations of, and tests or procedures on,</u> <u>the child.</u>	278 279 280 281 282 283 284 285 286 287
<del>(D) As used in this division, "children's advocacy center"</del>	288

~~and "sexual abuse of a child" have the same meanings as in~~ 289  
~~section 2151.425 of the Revised Code~~ 290

(2) The results and any available reports of examinations, 291  
tests, or procedures made under division (D)(1) of this section 292  
shall be included in a report made pursuant to division (A) of 293  
this section. Any additional reports of examinations, tests, or 294  
procedures that become available shall be provided to the public 295  
children services agency, upon request. 296

(3) If a health care professional provides health care 297  
services in a hospital, children's advocacy center, or emergency 298  
medical facility to a child about whom a report has been made 299  
under division (A) of this section, the health care professional 300  
may take any steps that are reasonably necessary for the release 301  
or discharge of the child to an appropriate environment. Before 302  
the child's release or discharge, the health care professional 303  
may obtain information, or consider information obtained, from 304  
other entities or individuals that have knowledge about the 305  
child. Nothing in division (D)(3) of this section shall be 306  
construed to alter the responsibilities of any person under 307  
sections 2151.27 and 2151.31 of the Revised Code. 308

(4) A health care professional may conduct medical 309  
examinations, tests, or procedures on the siblings of a child 310  
about whom a report has been made under division (A) of this 311  
section and on other children who reside in the same home as the 312  
child, if the professional determines that the examinations, 313  
tests, or procedures are medically necessary to diagnose or 314  
treat the siblings or other children in order to determine 315  
whether reports under division (A) of this section are warranted 316  
with respect to such siblings or other children. The results of 317  
the examinations, tests, or procedures on the siblings and other 318

<u>children may be included in a report made pursuant to division</u>	319
<u>(A) of this section.</u>	320
<u>(5) Medical examinations, tests, or procedures conducted</u>	321
<u>under divisions (D)(1) and (4) of this section and decisions</u>	322
<u>regarding the release or discharge of a child under division (D)</u>	323
<u>(3) of this section do not constitute a law enforcement</u>	324
<u>investigation or activity.</u>	325
<u>(E)(1) When a municipal or county peace officer receives a</u>	326
<u>report concerning the possible abuse or neglect of a child or</u>	327
<u>the possible threat of abuse or neglect of a child, upon receipt</u>	328
<u>of the report, the municipal or county peace officer who</u>	329
<u>receives the report shall refer the report to the appropriate</u>	330
<u>public children services agency.</u>	331
<u>(2) When a public children services agency receives a</u>	332
<u>report pursuant to this division or division (A) or (B) of this</u>	333
<u>section, upon receipt of the report, the public children</u>	334
<u>services agency shall do both of the following:</u>	335
<u>(a) Comply with section 2151.422 of the Revised Code;</u>	336
<u>(b) If the county served by the agency is also served by a</u>	337
<u>children's advocacy center and the report alleges sexual abuse</u>	338
<u>of a child or another type of abuse of a child that is specified</u>	339
<u>in the memorandum of understanding that creates the center as</u>	340
<u>being within the center's jurisdiction, comply regarding the</u>	341
<u>report with the protocol and procedures for referrals and</u>	342
<u>investigations, with the coordinating activities, and with the</u>	343
<u>authority or responsibility for performing or providing</u>	344
<u>functions, activities, and services stipulated in the</u>	345
<u>interagency agreement entered into under section 2151.428 of the</u>	346
<u>Revised Code relative to that center.</u>	347

~~(E)~~(F) No township, municipal, or county peace officer 348  
shall remove a child about whom a report is made pursuant to 349  
this section from the child's parents, stepparents, or guardian 350  
or any other persons having custody of the child without 351  
consultation with the public children services agency, unless, 352  
in the judgment of the officer, and, if the report was made by 353  
physician, the physician, immediate removal is considered 354  
essential to protect the child from further abuse or neglect. 355  
The agency that must be consulted shall be the agency conducting 356  
the investigation of the report as determined pursuant to 357  
section 2151.422 of the Revised Code. 358

~~(F)~~(G) (1) Except as provided in section 2151.422 of the 359  
Revised Code or in an interagency agreement entered into under 360  
section 2151.428 of the Revised Code that applies to the 361  
particular report, the public children services agency shall 362  
investigate, within twenty-four hours, each report of child 363  
abuse or child neglect that is known or reasonably suspected or 364  
believed to have occurred and of a threat of child abuse or 365  
child neglect that is known or reasonably suspected or believed 366  
to exist that is referred to it under this section to determine 367  
the circumstances surrounding the injuries, abuse, or neglect or 368  
the threat of injury, abuse, or neglect, the cause of the 369  
injuries, abuse, neglect, or threat, and the person or persons 370  
responsible. The investigation shall be made in cooperation with 371  
the law enforcement agency and in accordance with the memorandum 372  
of understanding prepared under division ~~(J)~~(K) of this 373  
section. A representative of the public children services agency 374  
shall, at the time of initial contact with the person subject to 375  
the investigation, inform the person of the specific complaints 376  
or allegations made against the person. The information shall be 377  
given in a manner that is consistent with division ~~(H)~~(I)(1) of 378

this section and protects the rights of the person making the 379  
report under this section. 380

A failure to make the investigation in accordance with the 381  
memorandum is not grounds for, and shall not result in, the 382  
dismissal of any charges or complaint arising from the report or 383  
the suppression of any evidence obtained as a result of the 384  
report and does not give, and shall not be construed as giving, 385  
any rights or any grounds for appeal or post-conviction relief 386  
to any person. The public children services agency shall report 387  
each case to the uniform statewide automated child welfare 388  
information system that the department of job and family 389  
services shall maintain in accordance with section 5101.13 of 390  
the Revised Code. The public children services agency shall 391  
submit a report of its investigation, in writing, to the law 392  
enforcement agency. 393

(2) The public children services agency shall make any 394  
recommendations to the county prosecuting attorney or city 395  
director of law that it considers necessary to protect any 396  
children that are brought to its attention. 397

~~(G)(H)~~ (1) (a) Except as provided in ~~division~~ divisions (H) 398  
(1) (b) and (I) (3) of this section, ~~anyone or any person, health~~ 399  
care professional, hospital, institution, school, health 400  
~~department, or agency participating in the making of reports~~ 401  
~~under division (A) of this section, anyone or any hospital,~~ 402  
~~institution, school, health department, or agency participating~~ 403  
~~in good faith in the making of reports under division (B) of~~ 404  
~~this section, and anyone participating in good faith in a~~ 405  
~~judicial proceeding resulting from the reports, shall be immune~~ 406  
~~from any civil or criminal liability for injury, death, or loss~~ 407  
~~to person or property that otherwise might be incurred or~~ 408

~~imposed as a result of the making of the reports or the~~ 409  
~~participation in the judicial proceeding shall be immune from~~ 410  
~~any civil or criminal liability for injury, death, or loss to~~ 411  
~~person or property that otherwise might be incurred or imposed~~ 412  
~~as a result of any of the following:~~ 413

(i) Participating in the making of reports pursuant to 414  
division (A) of this section or in the making of reports in good 415  
faith, pursuant to division (B) of this section; 416

(ii) Participating in medical examinations, tests, or 417  
procedures under division (D) of this section; 418

(iii) Providing information used in a report made pursuant 419  
to division (A) of this section or providing information in good 420  
faith used in a report made pursuant to division (B) of this 421  
section; 422

(iv) Participating in a judicial proceeding resulting from 423  
a report made pursuant to division (A) of this section or 424  
participating in good faith in a proceeding resulting from a 425  
report made pursuant to division (B) of this section. 426

(b) Immunity under division (H)(1)(a)(ii) of this section 427  
shall not apply when a health care provider has deviated from 428  
the standard of care applicable to the provider's profession. 429

(c) Notwithstanding section 4731.22 of the Revised Code, 430  
the physician-patient privilege shall not be a ground for 431  
excluding evidence regarding a child's injuries, abuse, or 432  
neglect, or the cause of the injuries, abuse, or neglect in any 433  
judicial proceeding resulting from a report submitted pursuant 434  
to this section. 435

(2) In any civil or criminal action or proceeding in which 436  
it is alleged and proved that participation in the making of a 437

report under this section was not in good faith or participation 438  
in a judicial proceeding resulting from a report made under this 439  
section was not in good faith, the court shall award the 440  
prevailing party reasonable attorney's fees and costs and, if a 441  
civil action or proceeding is voluntarily dismissed, may award 442  
reasonable attorney's fees and costs to the party against whom 443  
the civil action or proceeding is brought. 444

~~(H)~~ (I) (1) Except as provided in divisions ~~(H)~~ (I) (4) and 445  
~~(N)~~ (O) of this section, a report made under this section is 446  
confidential. The information provided in a report made pursuant 447  
to this section and the name of the person who made the report 448  
shall not be released for use, and shall not be used, as 449  
evidence in any civil action or proceeding brought against the 450  
person who made the report. Nothing in this division shall 451  
preclude the use of reports of other incidents of known or 452  
suspected abuse or neglect in a civil action or proceeding 453  
brought pursuant to division ~~(M)~~ (N) of this section against a 454  
person who is alleged to have violated division (A) (1) of this 455  
section, provided that any information in a report that would 456  
identify the child who is the subject of the report or the maker 457  
of the report, if the maker of the report is not the defendant 458  
or an agent or employee of the defendant, has been redacted. In 459  
a criminal proceeding, the report is admissible in evidence in 460  
accordance with the Rules of Evidence and is subject to 461  
discovery in accordance with the Rules of Criminal Procedure. 462

(2) ~~No~~ (a) Except as provided in division (I) (2) (b) of 463  
this section, no person shall permit or encourage the 464  
unauthorized dissemination of the contents of any report made 465  
under this section. 466

(b) A health care professional that obtains the same 467



information contained in a report made under this section from a 468  
source other than the report may disseminate the information, if 469  
its dissemination is otherwise permitted by law. 470

(3) A person who knowingly makes or causes another person 471  
to make a false report under division (B) of this section that 472  
alleges that any person has committed an act or omission that 473  
resulted in a child being an abused child or a neglected child 474  
is guilty of a violation of section 2921.14 of the Revised Code. 475

(4) If a report is made pursuant to division (A) or (B) of 476  
this section and the child who is the subject of the report dies 477  
for any reason at any time after the report is made, but before 478  
the child attains eighteen years of age, the public children 479  
services agency or municipal or county peace officer to which 480  
the report was made or referred, on the request of the child 481  
fatality review board or the director of health pursuant to 482  
guidelines established under section 3701.70 of the Revised 483  
Code, shall submit a summary sheet of information providing a 484  
summary of the report to the review board of the county in which 485  
the deceased child resided at the time of death or to the 486  
director. On the request of the review board or director, the 487  
agency or peace officer may, at its discretion, make the report 488  
available to the review board or director. If the county served 489  
by the public children services agency is also served by a 490  
children's advocacy center and the report of alleged sexual 491  
abuse of a child or another type of abuse of a child is 492  
specified in the memorandum of understanding that creates the 493  
center as being within the center's jurisdiction, the agency or 494  
center shall perform the duties and functions specified in this 495  
division in accordance with the interagency agreement entered 496  
into under section 2151.428 of the Revised Code relative to that 497  
advocacy center. 498

(5) A public children services agency shall advise a 499  
person alleged to have inflicted abuse or neglect on a child who 500  
is the subject of a report made pursuant to this section, 501  
including a report alleging sexual abuse of a child or another 502  
type of abuse of a child referred to a children's advocacy 503  
center pursuant to an interagency agreement entered into under 504  
section 2151.428 of the Revised Code, in writing of the 505  
disposition of the investigation. The agency shall not provide 506  
to the person any information that identifies the person who 507  
made the report, statements of witnesses, or police or other 508  
investigative reports. 509

~~(I)~~ (J) Any report that is required by this section, other 510  
than a report that is made to the state highway patrol as 511  
described in section 5120.173 of the Revised Code, shall result 512  
in protective services and emergency supportive services being 513  
made available by the public children services agency on behalf 514  
of the children about whom the report is made, in an effort to 515  
prevent further neglect or abuse, to enhance their welfare, and, 516  
whenever possible, to preserve the family unit intact. The 517  
agency required to provide the services shall be the agency 518  
conducting the investigation of the report pursuant to section 519  
2151.422 of the Revised Code. 520

~~(J)~~ (K) (1) Each public children services agency shall 521  
prepare a memorandum of understanding that is signed by all of 522  
the following: 523

(a) If there is only one juvenile judge in the county, the 524  
juvenile judge of the county or the juvenile judge's 525  
representative; 526

(b) If there is more than one juvenile judge in the 527  
county, a juvenile judge or the juvenile judges' representative 528

selected by the juvenile judges or, if they are unable to do so 529  
for any reason, the juvenile judge who is senior in point of 530  
service or the senior juvenile judge's representative; 531

(c) The county peace officer; 532

(d) All chief municipal peace officers within the county; 533

(e) Other law enforcement officers handling child abuse 534  
and neglect cases in the county; 535

(f) The prosecuting attorney of the county; 536

(g) If the public children services agency is not the 537  
county department of job and family services, the county 538  
department of job and family services; 539

(h) The county humane society; 540

(i) If the public children services agency participated in 541  
the execution of a memorandum of understanding under section 542  
2151.426 of the Revised Code establishing a children's advocacy 543  
center, each participating member of the children's advocacy 544  
center established by the memorandum. 545

(2) A memorandum of understanding shall set forth the 546  
normal operating procedure to be employed by all concerned 547  
officials in the execution of their respective responsibilities 548  
under this section and division (C) of section 2919.21, division 549  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 550  
section 2919.24 of the Revised Code and shall have as two of its 551  
primary goals the elimination of all unnecessary interviews of 552  
children who are the subject of reports made pursuant to 553  
division (A) or (B) of this section and, when feasible, 554  
providing for only one interview of a child who is the subject 555  
of any report made pursuant to division (A) or (B) of this 556

section. A failure to follow the procedure set forth in the 557  
memorandum by the concerned officials is not grounds for, and 558  
shall not result in, the dismissal of any charges or complaint 559  
arising from any reported case of abuse or neglect or the 560  
suppression of any evidence obtained as a result of any reported 561  
child abuse or child neglect and does not give, and shall not be 562  
construed as giving, any rights or any grounds for appeal or 563  
post-conviction relief to any person. 564

(3) A memorandum of understanding shall include all of the 565  
following: 566

(a) The roles and responsibilities for handling emergency 567  
and nonemergency cases of abuse and neglect; 568

(b) Standards and procedures to be used in handling and 569  
coordinating investigations of reported cases of child abuse and 570  
reported cases of child neglect, methods to be used in 571  
interviewing the child who is the subject of the report and who 572  
allegedly was abused or neglected, and standards and procedures 573  
addressing the categories of persons who may interview the child 574  
who is the subject of the report and who allegedly was abused or 575  
neglected. 576

(4) If a public children services agency participated in 577  
the execution of a memorandum of understanding under section 578  
2151.426 of the Revised Code establishing a children's advocacy 579  
center, the agency shall incorporate the contents of that 580  
memorandum in the memorandum prepared pursuant to this section. 581

(5) The clerk of the court of common pleas in the county 582  
may sign the memorandum of understanding prepared under division 583  
~~(J)~~(K)(1) of this section. If the clerk signs the memorandum of 584  
understanding, the clerk shall execute all relevant 585

responsibilities as required of officials specified in the 586  
memorandum. 587

~~(K)~~(L)(1) Except as provided in division ~~(K)~~(L)(4) or (5) 588  
of this section, a person who is required to make a report 589  
pursuant to division (A) of this section may make a reasonable 590  
number of requests of the public children services agency that 591  
receives or is referred the report, or of the children's 592  
advocacy center that is referred the report if the report is 593  
referred to a children's advocacy center pursuant to an 594  
interagency agreement entered into under section 2151.428 of the 595  
Revised Code, to be provided with the following information: 596

(a) Whether the agency or center has initiated an 597  
investigation of the report; 598

(b) Whether the agency or center is continuing to 599  
investigate the report; 600

(c) Whether the agency or center is otherwise involved 601  
with the child who is the subject of the report; 602

(d) The general status of the health and safety of the 603  
child who is the subject of the report; 604

(e) Whether the report has resulted in the filing of a 605  
complaint in juvenile court or of criminal charges in another 606  
court. 607

(2) A person may request the information specified in 608  
division ~~(K)~~(L)(1) of this section only if, at the time the 609  
report is made, the person's name, address, and telephone number 610  
are provided to the person who receives the report. 611

When a municipal or county peace officer or employee of a 612  
public children services agency receives a report pursuant to 613

division (A) or (B) of this section the recipient of the report 614  
shall inform the person of the right to request the information 615  
described in division ~~(K)~~(L)(1) of this section. The recipient 616  
of the report shall include in the initial child abuse or child 617  
neglect report that the person making the report was so informed 618  
and, if provided at the time of the making of the report, shall 619  
include the person's name, address, and telephone number in the 620  
report. 621

Each request is subject to verification of the identity of 622  
the person making the report. If that person's identity is 623  
verified, the agency shall provide the person with the 624  
information described in division ~~(K)~~(L)(1) of this section a 625  
reasonable number of times, except that the agency shall not 626  
disclose any confidential information regarding the child who is 627  
the subject of the report other than the information described 628  
in those divisions. 629

(3) A request made pursuant to division ~~(K)~~(L)(1) of this 630  
section is not a substitute for any report required to be made 631  
pursuant to division (A) of this section. 632

(4) If an agency other than the agency that received or 633  
was referred the report is conducting the investigation of the 634  
report pursuant to section 2151.422 of the Revised Code, the 635  
agency conducting the investigation shall comply with the 636  
requirements of division ~~(K)~~(L) of this section. 637

~~(L)~~(5) A health care professional who made a report under 638  
division (A) of this section, or on whose behalf such a report 639  
was made as provided in division (A)(1)(c) of this section, may 640  
authorize a person to obtain the information described in 641  
division (L)(1) of this section if the person requesting the 642  
information is associated with or acting on behalf of the health 643

care professional who provided health care services to the child 644  
about whom the report was made. 645

(M) The director of job and family services shall adopt 646  
rules in accordance with Chapter 119. of the Revised Code to 647  
implement this section. The department of job and family 648  
services may enter into a plan of cooperation with any other 649  
governmental entity to aid in ensuring that children are 650  
protected from abuse and neglect. The department shall make 651  
recommendations to the attorney general that the department 652  
determines are necessary to protect children from child abuse 653  
and child neglect. 654

~~(M)~~(N) Whoever violates division (A) of this section is 655  
liable for compensatory and exemplary damages to the child who 656  
would have been the subject of the report that was not made. A 657  
person who brings a civil action or proceeding pursuant to this 658  
division against a person who is alleged to have violated 659  
division (A) (1) of this section may use in the action or 660  
proceeding reports of other incidents of known or suspected 661  
abuse or neglect, provided that any information in a report that 662  
would identify the child who is the subject of the report or the 663  
maker of the report, if the maker is not the defendant or an 664  
agent or employee of the defendant, has been redacted. 665

~~(N)~~(O) (1) As used in this division: 666

(a) "Out-of-home care" includes a nonchartered nonpublic 667  
school if the alleged child abuse or child neglect, or alleged 668  
threat of child abuse or child neglect, described in a report 669  
received by a public children services agency allegedly occurred 670  
in or involved the nonchartered nonpublic school and the alleged 671  
perpetrator named in the report holds a certificate, permit, or 672  
license issued by the state board of education under section 673

3301.071 or Chapter 3319. of the Revised Code. 674

(b) "Administrator, director, or other chief 675  
administrative officer" means the superintendent of the school 676  
district if the out-of-home care entity subject to a report made 677  
pursuant to this section is a school operated by the district. 678

(2) No later than the end of the day following the day on 679  
which a public children services agency receives a report of 680  
alleged child abuse or child neglect, or a report of an alleged 681  
threat of child abuse or child neglect, that allegedly occurred 682  
in or involved an out-of-home care entity, the agency shall 683  
provide written notice of the allegations contained in and the 684  
person named as the alleged perpetrator in the report to the 685  
administrator, director, or other chief administrative officer 686  
of the out-of-home care entity that is the subject of the report 687  
unless the administrator, director, or other chief 688  
administrative officer is named as an alleged perpetrator in the 689  
report. If the administrator, director, or other chief 690  
administrative officer of an out-of-home care entity is named as 691  
an alleged perpetrator in a report of alleged child abuse or 692  
child neglect, or a report of an alleged threat of child abuse 693  
or child neglect, that allegedly occurred in or involved the 694  
out-of-home care entity, the agency shall provide the written 695  
notice to the owner or governing board of the out-of-home care 696  
entity that is the subject of the report. The agency shall not 697  
provide witness statements or police or other investigative 698  
reports. 699

(3) No later than three days after the day on which a 700  
public children services agency that conducted the investigation 701  
as determined pursuant to section 2151.422 of the Revised Code 702  
makes a disposition of an investigation involving a report of 703



alleged child abuse or child neglect, or a report of an alleged 704  
threat of child abuse or child neglect, that allegedly occurred 705  
in or involved an out-of-home care entity, the agency shall send 706  
written notice of the disposition of the investigation to the 707  
administrator, director, or other chief administrative officer 708  
and the owner or governing board of the out-of-home care entity. 709  
The agency shall not provide witness statements or police or 710  
other investigative reports. 711

~~(P)~~ As used in this section, "investigation": 712

(1) "Children's advocacy center" and "sexual abuse of a 713  
child" have the same meanings as in section 2151.425 of the 714  
Revised Code. 715

(2) "Health care professional" means an individual who 716  
provides health-related services including a physician, hospital 717  
intern or resident, dentist, podiatrist, registered nurse, 718  
licensed practical nurse, visiting nurse, licensed psychologist, 719  
speech pathologist, audiologist, person engaged in social work 720  
or the practice of professional counseling, and employee of a 721  
home health agency. "Health care professional" does not include 722  
a practitioner of a limited branch of medicine as specified in 723  
section 4731.15 of the Revised Code, licensed school 724  
psychologist, independent marriage and family therapist or 725  
marriage and family therapist, or coroner. 726

(3) "Investigation" means the public children services 727  
agency's response to an accepted report of child abuse or 728  
neglect through either an alternative response or a traditional 729  
response. 730

**Sec. 2151.422.** (A) As used in this section, "Homeless 731  
shelter" means a facility that provides accommodations to 732

homeless individuals. 733

(B) On receipt of a notice pursuant to division (A), (B), 734  
or ~~(D)~~ (E) of section 2151.421 of the Revised Code, the public 735  
children services agency shall determine whether the child 736  
subject to the report is living in a shelter for victims of 737  
domestic violence or a homeless shelter and whether the child 738  
was brought to that shelter pursuant to an agreement with a 739  
shelter in another county. If the child is living in a shelter 740  
and was brought there from another county, the agency shall 741  
immediately notify the public children services agency of the 742  
county from which the child was brought of the report and all 743  
the information contained in the report. On receipt of the 744  
notice pursuant to this division, the agency of the county from 745  
which the child was brought shall conduct the investigation of 746  
the report required pursuant to section 2151.421 of the Revised 747  
Code and shall perform all duties required of the agency under 748  
this chapter with respect to the child who is the subject of the 749  
report. If the child is not living in a shelter or the child was 750  
not brought to the shelter from another county, the agency that 751  
received the report pursuant to division (A), (B), or ~~(D)~~ (E) of 752  
section 2151.421 of the Revised Code shall conduct the 753  
investigation required pursuant to section 2151.421 of the 754  
Revised Code and shall perform all duties required of the agency 755  
under this chapter with respect to the child who is the subject 756  
of the report. The agency of the county in which the shelter is 757  
located in which the child is living and the agency of the 758  
county from which the child was brought may ask the shelter to 759  
provide information concerning the child's residence address and 760  
county of residence to the agency. 761

(C) If a child is living in a shelter for victims of 762  
domestic violence or a homeless shelter and the child was 763

brought to that shelter pursuant to an agreement with a shelter 764  
in another county, the public children services agency of the 765  
county from which the child was brought shall provide services 766  
to or take custody of the child if services or custody are 767  
needed or required under this Chapter or section 5153.16 of the 768  
Revised Code. 769

(D) When a homeless shelter provides accommodations to a 770  
person, the shelter, on admitting the person to the shelter, 771  
shall determine, if possible, the person's last known 772  
residential address and county of residence. The information 773  
concerning the address and county of residence is confidential 774  
and may only be released to a public children services agency 775  
pursuant to this section. 776

**Sec. 2151.99.** (A) (1) Except as otherwise provided in 777  
division (A) (2) of this section, whoever violates division (D) 778  
(2) or (3) of section 2151.313 or division ~~(A) (4)~~ (H) or (I) 779  
(2) of section 2151.421 of the Revised Code is guilty of a 780  
misdemeanor of the fourth degree. 781

(2) Whoever violates division (A) (4) of section 2151.421 782  
of the Revised Code knowing that a child has been abused or 783  
neglected and knowing that the person who committed the abuse or 784  
neglect was a cleric or another person, other than a volunteer, 785  
designated by a church, religious society, or faith acting as a 786  
leader, official, or delegate on behalf of the church, religious 787  
society, or faith, is guilty of a misdemeanor of the first 788  
degree if the person who violates division (A) (4) of this 789  
section and the person who committed the abuse or neglect belong 790  
to the same church, religious society, or faith. 791

(B) Whoever violates division (D) (1) of section 2151.313 792  
of the Revised Code is guilty of a minor misdemeanor. 793

(C) Whoever violates division (A) (1) of section 2151.421 794  
of the Revised Code shall be punished as follows: 795

(1) Except as otherwise provided in division (C) (2) of 796  
this section, the offender is guilty of a misdemeanor of the 797  
fourth degree. 798

(2) The offender is guilty of a misdemeanor of the first 799  
degree if the child who is the subject of the required report 800  
that the offender fails to make suffers or faces the threat of 801  
suffering the physical or mental wound, injury, disability, or 802  
condition that would be the basis of the required report when 803  
the child is under the direct care or supervision of the 804  
offender who is then acting in the offender's official or 805  
professional capacity or when the child is under the direct care 806  
or supervision of another person over whom the offender while 807  
acting in the offender's official or professional capacity has 808  
supervisory control. 809

**Sec. 2317.56.** (A) As used in this section: 810

(1) "Medical emergency" has the same meaning as in section 811  
2919.16 of the Revised Code. 812

(2) "Medical necessity" means a medical condition of a 813  
pregnant woman that, in the reasonable judgment of the physician 814  
who is attending the woman, so complicates the pregnancy that it 815  
necessitates the immediate performance or inducement of an 816  
abortion. 817

(3) "Probable gestational age of the embryo or fetus" 818  
means the gestational age that, in the judgment of a physician, 819  
is, with reasonable probability, the gestational age of the 820  
embryo or fetus at the time that the physician informs a 821  
pregnant woman pursuant to division (B) (1) (b) of this section. 822

(B) Except when there is a medical emergency or medical necessity, an abortion shall be performed or induced only if all of the following conditions are satisfied:

(1) At least twenty-four hours prior to the performance or inducement of the abortion, a physician meets with the pregnant woman in person in an individual, private setting and gives her an adequate opportunity to ask questions about the abortion that will be performed or induced. At this meeting, the physician shall inform the pregnant woman, verbally or, if she is hearing impaired, by other means of communication, of all of the following:

(a) The nature and purpose of the particular abortion procedure to be used and the medical risks associated with that procedure;

(b) The probable gestational age of the embryo or fetus;

(c) The medical risks associated with the pregnant woman carrying the pregnancy to term.

The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.

(2) At least twenty-four hours prior to the performance or inducement of the abortion, the physician who is to perform or induce the abortion or the physician's agent does each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:

(a) Inform the pregnant woman of the name of the physician

who is scheduled to perform or induce the abortion; 852

(b) Give the pregnant woman copies of the published 853  
materials described in division (C) of this section; 854

(c) Inform the pregnant woman that the materials given 855  
pursuant to division (B) (2) (b) of this section are published by 856  
the state and that they describe the embryo or fetus and list 857  
agencies that offer alternatives to abortion. The pregnant woman 858  
may choose to examine or not to examine the materials. A 859  
physician or an agent of a physician may choose to be 860  
disassociated from the materials and may choose to comment or 861  
not comment on the materials. 862

(3) If it has been determined that the unborn human 863  
individual the pregnant woman is carrying has a detectable fetal 864  
heartbeat, the physician who is to perform or induce the 865  
abortion shall comply with the informed consent requirements in 866  
section ~~2919.192~~2919.194 of the Revised Code in addition to 867  
complying with the informed consent requirements in divisions 868  
(B) (1), (2), (4), and (5) of this section. 869

(4) Prior to the performance or inducement of the 870  
abortion, the pregnant woman signs a form consenting to the 871  
abortion and certifies both of the following on that form: 872

(a) She has received the information and materials 873  
described in divisions (B) (1) and (2) of this section, and her 874  
questions about the abortion that will be performed or induced 875  
have been answered in a satisfactory manner. 876

(b) She consents to the particular abortion voluntarily, 877  
knowingly, intelligently, and without coercion by any person, 878  
and she is not under the influence of any drug of abuse or 879  
alcohol. 880

The form shall contain the name and contact information of 881  
the physician who provided to the pregnant woman the information 882  
described in division (B) (1) of this section. 883

(5) Prior to the performance or inducement of the 884  
abortion, the physician who is scheduled to perform or induce 885  
the abortion or the physician's agent receives a copy of the 886  
pregnant woman's signed form on which she consents to the 887  
abortion and that includes the certification required by 888  
division (B) (4) of this section. 889

(C) The department of health shall publish in English and 890  
in Spanish, in a typeface large enough to be clearly legible, 891  
and in an easily comprehensible format, the following materials 892  
on the department's web site: 893

(1) Materials that inform the pregnant woman about family 894  
planning information, of publicly funded agencies that are 895  
available to assist in family planning, and of public and 896  
private agencies and services that are available to assist her 897  
through the pregnancy, upon childbirth, and while the child is 898  
dependent, including, but not limited to, adoption agencies. The 899  
materials shall be geographically indexed; include a 900  
comprehensive list of the available agencies, a description of 901  
the services offered by the agencies, and the telephone numbers 902  
and addresses of the agencies; and inform the pregnant woman 903  
about available medical assistance benefits for prenatal care, 904  
childbirth, and neonatal care and about the support obligations 905  
of the father of a child who is born alive. The department shall 906  
ensure that the materials described in division (C) (1) of this 907  
section are comprehensive and do not directly or indirectly 908  
promote, exclude, or discourage the use of any agency or service 909  
described in this division. 910

(2) Materials that inform the pregnant woman of the 911  
probable anatomical and physiological characteristics of the 912  
zygote, blastocyte, embryo, or fetus at two-week gestational 913  
increments for the first sixteen weeks of pregnancy and at four- 914  
week gestational increments from the seventeenth week of 915  
pregnancy to full term, including any relevant information 916  
regarding the time at which the fetus possibly would be viable. 917  
The department shall cause these materials to be published only 918  
after it consults with the Ohio state medical association and 919  
the Ohio section of the American college of obstetricians and 920  
gynecologists relative to the probable anatomical and 921  
physiological characteristics of a zygote, blastocyte, embryo, 922  
or fetus at the various gestational increments. The materials 923  
shall use language that is understandable by the average person 924  
who is not medically trained, shall be objective and 925  
nonjudgmental, and shall include only accurate scientific 926  
information about the zygote, blastocyte, embryo, or fetus at 927  
the various gestational increments. If the materials use a 928  
pictorial, photographic, or other depiction to provide 929  
information regarding the zygote, blastocyte, embryo, or fetus, 930  
the materials shall include, in a conspicuous manner, a scale or 931  
other explanation that is understandable by the average person 932  
and that can be used to determine the actual size of the zygote, 933  
blastocyte, embryo, or fetus at a particular gestational 934  
increment as contrasted with the depicted size of the zygote, 935  
blastocyte, embryo, or fetus at that gestational increment. 936

(D) Upon the submission of a request to the department of 937  
health by any person, hospital, physician, or medical facility 938  
for one copy of the materials published in accordance with 939  
division (C) of this section, the department shall make the 940  
requested copy of the materials available to the person, 941



hospital, physician, or medical facility that requested the 942  
copy. 943

(E) If a medical emergency or medical necessity compels 944  
the performance or inducement of an abortion, the physician who 945  
will perform or induce the abortion, prior to its performance or 946  
inducement if possible, shall inform the pregnant woman of the 947  
medical indications supporting the physician's judgment that an 948  
immediate abortion is necessary. Any physician who performs or 949  
induces an abortion without the prior satisfaction of the 950  
conditions specified in division (B) of this section because of 951  
a medical emergency or medical necessity shall enter the reasons 952  
for the conclusion that a medical emergency or medical necessity 953  
exists in the medical record of the pregnant woman. 954

(F) If the conditions specified in division (B) of this 955  
section are satisfied, consent to an abortion shall be presumed 956  
to be valid and effective. 957

(G) The performance or inducement of an abortion without 958  
the prior satisfaction of the conditions specified in division 959  
(B) of this section does not constitute, and shall not be 960  
construed as constituting, a violation of division (A) of 961  
section 2919.12 of the Revised Code. The failure of a physician 962  
to satisfy the conditions of division (B) of this section prior 963  
to performing or inducing an abortion upon a pregnant woman may 964  
be the basis of both of the following: 965

(1) A civil action for compensatory and exemplary damages 966  
as described in division (H) of this section; 967

(2) Disciplinary action under section 4731.22 of the 968  
Revised Code. 969

(H) (1) Subject to divisions (H) (2) and (3) of this 970

section, any physician who performs or induces an abortion with 971  
actual knowledge that the conditions specified in division (B) 972  
of this section have not been satisfied or with a heedless 973  
indifference as to whether those conditions have been satisfied 974  
is liable in compensatory and exemplary damages in a civil 975  
action to any person, or the representative of the estate of any 976  
person, who sustains injury, death, or loss to person or 977  
property as a result of the failure to satisfy those conditions. 978  
In the civil action, the court additionally may enter any 979  
injunctive or other equitable relief that it considers 980  
appropriate. 981

(2) The following shall be affirmative defenses in a civil 982  
action authorized by division (H)(1) of this section: 983

(a) The physician performed or induced the abortion under 984  
the circumstances described in division (E) of this section. 985

(b) The physician made a good faith effort to satisfy the 986  
conditions specified in division (B) of this section. 987

(3) An employer or other principal is not liable in 988  
damages in a civil action authorized by division (H)(1) of this 989  
section on the basis of the doctrine of respondeat superior 990  
unless either of the following applies: 991

(a) The employer or other principal had actual knowledge 992  
or, by the exercise of reasonable diligence, should have known 993  
that an employee or agent performed or induced an abortion with 994  
actual knowledge that the conditions specified in division (B) 995  
of this section had not been satisfied or with a heedless 996  
indifference as to whether those conditions had been satisfied. 997

(b) The employer or other principal negligently failed to 998  
secure the compliance of an employee or agent with division (B) 999

of this section. 1000

(4) Notwithstanding division (E) of section 2919.12 of the Revised Code, the civil action authorized by division (H) (1) of this section shall be the exclusive civil remedy for persons, or the representatives of estates of persons, who allegedly sustain injury, death, or loss to person or property as a result of a failure to satisfy the conditions specified in division (B) of this section. 1001  
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(I) The department of job and family services shall prepare and conduct a public information program to inform women of all available governmental programs and agencies that provide services or assistance for family planning, prenatal care, child care, or alternatives to abortion. 1008  
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**Sec. 2919.171.** (A) (1) A physician who performs or induces or attempts to perform or induce an abortion on a pregnant woman shall submit a report to the department of health in accordance with the forms, rules, and regulations adopted by the department that includes all of the information the physician is required to certify in writing or determine under ~~sections~~ section 2919.17 ~~and, section~~ 2919.18, divisions (A) and (C) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code~~±.~~ 1013  
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(2) If a person other than the physician described in division (A) (1) of this section makes or maintains a record required by sections 2919.192 to 2919.196 of the Revised Code on the physician's behalf or at the physician's direction, that person shall comply with the reporting requirement described in division (A) (1) of this section as if the person were the physician described in that division. 1023  
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(B) By September 30 of each year, the department of health shall issue a public report that provides statistics for the previous calendar year compiled from all of the reports covering that calendar year submitted to the department in accordance with this section for each of the items listed in division (A) of this section. The report shall also provide the statistics for each previous calendar year in which a report was filed with the department pursuant to this section, adjusted to reflect any additional information that a physician provides to the department in a late or corrected report. The department shall ensure that none of the information included in the report could reasonably lead to the identification of any pregnant woman upon whom an abortion is performed.

(C) (1) The physician shall submit the report described in division (A) of this section to the department of health within fifteen days after the woman is discharged. If the physician fails to submit the report more than thirty days after that fifteen-day deadline, the physician shall be subject to a late fee of five hundred dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. A physician who is required to submit to the department of health a report under division (A) of this section and who has not submitted a report or has submitted an incomplete report more than one year following the fifteen-day deadline may, in an action brought by the department of health, be directed by a court of competent jurisdiction to submit a complete report to the department of health within a period of time stated in a court order or be subject to contempt of court.

(2) If a physician fails to comply with the requirements of this section, other than filing a late report with the department of health, or fails to submit a complete report to

the department of health in accordance with a court order, the 1061  
physician is subject to division (B) ~~(41)~~ (44) of section 4731.22 1062  
of the Revised Code. 1063

(3) No person shall falsify any report required under this 1064  
section. Whoever violates this division is guilty of abortion 1065  
report falsification, a misdemeanor of the first degree. 1066

~~(D) Within ninety days of the effective date of this~~ 1067  
~~section, the~~ The department of health shall adopt rules pursuant 1068  
to section 111.15 of the Revised Code to assist in compliance 1069  
with this section. 1070

**Sec. 2919.19.** (A) As used in this section and sections 1071  
2919.191 to ~~2919.193~~ 2919.1910 of the Revised Code: 1072

~~(A)~~ (1) "Conception" means fertilization. 1073

(2) "Contraceptive" means a drug, device, or chemical that 1074  
prevents conception. 1075

(3) "DNA" means deoxyribonucleic acid. 1076

(4) "Fetal heartbeat" means cardiac activity or the steady 1077  
and repetitive rhythmic contraction of the fetal heart within 1078  
the gestational sac. 1079

~~(B)~~ (5) "Fetus" means the human offspring developing 1080  
during pregnancy from the moment of conception and includes the 1081  
embryonic stage of development. 1082

~~(C)~~ (6) "Gestational age" means the age of an unborn human 1083  
individual as calculated from the first day of the last 1084  
menstrual period of a pregnant woman. 1085

~~(D)~~ (7) "Gestational sac" means the structure that 1086  
comprises the extraembryonic membranes that envelop the fetus 1087

and that is typically visible by ultrasound after the fourth 1088  
week of pregnancy. 1089

~~(E)~~ (8) "Intrauterine pregnancy" means a pregnancy in 1090  
which the fetus is attached to the placenta within the uterus of 1091  
the pregnant woman. 1092

(9) "Medical emergency" has the same meaning as in section 1093  
2919.16 of the Revised Code. 1094

~~(F)~~ (10) "Physician" has the same meaning as in section 1095  
2305.113 of the Revised Code. 1096

~~(G)~~ (11) "Pregnancy" means the human female reproductive 1097  
condition that begins with fertilization, when the woman is 1098  
carrying the developing human offspring, and that is calculated 1099  
from the first day of the last menstrual period of the woman. 1100

~~(H)~~ (12) "Serious risk of the substantial and irreversible 1101  
impairment of a major bodily function" has the same meaning as 1102  
in section 2919.16 of the Revised Code. 1103

~~(I)~~ (13) "Spontaneous miscarriage" means the natural or 1104  
accidental termination of a pregnancy and the expulsion of the 1105  
fetus, typically caused by genetic defects in the fetus or 1106  
physical abnormalities in the pregnant woman. 1107

(14) "Standard medical practice" means the degree of 1108  
skill, care, and diligence that a physician of the same medical 1109  
specialty would employ in like circumstances. As applied to the 1110  
method used to determine the presence of a fetal heartbeat for 1111  
purposes of section ~~2919.191~~ 2919.192 of the Revised Code, 1112  
"standard medical practice" includes employing the appropriate 1113  
means of detection depending on the estimated gestational age of 1114  
the fetus and the condition of the woman and her pregnancy. 1115

~~(J)~~ (15) "Unborn human individual" means an individual 1116  
organism of the species homo sapiens from fertilization until 1117  
live birth. 1118

(B) If any provision of this section or sections 2919.171 1119  
or 2919.191 to 2919.1910 of the Revised Code is held invalid, or 1120  
if the application of such provision to any person or 1121  
circumstance is held invalid, the invalidity of that provision 1122  
does not affect any other provisions or applications of this 1123  
section and sections 2919.171 and 2919.191 to 2919.1910 of the 1124  
Revised Code that can be given effect without the invalid 1125  
provision or application, and to this end the provisions of this 1126  
section and sections 2919.171 and 2919.191 to 2919.1910 of the 1127  
Revised Code are severable as provided in section 1.50 of the 1128  
Revised Code. In particular, it is the intent of the general 1129  
assembly that any invalidity or potential invalidity of a 1130  
provision of this section or sections 2919.171 or 2919.191 to 1131  
2919.1910 of the Revised Code is not to impair the immediate and 1132  
continuing enforceability of the remaining provisions. It is 1133  
furthermore the intent of the general assembly that the 1134  
provisions of this section and sections 2919.171 and 2919.191 to 1135  
2919.1910 of the Revised Code are not to have the effect of 1136  
repealing or limiting any other laws of this state, except as 1137  
specified by this section and sections 2919.171 and 2919.191 to 1138  
2919.1910 of the Revised Code. 1139

**Sec. 2919.191.** (A) The general assembly hereby declares 1140  
that it finds, according to contemporary medical research, all 1141  
of the following: 1142

(1) As many as thirty per cent of natural pregnancies end 1143  
in spontaneous miscarriage. 1144

(2) Less than five per cent of all natural pregnancies end 1145

in spontaneous miscarriage after detection of fetal cardiac 1146  
activity. 1147

(3) Over ninety per cent of in vitro pregnancies survive 1148  
the first trimester if cardiac activity is detected in the 1149  
gestational sac. 1150

(4) Nearly ninety per cent of in vitro pregnancies do not 1151  
survive the first trimester where cardiac activity is not 1152  
detected in the gestational sac. 1153

(5) Fetal heartbeat, therefore, has become a key medical 1154  
predictor that an unborn human individual will reach live birth. 1155

(6) Cardiac activity begins at a biologically identifiable 1156  
moment in time, normally when the fetal heart is formed in the 1157  
gestational sac. 1158

(7) The state of Ohio has legitimate interests from the 1159  
outset of the pregnancy in protecting the health of the woman 1160  
and the life of an unborn human individual who may be born. 1161

(8) In order to make an informed choice about whether to 1162  
continue her pregnancy, the pregnant woman has a legitimate 1163  
interest in knowing the likelihood of the fetus surviving to 1164  
full-term birth based upon the presence of cardiac activity. 1165

(B) Sections 2919.192 to 2919.195 of the Revised Code 1166  
apply only to intrauterine pregnancies. 1167

**Sec. ~~2919.191~~ 2919.192.** (A) A person who intends to 1168  
perform or induce an abortion on a pregnant woman shall 1169  
determine whether there is a detectable fetal heartbeat of the 1170  
unborn human individual the pregnant woman is carrying. The 1171  
method of determining the presence of a fetal heartbeat shall be 1172  
consistent with the person's good faith understanding of 1173



standard medical practice, provided that if rules have been 1174  
adopted under division ~~(C)~~ (B) of this section, the method 1175  
chosen shall be one that is consistent with the rules. The 1176  
person who determines the presence or absence of a fetal 1177  
heartbeat shall record in the pregnant woman's medical record 1178  
the estimated gestational age of the unborn human individual, 1179  
the method used to test for a fetal heartbeat, the date and time 1180  
of the test, and the results of the test. 1181

~~(B) (1) Except when a medical emergency exists that 1182  
prevents compliance with this division, no person shall perform 1183  
or induce an abortion on a pregnant woman prior to determining 1184  
if the unborn human individual the pregnant woman is carrying 1185  
has a detectable fetal heartbeat. Any person who performs or 1186  
induces an abortion on a pregnant woman based on the exception 1187  
in this division shall note in the pregnant woman's medical 1188  
records that a medical emergency necessitating the abortion 1189  
existed and shall also note the medical condition of the 1190  
pregnant woman that prevented compliance with this division. The 1191  
person shall maintain a copy of the notes described in this 1192  
division in the person's own records for at least seven years 1193  
after the notes are entered into the medical records. 1194~~

~~(2) The person who performs the examination for the 1195  
presence of a fetal heartbeat shall give the pregnant woman the 1196  
option to view or hear the fetal heartbeat. 1197~~

~~(C) (B) The director of health may ~~promulgate~~ adopt rules 1198  
pursuant to section 111.15 of the Revised Code specifying the 1199  
appropriate methods of performing an examination for the purpose 1200  
of determining the presence of a fetal heartbeat of an unborn 1201  
individual based on standard medical practice. The rules shall 1202  
require only that an examination shall be performed externally. 1203~~

~~(D)~~ (C) A person is not in violation of division (A) ~~or~~ ~~(B)~~ of this section if that person has performed an examination for the purpose of determining the presence of a fetal heartbeat ~~in the fetus of an unborn human individual~~ utilizing standard medical practice, that examination does not reveal a fetal heartbeat or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat, and the person notes in the pregnant woman's medical records the procedure utilized to detect the presence of a fetal heartbeat.

~~(E)~~ Except as provided in division (F) of this section, no person shall knowingly and purposefully perform or induce an abortion on a pregnant woman before determining in accordance with division (A) of this section whether the unborn human individual the pregnant woman is carrying has a detectable heartbeat. The failure of a person to satisfy the requirements of this section prior to performing or inducing an abortion on a pregnant woman may be the basis for either of the following:

~~(1)~~ A civil action for compensatory and exemplary damages;

~~(2)~~ Disciplinary action under section 4731.22 of the Revised Code.

~~(F)~~ Division (E) of this section does not apply to a physician who performs or induces the abortion if the physician believes that a medical emergency exists that prevents compliance with that division.

~~(G)~~ The director of health may determine and specify in rules adopted pursuant to section 111.15 of the Revised Code and based upon available medical evidence the statistical probability of bringing an unborn human individual to term based

~~on the gestational age of an unborn human individual who~~ 1233  
~~possesses a detectable fetal heartbeat.~~ 1234

~~(H) A woman on whom an abortion is performed in violation~~ 1235  
~~of division (B) of this section or division (B)(3) of section~~ 1236  
~~2317.56 of the Revised Code may file a civil action for the~~ 1237  
~~wrongful death of the woman's unborn child and may receive at~~ 1238  
~~the mother's election at any time prior to final judgment~~ 1239  
~~damages in an amount equal to ten thousand dollars or an amount~~ 1240  
~~determined by the trier of fact after consideration of the~~ 1241  
~~evidence subject to the same defenses and requirements of proof,~~ 1242  
~~except any requirement of live birth, as would apply to a suit~~ 1243  
~~for the wrongful death of a child who had been born alive.~~ 1244

Sec. 2919.193. (A) Except as provided in division (B) of 1245  
this section, no person shall knowingly and purposefully perform 1246  
or induce an abortion on a pregnant woman before determining in 1247  
accordance with division (A) of section 2919.192 of the Revised 1248  
Code whether the unborn human individual the pregnant woman is 1249  
carrying has a detectable heartbeat. 1250

Whoever violates this division is guilty of performing or 1251  
inducing an abortion before determining whether there is a 1252  
detectable fetal heartbeat, a felony of the fifth degree. A 1253  
violation of this division may also be the basis of either of 1254  
the following: 1255

(1) A civil action for compensatory and exemplary damages; 1256

(2) Disciplinary action under section 4731.22 of the 1257  
Revised Code. 1258

(B) Division (A) of this section does not apply to a 1259  
physician who performs or induces the abortion if the physician 1260  
believes that a medical emergency exists that prevents 1261

compliance with that division. 1262

(C) A physician who performs or induces an abortion on a pregnant woman based on the exception in division (B) of this section shall make written notations in the pregnant woman's medical records of both of the following: 1263  
1264  
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(1) The physician's belief that a medical emergency necessitating the abortion existed; 1267  
1268

(2) The medical condition of the pregnant woman that assertedly prevented compliance with division (A) of this section. 1269  
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For at least seven years from the date the notations are made, the physician shall maintain in the physician's own records a copy of the notations. 1272  
1273  
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(D) A person is not in violation of division (A) of this section if the person acts in accordance with division (A) of section 2919.192 of the Revised Code and the method used to determine the presence of a fetal heartbeat does not reveal a fetal heartbeat. 1275  
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**Sec. ~~2919.192~~ 2919.194.** (A) If a person who intends to perform or induce an abortion on a pregnant woman has determined, under section ~~2919.191~~ 2919.192 of the Revised Code, that the unborn human individual the pregnant woman is carrying has a detectable heartbeat, the person shall not, except as provided in division (B) of this section, perform or induce the abortion until all of the following requirements have been met and at least twenty-four hours have elapsed after the last of the requirements is met: 1280  
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(1) The person intending to perform or induce the abortion shall inform the pregnant woman in writing that the unborn human 1289  
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individual the pregnant woman is carrying has a fetal heartbeat. 1291

(2) The person intending to perform or induce the abortion 1292  
shall inform the pregnant woman, to the best of the person's 1293  
knowledge, of the statistical probability of bringing the unborn 1294  
human individual possessing a detectable fetal heartbeat to term 1295  
based on the gestational age of the unborn human individual or, 1296  
if the director of health has specified statistical probability 1297  
information pursuant to rules adopted under division (C) of this 1298  
section, shall provide to the pregnant woman that information. 1299

(3) The pregnant woman shall sign a form acknowledging 1300  
that the pregnant woman has received information from the person 1301  
intending to perform or induce the abortion that the unborn 1302  
human individual the pregnant woman is carrying has a fetal 1303  
heartbeat and that the pregnant woman is aware of the 1304  
statistical probability of bringing the unborn human individual 1305  
the pregnant woman is carrying to term. 1306

(B) Division (A) of this section does not apply if the 1307  
person who intends to perform or induce the abortion believes 1308  
that a medical emergency exists that prevents compliance with 1309  
that division. 1310

(C) The director of health may adopt rules that specify 1311  
information regarding the statistical probability of bringing an 1312  
unborn human individual possessing a detectable heartbeat to 1313  
term based on the gestational age of the unborn human 1314  
individual. The rules shall be based on available medical 1315  
evidence and shall be adopted in accordance with section 111.15 1316  
of the Revised Code. 1317

(D) This section does not have the effect of repealing or 1318  
limiting any other provision of the Revised Code relating to 1319

informed consent for an abortion, including the provisions in 1320  
section 2317.56 of the Revised Code. 1321

(E) Whoever violates division (A) of this section is 1322  
guilty of performing or inducing an abortion without informed 1323  
consent when there is a detectable fetal heartbeat, a 1324  
misdemeanor of the first degree on a first offense and a felony 1325  
of the fourth degree on each subsequent offense. 1326

Sec. 2919.195. (A) Except as provided in division (B) of 1327  
this section, no person shall knowingly and purposefully perform 1328  
or induce an abortion on a pregnant woman with the specific 1329  
intent of causing or abetting the termination of the life of the 1330  
unborn human individual the pregnant woman is carrying and whose 1331  
fetal heartbeat has been detected in accordance with division 1332  
(A) of section 2919.192 of the Revised Code. 1333

Whoever violates this division is guilty of performing or 1334  
inducing an abortion after the detection of a fetal heartbeat, a 1335  
felony of the fifth degree. 1336

(B) Division (A) of this section does not apply to a 1337  
physician who performs a medical procedure that, in the 1338  
physician's reasonable medical judgment, is designed or intended 1339  
to prevent the death of the pregnant woman or to prevent a 1340  
serious risk of the substantial and irreversible impairment of a 1341  
major bodily function of the pregnant woman. 1342

A physician who performs a medical procedure as described 1343  
in this division shall declare, in a written document, that the 1344  
medical procedure is necessary, to the best of the physician's 1345  
reasonable medical judgment, to prevent the death of the 1346  
pregnant woman or to prevent a serious risk of the substantial 1347  
and irreversible impairment of a major bodily function of the 1348

pregnant woman. In the document, the physician shall specify the 1349  
pregnant woman's medical condition that the medical procedure is 1350  
asserted to address and the medical rationale for the 1351  
physician's conclusion that the medical procedure is necessary 1352  
to prevent the death of the pregnant woman or to prevent a 1353  
serious risk of the substantial and irreversible impairment of a 1354  
major bodily function of the pregnant woman. 1355

A physician who performs a medical procedure as described 1356  
in this division shall place the written document required by 1357  
this division in the pregnant woman's medical records. The 1358  
physician shall maintain a copy of the document in the 1359  
physician's own records for at least seven years from the date 1360  
the document is created. 1361

(C) A person is not in violation of division (A) of this 1362  
section if the person acts in accordance with division (A) of 1363  
section 2919.192 of the Revised Code and the method used to 1364  
determine the presence of a fetal heartbeat does not reveal a 1365  
fetal heartbeat. 1366

(D) Division (A) of this section does not have the effect 1367  
of repealing or limiting any other provision of the Revised Code 1368  
that restricts or regulates the performance or inducement of an 1369  
abortion by a particular method or during a particular stage of 1370  
a pregnancy. 1371

**Sec. 2919.196.** (A) A person who performs or induces an 1372  
abortion on a pregnant woman shall do whichever of the following 1373  
is applicable: 1374

(1) If the reason for the abortion purportedly is to 1375  
preserve the health of the pregnant woman, the person shall 1376  
specify in a written document the medical condition that the 1377

abortion is asserted to address and the medical rationale for 1378  
the person's conclusion that the abortion is necessary to 1379  
address that condition. 1380

(2) If the reason for the abortion is other than to 1381  
preserve the health of the pregnant woman, the person shall 1382  
specify in a written document that maternal health is not the 1383  
purpose of the abortion. 1384

(B) The person who specifies the information in the 1385  
document described in division (A) of this section shall place 1386  
the document in the pregnant woman's medical records. The person 1387  
who specifies the information shall maintain a copy of the 1388  
document in the person's own records for at least seven years 1389  
from the date the document is created. 1390

**Sec. 2919.197.** Nothing in sections 2919.19 to 2919.196 of 1391  
the Revised Code prohibits the sale, use, prescription, or 1392  
administration of a drug, device, or chemical that is designed 1393  
for contraceptive purposes. 1394

**Sec. ~~2919.193~~ 2919.198.** A pregnant woman on whom an 1395  
abortion is performed or induced in violation of section 1396  
~~2919.191 or 2919.192~~ 2919.193, 2919.194, 2919.195 of the Revised 1397  
Code is not guilty of violating any of those sections; is not 1398  
guilty of attempting to commit, conspiring to commit, or 1399  
complicity in committing a violation of any of those sections; 1400  
and is not subject to a civil penalty based on the abortion 1401  
being performed or induced in violation of any of those 1402  
sections. 1403

**Sec. 2919.199.** (A) A woman who meets either or both of the 1404  
following criteria may file a civil action for the wrongful 1405  
death of her unborn child: 1406



(1) A woman on whom an abortion was performed or induced 1407  
in violation of division (A) of section 2919.193 or division (A) 1408  
of section 2919.195 of the Revised Code; 1409

(2) A woman on whom an abortion was performed or induced 1410  
who was not given the information described in divisions (A)(1) 1411  
and (2) of section 2919.194 of the Revised Code or who did not 1412  
sign a form described in division (A)(3) of section 2919.194 of 1413  
the Revised Code. 1414

(B) A woman who prevails in an action filed under division 1415  
(A) of this section shall receive both of the following from the 1416  
person who committed the one or more acts described in division 1417  
(A)(1) or (2) of this section: 1418

(1) Damages in an amount equal to ten thousand dollars or 1419  
an amount determined by the trier of fact after consideration of 1420  
the evidence at the mother's election at any time prior to final 1421  
judgment subject to the same defenses and requirements of proof, 1422  
except any requirement of live birth, as would apply to a suit 1423  
for the wrongful death of a child who had been born alive; 1424

(2) Court costs and reasonable attorney's fees. 1425

(C) A determination that division (A) of section 2919.193 1426  
of the Revised Code, division (A)(1), (2), or (3) of section 1427  
2919.194 of the Revised Code, or division (A) of section 1428  
2919.195 of the Revised Code is unconstitutional shall be a 1429  
defense to an action filed under division (A) of this section 1430  
alleging that the defendant violated the division that was 1431  
determined to be unconstitutional. 1432

(D) If the defendant in an action filed under division (A) 1433  
of this section prevails and all of the following apply the 1434  
court shall award reasonable attorney's fees to the defendant in 1435

accordance with section 2323.51 of the Revised Code: 1436

(1) The court finds that the commencement of the action 1437  
constitutes frivolous conduct, as defined in section 2323.51 of 1438  
the Revised Code. 1439

(2) The court's finding in division (D)(1) of this section 1440  
is not based on that court or another court determining that 1441  
division (A) of section 2919.193 of the Revised Code, division 1442  
(A)(1), (2), or (3) of section 2919.194 of the Revised Code, or 1443  
division (A) of section 2919.195 of the Revised Code is 1444  
unconstitutional. 1445

(3) The court finds that the defendant was adversely 1446  
affected by the frivolous conduct. 1447

**Sec. 2919.1910.** (A) It is the intent of the general 1448  
assembly that women whose pregnancies are protected under 1449  
division (A) of section 2919.195 of the Revised Code be informed 1450  
of available options for adoption. 1451

(B) In furtherance of the intent expressed in division (A) 1452  
of this section, there is hereby created the joint legislative 1453  
committee on adoption promotion and support. The committee may 1454  
review or study any matter that it considers relevant to the 1455  
adoption process in this state, with priority given to the study 1456  
or review of mechanisms intended to increase awareness of the 1457  
process, increase its effectiveness, or both. 1458

(C) The committee shall consist of three members of the 1459  
house of representatives appointed by the speaker of the house 1460  
of representatives and three members of the senate appointed by 1461  
the president of the senate. Not more than two members appointed 1462  
by the speaker of the house of representatives and not more than 1463  
two members appointed by the president of the senate may be of 1464

the same political party. 1465

Each member of the committee shall hold office during the 1466  
general assembly in which the member is appointed and until a 1467  
successor has been appointed, notwithstanding the adjournment 1468  
sine die of the general assembly in which the member was 1469  
appointed or the expiration of the member's term as a member of 1470  
the general assembly. Any vacancies occurring among the members 1471  
of the committee shall be filled in the manner of the original 1472  
appointment. 1473

(D) The committee has the same powers as other standing or 1474  
select committees of the general assembly. 1475

**Sec. 2919.1911.** The department of health shall inspect the 1476  
medical records from any facility that performs abortions to 1477  
ensure that the physicians or other persons who perform 1478  
abortions at that facility are in compliance with the reporting 1479  
requirements under section 2919.171 of the Revised Code. The 1480  
facility shall make the medical records available for inspection 1481  
to the department of health but shall not release any personal 1482  
medical information in the medical records that is prohibited by 1483  
law. 1484

**Sec. 3701.701.** (A) (1) Notwithstanding section 3701.243 and 1485  
any other section of the Revised Code pertaining to 1486  
confidentiality, any individual, public children services 1487  
agency, private child placing agency, or agency that provides 1488  
services specifically to individuals or families, law 1489  
enforcement agency, or other public or private entity that 1490  
provided services to a child whose death is being reviewed by 1491  
the director of health pursuant to guidelines established under 1492  
section 3701.70 of the Revised Code, on the request of the 1493  
director, shall submit to the director a summary sheet of 1494

information. 1495

(a) With respect to a request made to a health care 1496  
entity, the summary sheet shall contain only information 1497  
available and reasonably drawn from the child's medical record 1498  
created by the health care entity. 1499

(b) With respect to a request made to any other individual 1500  
or entity, the summary sheet shall contain only information 1501  
available and reasonably drawn from any record involving the 1502  
child that the individual or entity develops in the normal 1503  
course of business. 1504

(c) On the request of the director, an individual or 1505  
entity may, at the individual's or entity's discretion, make any 1506  
additional information, documents, or reports available to the 1507  
director. 1508

(2) Notwithstanding section 3701.243 and any other section 1509  
of the Revised Code pertaining to confidentiality, in the case 1510  
of a child one year of age or younger whose death is being 1511  
reviewed by the director, on the request of the director, a 1512  
health care entity that provided services to the child's mother 1513  
shall submit to the director a summary sheet of information 1514  
available and reasonably drawn from the mother's medical record 1515  
created by the health care entity. Before submitting the summary 1516  
sheet, the health care entity shall attempt to obtain the 1517  
mother's consent to do so, but lack of consent shall not 1518  
preclude the entity from submitting the summary sheet. 1519

(3) For purposes of the review, the director shall have 1520  
access to confidential information provided to the director 1521  
under this section or division ~~(H)~~(I)(4) of section 2151.421 of 1522  
the Revised Code, and the director shall preserve the 1523

confidentiality of that information. 1524

(B) Notwithstanding division (A) of this section, no 1525  
person, entity, law enforcement agency, or prosecuting attorney 1526  
shall provide any information regarding the death of a child to 1527  
the director pursuant to guidelines established under section 1528  
3701.70 of the Revised Code while an investigation of the death 1529  
or prosecution of a person for causing the death is pending, 1530  
unless the prosecuting attorney agrees to allow the review. 1531

**Sec. 4731.22.** (A) The state medical board, by an 1532  
affirmative vote of not fewer than six of its members, may 1533  
limit, revoke, or suspend an individual's certificate to 1534  
practice or certificate to recommend, refuse to grant a 1535  
certificate to an individual, refuse to renew a certificate, 1536  
refuse to reinstate a certificate, or reprimand or place on 1537  
probation the holder of a certificate if the individual or 1538  
certificate holder is found by the board to have committed fraud 1539  
during the administration of the examination for a certificate 1540  
to practice or to have committed fraud, misrepresentation, or 1541  
deception in applying for, renewing, or securing any certificate 1542  
to practice or certificate to recommend issued by the board. 1543

(B) The board, by an affirmative vote of not fewer than 1544  
six members, shall, to the extent permitted by law, limit, 1545  
revoke, or suspend an individual's certificate to practice or 1546  
certificate to recommend, refuse to issue a certificate to an 1547  
individual, refuse to renew a certificate, refuse to reinstate a 1548  
certificate, or reprimand or place on probation the holder of a 1549  
certificate for one or more of the following reasons: 1550

(1) Permitting one's name or one's certificate to practice 1551  
to be used by a person, group, or corporation when the 1552  
individual concerned is not actually directing the treatment 1553

given; 1554

(2) Failure to maintain minimal standards applicable to 1555  
the selection or administration of drugs, or failure to employ 1556  
acceptable scientific methods in the selection of drugs or other 1557  
modalities for treatment of disease; 1558

(3) Selling, giving away, personally furnishing, 1559  
prescribing, or administering drugs for other than legal and 1560  
legitimate therapeutic purposes or a plea of guilty to, a 1561  
judicial finding of guilt of, or a judicial finding of 1562  
eligibility for intervention in lieu of conviction of, a 1563  
violation of any federal or state law regulating the possession, 1564  
distribution, or use of any drug; 1565

(4) Willfully betraying a professional confidence. 1566

For purposes of this division, "willfully betraying a 1567  
professional confidence" does not include providing any 1568  
information, documents, or reports under sections 307.621 to 1569  
307.629 of the Revised Code to a child fatality review board; 1570  
does not include providing any information, documents, or 1571  
reports to the director of health pursuant to guidelines 1572  
established under section 3701.70 of the Revised Code; does not 1573  
include written notice to a mental health professional under 1574  
section 4731.62 of the Revised Code; and does not include the 1575  
making of a report of an employee's use of a drug of abuse, or a 1576  
report of a condition of an employee other than one involving 1577  
the use of a drug of abuse, to the employer of the employee as 1578  
described in division (B) of section 2305.33 of the Revised 1579  
Code. Nothing in this division affects the immunity from civil 1580  
liability conferred by section 2305.33 or 4731.62 of the Revised 1581  
Code upon a physician who makes a report in accordance with 1582  
section 2305.33 or notifies a mental health professional in 1583

accordance with section 4731.62 of the Revised Code. As used in 1584  
this division, "employee," "employer," and "physician" have the 1585  
same meanings as in section 2305.33 of the Revised Code. 1586

(5) Making a false, fraudulent, deceptive, or misleading 1587  
statement in the solicitation of or advertising for patients; in 1588  
relation to the practice of medicine and surgery, osteopathic 1589  
medicine and surgery, podiatric medicine and surgery, or a 1590  
limited branch of medicine; or in securing or attempting to 1591  
secure any certificate to practice issued by the board. 1592

As used in this division, "false, fraudulent, deceptive, 1593  
or misleading statement" means a statement that includes a 1594  
misrepresentation of fact, is likely to mislead or deceive 1595  
because of a failure to disclose material facts, is intended or 1596  
is likely to create false or unjustified expectations of 1597  
favorable results, or includes representations or implications 1598  
that in reasonable probability will cause an ordinarily prudent 1599  
person to misunderstand or be deceived. 1600

(6) A departure from, or the failure to conform to, 1601  
minimal standards of care of similar practitioners under the 1602  
same or similar circumstances, whether or not actual injury to a 1603  
patient is established; 1604

(7) Representing, with the purpose of obtaining 1605  
compensation or other advantage as personal gain or for any 1606  
other person, that an incurable disease or injury, or other 1607  
incurable condition, can be permanently cured; 1608

(8) The obtaining of, or attempting to obtain, money or 1609  
anything of value by fraudulent misrepresentations in the course 1610  
of practice; 1611

(9) A plea of guilty to, a judicial finding of guilt of, 1612

or a judicial finding of eligibility for intervention in lieu of 1613  
conviction for, a felony; 1614

(10) Commission of an act that constitutes a felony in 1615  
this state, regardless of the jurisdiction in which the act was 1616  
committed; 1617

(11) A plea of guilty to, a judicial finding of guilt of, 1618  
or a judicial finding of eligibility for intervention in lieu of 1619  
conviction for, a misdemeanor committed in the course of 1620  
practice; 1621

(12) Commission of an act in the course of practice that 1622  
constitutes a misdemeanor in this state, regardless of the 1623  
jurisdiction in which the act was committed; 1624

(13) A plea of guilty to, a judicial finding of guilt of, 1625  
or a judicial finding of eligibility for intervention in lieu of 1626  
conviction for, a misdemeanor involving moral turpitude; 1627

(14) Commission of an act involving moral turpitude that 1628  
constitutes a misdemeanor in this state, regardless of the 1629  
jurisdiction in which the act was committed; 1630

(15) Violation of the conditions of limitation placed by 1631  
the board upon a certificate to practice; 1632

(16) Failure to pay license renewal fees specified in this 1633  
chapter; 1634

(17) Except as authorized in section 4731.31 of the 1635  
Revised Code, engaging in the division of fees for referral of 1636  
patients, or the receiving of a thing of value in return for a 1637  
specific referral of a patient to utilize a particular service 1638  
or business; 1639

(18) Subject to section 4731.226 of the Revised Code, 1640



violation of any provision of a code of ethics of the American 1641  
medical association, the American osteopathic association, the 1642  
American podiatric medical association, or any other national 1643  
professional organizations that the board specifies by rule. The 1644  
state medical board shall obtain and keep on file current copies 1645  
of the codes of ethics of the various national professional 1646  
organizations. The individual whose certificate is being 1647  
suspended or revoked shall not be found to have violated any 1648  
provision of a code of ethics of an organization not appropriate 1649  
to the individual's profession. 1650

For purposes of this division, a "provision of a code of 1651  
ethics of a national professional organization" does not include 1652  
any provision that would preclude the making of a report by a 1653  
physician of an employee's use of a drug of abuse, or of a 1654  
condition of an employee other than one involving the use of a 1655  
drug of abuse, to the employer of the employee as described in 1656  
division (B) of section 2305.33 of the Revised Code. Nothing in 1657  
this division affects the immunity from civil liability 1658  
conferred by that section upon a physician who makes either type 1659  
of report in accordance with division (B) of that section. As 1660  
used in this division, "employee," "employer," and "physician" 1661  
have the same meanings as in section 2305.33 of the Revised 1662  
Code. 1663

(19) Inability to practice according to acceptable and 1664  
prevailing standards of care by reason of mental illness or 1665  
physical illness, including, but not limited to, physical 1666  
deterioration that adversely affects cognitive, motor, or 1667  
perceptive skills. 1668

In enforcing this division, the board, upon a showing of a 1669  
possible violation, may compel any individual authorized to 1670

practice by this chapter or who has submitted an application 1671  
pursuant to this chapter to submit to a mental examination, 1672  
physical examination, including an HIV test, or both a mental 1673  
and a physical examination. The expense of the examination is 1674  
the responsibility of the individual compelled to be examined. 1675  
Failure to submit to a mental or physical examination or consent 1676  
to an HIV test ordered by the board constitutes an admission of 1677  
the allegations against the individual unless the failure is due 1678  
to circumstances beyond the individual's control, and a default 1679  
and final order may be entered without the taking of testimony 1680  
or presentation of evidence. If the board finds an individual 1681  
unable to practice because of the reasons set forth in this 1682  
division, the board shall require the individual to submit to 1683  
care, counseling, or treatment by physicians approved or 1684  
designated by the board, as a condition for initial, continued, 1685  
reinstated, or renewed authority to practice. An individual 1686  
affected under this division shall be afforded an opportunity to 1687  
demonstrate to the board the ability to resume practice in 1688  
compliance with acceptable and prevailing standards under the 1689  
provisions of the individual's certificate. For the purpose of 1690  
this division, any individual who applies for or receives a 1691  
certificate to practice under this chapter accepts the privilege 1692  
of practicing in this state and, by so doing, shall be deemed to 1693  
have given consent to submit to a mental or physical examination 1694  
when directed to do so in writing by the board, and to have 1695  
waived all objections to the admissibility of testimony or 1696  
examination reports that constitute a privileged communication. 1697

(20) Except when civil penalties are imposed under section 1698  
4731.225 or 4731.282 of the Revised Code, and subject to section 1699  
4731.226 of the Revised Code, violating or attempting to 1700  
violate, directly or indirectly, or assisting in or abetting the 1701

violation of, or conspiring to violate, any provisions of this 1702  
chapter or any rule promulgated by the board. 1703

This division does not apply to a violation or attempted 1704  
violation of, assisting in or abetting the violation of, or a 1705  
conspiracy to violate, any provision of this chapter or any rule 1706  
adopted by the board that would preclude the making of a report 1707  
by a physician of an employee's use of a drug of abuse, or of a 1708  
condition of an employee other than one involving the use of a 1709  
drug of abuse, to the employer of the employee as described in 1710  
division (B) of section 2305.33 of the Revised Code. Nothing in 1711  
this division affects the immunity from civil liability 1712  
conferred by that section upon a physician who makes either type 1713  
of report in accordance with division (B) of that section. As 1714  
used in this division, "employee," "employer," and "physician" 1715  
have the same meanings as in section 2305.33 of the Revised 1716  
Code. 1717

(21) The violation of section 3701.79 of the Revised Code 1718  
or of any abortion rule adopted by the director of health 1719  
pursuant to section 3701.341 of the Revised Code; 1720

(22) Any of the following actions taken by an agency 1721  
responsible for authorizing, certifying, or regulating an 1722  
individual to practice a health care occupation or provide 1723  
health care services in this state or another jurisdiction, for 1724  
any reason other than the nonpayment of fees: the limitation, 1725  
revocation, or suspension of an individual's license to 1726  
practice; acceptance of an individual's license surrender; 1727  
denial of a license; refusal to renew or reinstate a license; 1728  
imposition of probation; or issuance of an order of censure or 1729  
other reprimand; 1730

(23) The violation of section 2919.12 of the Revised Code 1731

or the performance or inducement of an abortion upon a pregnant 1732  
woman with actual knowledge that the conditions specified in 1733  
division (B) of section 2317.56 of the Revised Code have not 1734  
been satisfied or with a heedless indifference as to whether 1735  
those conditions have been satisfied, unless an affirmative 1736  
defense as specified in division (H) (2) of that section would 1737  
apply in a civil action authorized by division (H) (1) of that 1738  
section; 1739

(24) The revocation, suspension, restriction, reduction, 1740  
or termination of clinical privileges by the United States 1741  
department of defense or department of veterans affairs or the 1742  
termination or suspension of a certificate of registration to 1743  
prescribe drugs by the drug enforcement administration of the 1744  
United States department of justice; 1745

(25) Termination or suspension from participation in the 1746  
medicare or medicaid programs by the department of health and 1747  
human services or other responsible agency for any act or acts 1748  
that also would constitute a violation of division (B) (2), (3), 1749  
(6), (8), or (19) of this section; 1750

(26) Impairment of ability to practice according to 1751  
acceptable and prevailing standards of care because of habitual 1752  
or excessive use or abuse of drugs, alcohol, or other substances 1753  
that impair ability to practice. 1754

For the purposes of this division, any individual 1755  
authorized to practice by this chapter accepts the privilege of 1756  
practicing in this state subject to supervision by the board. By 1757  
filing an application for or holding a certificate to practice 1758  
under this chapter, an individual shall be deemed to have given 1759  
consent to submit to a mental or physical examination when 1760  
ordered to do so by the board in writing, and to have waived all 1761

objections to the admissibility of testimony or examination 1762  
reports that constitute privileged communications. 1763

If it has reason to believe that any individual authorized 1764  
to practice by this chapter or any applicant for certification 1765  
to practice suffers such impairment, the board may compel the 1766  
individual to submit to a mental or physical examination, or 1767  
both. The expense of the examination is the responsibility of 1768  
the individual compelled to be examined. Any mental or physical 1769  
examination required under this division shall be undertaken by 1770  
a treatment provider or physician who is qualified to conduct 1771  
the examination and who is chosen by the board. 1772

Failure to submit to a mental or physical examination 1773  
ordered by the board constitutes an admission of the allegations 1774  
against the individual unless the failure is due to 1775  
circumstances beyond the individual's control, and a default and 1776  
final order may be entered without the taking of testimony or 1777  
presentation of evidence. If the board determines that the 1778  
individual's ability to practice is impaired, the board shall 1779  
suspend the individual's certificate or deny the individual's 1780  
application and shall require the individual, as a condition for 1781  
initial, continued, reinstated, or renewed certification to 1782  
practice, to submit to treatment. 1783

Before being eligible to apply for reinstatement of a 1784  
certificate suspended under this division, the impaired 1785  
practitioner shall demonstrate to the board the ability to 1786  
resume practice in compliance with acceptable and prevailing 1787  
standards of care under the provisions of the practitioner's 1788  
certificate. The demonstration shall include, but shall not be 1789  
limited to, the following: 1790

(a) Certification from a treatment provider approved under 1791

section 4731.25 of the Revised Code that the individual has 1792  
successfully completed any required inpatient treatment; 1793

(b) Evidence of continuing full compliance with an 1794  
aftercare contract or consent agreement; 1795

(c) Two written reports indicating that the individual's 1796  
ability to practice has been assessed and that the individual 1797  
has been found capable of practicing according to acceptable and 1798  
prevailing standards of care. The reports shall be made by 1799  
individuals or providers approved by the board for making the 1800  
assessments and shall describe the basis for their 1801  
determination. 1802

The board may reinstate a certificate suspended under this 1803  
division after that demonstration and after the individual has 1804  
entered into a written consent agreement. 1805

When the impaired practitioner resumes practice, the board 1806  
shall require continued monitoring of the individual. The 1807  
monitoring shall include, but not be limited to, compliance with 1808  
the written consent agreement entered into before reinstatement 1809  
or with conditions imposed by board order after a hearing, and, 1810  
upon termination of the consent agreement, submission to the 1811  
board for at least two years of annual written progress reports 1812  
made under penalty of perjury stating whether the individual has 1813  
maintained sobriety. 1814

(27) A second or subsequent violation of section 4731.66 1815  
or 4731.69 of the Revised Code; 1816

(28) Except as provided in division (N) of this section: 1817

(a) Waiving the payment of all or any part of a deductible 1818  
or copayment that a patient, pursuant to a health insurance or 1819  
health care policy, contract, or plan that covers the 1820

individual's services, otherwise would be required to pay if the 1821  
waiver is used as an enticement to a patient or group of 1822  
patients to receive health care services from that individual; 1823

(b) Advertising that the individual will waive the payment 1824  
of all or any part of a deductible or copayment that a patient, 1825  
pursuant to a health insurance or health care policy, contract, 1826  
or plan that covers the individual's services, otherwise would 1827  
be required to pay. 1828

(29) Failure to use universal blood and body fluid 1829  
precautions established by rules adopted under section 4731.051 1830  
of the Revised Code; 1831

(30) Failure to provide notice to, and receive 1832  
acknowledgment of the notice from, a patient when required by 1833  
section 4731.143 of the Revised Code prior to providing 1834  
nonemergency professional services, or failure to maintain that 1835  
notice in the patient's file; 1836

(31) Failure of a physician supervising a physician 1837  
assistant to maintain supervision in accordance with the 1838  
requirements of Chapter 4730. of the Revised Code and the rules 1839  
adopted under that chapter; 1840

(32) Failure of a physician or podiatrist to enter into a 1841  
standard care arrangement with a clinical nurse specialist, 1842  
certified nurse-midwife, or certified nurse practitioner with 1843  
whom the physician or podiatrist is in collaboration pursuant to 1844  
section 4731.27 of the Revised Code or failure to fulfill the 1845  
responsibilities of collaboration after entering into a standard 1846  
care arrangement; 1847

(33) Failure to comply with the terms of a consult 1848  
agreement entered into with a pharmacist pursuant to section 1849

4729.39 of the Revised Code;	1850
(34) Failure to cooperate in an investigation conducted by	1851
the board under division (F) of this section, including failure	1852
to comply with a subpoena or order issued by the board or	1853
failure to answer truthfully a question presented by the board	1854
in an investigative interview, an investigative office	1855
conference, at a deposition, or in written interrogatories,	1856
except that failure to cooperate with an investigation shall not	1857
constitute grounds for discipline under this section if a court	1858
of competent jurisdiction has issued an order that either	1859
quashes a subpoena or permits the individual to withhold the	1860
testimony or evidence in issue;	1861
(35) Failure to supervise an oriental medicine	1862
practitioner or acupuncturist in accordance with Chapter 4762.	1863
of the Revised Code and the board's rules for providing that	1864
supervision;	1865
(36) Failure to supervise an anesthesiologist assistant in	1866
accordance with Chapter 4760. of the Revised Code and the	1867
board's rules for supervision of an anesthesiologist assistant;	1868
(37) Assisting suicide, as defined in section 3795.01 of	1869
the Revised Code;	1870
(38) Failure to comply with the requirements of section	1871
2317.561 of the Revised Code;	1872
(39) Failure to supervise a radiologist assistant in	1873
accordance with Chapter 4774. of the Revised Code and the	1874
board's rules for supervision of radiologist assistants;	1875
(40) Performing or inducing an abortion at an office or	1876
facility with knowledge that the office or facility fails to	1877
post the notice required under section 3701.791 of the Revised	1878



Code;	1879
(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;	1880 1881 1882 1883
(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;	1884 1885 1886 1887
(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;	1888 1889 1890 1891
(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;	1892 1893 1894 1895
(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;	1896 1897 1898 1899 1900
(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;	1901 1902 1903 1904
(47) Failure to comply with <u>any of the requirement- requirements regarding making or maintaining</u> <del>notes</del> <u>medical records or documents</u> described in division <del>(B) of section</del>	1905 1906 1907

~~2919.191~~ (A) of section 2919.192, division (c) of section 1908  
~~2919.193, division (B) of section 2919.195, or division (A) of~~ 1909  
~~section 2919.196 of the Revised Code or failure to satisfy the~~ 1910  
~~requirements of section 2919.191 of the Revised Code prior to~~ 1911  
~~performing or inducing an abortion upon a pregnant woman;~~ 1912

(48) Failure to comply with the requirements in section 1913  
3719.061 of the Revised Code before issuing for a minor a 1914  
prescription for an opioid analgesic, as defined in section 1915  
3719.01 of the Revised Code; 1916

(49) Failure to comply with the requirements of section 1917  
4731.30 of the Revised Code or rules adopted under section 1918  
4731.301 of the Revised Code when recommending treatment with 1919  
medical marijuana. 1920

(C) Disciplinary actions taken by the board under 1921  
divisions (A) and (B) of this section shall be taken pursuant to 1922  
an adjudication under Chapter 119. of the Revised Code, except 1923  
that in lieu of an adjudication, the board may enter into a 1924  
consent agreement with an individual to resolve an allegation of 1925  
a violation of this chapter or any rule adopted under it. A 1926  
consent agreement, when ratified by an affirmative vote of not 1927  
fewer than six members of the board, shall constitute the 1928  
findings and order of the board with respect to the matter 1929  
addressed in the agreement. If the board refuses to ratify a 1930  
consent agreement, the admissions and findings contained in the 1931  
consent agreement shall be of no force or effect. 1932

A telephone conference call may be utilized for 1933  
ratification of a consent agreement that revokes or suspends an 1934  
individual's certificate to practice or certificate to 1935  
recommend. The telephone conference call shall be considered a 1936  
special meeting under division (F) of section 121.22 of the 1937

Revised Code. 1938

If the board takes disciplinary action against an 1939  
individual under division (B) of this section for a second or 1940  
subsequent plea of guilty to, or judicial finding of guilt of, a 1941  
violation of section 2919.123 of the Revised Code, the 1942  
disciplinary action shall consist of a suspension of the 1943  
individual's certificate to practice for a period of at least 1944  
one year or, if determined appropriate by the board, a more 1945  
serious sanction involving the individual's certificate to 1946  
practice. Any consent agreement entered into under this division 1947  
with an individual that pertains to a second or subsequent plea 1948  
of guilty to, or judicial finding of guilt of, a violation of 1949  
that section shall provide for a suspension of the individual's 1950  
certificate to practice for a period of at least one year or, if 1951  
determined appropriate by the board, a more serious sanction 1952  
involving the individual's certificate to practice. 1953

(D) For purposes of divisions (B)(10), (12), and (14) of 1954  
this section, the commission of the act may be established by a 1955  
finding by the board, pursuant to an adjudication under Chapter 1956  
119. of the Revised Code, that the individual committed the act. 1957  
The board does not have jurisdiction under those divisions if 1958  
the trial court renders a final judgment in the individual's 1959  
favor and that judgment is based upon an adjudication on the 1960  
merits. The board has jurisdiction under those divisions if the 1961  
trial court issues an order of dismissal upon technical or 1962  
procedural grounds. 1963

(E) The sealing of conviction records by any court shall 1964  
have no effect upon a prior board order entered under this 1965  
section or upon the board's jurisdiction to take action under 1966  
this section if, based upon a plea of guilty, a judicial finding 1967

of guilt, or a judicial finding of eligibility for intervention 1968  
in lieu of conviction, the board issued a notice of opportunity 1969  
for a hearing prior to the court's order to seal the records. 1970  
The board shall not be required to seal, destroy, redact, or 1971  
otherwise modify its records to reflect the court's sealing of 1972  
conviction records. 1973

(F) (1) The board shall investigate evidence that appears 1974  
to show that a person has violated any provision of this chapter 1975  
or any rule adopted under it. Any person may report to the board 1976  
in a signed writing any information that the person may have 1977  
that appears to show a violation of any provision of this 1978  
chapter or any rule adopted under it. In the absence of bad 1979  
faith, any person who reports information of that nature or who 1980  
testifies before the board in any adjudication conducted under 1981  
Chapter 119. of the Revised Code shall not be liable in damages 1982  
in a civil action as a result of the report or testimony. Each 1983  
complaint or allegation of a violation received by the board 1984  
shall be assigned a case number and shall be recorded by the 1985  
board. 1986

(2) Investigations of alleged violations of this chapter 1987  
or any rule adopted under it shall be supervised by the 1988  
supervising member elected by the board in accordance with 1989  
section 4731.02 of the Revised Code and by the secretary as 1990  
provided in section 4731.39 of the Revised Code. The president 1991  
may designate another member of the board to supervise the 1992  
investigation in place of the supervising member. No member of 1993  
the board who supervises the investigation of a case shall 1994  
participate in further adjudication of the case. 1995

(3) In investigating a possible violation of this chapter 1996  
or any rule adopted under this chapter, or in conducting an 1997

inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, 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.

(a) 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.

(b) 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.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee 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 certificate issued under this chapter, 2028  
service of the subpoena may be made by certified mail, return 2029  
receipt requested, and the subpoena shall be deemed served on 2030  
the date delivery is made or the date the person refuses to 2031  
accept delivery. If the person being served refuses to accept 2032  
the subpoena or is not located, service may be made to an 2033  
attorney who notifies the board that the attorney is 2034  
representing the person. 2035

(d) A sheriff's deputy who serves a subpoena shall receive 2036  
the same fees as a sheriff. Each witness who appears before the 2037  
board in obedience to a subpoena shall receive the fees and 2038  
mileage provided for under section 119.094 of the Revised Code. 2039

(4) All hearings, investigations, and inspections of the 2040  
board shall be considered civil actions for the purposes of 2041  
section 2305.252 of the Revised Code. 2042

(5) A report required to be submitted to the board under 2043  
this chapter, a complaint, or information received by the board 2044  
pursuant to an investigation or pursuant to an inspection under 2045  
division (E) of section 4731.054 of the Revised Code is 2046  
confidential and not subject to discovery in any civil action. 2047

The board shall conduct all investigations or inspections 2048  
and proceedings in a manner that protects the confidentiality of 2049  
patients and persons who file complaints with the board. The 2050  
board shall not make public the names or any other identifying 2051  
information about patients or complainants unless proper consent 2052  
is given or, in the case of a patient, a waiver of the patient 2053  
privilege exists under division (B) of section 2317.02 of the 2054  
Revised Code, except that consent or a waiver of that nature is 2055  
not required if the board possesses reliable and substantial 2056  
evidence that no bona fide physician-patient relationship 2057

exists. 2058

The board may share any information it receives pursuant 2059  
to an investigation or inspection, including patient records and 2060  
patient record information, with law enforcement agencies, other 2061  
licensing boards, and other governmental agencies that are 2062  
prosecuting, adjudicating, or investigating alleged violations 2063  
of statutes or administrative rules. An agency or board that 2064  
receives the information shall comply with the same requirements 2065  
regarding confidentiality as those with which the state medical 2066  
board must comply, notwithstanding any conflicting provision of 2067  
the Revised Code or procedure of the agency or board that 2068  
applies when it is dealing with other information in its 2069  
possession. In a judicial proceeding, the information may be 2070  
admitted into evidence only in accordance with the Rules of 2071  
Evidence, but the court shall require that appropriate measures 2072  
are taken to ensure that confidentiality is maintained with 2073  
respect to any part of the information that contains names or 2074  
other identifying information about patients or complainants 2075  
whose confidentiality was protected by the state medical board 2076  
when the information was in the board's possession. Measures to 2077  
ensure confidentiality that may be taken by the court include 2078  
sealing its records or deleting specific information from its 2079  
records. 2080

(6) On a quarterly basis, the board shall prepare a report 2081  
that documents the disposition of all cases during the preceding 2082  
three months. The report shall contain the following information 2083  
for each case with which the board has completed its activities: 2084

(a) The case number assigned to the complaint or alleged 2085  
violation; 2086

(b) The type of certificate to practice, if any, held by 2087

the individual against whom the complaint is directed; 2088

(c) A description of the allegations contained in the 2089  
complaint; 2090

(d) The disposition of the case. 2091

The report shall state how many cases are still pending 2092  
and shall be prepared in a manner that protects the identity of 2093  
each person involved in each case. The report shall be a public 2094  
record under section 149.43 of the Revised Code. 2095

(G) If the secretary and supervising member determine both 2096  
of the following, they may recommend that the board suspend an 2097  
individual's certificate to practice or certificate to recommend 2098  
without a prior hearing: 2099

(1) That there is clear and convincing evidence that an 2100  
individual has violated division (B) of this section; 2101

(2) That the individual's continued practice presents a 2102  
danger of immediate and serious harm to the public. 2103

Written allegations shall be prepared for consideration by 2104  
the board. The board, upon review of those allegations and by an 2105  
affirmative vote of not fewer than six of its members, excluding 2106  
the secretary and supervising member, may suspend a certificate 2107  
without a prior hearing. A telephone conference call may be 2108  
utilized for reviewing the allegations and taking the vote on 2109  
the summary suspension. 2110

The board shall issue a written order of suspension by 2111  
certified mail or in person in accordance with section 119.07 of 2112  
the Revised Code. The order shall not be subject to suspension 2113  
by the court during pendency of any appeal filed under section 2114  
119.12 of the Revised Code. If the individual subject to the 2115



summary suspension requests an adjudicatory hearing by the 2116  
board, the date set for the hearing shall be within fifteen 2117  
days, but not earlier than seven days, after the individual 2118  
requests the hearing, unless otherwise agreed to by both the 2119  
board and the individual. 2120

Any summary suspension imposed under this division shall 2121  
remain in effect, unless reversed on appeal, until a final 2122  
adjudicative order issued by the board pursuant to this section 2123  
and Chapter 119. of the Revised Code becomes effective. The 2124  
board shall issue its final adjudicative order within seventy- 2125  
five days after completion of its hearing. A failure to issue 2126  
the order within seventy-five days shall result in dissolution 2127  
of the summary suspension order but shall not invalidate any 2128  
subsequent, final adjudicative order. 2129

(H) If the board takes action under division (B) (9), (11), 2130  
or (13) of this section and the judicial finding of guilt, 2131  
guilty plea, or judicial finding of eligibility for intervention 2132  
in lieu of conviction is overturned on appeal, upon exhaustion 2133  
of the criminal appeal, a petition for reconsideration of the 2134  
order may be filed with the board along with appropriate court 2135  
documents. Upon receipt of a petition of that nature and 2136  
supporting court documents, the board shall reinstate the 2137  
individual's certificate to practice. The board may then hold an 2138  
adjudication under Chapter 119. of the Revised Code to determine 2139  
whether the individual committed the act in question. Notice of 2140  
an opportunity for a hearing shall be given in accordance with 2141  
Chapter 119. of the Revised Code. If the board finds, pursuant 2142  
to an adjudication held under this division, that the individual 2143  
committed the act or if no hearing is requested, the board may 2144  
order any of the sanctions identified under division (B) of this 2145  
section. 2146

(I) The certificate to practice issued to an individual 2147  
under this chapter and the individual's practice in this state 2148  
are automatically suspended as of the date of the individual's 2149  
second or subsequent plea of guilty to, or judicial finding of 2150  
guilt of, a violation of section 2919.123 of the Revised Code. 2151  
In addition, the certificate to practice or certificate to 2152  
recommend issued to an individual under this chapter and the 2153  
individual's practice in this state are automatically suspended 2154  
as of the date the individual pleads guilty to, is found by a 2155  
judge or jury to be guilty of, or is subject to a judicial 2156  
finding of eligibility for intervention in lieu of conviction in 2157  
this state or treatment or intervention in lieu of conviction in 2158  
another jurisdiction for any of the following criminal offenses 2159  
in this state or a substantially equivalent criminal offense in 2160  
another jurisdiction: aggravated murder, murder, voluntary 2161  
manslaughter, felonious assault, kidnapping, rape, sexual 2162  
battery, gross sexual imposition, aggravated arson, aggravated 2163  
robbery, or aggravated burglary. Continued practice after 2164  
suspension shall be considered practicing without a certificate. 2165

The board shall notify the individual subject to the 2166  
suspension by certified mail or in person in accordance with 2167  
section 119.07 of the Revised Code. If an individual whose 2168  
certificate is automatically suspended under this division fails 2169  
to make a timely request for an adjudication under Chapter 119. 2170  
of the Revised Code, the board shall do whichever of the 2171  
following is applicable: 2172

(1) If the automatic suspension under this division is for 2173  
a second or subsequent plea of guilty to, or judicial finding of 2174  
guilt of, a violation of section 2919.123 of the Revised Code, 2175  
the board shall enter an order suspending the individual's 2176  
certificate to practice for a period of at least one year or, if 2177

determined appropriate by the board, imposing a more serious 2178  
sanction involving the individual's certificate to practice. 2179

(2) In all circumstances in which division (I)(1) of this 2180  
section does not apply, enter a final order permanently revoking 2181  
the individual's certificate to practice. 2182

(J) If the board is required by Chapter 119. of the 2183  
Revised Code to give notice of an opportunity for a hearing and 2184  
if the individual subject to the notice does not timely request 2185  
a hearing in accordance with section 119.07 of the Revised Code, 2186  
the board is not required to hold a hearing, but may adopt, by 2187  
an affirmative vote of not fewer than six of its members, a 2188  
final order that contains the board's findings. In that final 2189  
order, the board may order any of the sanctions identified under 2190  
division (A) or (B) of this section. 2191

(K) Any action taken by the board under division (B) of 2192  
this section resulting in a suspension from practice shall be 2193  
accompanied by a written statement of the conditions under which 2194  
the individual's certificate to practice may be reinstated. The 2195  
board shall adopt rules governing conditions to be imposed for 2196  
reinstatement. Reinstatement of a certificate suspended pursuant 2197  
to division (B) of this section requires an affirmative vote of 2198  
not fewer than six members of the board. 2199

(L) When the board refuses to grant or issue a certificate 2200  
to practice to an applicant, revokes an individual's certificate 2201  
to practice, refuses to renew an individual's certificate to 2202  
practice, or refuses to reinstate an individual's certificate to 2203  
practice, the board may specify that its action is permanent. An 2204  
individual subject to a permanent action taken by the board is 2205  
forever thereafter ineligible to hold a certificate to practice 2206  
and the board shall not accept an application for reinstatement 2207

of the certificate or for issuance of a new certificate. 2208

(M) Notwithstanding any other provision of the Revised 2209  
Code, all of the following apply: 2210

(1) The surrender of a certificate issued under this 2211  
chapter shall not be effective unless or until accepted by the 2212  
board. A telephone conference call may be utilized for 2213  
acceptance of the surrender of an individual's certificate to 2214  
practice. The telephone conference call shall be considered a 2215  
special meeting under division (F) of section 121.22 of the 2216  
Revised Code. Reinstatement of a certificate surrendered to the 2217  
board requires an affirmative vote of not fewer than six members 2218  
of the board. 2219

(2) An application for a certificate made under the 2220  
provisions of this chapter may not be withdrawn without approval 2221  
of the board. 2222

(3) Failure by an individual to renew a certificate to 2223  
practice in accordance with this chapter or a certificate to 2224  
recommend in accordance with rules adopted under section 2225  
4731.301 of the Revised Code shall not remove or limit the 2226  
board's jurisdiction to take any disciplinary action under this 2227  
section against the individual. 2228

(4) At the request of the board, a certificate holder 2229  
shall immediately surrender to the board a certificate that the 2230  
board has suspended, revoked, or permanently revoked. 2231

(N) Sanctions shall not be imposed under division (B) (28) 2232  
of this section against any person who waives deductibles and 2233  
copayments as follows: 2234

(1) In compliance with the health benefit plan that 2235  
expressly allows such a practice. Waiver of the deductibles or 2236

copayments shall be made only with the full knowledge and 2237  
consent of the plan purchaser, payer, and third-party 2238  
administrator. Documentation of the consent shall be made 2239  
available to the board upon request. 2240

(2) For professional services rendered to any other person 2241  
authorized to practice pursuant to this chapter, to the extent 2242  
allowed by this chapter and rules adopted by the board. 2243

(0) Under the board's investigative duties described in 2244  
this section and subject to division (F) of this section, the 2245  
board shall develop and implement a quality intervention program 2246  
designed to improve through remedial education the clinical and 2247  
communication skills of individuals authorized under this 2248  
chapter to practice medicine and surgery, osteopathic medicine 2249  
and surgery, and podiatric medicine and surgery. In developing 2250  
and implementing the quality intervention program, the board may 2251  
do all of the following: 2252

(1) Offer in appropriate cases as determined by the board 2253  
an educational and assessment program pursuant to an 2254  
investigation the board conducts under this section; 2255

(2) Select providers of educational and assessment 2256  
services, including a quality intervention program panel of case 2257  
reviewers; 2258

(3) Make referrals to educational and assessment service 2259  
providers and approve individual educational programs 2260  
recommended by those providers. The board shall monitor the 2261  
progress of each individual undertaking a recommended individual 2262  
educational program. 2263

(4) Determine what constitutes successful completion of an 2264  
individual educational program and require further monitoring of 2265

the individual who completed the program or other action that 2266  
the board determines to be appropriate; 2267

(5) Adopt rules in accordance with Chapter 119. of the 2268  
Revised Code to further implement the quality intervention 2269  
program. 2270

An individual who participates in an individual 2271  
educational program pursuant to this division shall pay the 2272  
financial obligations arising from that educational program. 2273

**Sec. 5153.16.** (A) Except as provided in section 2151.422 2274  
of the Revised Code, in accordance with rules adopted under 2275  
section 5153.166 of the Revised Code, and on behalf of children 2276  
in the county whom the public children services agency considers 2277  
to be in need of public care or protective services, the public 2278  
children services agency shall do all of the following: 2279

(1) Make an investigation concerning any child alleged to 2280  
be an abused, neglected, or dependent child; 2281

(2) Enter into agreements with the parent, guardian, or 2282  
other person having legal custody of any child, or with the 2283  
department of job and family services, department of mental 2284  
health and addiction services, department of developmental 2285  
disabilities, other department, any certified organization 2286  
within or outside the county, or any agency or institution 2287  
outside the state, having legal custody of any child, with 2288  
respect to the custody, care, or placement of any child, or with 2289  
respect to any matter, in the interests of the child, provided 2290  
the permanent custody of a child shall not be transferred by a 2291  
parent to the public children services agency without the 2292  
consent of the juvenile court; 2293

(3) Accept custody of children committed to the public 2294

children services agency by a court exercising juvenile 2295  
jurisdiction; 2296

(4) Provide such care as the public children services 2297  
agency considers to be in the best interests of any child 2298  
adjudicated to be an abused, neglected, or dependent child the 2299  
agency finds to be in need of public care or service; 2300

(5) Provide social services to any unmarried girl 2301  
adjudicated to be an abused, neglected, or dependent child who 2302  
is pregnant with or has been delivered of a child; 2303

(6) Make available to the bureau for children with medical 2304  
handicaps of the department of health at its request any 2305  
information concerning a crippled child found to be in need of 2306  
treatment under sections 3701.021 to 3701.028 of the Revised 2307  
Code who is receiving services from the public children services 2308  
agency; 2309

(7) Provide temporary emergency care for any child 2310  
considered by the public children services agency to be in need 2311  
of such care, without agreement or commitment; 2312

(8) Find certified foster homes, within or outside the 2313  
county, for the care of children, including handicapped children 2314  
from other counties attending special schools in the county; 2315

(9) Subject to the approval of the board of county 2316  
commissioners and the state department of job and family 2317  
services, establish and operate a training school or enter into 2318  
an agreement with any municipal corporation or other political 2319  
subdivision of the county respecting the operation, acquisition, 2320  
or maintenance of any children's home, training school, or other 2321  
institution for the care of children maintained by such 2322  
municipal corporation or political subdivision; 2323

(10) Acquire and operate a county children's home, 2324  
establish, maintain, and operate a receiving home for the 2325  
temporary care of children, or procure certified foster homes 2326  
for this purpose; 2327

(11) Enter into an agreement with the trustees of any 2328  
district children's home, respecting the operation of the 2329  
district children's home in cooperation with the other county 2330  
boards in the district; 2331

(12) Cooperate with, make its services available to, and 2332  
act as the agent of persons, courts, the department of job and 2333  
family services, the department of health, and other 2334  
organizations within and outside the state, in matters relating 2335  
to the welfare of children, except that the public children 2336  
services agency shall not be required to provide supervision of 2337  
or other services related to the exercise of parenting time 2338  
rights granted pursuant to section 3109.051 or 3109.12 of the 2339  
Revised Code or companionship or visitation rights granted 2340  
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 2341  
Code unless a juvenile court, pursuant to Chapter 2151. of the 2342  
Revised Code, or a common pleas court, pursuant to division (E) 2343  
(6) of section 3113.31 of the Revised Code, requires the 2344  
provision of supervision or other services related to the 2345  
exercise of the parenting time rights or companionship or 2346  
visitation rights; 2347

(13) Make investigations at the request of any 2348  
superintendent of schools in the county or the principal of any 2349  
school concerning the application of any child adjudicated to be 2350  
an abused, neglected, or dependent child for release from 2351  
school, where such service is not provided through a school 2352  
attendance department; 2353



- (14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;
- (15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;
- (16) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;
- (17) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;
- (18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A) (2) of section 2151.419 of the Revised Code;
- (19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and

to complete whatever steps are necessary to finalize the 2383  
permanent placement of the child; 2384

(20) Administer a Title IV-A program identified under 2385  
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 2386  
that the department of job and family services provides for the 2387  
public children services agency to administer under the 2388  
department's supervision pursuant to section 5101.801 of the 2389  
Revised Code; 2390

(21) Administer the kinship permanency incentive program 2391  
created under section 5101.802 of the Revised Code under the 2392  
supervision of the director of job and family services; 2393

(22) Provide independent living services pursuant to 2394  
sections 2151.81 to 2151.84 of the Revised Code; 2395

(23) File a missing child report with a local law 2396  
enforcement agency upon becoming aware that a child in the 2397  
custody of the public children services agency is or may be 2398  
missing. 2399

(B) The public children services agency shall use the 2400  
system implemented pursuant to division (A) (16) of this section 2401  
in connection with an investigation undertaken pursuant to 2402  
division ~~(F)~~ (G) (1) of section 2151.421 of the Revised Code to 2403  
assess both of the following: 2404

(1) The ongoing safety of the child; 2405

(2) The appropriateness of the intensity and duration of 2406  
the services provided to meet child and family needs throughout 2407  
the duration of a case. 2408

(C) Except as provided in section 2151.422 of the Revised 2409  
Code, in accordance with rules of the director of job and family 2410

services, and on behalf of children in the county whom the 2411  
public children services agency considers to be in need of 2412  
public care or protective services, the public children services 2413  
agency may do the following: 2414

(1) Provide or find, with other child serving systems, 2415  
specialized foster care for the care of children in a 2416  
specialized foster home, as defined in section 5103.02 of the 2417  
Revised Code, certified under section 5103.03 of the Revised 2418  
Code; 2419

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 2420  
this section, contract with the following for the purpose of 2421  
assisting the agency with its duties: 2422

(i) County departments of job and family services; 2423

(ii) Boards of alcohol, drug addiction, and mental health 2424  
services; 2425

(iii) County boards of developmental disabilities; 2426

(iv) Regional councils of political subdivisions 2427  
established under Chapter 167. of the Revised Code; 2428

(v) Private and government providers of services; 2429

(vi) Managed care organizations and prepaid health plans. 2430

(b) A public children services agency contract under 2431  
division (C) (2) (a) of this section regarding the agency's duties 2432  
under section 2151.421 of the Revised Code may not provide for 2433  
the entity under contract with the agency to perform any service 2434  
not authorized by the department's rules. 2435

(c) Only a county children services board appointed under 2436  
section 5153.03 of the Revised Code that is a public children 2437

services agency may contract under division (C) (2) (a) of this 2438  
section. If an entity specified in division (B) or (C) of 2439  
section 5153.02 of the Revised Code is the public children 2440  
services agency for a county, the board of county commissioners 2441  
may enter into contracts pursuant to section 307.982 of the 2442  
Revised Code regarding the agency's duties. 2443

**Sec. 5153.175.** (A) Notwithstanding division ~~(H)~~ (I) (1) of 2444  
section 2151.421, section 5153.17, and any other section of the 2445  
Revised Code pertaining to confidentiality, when a public 2446  
children services agency has determined that child abuse or 2447  
neglect occurred and that abuse or neglect involves a person who 2448  
has applied for licensure as a type A family day-care home or 2449  
type B family day-care home, the agency shall promptly provide 2450  
to the department of job and family services any information the 2451  
agency determines to be relevant for the purpose of evaluating 2452  
the fitness of the person, including, but not limited to, both 2453  
of the following: 2454

(1) A summary report of the chronology of abuse and 2455  
neglect reports made pursuant to section 2151.421 of the Revised 2456  
Code of which the person is the subject where the agency 2457  
determined that abuse or neglect occurred and the final 2458  
disposition of the investigation of the reports or, if the 2459  
investigations have not been completed, the status of the 2460  
investigations; 2461

(2) Any underlying documentation concerning those reports. 2462

(B) The agency shall not include in the information 2463  
provided to the department under division (A) of this section 2464  
the name of the person or entity that made the report or 2465  
participated in the making of the report of child abuse or 2466  
neglect. 2467

(C) Upon provision of information under division (A) of 2468  
this section, the agency shall notify the department of both of 2469  
the following: 2470

(1) That the information is confidential; 2471

(2) That unauthorized dissemination of the information is 2472  
a violation of division ~~(H)~~(I) (2) of section 2151.421 of the 2473  
Revised Code and any person who permits or encourages 2474  
unauthorized dissemination of the information is guilty of a 2475  
misdemeanor of the fourth degree pursuant to section 2151.99 of 2476  
the Revised Code. 2477

**Sec. 5153.176.** As used in this section, "license" has the 2478  
same meaning as in section 3319.31 of the Revised Code. 2479

(A) Notwithstanding division ~~(H)~~(I) (1) of section 2480  
2151.421, section 5153.17, or any other section of the Revised 2481  
Code pertaining to confidentiality, the director of a public 2482  
children services agency shall promptly provide to the 2483  
superintendent of public instruction information regarding the 2484  
agency's investigation of a report of child abuse or neglect 2485  
made pursuant to section 2151.421 of the Revised Code involving 2486  
a person who holds a license issued by the state board of 2487  
education where the agency has determined that child abuse or 2488  
neglect occurred and that abuse or neglect is related to the 2489  
person's duties and responsibilities under the license. The 2490  
information provided by the director shall include the 2491  
following: 2492

(1) A summary of the nature of the allegations contained 2493  
in the report of which the person is the subject and the final 2494  
disposition of the investigation conducted in response to that 2495  
report or, if the investigation is not complete, the status of 2496

the investigation; 2497

(2) Upon written request of the superintendent of public 2498  
instruction, the additional information described in division 2499  
(C) of this section regarding the agency's investigation of the 2500  
report, unless the prosecuting attorney of the county served by 2501  
the agency determines that such information may not be released 2502  
pursuant to division (B) of this section. 2503

(B) Upon receipt of a written request from the 2504  
superintendent of public instruction for the additional 2505  
information described in division (C) of this section, the 2506  
director shall determine if the prosecuting attorney of the 2507  
county served by the public children services agency intends to 2508  
prosecute the subject of the report based on the allegations 2509  
contained in the report. If the prosecuting attorney intends to 2510  
prosecute the subject of the report, the prosecuting attorney 2511  
shall determine the information described in division (C) of 2512  
this section that may be released, if any, and shall provide the 2513  
director with written authorization to release the information 2514  
so determined. The director shall provide the superintendent of 2515  
public instruction with any information described in division 2516  
(C) of this section that the prosecuting attorney determines may 2517  
be released, but in no case shall the director provide any 2518  
information that the prosecuting attorney determines shall not 2519  
be released. If the prosecuting attorney does not intend to 2520  
prosecute the subject of the report, the prosecuting attorney 2521  
shall notify the director of that fact and the director shall 2522  
provide all of the information described in division (C) of this 2523  
section to the superintendent of public instruction. 2524

(C) In accordance with division (B) of this section, the 2525  
director shall provide information to the superintendent of 2526

public instruction regarding the public children services	2527
agency's investigation of the report described in division (A)	2528
of this section, including, but not limited to, the following:	2529
(1) The following information about the alleged child	2530
victim of the abuse or neglect:	2531
(a) Full name;	2532
(b) Date of birth;	2533
(c) Address and telephone number;	2534
(d) Grade level;	2535
(e) Name and contact information of the child's parent,	2536
guardian, or legal custodian;	2537
(f) Name and contact information of any medical facility	2538
that provided treatment to the child, if the child was injured	2539
in connection with the abuse or neglect and if that information	2540
is available;	2541
(g) A summary of interviews with the child or, if an	2542
entity other than the agency conducted the interviews, the	2543
contact information for that entity. The summary shall include	2544
an accounting of the facts and circumstances of the alleged	2545
abuse or neglect, including, but not limited to, the time and	2546
place that the abuse or neglect occurred.	2547
(h) Copies of any written correspondence between the child	2548
and the alleged perpetrator of the abuse or neglect that was	2549
used by the agency to determine that abuse or neglect occurred,	2550
the release of which is not otherwise prohibited by law.	2551
(2) The following information about the alleged	2552
perpetrator of the abuse or neglect:	2553

(a) Full name;	2554
(b) Date of birth;	2555
(c) Address and telephone number;	2556
(d) Name of school district and school building that employed the alleged perpetrator at the time the report was made;	2557 2558 2559
(e) Name and contact information of any medical facility that provided treatment to the alleged perpetrator, if the alleged perpetrator was injured in connection with the abuse or neglect and if that information is available;	2560 2561 2562 2563
(f) A summary of interviews with the alleged perpetrator or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	2564 2565 2566 2567 2568 2569
(g) Copies of any written correspondence between the alleged child victim and the alleged perpetrator that was used by the agency to determine that abuse or neglect occurred, the release of which is not otherwise prohibited by law;	2570 2571 2572 2573
(h) If the alleged perpetrator has been the subject of any previous reports made pursuant to section 2151.421 of the Revised Code where the agency determined that physical or sexual child abuse occurred, a summary of the chronology of those reports; the final disposition of the investigations conducted in response to those reports, or if an investigation is not complete, the status of that investigation; and any underlying documentation concerning those reports.	2574 2575 2576 2577 2578 2579 2580 2581



(3) The following information about each person, other than the alleged child victim and the alleged perpetrator, whom the agency has determined to be important to the investigation, except that the information shall not be provided about the person who made the report unless that person grants written permission for the director to release the information:

(a) Full name;

(b) Address and telephone number;

(c) If the person has been interviewed regarding the alleged abuse or neglect, a summary of those interviews or, if an entity other than the agency conducted the interviews, the contact information for such entity.

(D) Upon provision of any information to the superintendent of public instruction under this section, the director shall notify the superintendent of both of the following:

(1) That the information is confidential;

(2) That unauthorized dissemination of the information is a violation of division ~~(H)~~ (I) (2) of section 2151.421 and section 3319.311 of the Revised Code and any person who permits or encourages unauthorized dissemination of the information is guilty of a misdemeanor of the fourth degree pursuant to section 2151.99 of the Revised Code.

If the director determines that the superintendent of public instruction or any person involved in the conduct of an investigation under section 3319.311 of the Revised Code committed, caused, permitted, or encouraged the unauthorized dissemination of any information provided under this section, the director shall provide written notification of the

unauthorized dissemination to the prosecuting attorney of the 2611  
county or the village solicitor, city director of law, or 2612  
similar chief legal officer of the municipal corporation in 2613  
which the unauthorized dissemination occurred. A copy of the 2614  
notification shall be retained in the investigative record 2615  
maintained by the public children services agency. 2616

(E) The director shall include documentation of the 2617  
information provided to the superintendent of public instruction 2618  
under this section in the investigative record maintained by the 2619  
public children services agency. The documentation shall include 2620  
the following: 2621

(1) A list of the information provided; 2622

(2) The date the information was provided; 2623

(3) If the superintendent of public instruction designates 2624  
a person to receive the information on the superintendent's 2625  
behalf, the name of that person; 2626

(4) The reason for providing the information; 2627

(5) If written authorization to provide the information is 2628  
required from the prosecuting attorney under division (B) of 2629  
this section, a copy of that authorization. 2630

(F) No director of a public children services agency shall 2631  
knowingly fail to comply with division (A) or (C) of this 2632  
section. 2633

(G) A director of a public children services agency who 2634  
provides information to the superintendent of public instruction 2635  
in accordance with this section in good faith shall be immune 2636  
from any civil or criminal liability that otherwise might be 2637  
incurred or imposed for injury, death, or loss to person or 2638

property as a result of the provision of that information. 2639

(H) Notwithstanding any provision to the contrary in 2640  
Chapter 4117. of the Revised Code, the provisions of this 2641  
section prevail over any conflicting provisions of a collective 2642  
bargaining agreement or contract for employment entered into 2643  
after March 30, 2007. 2644

**Section 2.** That existing sections 307.627, 2151.421, 2645  
2151.422, 2151.99, 2317.56, 2919.171, 2919.19, 2919.191, 2646  
2919.192, 2919.193, 3701.701, 4731.22, 5153.16, 5153.175, and 2647  
5153.176 of the Revised Code are hereby repealed. 2648

**Section 3.** Section 2151.99 of the Revised Code is 2649  
presented in this act as a composite of the section as amended 2650  
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 2651  
Assembly. The General Assembly, applying the principle stated in 2652  
division (B) of section 1.52 of the Revised Code that amendments 2653  
are to be harmonized if reasonably capable of simultaneous 2654  
operation, finds that the composite is the resulting version of 2655  
the section in effect prior to the effective date of the section 2656  
as presented in this act. 2657

**Section 4.** All items in this section are hereby 2658  
appropriated as designated out of any moneys in the state 2659  
treasury to the credit of the designated fund. For all 2660  
appropriations made in this act, those in the first column are 2661  
for fiscal year 2016 and those in the second column are for 2662  
fiscal year 2017. The appropriations made in this act are in 2663  
addition to any other appropriations made for the FY 2016-FY 2664  
2017 biennium. 2665

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 2666

General Revenue Fund 2667

GRF 600528 Adoption Services	\$	0	\$	100,000	2668
State					2669
TOTAL GRF General Revenue Fund	\$	0	\$	100,000	2670
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	2671

**Section 5.** Within the limits set forth in this act, the 2672  
Director of Budget and Management shall establish accounts 2673  
indicating the source and amount of funds for each appropriation 2674  
made in this act, and shall determine the form and manner in 2675  
which appropriation accounts shall be maintained. Expenditures 2676  
from appropriations contained in this act shall be accounted for 2677  
as though made in Am. Sub. H.B. 64 of the 131st General 2678  
Assembly. 2679

The appropriations made in this act are subject to all 2680  
provisions of Am. Sub. H.B. 64 of the 131st General Assembly 2681  
that are generally applicable to such appropriations. 2682

**Section 6.** If any provisions of a section as amended or 2683  
enacted by this act, or the application thereof to any person or 2684  
circumstance is held invalid, the invalidity does not affect 2685  
other provisions or applications of the section or related 2686  
sections which can be given effect without the invalid provision 2687  
or application, and to this end the provisions are severable. 2688