As Reported by the House Health Committee

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Representatives Patterson, LaTourette
Cosponsors: Representatives Becker, Brown, Riedel, O'Brien, Seitz, Huffman, Johnson, Lepore-Hagan

A BILL

To amend sections 4715.09, 4715.20, 4725.26, 4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 and to enact sections 4723.321 and 4725.591 of the Revised Code to authorize health professionals licensed in other states to provide volunteer health services during charitable events.

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

Section 1. That sections 4715.09, 4715.20, 4725.26, 4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 be amended and sections 4723.321 and 4725.591 of the Revised Code be enacted to read as follows:

Sec. 4715.09. (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board.

(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of
any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board.

   The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.

   (C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, he or it the person shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.

   The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.

   (D) No unlicensed person, partnership, association, or corporation shall perform any service described in division (B) of this section without a written work authorization from a
licensed dentist. Provided, that if a written work authorization is demanded from a licensed dentist who fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation shall not, in such event, be subject to the enforcement provisions of section 4715.05 or the penal provisions of section 4715.99 of the Revised Code.

(E) No dentist shall employ or use conscious intravenous sedation unless the dentist possesses a valid permit issued by the state dental board authorizing him to do so.

(F) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds a license in good standing to practice dentistry issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed to hold, for the course of the charitable event, a license to practice dentistry from the state dental board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dentist licensed under this chapter is authorized to perform.

Sec. 4715.20. No person shall practice as a dental hygienist except as follows:

(A) A licensed dentist or one;

(B) One who has obtained a license from the state dental
board to practice as a dental hygienist;  

(C) One who holds in good standing a license from another state to practice as a dental hygienist and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.  

In the case of a person described in division (C) of this section, the person shall be deemed to hold, for the course of the charitable event, a license to practice as a dental hygienist from the state dental board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dental hygienist licensed under this chapter is authorized to perform.  

Sec. 4723.321. Section 4723.03 of the Revised Code does not apply to an individual that meets both of the following conditions:  

(A) The individual currently holds in good standing a license to practice nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse from another jurisdiction.  

(B) The individual is engaging in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse as a volunteer without remuneration during a charitable event that lasts not more than seven days.  

When an individual meets the conditions of this section, the individual shall be deemed to hold, during the course of the charitable event, a license to practice nursing as a registered nurse, advanced practice registered nurse, or licensed practical
nurse from the board of nursing and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the individual's scope of practice is limited to the procedures that a registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under this chapter is authorized to perform.

Sec. 4725.26. Division (A) of section 4725.02 of the Revised Code does not apply to the following:

(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) An instructor in a school of optometry that is located in this state and approved by the state vision professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school.

(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.
(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.

(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is acting pursuant to the rules for delegation of optometric tasks adopted under section 4725.09 of the Revised Code.

(G) An individual who holds in good standing a valid license to practice optometry from a licensing body in another jurisdiction and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When an individual meets the conditions of this division, the individual shall be deemed to hold, during the course of the charitable event, a license to practice optometry from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the individual's scope of practice is limited to the procedures that an optometrist licensed under this chapter is authorized to perform.

Sec. 4725.591. Section 4725.41 of the Revised Code does not apply to a person who holds in good standing a valid license from another state to engage in optical dispensing and is engaging in optical dispensing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this section, the
person shall be deemed to hold, during the course of the charitable event, a license to engage in optical dispensing from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dispensing optician licensed under this chapter is authorized to perform.

Sec. 4730.02. (A) No person shall hold that person out as being able to function as a physician assistant, or use any words or letters indicating or implying that the person is a physician assistant, without a current, valid license to practice as a physician assistant issued pursuant to this chapter.

(B) No person shall practice as a physician assistant without the supervision, control, and direction of a physician.

(C) No person shall practice as a physician assistant without having entered into a supervision agreement with a supervising physician under section 4730.19 of the Revised Code.

(D) No person acting as the supervising physician of a physician assistant shall authorize the physician assistant to perform services if either of the following is the case:

(1) The services are not within the physician's normal course of practice and expertise;

(2) The services are inconsistent with the supervision agreement under which the physician assistant is being supervised, including, if applicable, the policies of the health care facility in which the physician and physician assistant are practicing.
(E) No person practicing as a physician assistant shall prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.

(F) No person shall advertise to provide services as a physician assistant, except for the purpose of seeking employment.

(G) No person practicing as a physician assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "physician assistant."

(H) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds in good standing a valid license or other form of authority to practice as a physician assistant issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed to hold, during the course of the charitable event, a license to practice as a physician assistant from the state medical board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician assistant licensed under this chapter is authorized to perform.

Sec. 4731.41. (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate license or certificate from the state medical board to engage in the
practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a license or certificate from the board. No person shall open or conduct an office or other place for such practice without a license or certificate from the board. No person shall conduct an office in the name of some person who has a license or certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's license or certificate has been revoked, or, if suspended, during the time of such suspension.

A license or certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such license or certificate to practice medicine and surgery, or any of its branches, in this state has been issued to the person specified therein, or that a license or certificate to practice, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

(B) No license or certificate from the state medical board is required by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

(1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;
(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state for not more than thirty days per calendar year;

(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

(C) Division (A) of this section does not apply to a person who meets both of the following conditions:

(1) The person holds in good standing a valid license to practice medicine and surgery issued by another state.

(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice medicine and surgery is authorized to perform.

Sec. 4731.43. No person shall announce or advertise that person as an osteopathic physician and surgeon, or shall
practice as such, without a license from the state medical board or without complying with all the provisions of law relating to such practice, or shall practice after such license has been revoked, or if suspended, during the time of such suspension.

A. (B) Division (A) of this section does not apply to a person who holds in good standing a valid license to practice as an osteopathic physician and surgeon issued by another state and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice osteopathic medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice osteopathic medicine and surgery is authorized to perform.

(C) A license certified by the secretary, under the official seal of the said board to the effect that it appears from the records of the board that no license to practice osteopathic medicine and surgery has been issued to any person specified therein, or that a license, if issued, has been revoked or suspended shall be received as prima-facie evidence of the record in any court or before any officer of the state.

Sec. 4731.60. (A)(1) No person shall engage in the practice of podiatric medicine and surgery without a current, valid license to practice podiatric medicine and surgery issued by the state medical board.
(2) No person shall advertise or claim to be authorized to practice podiatric medicine and surgery unless the person holds a current, valid license to practice podiatric medicine and surgery issued by the board under this chapter.

(3) No person shall practice podiatric medicine and surgery after the person's license has been revoked, or if suspended, during the time of such suspension.

(B) A document that is signed by the president and secretary of the board and has affixed the official seal of the board to the effect that it appears from the records of the board that a license to practice podiatric medicine and surgery in this state has not been issued to a particular person, or that a license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

(C) Division (A) of this section does not apply to a person who holds in good standing a valid license to practice podiatric medicine and surgery issued by another state and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice podiatric medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a podiatrist. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice podiatric medicine and surgery is authorized to perform.
Sec. 4734.14. (A)(1) Except as provided in division (B) of this section, no person shall engage in the practice of chiropractic without a current, valid license issued by the state chiropractic board under this chapter.

(2) Except as provided in division (C) of this section, no person shall advertise or claim to be a chiropractor, doctor of chiropractic, or chiropractic physician, or use the initials "D.C." in connection with the person's name, unless the person holds a current, valid license from the board.

(3) Subject to section 4734.17 of the Revised Code, no person shall open or conduct an office or other place for the practice of chiropractic without a license from the board.

(4) Subject to section 4734.17 of the Revised Code, no person shall conduct an office in the name of some person who has a license to practice chiropractic.

(5) No person shall practice chiropractic in violation of the person's license revocation, forfeiture, or suspension or in violation of any restriction, limitation, or condition placed on the person's license.

(6) No person shall employ fraud or deception in applying for or securing a license to practice chiropractic or in renewing a license to practice chiropractic.

(7) No person shall make, issue, or publish, or cause to be made, issued, or published, for the purpose of sale, barter, or gift, a license, certificate, diploma, degree, or other writing or document falsely representing the holder or receiver thereof to be licensed under this chapter or to be a graduate of a chiropractic school, college, or other educational institution of chiropractic, or sell or dispose of, or offer to sell or
dispose of such license, certificate, diploma, degree, or other
writing or document containing such false representation or use
the person's name, or permit it to be used, as a subscriber to
such false and fictitious license, certificate, diploma, degree,
or other writing or document or engage in the practice of
chiropractic under and by virtue of such fraudulent license,
certificate, diploma, degree, or other writing or document.

(B)(1) Subject to division (B)(2) of this section,

Division (A)(1) of this section does not apply to a
person who holds a current, unrestricted license to practice
chiropractic in another state when the person, pursuant to a
written agreement with an athletic team located in the state in
which the person holds the license, provides chiropractic
services to any of the following while the team is traveling to
or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching,
communications, equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying
the athletic team;

(d) The athletic team's mascot.

(2) In providing chiropractic services pursuant to
division (B)(1) of this section, the person shall not provide
chiropractic services at a health care facility.

(2) Division (A)(1) of this section does not apply to a
person who meets both of the following conditions:

(a) The person holds a current, unrestricted license to
practice chiropractic in another state.
(b) The person is practicing as a volunteer without
remuneration during a charitable event that lasts not more than
seven days.

When a person meets the conditions of division (B)(2) of
this section, the person shall be deemed to hold, for the course
of the charitable event, a license to practice chiropractic from
the state chiropractic board and shall be subject to the
provisions of this chapter authorizing the board to take
disciplinary action against a license holder. During the course
of the charitable event, the person's scope of practice is
limited to the procedures that a chiropractor licensed under
this chapter is authorized to perform.

(C) A person who has retired from the practice of
chiropractic in good standing and does not maintain a current,
valid license from the board may continue to claim to be a
chiropractor, doctor of chiropractic, or chiropractic physician,
or use the initials "D.C." in connection with the person's name,
if the person does not engage in the practice of chiropractic or
otherwise violate this chapter or the rules adopted under it.

A person whose license has been classified as inactive
pursuant to section 4734.26 of the Revised Code may continue to
claim to be a chiropractor, doctor of chiropractic, or
chiropractic physician, or use the initials "D.C." in connection
with the person's name, if the person does not engage in the
practice of chiropractic or otherwise violate this chapter or
the rules adopted under it.

(D) In any proceeding for a violation of this section
brought against a person who is not licensed under this chapter
but is a graduate of a chiropractic college approved under
section 4734.21 of the Revised Code, it shall be an affirmative
defense that the person is permitted to use the term "doctor" or
the initials "D.C." in connection with the person's name, but
only to the extent that the person does not indicate or act in a
manner implying that the person is licensed under this chapter
or otherwise violate this chapter or the rules adopted under it.

(E) A document that is signed by the president or
executive director of the board and that has affixed the
official seal of the board to the effect that it appears from
the records of the board that a license to practice chiropractic
in this state has not been issued to a particular person, or
that a license, if issued, has been revoked or suspended, shall
be received as prima-facie evidence of the record of the board
in any court or before any officer of the state.

Section 2. That existing sections 4715.09, 4715.20,
4725.26, 4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 of the
Revised Code are hereby repealed.