

AN ACT

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.05, 1785.06, 1785.07, 1785.08, 3901.38, 4731.22, 4731.44, 4731.65, 4732.17, 4734.03, 4734.10, 4734.17, and 4755.47, to enact sections 3901.381, 4723.16, 4725.114, 4729.161, 4731.226, 4732.28, 4734.091, and 4755.471 of the Revised Code, and to repeal Section 4 of Am. Sub. S.B. 191 of the 120th General Assembly to authorize optometrists, chiropractors, psychologists, nurses, pharmacists, physical therapists, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to engage in their respective practices in a combined form of a professional corporation, limited liability company, partnership, or professional association, to remove the uncoded law prohibition against those types of doctors practicing their professions by using certain of the latter forms of business entities, to modify the criteria for disciplining doctors for dividing fees, and to require that a completed insurance claim submitted to a third-party payer under the insurance law include certain information.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.05, 1785.06, 1785.07, 1785.08, 3901.38, 4731.22, 4731.44, 4731.65, 4732.17, 4734.03, 4734.10, 4734.17, and 4755.47 be amended and sections 3901.381, 4723.16, 4725.114, 4729.161, 4731.226, 4732.28, 4734.091, and 4755.471 of the Revised Code be enacted to read as

follows:

Sec. 1701.03. (A) A corporation may be formed under this chapter for any purpose or combination of purposes for which individuals lawfully may associate themselves, except that, if the Revised Code contains special provisions pertaining to the formation of any designated type of corporation other than a professional association, as defined in section 1785.01 of the Revised Code, a corporation of that type shall be formed in accordance with the special provisions.

(B) On and after ~~the effective date of this amendment~~ JULY 1, 1994, a corporation may be formed under this chapter for the purpose of carrying on the practice of any profession, including, but not limited to, a corporation for the purpose of providing public accounting or certified public accounting services, a corporation for the erection, owning, and conducting of a sanitarium for receiving and caring for patients, medical and hygienic treatment of patients, and instruction of nurses in the treatment of disease and in hygiene, ~~and~~ a corporation for the purpose of providing architectural, landscape architectural, professional engineering, or surveying services or any combination of those types of services, and a corporation for the purpose of providing a combination of the professional services, as defined in section 1785.01 Of the Revised Code, of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code. This chapter does not restrict, limit, or otherwise affect the authority or responsibilities of any agency, board, commission, department, office, or other entity to license, register, and otherwise regulate the professional conduct of individuals or organizations of any kind rendering professional services, as defined in section 1785.01 of the Revised Code, in this state or to regulate the practice of any profession that is within the jurisdiction of the agency, board, commission, department, office, or other entity, notwithstanding that an individual is a director, officer, employee, or other agent of a corporation formed under this chapter and is rendering professional services or engaging in the practice of a profession through a corporation formed under this chapter or that the organization is a corporation formed under this chapter.

(C) Nothing in division (A) or (B) of this section precludes the

organization of a professional association in accordance with this chapter and Chapter 1785. of the Revised Code or the formation of a limited liability company under Chapter 1705. of the Revised Code with respect to a business, as defined in section 1705.01 of the Revised Code.

(D) No corporation formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 Of the Revised Code, of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code shall control the professional clinical judgment exercised within accepted and prevailing standards of practice of a licensed, certificated, or otherwise legally authorized optometrist, chiropractor, psychologist, nurse, pharmacist, physical therapist, or doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in rendering care, treatment, or professional advice to an individual patient.

This division does not prevent a hospital, as defined in section 3727.01 of the Revised Code, insurer, as defined in section 3999.36 of the Revised Code, or intermediary organization, as defined in section 1751.01 of the Revised Code, from entering into a contract with a corporation described in this division that includes a provision requiring utilization review, quality assurance, peer review, or other performance or quality standards. those activities shall not be construed as controlling the professional clinical judgment of an individual practitioner listed in this division.

Sec. 1705.03. (A) A limited liability company may sue and be sued.

(B) Unless otherwise provided in its articles of organization, a limited liability company may take property of any description or any interest in property of any description by gift, devise, or bequest and may make donations for the public welfare or for charitable, scientific, or educational purposes.

(C) In carrying out the purposes stated in its articles of organization or operating agreement and subject to limitations prescribed by law or in its articles of organization or its operating agreement, a limited liability company may do all of the following:

(1) Purchase or otherwise acquire, lease as lessee or lessor, invest in,

hold, use, encumber, sell, exchange, transfer, and dispose of property of any description or any interest in property of any description;

(2) Make contracts;

(3) Form or acquire the control of other domestic or foreign limited liability companies;

(4) Be a shareholder, partner, member, associate, or participant in other profit or nonprofit enterprises or ventures;

(5) Conduct its affairs in this state and elsewhere;

(6) Render in this state and elsewhere a professional service ~~or~~ the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code ~~in this state and elsewhere~~, or a combination of the professional services of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code;

(7) Borrow money;

(8) Issue, sell, and pledge its notes, bonds, and other evidences of indebtedness;

(9) Secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property;

(10) Guarantee or secure obligations of any person;

(11) Do all things permitted by law and exercise all authority within or incidental to the purposes stated in its articles of organization.

(D) In addition to the authority conferred by division (C) of this section and irrespective of the purposes stated in its articles of organization or operating agreement but subject to any limitations stated in those articles or its operating agreement, a limited liability company may invest funds not currently needed in its business in any securities if the investment does not cause the company to acquire control of another enterprise whose activities and operations are not incidental to the purposes stated in the articles of organization of the company.

(E)(1) No lack of authority or limitation upon the authority of a limited liability company shall be asserted in any action except as follows:

(a) By the state in an action by it against the company;

(b) By or on behalf of the company in an action against a manager, an

officer, or any member as a member;

(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;

(d) In an action involving an alleged improper issue of a membership interest in the company.

(2) Division (E)(1) of this section applies to any action commenced in this state upon any contract made in this state by a foreign limited liability company.

Sec. 1705.04. (A) One or more persons, without regard to residence, domicile, or state of organization, may form a limited liability company. The ~~entity~~ company is formed when one or more persons or their authorized representative signs and files with the secretary of state articles of organization that set forth all of the following:

(1) The name of the company;

(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;

(3) The address to which interested persons may direct requests for copies of any operating agreement and any bylaws of the company;

(4) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.

(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.

(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service ~~or~~, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code, the following apply:

(1) Each member, employee, or other agent of the company who renders a professional service in this state and, if the management of the company is not reserved to its members, each manager of the company who renders a

professional service in this state shall be licensed, certificated, or otherwise legally authorized to render in this state the same kind of professional service ~~or~~; if applicable, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code; or, if applicable, any of the kinds of professional services of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, or doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code.

(2) Each member, employee, or other agent of the company who renders a professional service in another state and, if the management of the company is not reserved to its members, each manager of the company who renders a professional service in another state shall be licensed, certificated, or otherwise legally authorized to render that professional service in the other state.

(D) Except for the provisions of this chapter pertaining to the personal liability of members, employees, or other agents of a limited liability company and, if the management of the company is not reserved to its members, the personal liability of managers of the company, this chapter does not restrict, limit, or otherwise affect the authority or responsibilities of any agency, board, commission, department, office, or other entity to license, certificate, register, and otherwise regulate the professional conduct of individuals or organizations of any kind rendering professional services in this state or to regulate the practice of any profession that is within the jurisdiction of the agency, board, commission, department, office, or other entity, notwithstanding that the individual is a member or manager of a limited liability company and is rendering the professional services or engaging in the practice of the profession through the limited liability company or that the organization is a limited liability company.

(E) No limited liability company formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 Of the Revised Code, of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised

Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code shall control the professional clinical judgment exercised within accepted and prevailing standards of practice of a licensed, certificated, or otherwise legally authorized optometrist, chiropractor, psychologist, nurse, pharmacist, physical therapist, or doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in rendering care, treatment, or professional advice to an individual patient.

This division does not prevent a hospital, as defined in section 3727.01 of the Revised Code, insurer, as defined in section 3999.36 of the Revised Code, or intermediary organization, as defined in section 1751.01 of the Revised Code, from entering into a contract with a limited liability company described in this division that includes a provision requiring utilization review, quality assurance, peer review, or other performance or quality standards. those activities shall not be construed as controlling the professional clinical judgment of an individual practitioner listed in this division.

Sec. 1705.53. Subject to any contrary provisions of the Ohio Constitution, the laws of the state under which a foreign limited liability company is organized govern its organization and internal affairs and the liability of its members. A foreign limited liability company may not be denied a certificate of registration as a foreign limited liability company in this state because of any difference between the laws of the state under which it is organized and the laws of this state. However, a foreign limited liability company that applies for registration under this chapter to render a professional service in this state, as a condition to obtaining and maintaining a certificate of registration, shall comply with the requirements of division ~~(B)~~(C) of section 1705.04 of the Revised Code and; shall comply with the requirements of Chapters 4703. and 4733. Of the Revised Code if the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code those chapters are to be rendered; or with the requirements of those chapters Chapters 4723., 4725., 4729., 4731., 4732., 4734., and 4755. Of the Revised Code if a combination of the professional services of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised

Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code are to be rendered.

Sec. 1785.01. As used in this chapter:

(A) "Professional service" means any type of professional service ~~which~~ that may be performed only pursuant to a license, certificate, or other legal authorization, ~~as provided by Chapters issued pursuant to Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4731., 4732., 4733., 4734., and or 4741., and sections 4755.01 to 4755.12, and or 4755.40 to 4755.56 of the Revised Code;~~ to certified public accountants, licensed public accountants, architects, attorneys, dentists, ~~registered~~ nurses, optometrists, pharmacists, ~~physicians~~ doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, practitioners of the limited branches of medicine or surgery specified in section 4731.15 of the Revised Code, psychologists, professional engineers, chiropractors, veterinarians, occupational therapists, and physical therapists.

(B) "Professional association" means an association organized under this chapter; for the sole purpose of rendering one of the professional services authorized under Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4731., 4732., 4733., 4734., or 4741. ~~or~~ sections 4755.01 to 4755.12, or 4755.40 to 4755.56 of the Revised Code, or a combination of the professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code.

Sec. 1785.02. An individual or group of individuals each of whom is licensed, ~~certificated~~, or otherwise legally authorized to render within this state the same kind of professional service ~~within this state,~~ or a group of individuals each of whom is licensed, ~~certificated~~, or otherwise legally authorized to render within this state the professional service ~~within this state~~ authorized under either Chapter 4703. or 4733. of the Revised Code, or a group of individuals each of whom is licensed, certificated, or otherwise

legally authorized to render within this state the professional service of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, or doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code may organize and become a shareholder; or shareholders; of a professional association. Any group of individuals described in this section who may be rendering one of the professional services as an organization created otherwise than pursuant to this chapter may incorporate under and pursuant to this chapter by amending the agreement establishing the organization in a manner that the agreement as amended constitutes articles of incorporation prepared and filed in the manner prescribed in section 1785.08 of the Revised Code and by otherwise complying with the applicable requirements of this chapter.

Sec. 1785.03. A professional association may render a particular professional service only through officers, employees, and agents who are themselves duly licensed, certificated, or otherwise legally authorized to render the professional service within this state. ~~The term "employee" as~~ As used in this section, "employee" does not include clerks, bookkeepers, technicians, or other individuals who are not usually and ordinarily considered by custom and practice to be rendering a particular professional ~~services~~ service for which a license, certificate, or other legal authorization is required, ~~nor and does the term "employee" not~~ include any other person who performs all ~~his~~ of that person's employment under the direct supervision and control of an officer, agent, or employee who ~~is himself rendering~~ renders a particular professional service to the public on behalf of the ~~corporation~~ professional association.

No professional association formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 Of the Revised Code, of optometrists authorized under Chapter 4725. Of the Revised Code, chiropractors authorized under Chapter 4734. Of the Revised Code, psychologists authorized under Chapter 4732. Of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. Of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, and doctors medicine and surgery, osteopathic medicine

and surgery, or podiatric medicine and surgery authorized under Chapter 4731. Of the Revised Code shall control the professional clinical judgment exercised within accepted and prevailing standards of practice of a licensed, certificated, or otherwise legally authorized optometrist, chiropractor, psychologist, nurse, pharmacist, physical therapist, or doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in rendering care, treatment, or professional advice to an individual patient.

This division does not prevent a hospital, as defined in section 3727.01 of the Revised Code, insurer, as defined in section 3999.36 of the Revised Code, or intermediary organization, as defined in section 1751.01 of the Revised Code, from entering into a contract with a professional association described in this division that includes a provision requiring utilization review, quality assurance, peer review, or other performance or quality standards. those activities shall not be construed as controlling the professional clinical judgment of an individual practitioner listed in this division.

Sec. 1785.05. A professional association may issue its capital stock only to persons who are duly licensed, certificated, or otherwise legally authorized to render within this state the same professional service as that for which the association was organized or, in the case of a combination of professional services described in division (B) of section 1785.01 Of the Revised Code, to render within this state any of the applicable types of professional services for which the association was organized.

Sec. 1785.06. A professional association ~~shall~~, within thirty days after the thirtieth day of June in each year, shall furnish a statement to the secretary of state showing the names and post-office addresses of all of the shareholders in the ~~corporation~~ association and ~~shall certify~~ certifying that all of the shareholders are duly licensed, certificated, or otherwise legally authorized to render within this state the same professional service ~~in this state for which the association was organized or, in the case of a combination of professional services described in division (B) of section 1785.01 Of the Revised Code, to render within this state any of the applicable types of professional services for which the association was organized.~~ This ~~report statement~~ shall be made on ~~such a~~ form as ~~shall be prescribed by that~~ the secretary of state shall prescribe, shall be signed by an officer of the ~~corporation~~ association, and shall be filed in the office of the secretary of state.

If any professional association fails to file the annual ~~report statement~~ within the time required by this section, the secretary of state shall give

notice of the failure by certified mail, return receipt requested, to the last known address of the ~~corporation~~ association or its agent ~~and, if~~. If the ~~report~~ annual statement is not filed within thirty days after the mailing of the notice, the secretary of state ~~shall~~, upon the expiration of that period, shall cancel the association's articles of incorporation, give notice of the cancellation to the ~~corporation~~ association by mail sent to the last known address of the ~~corporation~~ association or its agent, and make a notation of the cancellation on ~~his~~ the records of the secretary of state.

A professional association whose articles have been canceled pursuant to this section may be reinstated by filing an application for reinstatement; ~~together with~~ and the required annual ~~report~~ statement or reports statements and by paying a reinstatement fee of ten dollars. The rights, privileges, and franchises of a professional association whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall inform the tax commissioner of all cancellations and reinstatements under this section.

Sec. 1785.07. A shareholder of a professional association may sell or transfer ~~his~~ that shareholder's shares in ~~such~~ the association only to another individual who is duly licensed, certificated, or otherwise legally authorized to render within this state the same professional service as that for which the ~~corporation~~ association was organized or, in the case of a combination of professional services described in division (B) of section 1785.01 Of the Revised Code, to render in this state any of the applicable types of professional services for which the association was organized.

Sec. 1785.08. Chapter 1701. of the Revised Code applies to professional associations, including their organization and the manner of filing articles of incorporation, except that the requirements of division (A) of section 1701.06 of the Revised Code do not apply to professional associations. If any provision of this chapter conflicts with any provision of Chapter 1701. of the Revised Code, the provisions of this chapter shall take precedence. A professional association for the practice of medicine ~~or~~ and surgery ~~or~~, osteopathic medicine and surgery, or podiatric medicine and surgery or for the combined practice of optometry, chiropractic, psychology, nursing, pharmacy, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may provide in ~~the~~ its articles of incorporation or bylaws that its directors may have terms of office not exceeding six years.

Sec. 3901.38. (A) As used in this section and section 3901.381 of the Revised Code:

(1) "Beneficiary" means any policyholder, subscriber, member,

employee, or other person who is eligible for benefits under a benefits contract.

(2) "Benefits contract" means a sickness and accident insurance policy providing hospital, surgical, or medical expense coverage, or a health insuring corporation contract or other policy or agreement under which a third-party payer agrees to reimburse for covered health care or dental services rendered to beneficiaries, up to the limits and exclusions contained in the benefits contract.

(3) "Completed claim" means a proof of loss or a claim for payment for health care services which has been submitted to the appropriate claims processing office of the third-party payer accompanied by sufficient documentation for the third-party payer to determine proof of loss and reasonably required by the third-party payer to accept or reject the claim.

(4) "Hospital" has the same meaning set forth in section 3727.01 of the Revised Code.

(5) "Proof of loss" means a claim for payment for health care services which has been submitted to the appropriate claims processing office of the third-party payer accompanied by sufficient documentation for the third-party payer to determine benefits payable under the benefits contract and reasonably required by the third-party payer to accept or reject the claim.

(6) "Provider" means a hospital, nursing home, physician, podiatrist, dentist, pharmacist, chiropractor, or other licensed health care provider entitled to reimbursement by a third-party payer for services rendered to a beneficiary under a benefits contract.

(7) "Reimburse" means indemnify, make payment, or otherwise accept responsibility for payment for health care services rendered to a beneficiary, or arrange for the provision of health care services to a beneficiary.

(8) "Third-party payer" means any of the following:

- (a) An insurance company;
- (b) A health insuring corporation;
- (c) A preferred provider organization;
- (d) A labor organization;
- (e) An employer;
- (f) An intermediary organization, as defined in section 1751.01 of the Revised Code, that is not a health delivery network contracting solely with self-insured employers;
- (g) An administrator subject to sections 3959.01 to 3959.16 of the Revised Code;
- (h) A health delivery network, as defined in section 1751.01 of the

Revised Code;

(i) Any other person that is obligated pursuant to a benefits contract to reimburse for covered health care services rendered to beneficiaries under such contract.

(B)(1) Except as provided in division (B)(2) of this section and in section 3901.381 of the Revised Code, within twenty-four days of the receipt of a completed claim from a provider or a beneficiary for reimbursement for health care services rendered by the provider to a beneficiary, a third-party payer shall, in accordance with division (D) of this section, make payment of any amount due on such claim.

(2) A third-party payer and a provider may, in negotiating a reimbursement contract, agree to any time period by which a third-party payer shall, subject to division (D) of this section, make payment of any amount due on a completed claim. Nothing in this division shall be construed as limiting in any manner the application of the requirements of this section to any benefits or reimbursement contract.

(3) Any provider or beneficiary aggrieved with respect to any act of a third-party payer that such provider or beneficiary believes to be a violation of division (B)(1) or (2) of this section may file a written complaint with the superintendent of insurance. If a series of such complaints is received by the superintendent with respect to a particular third-party payer and if, after investigation, the superintendent finds that such third-party payer has engaged in a series of such violations which, taken together, constitute a consistent pattern or a practice of such third-party payer to violate division (B)(1) or (2) of this section, the superintendent shall issue an order requiring such third-party payer to cease and desist from engaging in such violations and to pay a late payment penalty as specified in divisions (B)(4) and (5) of this section with respect to the claims the superintendent finds were not timely paid. In the order, the superintendent shall specify the reasons for the superintendent's finding and order and state that a hearing conducted pursuant to Chapter 119. of the Revised Code shall be held within fifteen days after requested in writing by the third-party payer. The provisions of this division (B)(3) of this section are in addition to, and not in lieu of, such other remedies as providers and beneficiaries may otherwise have by law.

(4)(a) The late payment penalty shall be computed based upon the number of days that have elapsed between the date payment is due in accordance with division (B)(1) or (2) of this section and the date payment is actually sent.

(b) The interest rate for determining the amount of the late payment penalty shall be the rate agreed to by the provider and the third-party payer

or the rate specified by and determined in accordance with division (A) of section 1343.01 of the Revised Code.

(5) A provider and a third-party payer may enter into a contractual agreement in which the timing of payments by the third-party payer is not directly related to the receipt of a completed claim. Such contractual arrangement may include periodic interim payment arrangements, capitation payment arrangements, or other payment arrangements acceptable to the provider and the third-party payer. Except as agreed to under such contract, this section does not apply to such payment arrangements.

(6) Any late payment penalty due and payable by a third-party payer in accordance with this section shall not be used to reduce benefits or payments otherwise payable under a benefits contract.

(C) No third-party payer shall refuse to process or pay within the time period required under division (B)(1) or (2) of this section a completed claim submitted by a provider on the ground the beneficiary has not been discharged from the hospital or the treatment has not been completed, if the submitted claim covers services actually rendered and charges actually incurred over at least a thirty-day period.

(D)(1) Notwithstanding section 1742.10 or division (I)(2) of section 3923.04 of the Revised Code, a reimbursement contract entered into or renewed on or after June 29, 1988, between a third-party payer and a hospital shall provide that reimbursement for any service provided by a hospital pursuant to a reimbursement contract and covered under a benefits contract shall be made directly to the hospital.

(2) If the third-party payer and the hospital have not entered into a contract regarding the provision and reimbursement for covered services, the third-party payer shall accept and honor a completed and validly executed assignment of benefits with a hospital by a beneficiary, except when the third-party payer has notified the hospital in writing of the conditions under which the third-party payer will not accept and honor an assignment of benefits. Such notice shall be made annually.

(3) A third-party payer may not refuse to accept and honor a validly executed assignment of benefits with a hospital pursuant to division (D)(2) of this section for medically necessary hospital services provided on an emergency basis.

(E) A series of violations which taken together, constitute a consistent pattern or a practice of violation of any of the provisions of this section is an unfair and deceptive act pursuant to sections 3901.19 to 3901.23 of the Revised Code and is subject to proceedings pursuant to those sections.

Sec. 3901.381. (A) A completed claim for reimbursement submitted by

a beneficiary or by a provider, other than a hospital or nursing home, under section 3901.38 of the Revised Code shall include all of the following:

- (1) The date on which the health care service was performed;
- (2) A description of the health care service and, if applicable, the descriptive terms and indentifying code from the most recent edition of the American medical association's physicians' current procedural terminology;
- (3) The name of the individual providing the health care service, including the initials or other designation identifying the profession of that individual.

(B) A third-party payer may refuse to reimburse a completed claim submitted by a beneficiary or by a provider, other than a hospital or nursing home, under section 3901.38 of the Revised Code until the claim includes the information required by division (A) of this section.

Sec. 4723.16. (A) An individual whom the board of nursing licenses, certificates, or otherwise legally authorizes to engage in the practice of nursing as a registered nurse or as a licensed practical nurse may render the professional services of a registered or licensed practical nurse within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a registered or licensed practical nurse through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the board of nursing adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

- (1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;
- (2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. Of the Revised Code;
- (3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;
- (4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under

this chapter:

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered or licensed practical nurse from engaging in the practice of nursing as a registered nurse or as a licensed practical nurse in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, psychology, pharmacy, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of nursing as a registered nurse or as a licensed practical nurse.

Sec. 4725.114. (A) An individual whom the state board of optometry licenses, certificates, or otherwise legally authorizes to engage in the practice of optometry may render the professional services of an optometrist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as an optometrist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state board of optometry adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under

Chapter 4734. Of the Revised Code:

(3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, psychology, nursing, pharmacy, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry.

Sec. 4729.161. (A) An individual registered with the state board of pharmacy to engage in the practice of pharmacy may render the professional services of a pharmacist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a pharmacist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state board of pharmacy adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. Of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. Of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a pharmacist that prohibits a pharmacist from engaging in the practice of pharmacy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, psychology, nursing, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of pharmacy.

Sec. 4731.22. (A) The state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and by a vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud in passing the examination or to have committed fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board.

(B) The board, pursuant to an adjudication under Chapter 119. of the Revised Code and by a vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) ~~Willfully betraying a professional confidence or engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business.~~ For purposes of this division, "willfully betraying a professional confidence" does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code, and nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement.

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

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

(7) Representing, with the purpose of obtaining compensation or other advantage for self or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

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

(9) A plea of guilty to, or a judicial finding of guilt of, a felony;

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

(11) A plea of guilty to, or a judicial finding of guilt of, a misdemeanor committed in the course of practice;

(12) Commission of an act that constitutes a misdemeanor in this state

regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice;

(13) A plea of guilty to, or a judicial finding of guilt of, a misdemeanor involving moral turpitude;

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

(15) Violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued;

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

(17) ~~Any Engaging in the division of fees or charges, or any agreement or arrangement to share fees or charges, made by any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatry with any other person so licensed, or with any person for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;~~

(18)(a) ~~The Subject to section 4731.226 of the Revised Code,~~ violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, ~~and~~ or any other national professional organizations as are determined, by rule, by the state medical board. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The practitioner whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the practitioner's profession.

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

(19) Inability to practice according to acceptable and prevailing

dards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills. In enforcing this division, the board, upon a showing of a possible violation, may compel any individual licensed or certified to practice by this chapter or who has applied for licensure or certification pursuant to this chapter to submit to a mental or physical examination, or both, as required by and at the expense of the board. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician unable to practice because of the reasons set forth in this division, the board shall require the physician to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed licensure to practice. An individual licensed by this chapter affected under this division shall be afforded an opportunity to demonstrate to the board that the individual can resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual licensed or certified to practice by this chapter accepts the privilege of practicing in this state; and, by so doing or by the making and filing of a registration or application to practice in this state, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (B)(27) of this section and section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board. This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule promulgated by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code, and nothing in this division affects the immunity from civil liability conferred by that section upon a physician who

makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code;

(22) The limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the department of defense, or the veterans administration of the United States, for any act or acts that also would constitute a violation of this chapter;

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

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

For the purposes of this division, any individual licensed or certified under this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing a registration or application for licensure or by holding a license or certificate under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual licensed or certified under this chapter or any applicant for a license or certification suffers such impairment, the board may compel the individual to submit to a mental or

physical examination, or both. The examination shall be at the expense of the board. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

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

Before being eligible to apply for reinstatement of a license suspended under this division, the practitioner shall demonstrate to the board that the practitioner can resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's certificate. ~~Such~~ The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the practitioner has successfully completed any required inpatient treatment;

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

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

The board may reinstate a license suspended under this division after ~~such~~ that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice after reinstatement of the practitioner's license, the board shall require continued monitoring of the practitioner, which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating

whether the practitioner has maintained sobriety.

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

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

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the practitioner's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

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

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

(30) Failure of a collaborating physician to perform the responsibilities agreed to by the physician in the protocol established between the physician and an advanced practice nurse in accordance with section 4723.56 of the Revised Code;

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

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

(33) Failure of a physician or podiatrist to maintain a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code and practice in accordance with the arrangement.

For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act. The board ~~shall~~ does not have ~~no~~ jurisdiction under ~~these those~~ divisions ~~in cases where~~ if the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board ~~shall have~~ has jurisdiction under ~~these those~~ divisions ~~in cases where~~ if the trial court issues an order of dismissal upon technical or procedural grounds.

The sealing of conviction records shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if a notice of an opportunity for a hearing has been issued based upon a conviction, a plea of guilty, or a judicial finding of guilt prior to the court order.

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

Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board. Information received by the board pursuant to an investigation shall be confidential and not subject to discovery in any civil action.

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

For the purpose of investigation of a possible violation of division (B)(3), (8), (9), (11), or (15) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

In investigating possible violations of all remaining divisions of this section and sections of this chapter or any rule adopted under this chapter, the board also may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. However, in ~~such~~ those instances, other than for patient records provided to the board pursuant to the reporting provisions of division (A) of section 4731.224 of the Revised Code, a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the

secretary of the board, the supervising member, and a member of the board who holds a certificate issued under this chapter authorizing the practice of medicine and surgery, osteopathic medicine and surgery, or podiatry. Before issuance of a subpoena of that nature, the three board members 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. ~~Such~~ Those records must cover a reasonable period of time surrounding the alleged violation. Upon 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. Each officer who serves a subpoena of that nature shall receive the same fees as a sheriff, and each witness who appears, in obedience to a subpoena, before the board, shall receive the fees and mileage provided for witnesses in civil cases in the courts of common pleas.

All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code.

The board shall conduct all investigations and proceedings in ~~such~~ a manner ~~as to protect~~ that protects patient confidentiality. The board shall not make public names or other identifying information about patients unless proper consent is given or a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that no ~~such~~ consent or waiver of that nature is required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

(2) In the absence of fraud or bad faith, neither the board, nor any current or former member, agent, representative, or employee of the board, nor any provider of educational and assessment services selected by the board for the quality intervention program shall be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If a current or former member, agent, representative, or employee of the board or a provider of educational and assessment services selected by the board for the quality intervention program requests the state to defend against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, if the request is made in writing at a reasonable time before trial, and if the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the defense and shall pay any

resulting judgment, compromise, or settlement. At no time shall the state pay that part of a claim or judgment that is for punitive or exemplary damages.

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

(a) The case number assigned to the complaint or alleged violation pursuant to division (C)(1) of this section;

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

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

(d) The disposition of the case.

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

(D) If the secretary and supervising member determine that there is clear and convincing evidence that a certificate holder has violated division (B) of this section and that the certificate holder's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the certificate holder's certificate without a prior hearing. Written allegations shall be prepared for consideration by the board members.

The board, upon review of those allegations and by a vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking ~~such a~~ the vote.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. ~~Such~~ The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the certificate holder requests an adjudicatory hearing by the board, the date set for that hearing shall be within fifteen days, but not earlier than seven days, after the certificate holder has requested a hearing, unless otherwise agreed to by both the board and the certificate holder.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within

sixty days after completion of its hearing. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order; but shall not invalidate any subsequent, final adjudicative order.

(E) If the board takes action under division (B)(9), (11), or (13) of this section; and the conviction, judicial finding of guilt, or guilty plea is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the petitioner's certificate. The board may then hold an adjudication to determine whether the applicant or certificate holder committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the applicant or certificate holder committed the act; or if no hearing is requested, ~~it~~ the board may order any of the sanctions identified under division (B) of this section. The board ~~shall~~ does not have ~~no~~ jurisdiction under division (B)(10), (12), or (14) of this section ~~in cases where~~ if the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board ~~shall have~~ has jurisdiction under those divisions ~~in cases where~~ if the trial court issues an order of dismissal upon technical or procedural grounds.

(F) The certificate or license issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for treatment in lieu of conviction for either of the following:

(1) In this state, aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary;

(2) In another jurisdiction, any criminal offense substantially equivalent to those specified in division (F)(1) of this section.

Continued practice after suspension of the individual's certificate or license shall be considered practicing without a certificate or license. The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the certificate or license.

(G) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the applicant or certificate

holder does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (B) of this section.

(H) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the certificate holder may be reinstated to practice. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(I) Notwithstanding any other provision of the Revised Code, no surrender of a license or certificate issued under this chapter shall be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

Notwithstanding any other provision of the Revised Code, no application for a license or certificate made under the provisions of this chapter may be withdrawn without approval of the board.

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

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

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

(K) Under the board's investigative duties described in this section and subject to division (C) of this section, the board shall develop and implement a quality intervention program designed to improve physicians' clinical and communication skills through remedial education. In developing and implementing the quality intervention program, the board may do all of the following:

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

(2) Select providers of educational and assessment services for

icians, including a quality intervention program panel of case reviewers;

(3) Refer physicians to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each physician undertaking an educational program of that nature.

(4) Determine successful completion of an educational program undertaken by a referred physician and require further monitoring of a physician or other action that the board determines to be appropriate;

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

A physician who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4731.226. (A) An individual whom the state medical board licenses, certificates, or otherwise legally authorizes to engage in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may render the professional services of a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state medical board adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. Of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter.

This division shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, psychology, nursing, pharmacy, or physical therapy, but who is not also licensed, certificated, or otherwise legally authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

Sec. 4731.44. As used in this section, "supplier" means a person who prepares or sells spectacles, eyeglasses, lenses, contact lenses, or other vision correcting items, devices, or procedures.

(A) A ~~physician or surgeon~~ doctor of medicine and surgery or of osteopathic medicine and surgery who is licensed to practice medicine or and surgery or osteopathic medicine and surgery in this state, on completion of a vision examination and diagnosis, shall give each patient for whom he the doctor prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. This The prescription shall include the following:

(1) The date of its issuance;

(2) Sufficient information to enable the patient to obtain from the supplier of ~~his~~ the patient's choice, the vision correcting item, device, or procedure that has been prescribed.

(B) Any supplier who fills a prescription for contact lenses furnished by a ~~physician or surgeon~~ doctor of medicine and surgery or a doctor of osteopathic medicine and surgery under this section or by an optometrist under section 4725.17 of the Revised Code shall furnish the patient with written recommendations to return to the prescribing ~~physician, surgeon doctor~~ or optometrist for evaluation of the contact lens fitting.

(C) Any supplier may advertise to inform the general public of the price that ~~he~~ the supplier charges for any vision correcting item, device, or procedure. ~~Any such~~ An advertisement of that nature shall indicate whether the price includes a correcting item, device, or procedure. ~~Any such~~ An advertisement of that nature shall indicate whether the price includes one or more of the following:

- (1) An eye examination;
- (2) In the case of lenses, single-vision or multifocal lenses;
- (3) In the case of contact lenses, hard or soft lenses.

The state medical board shall not adopt any rule that restricts the right to advertise as permitted by this section.

Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by this section; is superseded by this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with this section if it restricts a supplier's right to advertise as permitted by this section.

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

- (1) Clinical laboratory services;
- (2) Home health care services;
- (3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing

health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the medical assistance program established under Chapter 5111. of the Revised Code, and disability assistance medical assistance established under Chapter 5115. of the Revised Code.

(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the Revised Code, chiropractors who are licensed, certificated, or otherwise legally authorized to practice chiropractic under Chapter 4734. Of the Revised Code, psychologists who are licensed, certificated, or otherwise legally authorized to practice psychology under Chapter 4732. Of the Revised Code, registered or licensed practical nurses who are licensed, certificated, or otherwise legally authorized to practice nursing under Chapter 4723. Of the Revised Code, pharmacists who are licensed, certificated, or otherwise legally authorized to practice pharmacy under Chapter 4729. of the Revised Code, physical therapists who are licensed, certificated, or otherwise legally authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code, and of doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under this chapter, to which all of the following apply:

(a) Each physician who is a member of the group practice provides substantially the full range of services that the physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

(b) Substantially all of the services of the ~~physicians who are members~~

of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group;.

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group;.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings ~~given as~~ as in the rules adopted under section 4731.70 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) A "referral" includes both of the following:

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4732.17. ~~(A)~~ The state board of psychology may refuse to issue a license to any applicant, may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the following grounds:

~~(A)~~(1) Conviction of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

~~(B)~~(2) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

~~(C)~~(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

~~(D)~~(4) Willful, unauthorized communication of information received in

professional confidence;

~~(E)~~(5) Being negligent in the practice of psychology or school psychology;

~~(F)~~(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs ~~his~~ the person's ability to perform the work of a psychologist or school psychologist with safety to the public;

~~(G)~~ ~~Violating~~ (7) Subject to section 4732.28 Of the Revised Code, violating any rule of professional conduct promulgated by the board;

~~(H)~~(8) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

~~(I)~~(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have ~~his~~ the person's license issued or restored only upon determination by a court that ~~he~~ the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

~~(J)~~(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

~~(K)~~(11) Advertising that ~~he~~ the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;

~~(L)~~(12) Notwithstanding divisions ~~(J)~~(A)(10) and ~~(K)~~(11) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

~~(1)~~(a) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

~~(2)~~(b) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(M)~~(B) Before the board may deny, suspend, or revoke a license under this section, or otherwise discipline the holder of a license, written charges shall be filed with the board by the secretary and a hearing shall be had

eon in accordance with Chapter 119. of the Revised Code.

Sec. 4732.28. (A) An individual whom the state board of psychology licenses, certificates, or otherwise legally authorizes to engage in the practice of psychology may render the professional services of a psychologist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a psychologist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state board of psychology adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. Of the Revised Code;

(3) Psychologists who are authorized to practice psychology under this chapter;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of psychology.

Sec. 4734.03. The chiropractic examining board shall hold its annual meeting in ~~Ohio~~ this state in September of each year and shall hold other meetings at ~~such the~~ times and places as ~~the~~ that a majority of the board may direct ~~directs~~. The board shall keep a record of its proceedings and a register of all applicants for ~~license which licensure to practice chiropractic~~. The register shall show whether ~~the an~~ applicant for licensure was rejected or a ~~license was~~ granted a license. The books and register of the board shall be prima-facie evidence of all matters recorded ~~therein in them~~. The board shall have a common seal ~~and~~, shall formulate rules to govern its actions, and, consistent with section 4734.091 Of the Revised Code, shall establish adopt rules governing the practice of chiropractic ~~as defined in section 4734.09 of the Revised Code~~. The board shall adopt rules under this chapter according to the procedure of Chapter 119. of the Revised Code.

Sec. 4734.091. (A) An individual whom the chiropractic examining board licenses, certificates, or otherwise legally authorizes to engage in the practice of chiropractic may render the professional services of a chiropractor within this state through a corporation formed under division (B) of section 1701.03 Of the Revised Code, a limited liability company formed under Chapter 1705. Of the Revised Code, a partnership, or a professional association formed under Chapter 1785. Of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a chiropractor through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter Of the Revised Code, or rules of the chiropractic examining board adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry, under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under this chapter;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. Of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics described in division (A)(9) of section 4734.10 Of the Revised Code that prohibits an individual from engaging in the practice of chiropractic in combination with a person who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of chiropractic.

Sec. 4734.10. (A) The chiropractic examining board may refuse, revoke, or suspend for a limited period, the license of ~~any~~ an applicant for licensure to practice chiropractic or of a licensed chiropractor for any of the following causes:

(1) ~~His conviction~~ Conviction of a felony or of a misdemeanor involving moral turpitude, in either of which cases a certified copy of the court record shall be conclusive evidence, upon receipt of which the board shall revoke or suspend the license of ~~the person~~ a chiropractor so convicted;

(2) Any violation of this chapter;

(3) Fraud or deceit in procuring admission to practice;

(4) Habitually using drugs or intoxicants to the extent of rendering ~~him~~ the applicant or chiropractor unfit for the practice of chiropractic; or for gross immorality;

(5) Violation of any ~~of the rules~~ rule adopted by the board ~~governing to govern~~ the practice of chiropractic that is consistent with section 4734.091 Of the Revised Code;

(6) Being guilty of willful and gross malpractice, or willful or gross neglect in the practice of chiropractic;

(7) Obtaining any fee by fraud or misrepresentation;

(8) Being guilty of false, fraudulent, or misleading advertising or advertising the prices for which ~~his~~ chiropractic services are available; or

having professional connection with any ~~person or any~~ individual, firm, or corporation ~~who that~~ advertises contrary to division (A)(8) of this section;

(9) ~~The Subject to section 4734.091 Of the Revised Code, the violation of any provision of the code of ethics of the American chiropractic association, and such other or of another national professional organizations as are~~ organization as determined by rule, ~~by~~ of the board. The board shall obtain and keep on file current copies of the ~~code~~ codes of ethics of the national organizations. ~~The practitioner~~ a chiropractor whose certificate is being suspended or revoked shall not be found ~~guilty of the violation of to have violated~~ a code of ethics of an organization not appropriate to ~~his~~ the chiropractor's profession.

(10) ~~His failure~~ Failure of the licensing examination;

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, ~~would~~ otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(12) Advertising that ~~he~~ the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, ~~would~~ otherwise would be required to pay.

(B) For the purpose of investigation of possible violations of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows ~~such~~ a practice of that nature. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. ~~Such~~ Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4734.17. No person shall practice chiropractic without a certificate from the chiropractic examining board, except a person to whom a current or original certificate to practice chiropractic has been issued by the

chiropractic examining board under ~~Chapter 4734. of the Revised Code~~ this chapter. No person shall advertise or announce ~~himself~~ the person as a chiropractor without a certificate from the chiropractic examining board. ~~No Subject to section 4734.091 Of the Revised Code, no person who is not being~~ a licensee shall open or conduct an office or other place for ~~such~~ the practice of chiropractic without a certificate from the board. ~~No Subject to section 4734.091 Of the Revised Code, no person shall conduct an office in the name of some person who has a certificate to practice chiropractic. No person shall practice chiropractic; after a certificate has been revoked; or, if a certificate has been suspended, during the time of such~~ the suspension.

A certificate that is signed by the secretary ~~to which is~~ 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 ~~no such~~ a certificate to practice chiropractic in the state has not been issued to ~~any such a particular person specified therein~~, or that a certificate, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of ~~such~~ the board in any court or before any officer of the state.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand or place a license holder on probation, on any of the following grounds:

(1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;

(2) Conviction of a felony or a crime involving moral turpitude, regardless of the state or country in which the conviction occurred;

(3) Obtaining or attempting to obtain a license by fraud or deception;

(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;

(5) ~~Violation~~ Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American physical therapy association;

(6) Violation of sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(7) Failure of the licensing examination;

(8) Aiding or abetting the unlicensed practice of physical therapy;

(9) Having been disciplined by the physical therapy licensing authority of another state or country for an act that would constitute grounds for discipline under this section;

(10) Except as provided in division (B) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.

(B) Sanctions shall not be imposed under division (A)(10) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.

(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

Sec. 4755.471. (A) An individual whom the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board licenses, certificates, or otherwise legally authorizes to engage in the practice of physical therapy may render the professional services of a physical therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability

company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a physical therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.40 to 4755.53 Of the Revised Code, another chapter of the Revised Code, or rules of the Ohio occupational therapy, physical therapy, and athletic trainers board adopted pursuant to sections 4755.40 to 4755.53 Of the Revised Code.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. Of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic under Chapter 4734. Of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. Of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. Of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 Of the Revised Code;

(7) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, psychology, nursing, pharmacy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy.

SECTION 2. That existing sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.05, 1785.06, 1785.07, 1785.08, 3901.38, 4731.22, 4731.44, 4731.65, 4732.17, 4734.03, 4734.10, 4734.17, and 4755.47 of the Revised Code are hereby repealed.

SECTION 3. That Section 4 of Am. Sub. S.B. 191 of the 120th General Assembly is hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____