

**As Reported by the Senate Health, Human Services and Aging  
Committee**

**123rd General Assembly**

**Regular Session**

**1999-2000**

**Sub. H. B. No. 506**

**Representatives Schuring, Ogg, DePiero, Van Vyven, Aslanides, Buehrer,  
Tiberi, Jones, Ford, Goodman, Perry, Stevens, Schuler, Damschroder,  
Jolivette, Verich, O'Brien, Harris, Krupinski, Salerno  
Senators Drake, Wachtmann, Prentiss, Hagan**

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**A B I L L**

To amend sections 119.06, 119.12, 121.22, 125.22, 1  
2317.02, 2929.24, 3701.74, 3719.12, 3719.121, 2  
3729.40, 4734.01, 4734.02, 4734.03, 4734.04, 3  
4734.05, 4734.06, 4734.07, 4734.08, 4734.09, 4  
4734.091, 4734.10, 4734.101, 4734.11, 4734.12, 5  
4734.13, 4734.14, 4734.15, 4734.16, 4734.17, 6  
4734.18, 4734.19, 4734.20, 4734.21, 4734.22, 7  
4734.99, 4755.65, 4779.16, and 5903.12; to amend, 8  
for the purpose of adopting new section numbers as 9  
indicated in parentheses, sections 4734.01 10  
(4734.02), 4734.02 (4734.05), 4734.03 (4734.04), 11  
4734.04 (4734.03), 4734.05 (4734.20), 4734.06 12  
(4734.23), 4734.07 (4734.25), 4734.09 (4734.15), 13  
4734.091 (4734.17), 4734.10 (4734.31), 4734.101 14  
(4734.37), 4734.11 (4734.38), 4734.12 (4734.34), 15  
4734.13 (4734.46), 4734.14 (4734.45), 4734.15 16  
(4734.47), 4734.16 (4734.53), 4734.17 (4734.14), 17  
4734.18 (4734.54), 4734.19 (4734.24), 4734.20 18  
(4734.56), 4734.21 (4734.55), 4734.22 (4734.311), 19  
and 4734.23 (4734.161); and to enact new sections 20

4734.01, 4734.06, 4734.07, 4734.09, 4734.10, 21  
4734.16, 4734.19, 4734.21, and 4734.22 and 22  
sections 4734.201, 4734.26, 4734.27, 4734.32, 23  
4734.35, 4734.36, 4734.39, 4734.40, 4734.41, 24  
4734.42, 4734.48, 4734.49, and 4734.50 of the 25  
Revised Code to revise the laws pertaining to the 26  
regulation of chiropractors; to make changes in 27  
the law governing testimonial privilege in certain 28  
cases; to extend the date by which an application 29  
must be made to receive a license without 30  
examination in the practice of orthotics, 31  
prosthetics, or pedorthics; and to provide that 32  
the provisions of this act relative to the 33  
practices of orthotics, prosthetics, and 34  
pedorthics terminate on December 31, 2004, when 35  
section 4779.16 of the Revised Code is repealed on 36  
that date. 37

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

**Section 1.** That sections 119.06, 119.12, 121.22, 125.22, 38  
2317.02, 2929.24, 3701.74, 3719.12, 3719.121, 3729.40, 4734.01, 39  
4734.02, 4734.03, 4734.04, 4734.05, 4734.06, 4734.07, 4734.08, 40  
4734.09, 4734.091, 4734.10, 4734.101, 4734.11, 4734.12, 4734.13, 41  
4734.14, 4734.15, 4734.16, 4734.17, 4734.18, 4734.19, 4734.20, 42  
4734.21, 4734.22, 4734.99, 4755.65, 4779.16, and 5903.12 be 43  
amended; sections 4734.01 (4734.02), 4734.02 (4734.05), 4734.03 44  
(4734.04), 4734.04 (4734.03), 4734.05 (4734.20), 4734.06 45  
(4734.23), 4734.07 (4734.25), 4734.09 (4734.15), 4734.091 46  
(4734.17), 4734.10 (4734.31), 4734.101 (4734.37), 4734.11 47  
(4734.38), 4734.12 (4734.34), 4734.13 (4734.46), 4734.14 48  
(4734.45), 4734.15 (4734.47), 4734.16 (4734.53), 4734.17 49

(4734.14), 4734.18 (4734.54), 4734.19 (4734.24), 4734.20 50  
(4734.56), 4734.21 (4734.55), 4734.22 (4734.311), and 4734.23 51  
(4734.161) be amended for the purpose of adopting new section 52  
numbers as indicated in parentheses; and new sections 4734.01, 53  
4734.06, 4734.07, 4734.09, 4734.10, 4734.16, 4734.19, 4734.21, and 54  
4734.22 and sections 4734.201, 4734.26, 4734.27, 4734.32, 4734.35, 55  
4734.36, 4734.39, 4734.40, 4734.41, 4734.42, 4734.48, 4734.49, and 56  
4734.50 of the Revised Code be enacted to read as follows: 57

**Sec. 119.06.** No adjudication order of an agency shall be 58  
valid unless the agency is specifically authorized by law to make 59  
such order. 60

No adjudication order shall be valid unless an opportunity 61  
for a hearing is afforded in accordance with sections 119.01 to 62  
119.13 of the Revised Code. Such opportunity for a hearing shall 63  
be given before making the adjudication order except in those 64  
situations where this section provides otherwise. 65

The following adjudication orders shall be effective without 66  
a hearing: 67

(A) Orders revoking a license in cases where an agency is 68  
required by statute to revoke a license pursuant to the judgment 69  
of a court; 70

(B) Orders suspending a license where a statute specifically 71  
permits the suspension of a license without a hearing; 72

(C) Orders or decisions of an authority within an agency if 73  
the rules of the agency or the statutes pertaining to such agency 74  
specifically give a right of appeal to a higher authority within 75  
such agency, to another agency, or to the board of tax appeals, 76  
and also give the appellant a right to a hearing on such appeal. 77

When a statute permits the suspension of a license without a 78  
prior hearing, any agency issuing an order pursuant to such 79

statute shall afford the person to whom the order is issued a hearing upon request.

Whenever an agency claims that a person is required by statute to obtain a license, it shall afford a hearing upon the request of a person who claims that the law does not impose such a requirement.

Every agency shall afford a hearing upon the request of any person who has been refused admission to an examination where such examination is a prerequisite to the issuance of a license unless a hearing was held prior to such refusal.

Unless a hearing was held prior to the refusal to issue the license, every agency shall afford a hearing upon the request of a person whose application for a license has been rejected and to whom the agency has refused to issue a license, whether it is a renewal or a new license, except that the following are not required to afford a hearing to a person to whom a new license has been refused because the person failed a licensing examination: the state medical board, state chiropractic ~~examining~~ board, board of examiners of architects, board of landscape architect examiners, and any section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

When periodic registration of licenses is required by law, the agency shall afford a hearing upon the request of any licensee whose registration has been denied, unless a hearing was held prior to such denial.

When periodic registration of licenses or renewal of licenses is required by law, a licensee who has filed ~~his~~ an application for registration or renewal within the time and in the manner provided by statute or rule of the agency, shall not be required to discontinue a licensed business or profession merely because of the failure of the agency to act on ~~his~~ the licensee's

application. Action of an agency rejecting any such application 111  
shall not be effective prior to fifteen days after notice of the 112  
rejection is mailed to the licensee. 113

**Sec. 119.12.** Any party adversely affected by any order of an 114  
agency issued pursuant to an adjudication denying an applicant 115  
admission to an examination, or denying the issuance or renewal of 116  
a license or registration of a licensee, or revoking or suspending 117  
a license, or allowing the payment of a forfeiture under section 118  
4301.252 of the Revised Code, may appeal from the order of the 119  
agency to the court of common pleas of the county in which the 120  
place of business of the licensee is located or the county in 121  
which the licensee is a resident, except that appeals from 122  
decisions of the liquor control commission, the state medical 123  
board, state chiropractic ~~examining~~ board, and board of nursing 124  
shall be to the court of common pleas of Franklin county. If any 125  
such party is not a resident of and has no place of business in 126  
this state, the party may appeal to the court of common pleas of 127  
Franklin county. 128

Any party adversely affected by any order of an agency issued 129  
pursuant to any other adjudication may appeal to the court of 130  
common pleas of Franklin county, except that appeals from orders 131  
of the fire marshal issued under Chapter 3737. of the Revised Code 132  
may be to the court of common pleas of the county in which the 133  
building of the aggrieved person is located. 134

This section does not apply to appeals from the department of 135  
taxation. 136

Any party desiring to appeal shall file a notice of appeal 137  
with the agency setting forth the order appealed from and the 138  
grounds of the party's appeal. A copy of such notice of appeal 139  
shall also be filed by the appellant with the court. Unless 140  
otherwise provided by law relating to a particular agency, such 141

notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this section. For purposes of this paragraph, an order includes a determination appealed pursuant to division (C) of section 119.092 of the Revised Code.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. If it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal, the court may grant a suspension and fix its terms. If an appeal is taken from the judgment of the court and the court has previously granted a suspension of the agency's order as provided in this section, such suspension of the agency's order shall not be vacated and shall be given full force and effect until the matter is finally adjudicated. No renewal of a license or permit shall be denied by reason of such suspended order during the period of the appeal from the decision of the court of common pleas. In the case of an appeal from the state medical board or state chiropractic ~~examining~~ board, the court may grant a suspension and fix its terms if it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal and the health, safety, and welfare of the public will not be threatened by suspension of the order. This provision shall not be construed to limit the factors the court may consider in determining whether to suspend an order of any other agency pending determination of an appeal.

The final order of adjudication may apply to any renewal of a license or permit which has been granted during the period of the appeal.

Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals

suspending the effect of an order of the liquor control commission 174  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 175  
suspends, revokes, or cancels a permit issued under Chapter 4303. 176  
of the Revised Code, or that allows the payment of a forfeiture 177  
under section 4301.252 of the Revised Code, shall terminate not 178  
more than six months after the date of the filing of the record of 179  
the liquor control commission with the clerk of the court of 180  
common pleas and shall not be extended. The court of common pleas, 181  
or the court of appeals on appeal, shall render a judgment in that 182  
matter within six months after the date of the filing of the 183  
record of the liquor control commission with the clerk of the 184  
court of common pleas. A court of appeals shall not issue an order 185  
suspending the effect of an order of the liquor control commission 186  
that extends beyond six months after the date on which the record 187  
of the liquor control commission is filed with a court of common 188  
pleas. 189

Notwithstanding any other provision of this section, any 190  
order issued by a court of common pleas suspending the effect of 191  
an order of the state medical board or state chiropractic 192  
~~examining~~ board that limits, revokes, suspends, places on 193  
probation, or refuses to register or reinstate a certificate 194  
issued by the board or reprimands the holder of such a certificate 195  
shall terminate not more than fifteen months after the date of the 196  
filing of a notice of appeal in the court of common pleas, or upon 197  
the rendering of a final decision or order in the appeal by the 198  
court of common pleas, whichever occurs first. 199

Within thirty days after receipt of a notice of appeal from 200  
an order in any case in which a hearing is required by sections 201  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 202  
certify to the court a complete record of the proceedings in the 203  
case. Failure of the agency to comply within the time allowed, 204  
upon motion, shall cause the court to enter a finding in favor of 205

the party adversely affected. Additional time, however, may be  
granted by the court, not to exceed thirty days, when it is shown  
that the agency has made substantial effort to comply. Such record  
shall be prepared and transcribed and the expense of it shall be  
taxed as a part of the costs on the appeal. The appellant shall  
provide security for costs satisfactory to the court of common  
pleas. Upon demand by any interested party, the agency shall  
furnish at the cost of the party requesting it a copy of the  
stenographic report of testimony offered and evidence submitted at  
any hearing and a copy of the complete record.

Notwithstanding any other provision of this section, any  
party desiring to appeal an order or decision of the state  
personnel board of review shall, at the time of filing a notice of  
appeal with the board, provide a security deposit in an amount and  
manner prescribed in rules that the board shall adopt in  
accordance with this chapter. In addition, the board is not  
required to prepare or transcribe the record of any of its  
proceedings unless the appellant has provided the deposit  
described above. The failure of the board to prepare or transcribe  
a record for an appellant who has not provided a security deposit  
shall not cause a court to enter a finding adverse to the board.

Unless otherwise provided by law, in the hearing of the  
appeal, the court is confined to the record as certified to it by  
the agency. Unless otherwise provided by law, the court may grant  
a request for the admission of additional evidence when satisfied  
that such additional evidence is newly discovered and could not  
with reasonable diligence have been ascertained prior to the  
hearing before the agency.

The court shall conduct a hearing on such appeal and shall  
give preference to all proceedings under sections 119.01 to 119.13  
of the Revised Code, over all other civil cases, irrespective of

the position of the proceedings on the calendar of the court. An 238  
appeal from an order of the state medical board issued pursuant to 239  
division (G) of either section 4730.25 or 4731.22 of the Revised 240  
Code, or the state chiropractic ~~examining~~ board issued pursuant to 241  
section ~~4734.101~~ 4734.37 of the Revised Code, or the liquor 242  
control commission issued pursuant to Chapter 4301. or 4303. of 243  
the Revised Code shall be set down for hearing at the earliest 244  
possible time and takes precedence over all other actions. The 245  
hearing in the court of common pleas shall proceed as in the trial 246  
of a civil action, and the court shall determine the rights of the 247  
parties in accordance with the laws applicable to such action. At 248  
such hearing, counsel may be heard on oral argument, briefs may be 249  
submitted, and evidence introduced if the court has granted a 250  
request for the presentation of additional evidence. 251

The court may affirm the order of the agency complained of in 252  
the appeal if it finds, upon consideration of the entire record 253  
and such additional evidence as the court has admitted, that the 254  
order is supported by reliable, probative, and substantial 255  
evidence and is in accordance with law. In the absence of such a 256  
finding, it may reverse, vacate, or modify the order or make such 257  
other ruling as is supported by reliable, probative, and 258  
substantial evidence and is in accordance with law. The court 259  
shall award compensation for fees in accordance with section 260  
2335.39 of the Revised Code to a prevailing party, other than an 261  
agency, in an appeal filed pursuant to this section. 262

The judgment of the court shall be final and conclusive 263  
unless reversed, vacated, or modified on appeal. Such appeals may 264  
be taken either by the party or the agency, shall proceed as in 265  
the case of appeals in civil actions, and shall be pursuant to the 266  
Rules of Appellate Procedure and, to the extent not in conflict 267  
with those rules, Chapter 2505. of the Revised Code. Such appeal 268  
by the agency shall be taken on questions of law relating to the 269

constitutionality, construction, or interpretation of statutes and 270  
rules of the agency, and in such appeal the court may also review 271  
and determine the correctness of the judgment of the court of 272  
common pleas that the order of the agency is not supported by any 273  
reliable, probative, and substantial evidence in the entire 274  
record. 275

The court shall certify its judgment to such agency or take 276  
such other action necessary to give its judgment effect. 277

**Sec. 121.22.** (A) This section shall be liberally construed to 278  
require public officials to take official action and to conduct 279  
all deliberations upon official business only in open meetings 280  
unless the subject matter is specifically excepted by law. 281

(B) As used in this section: 282

(1) "Public body" means any of the following: 283

(a) Any board, commission, committee, council, or similar 284  
decision-making body of a state agency, institution, or authority, 285  
and any legislative authority or board, commission, committee, 286  
council, agency, authority, or similar decision-making body of any 287  
county, township, municipal corporation, school district, or other 288  
political subdivision or local public institution; 289

(b) Any committee or subcommittee of a body described in 290  
division (B)(1)(a) of this section; 291

(c) A court of jurisdiction of a sanitary district organized 292  
wholly for the purpose of providing a water supply for domestic, 293  
municipal, and public use when meeting for the purpose of the 294  
appointment, removal, or reappointment of a member of the board of 295  
directors of such a district pursuant to section 6115.10 of the 296  
Revised Code, if applicable, or for any other matter related to 297  
such a district other than litigation involving the district. As 298  
used in division (B)(1)(c) of this section, "court of 299

jurisdiction" has the same meaning as "court" in section 6115.01 300  
of the Revised Code. 301

(2) "Meeting" means any prearranged discussion of the public 302  
business of the public body by a majority of its members. 303

(3) "Regulated individual" means either of the following: 304

(a) A student in a state or local public educational 305  
institution; 306

(b) A person who is, voluntarily or involuntarily, an inmate, 307  
patient, or resident of a state or local institution because of 308  
criminal behavior, mental illness or retardation, disease, 309  
disability, age, or other condition requiring custodial care. 310  
311

(C) All meetings of any public body are declared to be public 312  
meetings open to the public at all times. A member of a public 313  
body shall be present in person at a meeting open to the public to 314  
be considered present or to vote at the meeting and for purposes 315  
of determining whether a quorum is present at the meeting. 316  
317

The minutes of a regular or special meeting of any public 318  
body shall be promptly prepared, filed, and maintained and shall 319  
be open to public inspection. The minutes need only reflect the 320  
general subject matter of discussions in executive sessions 321  
authorized under division (G) or (J) of this section. 322

(D) This section does not apply to any of the following: 323

(1) A grand jury; 324

(2) An audit conference conducted by the auditor of state or 325  
independent certified public accountants with officials of the 326  
public office that is the subject of the audit; 327

(3) The adult parole authority when its hearings are 328  
conducted at a correctional institution for the sole purpose of 329

interviewing inmates to determine parole or pardon;	330
(4) The organized crime investigations commission established	331
under section 177.01 of the Revised Code;	332
(5) Meetings of a child fatality review board established	333
under section 307.621 of the Revised Code and meetings conducted	334
pursuant to sections 5153.171 to 5153.173 of the Revised Code;	335
(6) The state medical board when determining whether to	336
suspend a certificate without a prior hearing pursuant to division	337
(G) of either section 4730.25 or 4731.22 of the Revised Code;	338
(7) The board of nursing when determining whether to suspend	339
a license or certificate without a prior hearing pursuant to	340
division (B) of section 4723.281 of the Revised Code;	341
(8) The state board of pharmacy when determining whether to	342
suspend a license without a prior hearing pursuant to division (D)	343
of section 4729.16 of the Revised Code;	344
(9) <u>The state chiropractic board when determining whether to</u>	345
<u>suspend a license without a hearing pursuant to section 4734.37 of</u>	346
<u>the Revised Code.</u>	347
<u>(10)</u> The executive committee of the emergency response	348
commission when determining whether to issue an enforcement order	349
or request that a civil action, civil penalty action, or criminal	350
action be brought to enforce Chapter 3750. of the Revised Code.	351
(E) The controlling board, the development financing advisory	352
council, the industrial technology and enterprise advisory	353
council, the tax credit authority, or the minority development	354
financing advisory board, when meeting to consider granting	355
assistance pursuant to Chapter 122. or 166. of the Revised Code,	356
in order to protect the interest of the applicant or the possible	357
investment of public funds, by unanimous vote of all board,	358
council, or authority members present, may close the meeting	359

during consideration of the following information confidentially	360
received by the authority, council, or board from the applicant:	361
	362
(1) Marketing plans;	363
(2) Specific business strategy;	364
(3) Production techniques and trade secrets;	365
(4) Financial projections;	366
(5) Personal financial statements of the applicant or members	367
of the applicant's immediate family, including, but not limited	368
to, tax records or other similar information not open to public	369
inspection.	370
The vote by the authority, council, or board to accept or	371
reject the application, as well as all proceedings of the	372
authority, council, or board not subject to this division, shall	373
be open to the public and governed by this section.	374
(F) Every public body, by rule, shall establish a reasonable	375
method whereby any person may determine the time and place of all	376
regularly scheduled meetings and the time, place, and purpose of	377
all special meetings. A public body shall not hold a special	378
meeting unless it gives at least twenty-four hours' advance notice	379
to the news media that have requested notification, except in the	380
event of an emergency requiring immediate official action. In the	381
event of an emergency, the member or members calling the meeting	382
shall notify the news media that have requested notification	383
immediately of the time, place, and purpose of the meeting.	384
The rule shall provide that any person, upon request and	385
payment of a reasonable fee, may obtain reasonable advance	386
notification of all meetings at which any specific type of public	387
business is to be discussed. Provisions for advance notification	388
may include, but are not limited to, mailing the agenda of	389

meetings to all subscribers on a mailing list or mailing notices 390  
in self-addressed, stamped envelopes provided by the person. 391

(G) Except as provided in division (J) of this section, the 392  
members of a public body may hold an executive session only after 393  
a majority of a quorum of the public body determines, by a roll 394  
call vote, to hold an executive session and only at a regular or 395  
special meeting for the sole purpose of the consideration of any 396  
of the following matters: 397

(1) To consider the appointment, employment, dismissal, 398  
discipline, promotion, demotion, or compensation of a public 399  
employee or official, or the investigation of charges or 400  
complaints against a public employee, official, licensee, or 401  
regulated individual, unless the public employee, official, 402  
licensee, or regulated individual requests a public hearing. 403  
Except as otherwise provided by law, no public body shall hold an 404  
executive session for the discipline of an elected official for 405  
conduct related to the performance of the elected official's 406  
official duties or for the elected official's removal from office. 407  
If a public body holds an executive session pursuant to division 408  
(G)(1) of this section, the motion and vote to hold that executive 409  
session shall state which one or more of the approved purposes 410  
listed in division (G)(1) of this section are the purposes for 411  
which the executive session is to be held, but need not include 412  
the name of any person to be considered at the meeting. 413

(2) To consider the purchase of property for public purposes, 414  
or for the sale of property at competitive bidding, if premature 415  
disclosure of information would give an unfair competitive or 416  
bargaining advantage to a person whose personal, private interest 417  
is adverse to the general public interest. No member of a public 418  
body shall use division (G)(2) of this section as a subterfuge for 419  
providing covert information to prospective buyers or sellers. A 420  
purchase or sale of public property is void if the seller or buyer 421

of the public property has received covert information from a 422  
member of a public body that has not been disclosed to the general 423  
public in sufficient time for other prospective buyers and sellers 424  
to prepare and submit offers. 425

If the minutes of the public body show that all meetings and 426  
deliberations of the public body have been conducted in compliance 427  
with this section, any instrument executed by the public body 428  
purporting to convey, lease, or otherwise dispose of any right, 429  
title, or interest in any public property shall be conclusively 430  
presumed to have been executed in compliance with this section 431  
insofar as title or other interest of any bona fide purchasers, 432  
lessees, or transferees of the property is concerned. 433

(3) Conferences with an attorney for the public body 434  
concerning disputes involving the public body that are the subject 435  
of pending or imminent court action; 436

(4) Preparing for, conducting, or reviewing negotiations or 437  
bargaining sessions with public employees concerning their 438  
compensation or other terms and conditions of their employment; 439

(5) Matters required to be kept confidential by federal law 440  
or regulations or state statutes; 441

(6) Specialized details of security arrangements if 442  
disclosure of the matters discussed might reveal information that 443  
could be used for the purpose of committing, or avoiding 444  
prosecution for, a violation of the law; 445

(7) In the case of a county hospital operated pursuant to 446  
Chapter 339. of the Revised Code, to consider trade secrets, as 447  
defined in section 1333.61 of the Revised Code. 448

If a public body holds an executive session to consider any 449  
of the matters listed in divisions (G)(2) to (7) of this section, 450  
the motion and vote to hold that executive session shall state 451

which one or more of the approved matters listed in those 452  
divisions are to be considered at the executive session. 453

A public body specified in division (B)(1)(c) of this section 454  
shall not hold an executive session when meeting for the purposes 455  
specified in that division. 456

(H) A resolution, rule, or formal action of any kind is 457  
invalid unless adopted in an open meeting of the public body. A 458  
resolution, rule, or formal action adopted in an open meeting that 459  
results from deliberations in a meeting not open to the public is 460  
invalid unless the deliberations were for a purpose specifically 461  
authorized in division (G) or (J) of this section and conducted at 462  
an executive session held in compliance with this section. A 463  
resolution, rule, or formal action adopted in an open meeting is 464  
invalid if the public body that adopted the resolution, rule, or 465  
formal action violated division (F) of this section. 466

(I)(1) Any person may bring an action to enforce this 467  
section. An action under division (I)(1) of this section shall be 468  
brought within two years after the date of the alleged violation 469  
or threatened violation. Upon proof of a violation or threatened 470  
violation of this section in an action brought by any person, the 471  
court of common pleas shall issue an injunction to compel the 472  
members of the public body to comply with its provisions. 473

(2)(a) If the court of common pleas issues an injunction 474  
pursuant to division (I)(1) of this section, the court shall order 475  
the public body that it enjoins to pay a civil forfeiture of five 476  
hundred dollars to the party that sought the injunction and shall 477  
award to that party all court costs and, subject to reduction as 478  
described in division (I)(2) of this section, reasonable 479  
attorney's fees. The court, in its discretion, may reduce an award 480  
of attorney's fees to the party that sought the injunction or not 481  
award attorney's fees to that party if the court determines both 482

of the following: 483

(i) That, based on the ordinary application of statutory law 484  
and case law as it existed at the time of violation or threatened 485  
violation that was the basis of the injunction, a well-informed 486  
public body reasonably would believe that the public body was not 487  
violating or threatening to violate this section; 488

(ii) That a well-informed public body reasonably would 489  
believe that the conduct or threatened conduct that was the basis 490  
of the injunction would serve the public policy that underlies the 491  
authority that is asserted as permitting that conduct or 492  
threatened conduct. 493

(b) If the court of common pleas does not issue an injunction 494  
pursuant to division (I)(1) of this section and the court 495  
determines at that time that the bringing of the action was 496  
frivolous conduct, as defined in division (A) of section 2323.51 497  
of the Revised Code, the court shall award to the public body all 498  
court costs and reasonable attorney's fees, as determined by the 499  
court. 500

(3) Irreparable harm and prejudice to the party that sought 501  
the injunction shall be conclusively and irrebuttably presumed 502  
upon proof of a violation or threatened violation of this section. 503

(4) A member of a public body who knowingly violates an 504  
injunction issued pursuant to division (I)(1) of this section may 505  
be removed from office by an action brought in the court of common 506  
pleas for that purpose by the prosecuting attorney or the attorney 507  
general. 508

(J)(1) Pursuant to division (C) of section 5901.09 of the 509  
Revised Code, a veterans service commission shall hold an 510  
executive session for one or more of the following purposes unless 511  
an applicant requests a public hearing: 512

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	513 514
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	515 516
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	517 518 519
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	520 521 522 523 524 525 526 527
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	528 529 530 531 532 533 534
<b>Sec. 125.22.</b> (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:	535 536 537
(1) State board of examiners of architects;	538
(2) Barber board;	539
(3) <del>Chiropractic examining</del> <u>State chiropractic</u> board;	540
(4) State board of cosmetology;	541

(5) Accountancy board;	542
(6) State dental board;	543
(7) State board of optometry;	544
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	545 546
(9) State board of registration for professional engineers and surveyors;	547 548
(10) State board of sanitarian registration;	549
(11) Board of embalmers and funeral directors;	550
(12) State board of psychology;	551
(13) Ohio optical dispensers board;	552
(14) Board of speech pathology and audiology;	553
(15) Counselor and social worker board;	554
(16) State veterinary medical licensing board;	555
(17) Ohio board of dietetics;	556
(18) Commission on Hispanic-Latino affairs;	557
(19) Ohio respiratory care board.	558
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	559 560 561 562 563 564
(a) Preparing and processing payroll and other personnel documents;	565 566
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	567 568

(c) Maintaining ledgers of accounts and balances;	569
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	570 571
(e) Maintaining information required by section 3729.40 of the Revised Code;	572 573
(f) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	574 575 576
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	577 578 579
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	580 581 582 583
(C) The director of administrative services shall be the appointing authority for the agency.	584 585
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	586 587 588
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund,	589 590 591 592 593 594 595 596 597 598

which is hereby created. All expenses incurred by the agency in 599  
performing services for the boards or commissions shall be paid 600  
from the fund. 601

(F) Nothing in this section shall be construed as a grant of 602  
authority for the central service agency to initiate or deny 603  
personnel or fiscal actions for the boards and commissions. 604

**Sec. 2317.02.** The following persons shall not testify in 605  
certain respects: 606

(A) An attorney, concerning a communication made to the 607  
attorney by a client in that relation or the attorney's advice to 608  
a client, except that the attorney may testify by express consent 609  
of the client or, if the client is deceased, by the express 610  
consent of the surviving spouse or the executor or administrator 611  
of the estate of the deceased client and except that, if the 612  
client voluntarily testifies or is deemed by section 2151.421 of 613  
the Revised Code to have waived any testimonial privilege under 614  
this division, the attorney may be compelled to testify on the 615  
same subject; 616

(B)(1) A physician or a dentist concerning a communication 617  
made to the physician or dentist by a patient in that relation or 618  
the physician's or dentist's advice to a patient, except as 619  
otherwise provided in this division, division (B)(2), and division 620  
(B)(3) of this section, and except that, if the patient is deemed 621  
by section 2151.421 of the Revised Code to have waived any 622  
testimonial privilege under this division, the physician may be 623  
compelled to testify on the same subject. 624

The testimonial privilege established under this division 625  
does not apply, and a physician or dentist may testify or may be 626  
compelled to testify, in any of the following circumstances: 627

(a) In any civil action, in accordance with the discovery 628

provisions of the Rules of Civil Procedure in connection with a 629  
civil action, or in connection with a claim under Chapter 4123. of 630  
the Revised Code, under any of the following circumstances: 631

(i) If the patient or the guardian or other legal 632  
representative of the patient gives express consent; 633

(ii) If the patient is deceased, the spouse of the patient or 634  
the executor or administrator of the patient's estate gives 635  
express consent; 636

(iii) If a medical claim, dental claim, chiropractic claim, 637  
or optometric claim, as defined in section 2305.11 of the Revised 638  
Code, an action for wrongful death, any other type of civil 639  
action, or a claim under Chapter 4123. of the Revised Code is 640  
filed by the patient, the personal representative of the estate of 641  
the patient if deceased, or the patient's guardian or other legal 642  
representative. 643

(b) In any civil action concerning court-ordered treatment or 644  
services received by a patient, if the court-ordered treatment or 645  
services were ordered as part of a case plan journalized under 646  
section 2151.412 of the Revised Code or the court-ordered 647  
treatment or services are necessary or relevant to dependency, 648  
neglect, or abuse or temporary or permanent custody proceedings 649  
under Chapter 2151. of the Revised Code. 650

(c) In any criminal action concerning any test or the results 651  
of any test that determines the presence or concentration of 652  
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 653  
patient's blood, breath, urine, or other bodily substance at any 654  
time relevant to the criminal offense in question. 655

~~(e)~~(d) In any criminal action against a physician or dentist. 656  
In such an action, the testimonial privilege established under 657  
this division does not prohibit the admission into evidence, in 658  
accordance with the Rules of Evidence, of a patient's medical or 659

dental records or other communications between a patient and the 660  
physician or dentist that are related to the action and obtained 661  
by subpoena, search warrant, or other lawful means. A court that 662  
permits or compels a physician or dentist to testify in such an 663  
action or permits the introduction into evidence of patient 664  
records or other communications in such an action shall require 665  
that appropriate measures be taken to ensure that the 666  
confidentiality of any patient named or otherwise identified in 667  
the records is maintained. Measures to ensure confidentiality that 668  
may be taken by the court include sealing its records or deleting 669  
specific information from its records. 670

(2)(a) If any law enforcement officer submits a written 671  
statement to a health care provider that states that an official 672  
criminal investigation has begun regarding a specified person or 673  
that a criminal action or proceeding has been commenced against a 674  
specified person, that requests the provider to supply to the 675  
officer copies of any records the provider possesses that pertain 676  
to any test or the results of any test administered to the 677  
specified person to determine the presence or concentration of 678  
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 679  
person's blood, breath, or urine at any time relevant to the 680  
criminal offense in question, and that conforms to section 681  
2317.022 of the Revised Code, the provider, except to the extent 682  
specifically prohibited by any law of this state or of the United 683  
States, shall supply to the officer a copy of any of the requested 684  
records the provider possesses. If the health care provider does 685  
not possess any of the requested records, the provider shall give 686  
the officer a written statement that indicates that the provider 687  
does not possess any of the requested records. 688

(b) If a health care provider possesses any records of the 689  
type described in division (B)(2)(a) of this section regarding the 690  
person in question at any time relevant to the criminal offense in 691

question, in lieu of personally testifying as to the results of 692  
the test in question, the custodian of the records may submit a 693  
certified copy of the records, and, upon its submission, the 694  
certified copy is qualified as authentic evidence and may be 695  
admitted as evidence in accordance with the Rules of Evidence. 696  
Division (A) of section 2317.422 of the Revised Code does not 697  
apply to any certified copy of records submitted in accordance 698  
with this division. Nothing in this division shall be construed to 699  
limit the right of any party to call as a witness the person who 700  
administered the test to which the records pertain, the person 701  
under whose supervision the test was administered, the custodian 702  
of the records, the person who made the records, or the person 703  
under whose supervision the records were made. 704

(3)(a) If the testimonial privilege described in division 705  
(B)(1) of this section does not apply as provided in division 706  
(B)(1)(a)(iii) of this section, a physician or dentist may be 707  
compelled to testify or to submit to discovery under the Rules of 708  
Civil Procedure only as to a communication made to the physician 709  
or dentist by the patient in question in that relation, or the 710  
physician's or dentist's advice to the patient in question, that 711  
related causally or historically to physical or mental injuries 712  
that are relevant to issues in the medical claim, dental claim, 713  
chiropractic claim, or optometric claim, action for wrongful 714  
death, other civil action, or claim under Chapter 4123. of the 715  
Revised Code. 716

(b) If the testimonial privilege described in division (B)(1) 717  
of this section does not apply to a physician or dentist as 718  
provided in division (B)(1)~~(b)~~(c) of this section, the physician 719  
or dentist, in lieu of personally testifying as to the results of 720  
the test in question, may submit a certified copy of those 721  
results, and, upon its submission, the certified copy is qualified 722  
as authentic evidence and may be admitted as evidence in 723

accordance with the Rules of Evidence. Division (A) of section 724  
2317.422 of the Revised Code does not apply to any certified copy 725  
of results submitted in accordance with this division. Nothing in 726  
this division shall be construed to limit the right of any party 727  
to call as a witness the person who administered the test in 728  
question, the person under whose supervision the test was 729  
administered, the custodian of the results of the test, the person 730  
who compiled the results, or the person under whose supervision 731  
the results were compiled. 732

(4) The testimonial privilege described in division (B)(1) of 733  
this section is not waived when a communication is made by a 734  
physician to a pharmacist or when there is communication between a 735  
patient and a pharmacist in furtherance of the physician-patient 736  
relation. 737

(5)(a) As used in divisions (B)(1) to (4) of this section, 738  
"communication" means acquiring, recording, or transmitting any 739  
information, in any manner, concerning any facts, opinions, or 740  
statements necessary to enable a physician or dentist to diagnose, 741  
treat, prescribe, or act for a patient. A "communication" may 742  
include, but is not limited to, any medical or dental, office, or 743  
hospital communication such as a record, chart, letter, 744  
memorandum, laboratory test and results, x-ray, photograph, 745  
financial statement, diagnosis, or prognosis. 746

(b) As used in division (B)(2) of this section, "health care 747  
provider" has the same meaning as in section 3729.01 of the 748  
Revised Code. 749

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 750  
apply to doctors of medicine, doctors of osteopathic medicine, 751  
doctors of podiatry, and dentists. 752

(7) Nothing in divisions (B)(1) to (6) of this section 753  
affects, or shall be construed as affecting, the immunity from 754

civil liability conferred by section 307.628 or 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(C) A member of the clergy, rabbi, priest, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect, when the member of the clergy, rabbi, priest, or minister remains accountable to the authority of that church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the member of the clergy, rabbi, priest, or minister for a religious counseling purpose in the member of the clergy's, rabbi's, priest's, or minister's professional character; however, the member of the clergy, rabbi, priest, or minister may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust;

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under

section 2317.03 of the Revised Code, when the property or thing is 786  
sold or transferred by an executor, administrator, guardian, 787  
trustee, heir, devisee, or legatee, shall be restricted in the 788  
same manner in any action or proceeding concerning the property or 789  
thing. 790

(G)(1) A school guidance counselor who holds a valid educator 791  
license from the state board of education as provided for in 792  
section 3319.22 of the Revised Code, a person licensed under 793  
Chapter 4757. of the Revised Code as a professional clinical 794  
counselor, professional counselor, social worker, or independent 795  
social worker, or registered under Chapter 4757. of the Revised 796  
Code as a social work assistant concerning a confidential 797  
communication received from a client in that relation or the 798  
person's advice to a client unless any of the following applies: 799

(a) The communication or advice indicates clear and present 800  
danger to the client or other persons. For the purposes of this 801  
division, cases in which there are indications of present or past 802  
child abuse or neglect of the client constitute a clear and 803  
present danger. 804

(b) The client gives express consent to the testimony. 805

(c) If the client is deceased, the surviving spouse or the 806  
executor or administrator of the estate of the deceased client 807  
gives express consent. 808

(d) The client voluntarily testifies, in which case the 809  
school guidance counselor or person licensed or registered under 810  
Chapter 4757. of the Revised Code may be compelled to testify on 811  
the same subject. 812

(e) The court in camera determines that the information 813  
communicated by the client is not germane to the counselor-client 814  
or social worker-client relationship. 815

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of visitation rights in relation to their children;

(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing

telecommunications relay service pursuant to section 4931.35 of 847  
the Revised Code or Title II of the "Communications Act of 1934," 848  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 849  
made through a telecommunications relay service. Nothing in this 850  
section shall limit the obligation of a communications assistant 851  
to divulge information or testify when mandated by federal law or 852  
regulation or pursuant to subpoena in a criminal proceeding. 853

Nothing in this section shall limit any immunity or privilege 854  
granted under federal law or regulation. 855

(J)(1) A chiropractor in a civil proceeding concerning a 856  
communication made to the chiropractor by a patient in that 857  
relation or the chiropractor's advice to a patient, except as 858  
otherwise provided in this division. 859

The testimonial privilege established under this division does not apply, 856  
and a chiropractor may testify or may be compelled to testify, in any civil 857  
action, in accordance with the discovery provisions of the Rules of Civil 858  
Procedure in connection with a civil action, or in connection with a claim 859  
under Chapter 4123. of the Revised Code, under any of the following  
circumstances:

(a) If the patient or the guardian or other legal 865  
representative of the patient gives express consent. 866

(b) If the patient is deceased, the spouse of the patient or 867  
the executor or administrator of the patient's estate gives 868  
express consent. 869

(c) If a medical claim, dental claim, chiropractic claim, or 870  
optometric claim, as defined in section 2305.11 of the Revised 871  
Code, an action for wrongful death, any other type of civil 872  
action, or a claim under Chapter 4123. of the Revised Code is 873  
filed by the patient, the personal representative of the estate of 874  
the patient if deceased, or the patient's guardian or other legal 875  
representative. 876

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnosis, treat, or act for a patient. a communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

**Sec. 2929.24.** (A) The prosecutor in any case against any person licensed, certified, registered, or otherwise authorized to practice under Chapter 3719., 4715., 4723., 4729., 4730., 4731., 4734., or 4741. of the Revised Code shall notify the appropriate licensing board, on forms provided by the board, of any of the following regarding the person:

(1) A plea of guilty to, or a conviction of, a felony, or a court order dismissing a felony charge on technical or procedural

grounds; 908

(2) A plea of guilty to, or a conviction of, a misdemeanor 909  
committed in the course of practice or in the course of business, 910  
or a court order dismissing such a misdemeanor charge on technical 911  
or procedural grounds; 912

(3) A plea of guilty to, or a conviction of, a misdemeanor 913  
involving moral turpitude, or a court order dismissing such a 914  
charge on technical or procedural grounds. 915

(B) The report required by division (A) of this section shall 916  
include the name and address of the person, the nature of the 917  
offense, and certified copies of court entries in the action. 918

**Sec. 3701.74.** (A) As used in this section: 919

(1) "Hospital" means any institution registered as a hospital 920  
with the department of health pursuant to section 3701.07 of the 921  
Revised Code. 922

(2) "Medical record" means any document or combination of 923  
documents that pertains to a patient's medical history, diagnosis, 924  
prognosis, or medical condition and that is generated and 925  
maintained in the process of the patient's health care treatment 926  
~~at a hospital.~~ 927

(3) "Finalized medical record" means a medical record that is 928  
complete according to a hospital's bylaws or a practitioner's 929  
office policy. 930

(4) "Patient" means any individual who received health care 931  
treatment at a hospital or from a practitioner. 932

(5) "Practitioner" means an individual authorized under 933  
Chapter 4731. of the Revised Code to practice medicine and 934  
surgery, osteopathic medicine and surgery, or podiatry or an 935  
individual licensed under Chapter 4734. of the Revised Code to 936

practice chiropractic. 937

(B) A hospital or practitioner shall prepare a finalized 938  
medical record for each patient who receives health care treatment 939  
at the hospital or from the practitioner, within a reasonable time 940  
after treatment. 941

(C) A patient who wishes to examine or obtain a copy of part 942  
or all of a finalized medical record covering a prior ~~inpatient~~ 943  
~~stay or outpatient~~ period of treatment shall submit to the 944  
hospital or practitioner a signed, written request dated not more 945  
than sixty days before the date on which it is submitted. The 946  
patient who wishes to obtain a copy of the record shall indicate 947  
in the request whether the copy is to be sent to the patient's 948  
residence or held for the patient at the hospital or by the 949  
practitioner. Within a reasonable time after receiving a request 950  
that meets the requirements of this division and includes 951  
sufficient information to identify the record requested, the 952  
hospital or practitioner shall permit the patient to examine the 953  
record during regular business hours or shall provide a copy of 954  
the record in accordance with the request, except that if a 955  
~~physician~~ practitioner who has treated the patient determines for 956  
clearly stated treatment reasons that disclosure of the requested 957  
record is likely to have an adverse effect on the patient, the 958  
hospital or practitioner shall provide the record to a ~~physician~~ 959  
practitioner designated by the patient. The hospital or 960  
practitioner shall take reasonable steps to establish the identity 961  
of the patient examining, or requesting a copy of, the patient's 962  
record. 963

(D) If a hospital or practitioner fails to furnish a 964  
finalized medical record as required by division (C) of this 965  
section, the patient who requested the record may bring a civil 966  
action to enforce the patient's right of access to the record. 967

(E) This section does not apply to medical records whose 968

release is covered by Chapter 1347. or 5122. of the Revised Code 969  
or by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse 970  
Patient Records." Nothing in this section is intended to supersede 971  
the confidentiality provisions of sections 2305.24 to 2305.251 of 972  
the Revised Code. 973

**Sec. 3719.12.** Unless a report has been made pursuant to 974  
section 2929.24 of the Revised Code, on the conviction of a 975  
manufacturer, wholesaler, terminal distributor of dangerous drugs, 976  
pharmacist, pharmacy intern, dentist, ~~doctor of medicine or~~ 977  
~~osteopathic medicine~~ chiropractor, physician, podiatrist, 978  
registered nurse, licensed practical nurse, physician assistant, 979  
optometrist, or veterinarian of the violation of this chapter or 980  
Chapter 2925. of the Revised Code, the prosecutor in the case 981  
promptly shall report the conviction to the board that licensed, 982  
certified, or registered the person to practice or to carry on 983  
business. The responsible board shall provide forms to the 984  
prosecutor. Within thirty days of the receipt of this information, 985  
the board shall initiate action in accordance with Chapter 119. of 986  
the Revised Code to determine whether to suspend or revoke the 987  
person's license, certificate, or registration. 988

**Sec. 3719.121.** (A) Except as otherwise provided in section 989  
4723.28, 4723.35, 4730.25, ~~or 4731.22, 4734.39, or 4734.41~~ of the 990  
Revised Code, the license, certificate, or registration of any 991  
dentist, ~~doctor of medicine or osteopathic medicine~~ chiropractor, 992  
physician, podiatrist, registered nurse, licensed practical nurse, 993  
physician assistant, pharmacist, pharmacy intern, optometrist, or 994  
veterinarian who is or becomes addicted to the use of controlled 995  
substances shall be suspended by the board that authorized the 996  
person's license, certificate, or registration until the person 997  
offers satisfactory proof to the board that the person no longer 998  
is addicted to the use of controlled substances. 999

(B) If the board under which a person has been issued a license, certificate, or evidence of registration determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, certificate, or registration without a hearing. Except as otherwise provided in sections 4715.30, 4723.281, 4729.16, 4730.25, ~~and~~ 4731.22, and 4734.36 of the Revised Code, the board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ninety days after the hearing, the suspension shall be void on the ninety-first day after the hearing.

(C) On receiving notification pursuant to section 2929.24 or 3719.12 of the Revised Code, the board under which a person has been issued a license, certificate, or evidence of registration immediately shall suspend the license, certificate, or registration of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense; a finding by a court of the person's eligibility for intervention in lieu of conviction; a plea of guilty to, or a finding by a jury or court of the person's guilt of, or the person's conviction of an offense in another jurisdiction that is essentially the same as a felony drug abuse offense; or a finding by a court of the person's eligibility for treatment or intervention in lieu of conviction in another jurisdiction. The board shall notify the holder of the license, certificate, or registration of the suspension, which shall remain in effect until the board holds an adjudicatory hearing under

Chapter 119. of the Revised Code. 1032

**Sec. 3729.40.** (A) The Ohio health care data center shall 1033  
conduct annually a survey of the educational background, 1034  
demographic characteristics, and professional practices of persons 1035  
licensed, certified, or registered by the following: the state 1036  
chiropractic ~~examining~~ board; the counselor and social worker 1037  
board; the state medical board; the board of nursing; the Ohio 1038  
occupational therapy, physical therapy, and athletic trainers 1039  
board; the state board of optometry; and the state board of 1040  
psychology. The public health council shall adopt rules in 1041  
accordance with Chapter 119. of the Revised Code governing the 1042  
information to be included in the survey and the process for 1043  
conducting it. The department of administrative services shall 1044  
provide the Ohio health care data center with the full names, 1045  
types of licenses, and business addresses, that the central 1046  
service agency maintains under section 125.22 of the Revised Code 1047  
regarding persons licensed, certified, or registered by the boards 1048  
specified in this division. The state medical board shall provide 1049  
the center with similar information regarding persons licensed, 1050  
certified, or registered by the board. The survey results shall be 1051  
used exclusively for statistical purposes and shall be released 1052  
only in their entirety. 1053

(B) Each medical school in this state shall disclose annually 1054  
to the center, in the form and manner prescribed by the center, 1055  
all of the following information: 1056

(1) The number of entering medical students, according to 1057  
state and county of residence prior to entering; 1058

(2) The number of graduates entering primary care medical 1059  
residencies in comparison with those entering specialized fields, 1060  
according to location and type of residency; 1061

(3) The number of its graduates completing either primary care or specialty residencies who:	1062
	1063
(a) Proceed directly to practice, according to state and county of practice;	1064
	1065
(b) Proceed directly to specialty residency or fellowships.	1066
(4) The number of its graduates completing specialty residency fellowships who proceed to practice, according to state and county of practice.	1067
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	1069
(C) Each school of nursing and school of allied health education in this state that awards baccalaureate degrees shall disclose annually to the center, in the form and manner prescribed by the center, all of the following information:	1070
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	1073
(1) The number of baccalaureate graduates who proceed directly to practice, according to state and county of practice;	1074
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(2) The number of baccalaureate graduates who proceed directly to post-baccalaureate training;	1076
	1077
(3) The number of its baccalaureate graduates who complete post-baccalaureate training and proceed to practice, according to state and county of practice.	1078
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<b>Sec. 4734.01.</b> <u>As used in this chapter, the "practice of chiropractic" means utilization of the relationship between the musculo-skeletal structures of the body, the spinal column, and the nervous system in the restoration and maintenance of health, in connection with which patient care is conducted with due regard for first aid, hygienic, nutritional, and rehabilitative procedures and the specific vertebral adjustment and manipulation of the articulations and adjacent tissues of the body.</u>	1081
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<del>Sec. 4734.01</del> <b>4734.02.</b> <del>Within thirty days after the effective date of this section the governor shall appoint a</del> <u>The</u> chiropractic	1089
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examining board is hereby renamed the state chiropractic board. 1091  
Any reference in the Revised Code to the chiropractic examining 1092  
board means the state chiropractic board. 1093

The board shall assume and exercise all of the duties 1094  
conferred on it by this chapter concerning the practice of 1095  
chiropractic, chiropractors, and the regulation thereof. 1096

Members of the board shall be appointed by the governor with 1097  
the advice and consent of the senate. The board shall be composed 1098  
of four chiropractors, each of whom shall be a graduate of an 1099  
incorporated school or college of chiropractic and who shall have 1100  
been engaged in the practice of their profession in this state for 1101  
at least five years next preceding the effective date of this 1102  
section, and not more than two to be graduates of any one school. 1103  
A and a fifth member shall be a lay person representing the 1104  
public. No member of the board shall be a trustee of any school or 1105  
college of chiropractic, and each The public member shall not be 1106  
connected in any manner, other than as a chiropractic patient, 1107  
with any chiropractor or chiropractic practice or any entity that 1108  
routinely engages in business with members of the chiropractic 1109  
profession. Each professional member, at the time of appointment, 1110  
shall be engaged in full-time practice in the this state and shall 1111  
have been licensed by the board for at least five years. Of the 1112  
initial appointments made to the board two of the members shall be 1113  
appointed for a term ending two years after the effective date of 1114  
this section, two for a term ending three years after that date, 1115  
and one for a term ending four years after that date. Thereafter, 1116  
terms 1117

Terms of office shall be for four years, with each term 1118  
ending on the same day of the same month of the year as did the 1119  
term which it succeeds. Each member shall hold office from the 1120  
date of his appointment until the end of the term for which he was 1121

appointed. No individual shall serve for more than two full terms. 1122  
Vacancies shall be filled in the manner provided for original 1123  
appointments. Any member appointed to fill a vacancy occurring 1124  
prior to the expiration of the term for which ~~his~~ the member's 1125  
predecessor was appointed shall hold office for the remainder of 1126  
~~such~~ that term. ~~Any~~ A member shall continue in office subsequent 1127  
to the expiration date of ~~his~~ the member's term until ~~his~~ the 1128  
member's successor takes office, or until a period of sixty days 1129  
has elapsed, whichever occurs first. ~~No individual shall serve for~~ 1130  
~~more than two four year terms. All appointments made by the~~ 1131  
~~governor shall be with the advice and consent of the senate. Any~~ 1132  
~~vacancies occurring on the board shall be filled by the governor~~ 1133  
~~for the unexpired term with the advice and consent of the senate.~~ 1134  
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**Sec. ~~4734.04~~ 4734.03.** Each member of the state chiropractic 1136  
~~examining~~ board shall be paid at the appropriate rate for those 1137  
days on which ~~his~~ the member's services or duties are required. 1138  
Each member of the board shall be paid at the rate established 1139  
pursuant to division (J) of section 124.15 of the Revised Code and 1140  
shall not receive step advancements. In addition, each board 1141  
member shall receive ~~his~~ the member's necessary expenses. 1142

**Sec. ~~4734.03~~ 4734.04.** (A) The state chiropractic ~~examining~~ 1143  
board shall hold its annual meeting in this state in September of 1144  
each year and shall hold other meetings at the times and places 1145  
that a majority of the board directs. ~~The~~ A special meeting shall 1146  
be held at the call of the board's president or at the request of 1147  
two or more board members, in which case the meeting shall be 1148  
called by the board's executive director. 1149

A majority of the board constitutes a quorum for the 1150  
transaction of business. Except when action is taken on behalf of 1151  
the board by the board's president under division (A) of section 1152

4734.05 of the Revised Code, the board may not take any action 1153  
without the concurrence of three members. The board shall make 1154  
rules as necessary to govern its internal management. 1155

(B) The board shall keep a record of its ~~proceedings~~ meetings 1156  
and other official actions, including a register of all applicants 1157  
for licensure to practice chiropractic. The register shall show 1158  
whether an applicant for licensure was rejected or was granted a 1159  
license. The ~~books~~ board's records and register of the board shall 1160  
be prima-facie evidence of all matters recorded in them. The board 1161  
shall ~~have~~ adopt a common seal, ~~shall formulate rules to govern~~ 1162  
its actions, and, consistent with section 4734.091 of the Revised 1163  
Code, shall adopt rules governing the practice of chiropractic. 1164  
The board shall adopt rules under this chapter according to the 1165  
procedure of Chapter 119. of the Revised Code which may be used to 1166  
authenticate its official documents. 1167

**Sec. 4734.02 4734.05.** (A) The members of the state 1168  
chiropractic examining board, ~~within thirty days after their~~ 1169  
appointment, shall meet and elect organize by electing from its 1170  
members a president from their own number, and elect or appoint a 1171  
secretary who need not be one of their number The president shall 1172  
hold ~~his~~ office for two years and until ~~his~~ the president's 1173  
successor is elected and ~~qualified~~. Any member and the secretary 1174  
may administer oaths. The secretary takes office. Elections for 1175  
board president shall be held at every other annual meeting of the 1176  
board held in this state in September. 1177

The president, subject to the board's approval, may designate 1178  
another member of the board to serve as vice-president to fulfill 1179  
the president's duties in the event that the president is absent 1180  
or incapacitated. The vice-president may perform any action that 1181  
the president is authorized to perform. 1182

The president may make decisions on behalf of the board as 1183

follows:

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(1) A decision regarding board activities may be made by the president if the president considers the decision to be minor and determines that making the decision will facilitate the responsiveness and effectiveness of the board;

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(2) A decision involving a situation that requires immediate board attention may be made by the president if the circumstances surrounding the situation make holding a board meeting impractical. At the earliest time possible, the president shall report the decision to the members of the board and the board shall meet to ratify or nullify the decision.

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(B) The board shall appoint an executive director who shall serve as the board's secretary and shall perform all other duties prescribed by the board or this chapter. While serving as executive director, the individual appointed shall reside in this state and may not serve as a member of the board.

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The executive director shall be in the unclassified service of this state. The board shall fix the executive director's compensation and reimburse the executive director for necessary expenses incurred in the performance of official duties. Prior to entering into the official duties of office, the executive director shall take and subscribe an oath of office and shall give to the treasurer of the state a bond in the penal sum of five fifty thousand dollars with sufficient sureties to be approved by the governor for the faithful discharge of ~~his~~ the duties. ~~The secretary shall receive his necessary expenses incurred in the performance of his official duties, and his compensation shall be fixed by the board. A majority of the board constitutes a quorum for the transaction of business. No action of the board is valid without the concurrence of three members. The board shall appoint and fix the compensation of such employees as are necessary to~~

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~~carry out the purposes of this chapter.~~ 1215

The executive director is the board's appointing authority, 1216  
as defined in section 124.01 of the Revised Code. With the board's 1217  
approval, the executive director may appoint any employees 1218  
necessary to carry out the board's functions, including 1219  
investigative personnel and other employees to perform 1220  
professional, clerical, and special work, and may establish 1221  
standards for the conduct of and the authority to be granted to 1222  
the board's employees. 1223

**Sec. 4734.06.** The state chiropractic board may appoint 1224  
committees or other groups to assist it in fulfilling its duties. 1225  
A committee or group may consist of board members, other 1226  
individuals with appropriate backgrounds, or both board members 1227  
and other individuals with appropriate backgrounds. Any committee 1228  
or group appointed shall act under the direction of the board and 1229  
shall perform its functions within the limits established by the 1230  
board. Members of a committee or group may be reimbursed by the 1231  
board for any expenses incurred in the performance of their 1232  
duties. 1233

**Sec. 4734.07.** In the absence of fraud or bad faith, the state 1234  
chiropractic board, a current or former board member, an agent of 1235  
the board, a representative of the board, or an employee of the 1236  
board shall not be held liable in damages to any person as the 1237  
result of any act, omission, proceeding, conduct, or decision 1238  
related to official duties undertaken or performed pursuant to 1239  
this chapter. If any of those persons asks to be defended by the 1240  
state against any claim or action arising out of any act, 1241  
omission, proceeding, conduct, or decision related to the person's 1242  
official duties, and the request is made in writing at a 1243  
reasonable time before trial and the person requesting defense 1244  
cooperates in good faith in the defense of the claim or action, 1245

the state shall provide and pay for the person's defense and shall 1246  
pay any resulting judgment, compromise, or settlement. At no time 1247  
shall the state pay any part of a claim or judgment that is for 1248  
punitive or exemplary damages. 1249

**Sec. 4734.08.** ~~Every person who receives a license to practice~~ 1250  
~~chiropractic from the~~ The state chiropractic examining board 1251  
~~shall, before beginning the practice of his profession in this~~ 1252  
~~state, record the license or a certified copy thereof with the~~ 1253  
~~probate court of the county in which he expects to practice. Until~~ 1254  
~~such license is filed for record, the holder thereof shall~~ 1255  
~~exercise none of the rights or privileges conferred therein. The~~ 1256  
~~probate judge shall keep in a book provided for that purpose a~~ 1257  
~~complete list of all the licenses recorded by him with the date of~~ 1258  
~~the recording of such licenses. Each holder of a license shall pay~~ 1259  
~~to the probate court a fee of two dollars for making such record.~~ 1260  
~~The probate judge shall also note the revocation or suspension of~~ 1261  
~~a certificate by the chiropractic examining board, or the death or~~ 1262  
~~change of location of the holder of a certificate in the margin of~~ 1263  
~~a record. It shall be the duty of the chiropractic examining board~~ 1264  
~~and of each certificate holder to supply such information to the~~ 1265  
~~probate judge. If the holder of a certificate changes his place of~~ 1266  
~~residence, he shall have the certificate recorded by the probate~~ 1267  
~~judge of the county into which he removes~~ become a member of the 1268  
federation of chiropractic licensing boards. The board may 1269  
participate in any of the federation's activities, including 1270  
reporting board actions taken toward an applicant or license 1271  
holder to any data bank established by the federation. 1272

**Sec. 4734.09.** The board may enter into contracts with any 1274  
person or government entity to carry out the intent of this 1275

chapter and the rules adopted under it, any other applicable state 1276  
statutes or rules, and any applicable federal statutes or 1277  
regulations. 1278

**Sec. 4734.10.** In addition to rules that are required by this 1279  
chapter to be adopted, the state chiropractic board may adopt any 1280  
other rules necessary to govern the practice of chiropractic and 1281  
to administer and enforce this chapter. The rules shall be adopted 1282  
in accordance with Chapter 119. of the Revised Code. 1283

**Sec. ~~4734.17~~ 4734.14.** (A)(1) No person shall engage in the 1284  
practice of chiropractic without a certificate from the 1285  
chiropractic examining board, except a person to whom a current or 1286  
original certificate to practice chiropractic has been, valid 1287  
license issued by the state chiropractic examining board under 1288  
this chapter. No 1289

(2) Except as provided in division (B) of this section, no 1290  
person shall advertise or announce the person as claim to be a 1291  
chiropractor without, doctor of chiropractic, or chiropractic 1292  
physician, or use the initials "D.C." in connection with the 1293  
person's name, unless the person holds a certificate current, 1294  
valid license from the chiropractic examining board. Subject 1295

(3) Subject to section ~~4734.091~~ 4734.17 of the Revised Code, 1296  
no person who is not a licensee shall open or conduct an office or 1297  
other place for the practice of chiropractic without a certificate 1298  
license from the board. Subject 1299

(4) Subject to section ~~4734.091~~ 4734.17 of the Revised Code, 1300  
no person shall conduct an office in the name of some person who 1301  
has a certificate license to practice chiropractic. No 1302

(5) No person shall practice chiropractic after a certificate 1303  
has been revoked or, if a certificate has been suspended, during 1304

the time of the suspension In violation of the person's license 1305  
revocation, forfeiture, or suspension or in violation of any 1306  
restriction, limitation, or condition placed on the person's 1307  
license. 1308

(6) No person shall employ fraud or deception in applying for 1309  
or securing a license to practice chiropractic or in renewing a 1310  
license to practice chiropractic. 1311

(7) No person shall make, issue, or publish, or cause to be 1312  
made, issued, or published, for the purpose of sale, barter, or 1313  
gift, a license, certificate, diploma, degree, or other writing or 1314  
document falsely representing the holder or receiver thereof to be 1315  
licensed under this chapter or to be a graduate of a chiropractic 1316  
school, college, or other educational institution of chiropractic, 1317  
or sell or dispose of, or offer to sell or dispose of such 1318  
license, certificate, diploma, degree, or other writing or 1319  
document containing such false representation or use the person's 1320  
name, or permit it to be used, as a subscriber to such false and 1321  
fictitious license, certificate, diploma, degree, or other writing 1322  
or document or engage in the practice of chiropractic under and by 1323  
virtue of such fraudulent license, certificate, diploma, degree, 1324  
or other writing or document. 1325

(B) A person who has retired from the practice of 1326  
chiropractic in good standing and does not maintain a current, 1327  
valid license from the board may continue to claim to be a 1328  
chiropractor, doctor of chiropractic, or chiropractic physician, 1329  
or use the initials "D.C." in connection with the person's name, 1330  
if the person does not engage in the practice of chiropractic or 1331  
otherwise violate this chapter or the rules adopted under it. 1332

A person whose license has been classified as inactive 1333  
pursuant to section 4734.26 of the Revised Code may continue to 1334  
claim to be a chiropractor, doctor of chiropractic, or 1335  
chiropractic physician, or use the initials "D.C." in connection 1336

with the person's name, if the person does not engage in the 1337  
practice of chiropractic or otherwise violate this chapter or the 1338  
rules adopted under it. 1339

(C) In any proceeding for a violation of this section brought 1340  
against a person who is not licensed under this chapter but is a 1341  
graduate of a chiropractic college approved under section 4734.21 1342  
of the Revised Code, it shall be an affirmative defense that the 1343  
person is permitted to use the term "doctor" or the initials 1344  
"D.C." in connection with the person's name, but only to the 1345  
extent that the person does not indicate or act in a manner 1346  
implying that the person is licensed under this chapter or 1347  
otherwise violate this chapter or the rules adopted under it. 1348

(D) A certificate document that is signed by the secretary 1349  
president or executive director of the board and that has affixed 1350  
the official seal of the board to the effect that it appears from 1351  
the records of the board that a certificate license to practice 1352  
chiropractic in the this state has not been issued to a particular 1353  
person, or that a certificate license, if issued, has been revoked 1354  
or suspended, shall be received as prima-facie evidence of the 1355  
record of the board in any court or before any officer of the 1356  
state. 1357

**Sec. 4734.09 4734.15.** (A) The license provided for in this 1358  
chapter shall entitle the holder thereof to practice chiropractic 1359  
in this state. ~~For the purpose of this chapter "practice of~~ 1360  
~~chiropractic" or "practice as a chiropractor" means utilization of~~ 1361  
~~the relationship between the musculo skeletal structures of the~~ 1362  
~~body, the spinal column and the nervous system, in the restoration~~ 1363  
~~and maintenance of health, in connection with which patient care~~ 1364  
~~is conducted with due regard for first aid, hygienic, nutritional,~~ 1365  
~~and rehabilitative procedures and the specific vertebral~~ 1366  
~~adjustment and manipulation of the articulations and adjacent~~ 1367

~~tissues of the body. The~~ All of the following apply to the 1368  
practice of chiropractic in this state: 1369

(1) A chiropractor is authorized to examine, diagnose, and 1370  
assume responsibility for the care of patients. 1371

~~The, any or all of which is included in the practice of~~ 1372  
chiropractic. 1373

(2) The practice of chiropractic does not permit the 1374  
chiropractor to treat infectious, contagious, or venereal disease, 1375  
to perform surgery or acupuncture, or to prescribe or administer 1376  
drugs for treatment, ~~and.~~ 1377

(3) A chiropractor may use roentgen rays ~~shall be used~~ only 1378  
for diagnostic purposes. ~~The~~ 1379

(4) The practice of chiropractic does not include the 1380  
performance of abortions. 1381

(B) An individual holding a valid, current ~~certificate of~~ 1382  
~~registration~~ license to practice chiropractic is entitled to use 1383  
the title "doctor," ~~or~~ "doctor of chiropractic," "chiropractic 1384  
physician," or "chiropractor" and is a "physician" for the 1385  
purposes of Chapter 4123. of the Revised Code, ~~and the~~ medicaid 1386  
program ~~established under section 5111.01~~ operated pursuant to 1387  
Chapter 5111. of the Revised Code. 1388

**Sec. 4734.16.** The state chiropractic board may establish a 1389  
code of ethics that applies to chiropractors and their practice of 1390  
chiropractic in this state. The board may establish the code of 1391  
ethics by creating its own code of ethics or by adopting a code of 1392  
ethics created by a state or federal organization that represents 1393  
the interests of chiropractors. If a code of ethics is 1394  
established, the board shall maintain current copies of the code 1395  
of ethics for distribution on request. 1396

**Sec. ~~4734.23~~ 4734.161.** No chiropractor shall do either of the following: 1397  
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(A) Furnish a person with a prescription in order to enable 1399  
the person to be issued a removable windshield placard, temporary 1400  
removable windshield placard, or license plates under section 1401  
4503.44 of the Revised Code, knowing that the person does not meet 1402  
any of the criteria contained in division (A)(1) of that section; 1403

(B) Furnish a person with a prescription described in 1404  
division (A) of this section and knowingly misstate on the 1405  
prescription the length of time the chiropractor expects the 1406  
person to have the disability that limits or impairs the person's 1407  
ability to walk in order to enable the person to retain a placard 1408  
issued under section 4503.44 of the Revised Code for a period of 1409  
time longer than that which would be estimated by a similar 1410  
practitioner under the same or similar circumstances. 1411

**Sec. ~~4734.091~~ 4734.17.** (A) An individual whom the state 1412  
chiropractic ~~examining~~ board licenses, ~~certificates, or otherwise~~ 1413  
~~legally authorizes~~ to engage in the practice of chiropractic may 1414  
render the professional services of a chiropractor within this 1415  
state through a corporation formed under division (B) of section 1416  
1701.03 of the Revised Code, a limited liability company formed 1417  
under Chapter 1705. of the Revised Code, a partnership, or a 1418  
professional association formed under Chapter 1785. of the Revised 1419  
Code. This division does not preclude ~~an individual of that nature~~ 1420  
a chiropractor from rendering professional services as a 1421  
chiropractor through another form of business entity, including, 1422  
but not limited to, a nonprofit corporation or foundation, or in 1423  
another manner that is authorized by or in accordance with this 1424  
chapter, another chapter of the Revised Code, or rules of the 1425  
state chiropractic ~~examining~~ board adopted pursuant to this 1426

chapter. 1427

(B) A corporation, limited liability company, partnership, or 1428  
professional association described in division (A) of this section 1429  
may be formed for the purpose of providing a combination of the 1430  
professional services of the following individuals who are 1431  
licensed, certificated, or otherwise legally authorized to 1432  
practice their respective professions: 1433

(1) Optometrists who are authorized to practice optometry, 1434  
under Chapter 4725. of the Revised Code; 1435

(2) Chiropractors who are authorized to practice chiropractic 1436  
under this chapter; 1437

(3) Psychologists who are authorized to practice psychology 1438  
under Chapter 4732. of the Revised Code; 1439

(4) Registered or licensed practical nurses who are 1440  
authorized to practice nursing as registered nurses or as licensed 1441  
practical nurses under Chapter 4723. of the Revised Code; 1442

(5) Pharmacists who are authorized to practice pharmacy under 1443  
Chapter 4729. of the Revised Code; 1444

(6) Physical therapists who are authorized to practice 1445  
physical therapy under sections 4755.40 to 4755.53 of the Revised 1446  
Code; 1447

(7) Mechanotherapists who are authorized to practice 1448  
mechanotherapy under section 4731.151 of the Revised Code; 1449

(8) Doctors of medicine and surgery, osteopathic medicine and 1450  
surgery, or podiatric medicine and surgery who are authorized for 1451  
their respective practices under Chapter 4731. of the Revised 1452  
Code. 1453

This division shall apply notwithstanding a provision of a 1454  
any code of ethics ~~described in division (A)(9) of established or~~ 1455

adopted under section ~~4734.10~~ 4734.16 of the Revised Code that 1456  
prohibits an individual from engaging in the practice of 1457  
chiropractic in combination with ~~a person~~ an individual who is 1458  
licensed, certificated, or otherwise authorized for the practice 1459  
of optometry, psychology, nursing, pharmacy, physical therapy, 1460  
mechanotherapy, medicine and surgery, osteopathic medicine and 1461  
surgery, or podiatric medicine and surgery, but who is not also 1462  
~~licensed, certificated, or otherwise legally authorized~~ under this 1463  
chapter to engage in the practice of chiropractic. 1464

**Sec. 4734.19.** A chiropractor shall retain at the 1465  
chiropractor's primary practice location a current copy of the 1466  
statutes and rules governing the practice of chiropractic in this 1467  
state. 1468

**Sec. ~~4734.05~~ 4734.20.** ~~Each~~ (A) Except for persons seeking to 1469  
practice chiropractic under a special limited license issued 1470  
pursuant to section 4734.27 of the Revised Code, each person 1471  
wishing seeking to practice chiropractic ~~and be approved for~~ 1472  
~~examination for licensure in the~~ this state shall ~~make written~~ 1473  
~~application~~ apply in writing to the state chiropractic board for a 1474  
license to practice chiropractic. The application shall be made 1475  
under oath, on a form prescribed by the board, ~~to the chiropractic~~ 1476  
~~examining board, such application to and shall~~ be accompanied by a 1477  
fee of two hundred fifty dollars. ~~The board shall issue licenses~~ 1478  
~~semiannually upon~~ 1479

(B) Except as provided in sections 4734.23 and 4734.24 of the 1480  
Revised Code, to receive a chiropractic license, an applicant must 1481  
meet the following conditions: 1482

~~(A)(1)~~ (1) The applicant ~~shows to the satisfaction of the board~~ 1483  
~~that he is~~ must be at least twenty-one years of age, ~~is~~ be of good 1484  
moral character, and ~~possesses~~ possess a high school education or 1485

its equivalent;	1486
<del>(B) The</del>	1487
<u>(2) The applicant must have successfully completed, prior to matriculation at a school or college of chiropractic, at least two years of college credit in the arts and sciences at a college or university accredited by a state or regional accrediting organization recognized by the board, except that the board may adopt rules in accordance with Chapter 119. of the Revised Code that require completion of additional years of college credit or receipt of a college degree in an area specified in the rules.</u>	1488 1489 1490 1491 1492 1493 1494 1495
<u>(3) The applicant <del>is</del> must be a graduate of an <del>approved and</del> hold the degree of doctor of chiropractic from a school or college of chiropractic approved by the board, <del>requiring for graduation a course of study of not less than four thousand class hours of forty five minutes per class hour;</del></u>	1496 1497 1498 1499 1500
<del>(C) The applicant passes a written examination before the board and to its satisfaction in the following subjects with an average passing grade of not less than seventy five per cent:</del>	1501 1502 1503
<del>(1) Principles and practice of chiropractic;</del>	1504
<del>(2) Anatomy;</del>	1505
<del>(3) Physiology;</del>	1506
<del>(4) Chemistry;</del>	1507
<del>(5) Pathology;</del>	1508
<del>(6) Bacteriology;</del>	1509
<del>(7) Diagnosis;</del>	1510
<del>(8) Hygiene;</del>	1511
<del>(9) Such additional subjects as the board considers appropriate.</del>	1512 1513
<del>Examinations shall be conducted in the city of Columbus in</del>	1514

~~February and August of each year to determine the professional  
qualifications of applicants for registration as chiropractors  
under section 4734.21 of the Revised Code.~~ 1515  
1516  
1517

(4) The applicant must have received one of the following 1518  
from the national board of chiropractic examiners, as appropriate 1519  
according to the date of the applicant's graduation from a school 1520  
or college of chiropractic: 1521

(a) If the applicant graduated on or after January 1, 1970, 1522  
but before January 1, 1989, a "diplomate certificate" or 1523  
"certificate of attainment" evidencing passage of parts I and II 1524  
and the physiotherapy section of the national board's 1525  
examinations; 1526

(b) If the applicant graduated on or after January 1, 1989, 1527  
but before January 1, 2000, a "certificate of attainment" 1528  
evidencing passage of parts I, II, and III and the physiotherapy 1529  
section of the national board's examinations; 1530

(c) If the applicant graduated on or after January 1, 2000, a 1531  
"certificate of attainment" evidencing passage of parts I, II, 1532  
III, and IV and the physiotherapy section of the national board's 1533  
examinations. 1534

(5) The applicant must have passed the board's jurisprudence 1535  
examination conducted under section 4734.22 of the Revised Code. 1536

(C) The board shall issue a license to practice chiropractic 1537  
to each applicant who files a complete application, pays all 1538  
applicable fees, and meets the conditions specified in division 1539  
(B) of this section. The burden of proof is on the applicant, to 1540  
prove by clear and convincing evidence to the board, that the 1541  
applicant meets the conditions for receipt of the license. 1542

The board may conduct any investigation it considers 1543  
appropriate to verify an applicant's credentials, moral character, 1544

and fitness to receive a license. In conducting an investigation, 1545  
the board may request information from the records maintained by 1546  
the federal bureau of investigation, the bureau of criminal 1547  
identification and investigation, and any other repositories of 1548  
criminal records held in this or another state. The board may 1549  
charge the applicant a fee for conducting the investigation. The 1550  
amount of the fee shall not exceed the expenses the board incurs 1551  
in conducting the investigation and may include any fees that must 1552  
be paid to obtain information in the criminal record. 1553

**Sec. 4734.201.** As used in division (B) of section 4734.20 of 1554  
the Revised Code, "physiotherapy" is a reference to a particular 1555  
section of the examination offered by the national board of 1556  
chiropractic examiners and does not mean "physiotherapy" as that 1557  
term is used in relation to the practice of physical therapy 1558  
pursuant to sections 4755.40 to 4755.56 of the Revised Code. 1559

**Sec. 4734.21.** The state chiropractic board shall evaluate 1560  
schools and colleges of chiropractic and approve those 1561  
institutions that it determines are capable of adequately training 1562  
individuals for the practice of chiropractic in this state, except 1563  
that in appropriate cases, the board may accept the approval of an 1564  
institution that has been made pursuant to an evaluation conducted 1565  
by the council on chiropractic education or another entity 1566  
acceptable to the board. 1567

When determining if a school or college of chiropractic 1568  
should receive the Board's approval or continue to be approved, 1569  
the board may make on-site inspections, reviews, and inquiries as 1570  
it considers necessary. The board may charge a school or college 1571  
of chiropractic a fee to cover the reasonable costs incurred by 1572  
the board in conducting any inspection, review, or inquiry related 1573  
to the approval of the school or college. 1574

The board shall maintain a list of schools and colleges of 1575  
chiropractic approved under this section. On request, the board 1576  
shall provide a copy of the list to the person making the request. 1577

**Sec. 4734.22.** The state chiropractic board or its 1578  
representative shall administer an examination on jurisprudence, 1579  
as it relates to the practice of chiropractic, for individuals who 1580  
apply to be licensed under this chapter. The examination shall 1581  
cover the provisions of the statutes and rules governing the 1582  
practice of chiropractic in this state and other legal topics 1583  
considered appropriate by the board. The examination shall be 1584  
offered at times and places selected by the board and shall be 1585  
administered in the manner specified by the board. The board shall 1586  
determine the score that constitutes evidence of passing the 1587  
examination. 1588

**Sec. ~~4734.06~~ 4734.23.** ~~Any applicant who was not enrolled and~~ 1589  
~~in attendance at a school or college of chiropractic approved by~~ 1590  
~~the chiropractic examining board on November 3, 1975, shall, in~~ 1591  
~~addition to the requirements of section 4734.05 of the Revised~~ 1592  
~~Code, be required to furnish evidence to the board of~~ 1593  
~~satisfactorily completing two or more years of college~~ 1594  
~~accreditation in the arts and sciences in a college accredited by~~ 1595  
~~a state or regional association board or commission responsible~~ 1596  
~~for the accreditation and approval of secondary schools and~~ 1597  
~~colleges.~~ 1598

The (A) A person licensed by another state or country in the 1599  
practice of chiropractic may apply under this section for a 1600  
license to practice chiropractic in this state in lieu of applying 1601  
under section 4734.20 of the Revised Code. The fee for applying 1602  
under this section shall be five hundred dollars. 1603

(B) The state chiropractic board may, without the examination 1604

~~required for good cause, waive all or part of the educational and testing requirements specified under section 4734.05 4734.20 of the Revised Code, and issue a license to an applicant under this section, if he the applicant presents satisfactory proof of the possession of a license or certificate of registration which has been issued to the applicant within being licensed to practice chiropractic in another state, or within any foreign country, or if issued a certificate by the national board of chiropractic examiners, where the requirements for receipt of the registration or certification of the applicant at license, on the date of his the license was issued, are considered by the chiropractic examining board to be substantially equivalent to those of this chapter. The fee for each such license shall be two hundred fifty dollars applicant must meet the same age and moral character requirements that must be met under section 4734.20 of the Revised Code. If the board does not waive all of the educational and testing requirements, the board may require that the applicant complete and receive a score specified by the board on one or more tests administered by the board or by the national board of chiropractic examiners or another testing entity.~~

**Sec. 4734.19 4734.24.** Any person who ~~is~~ was actively engaged in the practice of chiropractic in this state on ~~the effective date of this section~~ November 3, 1975, who, on that date, ~~holds~~ held a valid, current certificate issued by the state medical board under the former provisions of Chapter 4731. of the Revised Code authorizing ~~him~~ the person to practice chiropractic, is deemed to possess the requisite educational and professional qualifications to practice chiropractic in this state.

**Sec. 4734.07 4734.25.** Every person who ~~receives a~~ A license to practice chiropractic from the state chiropractic ~~examining~~

~~board shall thereafter apply to the board for renewal expires~~ 1636  
~~annually on the first day of January and may be renewed. The~~ 1637  
~~renewal process shall be conducted in accordance with section~~ 1638  
~~4745.02 the standard renewal procedures of Chapter 4745. of the~~ 1639  
~~Revised Code, except that the board's executive director shall~~ 1640  
~~notify each license holder of the license renewal requirements of~~ 1641  
~~this section not later than sixty days prior to the license's~~ 1642  
~~expiration date. When an application for renewal is submitted, the~~ 1643  
~~applicant shall provide the information necessary to process the~~ 1644  
~~application and pay a renewal fee of two hundred fifty dollars on~~ 1645  
~~or before the first day of January of each succeeding year Before~~ 1646  
1647

~~Before a renewal of license is issued by the board, each the~~ 1648  
~~licensee shall furnish the board with satisfactory evidence that~~ 1649  
~~the licensee has attended completed during the current licensing~~ 1650  
~~period not less than one two day educational program conducted in~~ 1651  
~~Ohio by the Ohio state chiropractic association or the equivalent~~ 1652  
~~of such educational program held in the state as approved by the~~ 1653  
~~board the number of hours of continuing education that the board~~ 1654  
~~requires in rules adopted under this section. For an activity to~~ 1655  
~~be applied toward the continuing education requirement, the~~ 1656  
~~activity must meet the board's approval as a continuing education~~ 1657  
~~activity, as specified in rules adopted under this section. Any~~ 1658  
~~exception from the continuing education requirement for attendance~~ 1659  
~~at such educational programs may must be approved by the board.~~ 1660  
~~The secretary of the board shall, at least sixty days prior to the~~ 1661  
~~first day of January of each year, notify each licensee, at the~~ 1662  
~~licensee's last known address, of the provisions of this section.~~ 1663  
Failure 1664

~~Failure~~ of a licensee to comply with this section, ~~and~~ 1665  
~~including~~ failure to pay the renewal fee on or before the first 1666  
day of January of each ~~succeeding~~ year, shall operate as a ~~a~~ an 1667

automatic forfeiture of the right of the licensee to practice the 1668  
licensee's profession chiropractic in this state. The licensee A 1669  
forfeited license may be reinstated by the board upon payment of 1670  
all fees due and a penalty fee of one hundred fifty dollars for 1671  
reinstatement, in addition to satisfying the board of ~~compliance~~ 1672  
having complied with the ~~educational~~ continuing education 1673  
requirements under of this section. If an individual's license has 1674  
been forfeited for two or more years, the board may also require 1675  
as a condition of reinstatement that the individual complete 1676  
training or testing as specified by the board. 1677

The board shall adopt any rules it considers necessary to 1678  
implement this section, including standards for approval of 1679  
continuing education in the practice of chiropractic. All rules 1680  
adopted under this section shall be adopted in accordance with 1681  
Chapter 119. of the Revised Code. 1682

**Sec. 4734.26.** (A) An individual licensed under this chapter 1683  
who intends not to practice in this state for an extended period 1684  
may send to the state chiropractic board written notice to that 1685  
effect on or before the license renewal date. If the individual's 1686  
license is in good standing and the individual is not under 1687  
disciplinary review pursuant to section 4734.31 of the Revised 1688  
Code, the board shall classify the license as inactive. During the 1689  
period that the license is classified as inactive, the individual 1690  
may not engage in the practice of chiropractic in this state or 1691  
make any representation to the public indicating that the person 1692  
is actively licensed under this chapter. An individual whose 1693  
license is classified as inactive is not required to pay the 1694  
license renewal fee for the license. 1695

(B) The holder of an inactive license may apply to the board 1696  
to have the license restored. The board shall consider the length 1697  
of inactivity and, in accordance with the standards for issuance 1698

of a license established under section 4734.20 of the Revised Code, the moral character and the activities of the applicant during the inactive license period. The board may impose terms and conditions on restoration of the license by doing any of the following: 1699  
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(1) Requiring the applicant to obtain training, which may include requiring the applicant to pass an examination upon completion of the training; 1704  
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(2) Requiring the applicant to pass an oral or written examination, or both, to determine fitness to resume practice; 1707  
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(3) Restricting or limiting the extent, scope, or type of practice of the applicant. 1709  
1710

**Sec. 4734.27.** (A) To the extent it is in the public interest, the state chiropractic board may issue, without examination, a special limited license to practice chiropractic as follows: 1711  
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(1) To a person who is seeking to participate in an internship, residency, preceptorship, or clinical fellowship in this state in preparation for the practice of chiropractic; 1714  
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(2) To a person who plans to provide chiropractic services in connection with a special activity, program, or event conducted in this state, if the person holds a current, valid, and unrestricted license to practice chiropractic in another state or country; 1718  
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(3) To a person who previously held an unrestricted license to practice chiropractic in this state who plans to offer gratuitous chiropractic services as a voluntary public service; 1723  
1724  
1725

(4) To any other person for any other reason specified as good cause by the board in rules adopted under this section. 1726  
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(B) An applicant for a special limited license shall submit 1728

to the board a complete application on a form prescribed by the 1729  
board, pay an application fee of seventy-five dollars, and furnish 1730  
proof satisfactory to the board of being at least twenty-one years 1731  
of age, of good moral character, and of either holding the degree 1732  
of doctor of chiropractic or being enrolled in a program leading 1733  
to the degree. The institution from which the applicant received 1734  
the degree or in which the applicant is enrolled must be a school 1735  
or college that is approved by the board under section 4734.21 of 1736  
the Revised Code. 1737

(C) The provisions of this chapter that apply to applicants 1738  
for and holders of licenses to practice chiropractic shall apply 1739  
to applicants for and holders of special limited licenses to the 1740  
extent the board considers appropriate, including the board's 1741  
authority to conduct any investigation it considers appropriate to 1742  
verify an applicant's credentials, moral character, and fitness to 1743  
receive a license and the board's authority to take actions under 1744  
section 4734.31 of the Revised Code. 1745

(D) The board shall adopt any rules it considers necessary to 1746  
implement this section. All rules adopted under this section shall 1747  
be adopted in accordance with Chapter 119. of the Revised Code. 1748  
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**Sec. ~~4734.10~~ 4734.31.** (A) The state chiropractic examining 1750  
board may ~~refuse, revoke, or suspend~~ take any of the actions 1751  
specified in division (B) of this section against an individual 1752  
who has applied for or holds a license to practice chiropractic in 1753  
this state if any of the reasons specified in division (C) of this 1754  
section for taking action against an individual are applicable. 1755  
Except as provided in division (D) of this section, actions taken 1756  
against an individual shall be taken in accordance with Chapter 1757  
119. of the Revised Code. The board may specify that any action it 1758  
takes is a permanent action. The board's authority to take action 1759

against an individual is not removed or limited by the 1760  
individual's failure to renew a license. 1761

(B) In its imposition of sanctions against an individual, the 1762  
board may do any of the following: 1763

(1) Refuse to issue, renew, restore, or reinstate a license 1764  
to practice chiropractic; 1765

(2) Reprimand or censure a license holder; 1766

(3) Place limits, restrictions, or probationary conditions on 1767  
a license holder's practice; 1768

(4) Impose a civil fine of not more than five thousand 1769  
dollars according to a schedule of fines specified in rules that 1770  
the board shall adopt in accordance with Chapter 119. of the 1771  
Revised Code; 1772

(5) Suspend a license for a limited or indefinite period, ~~the~~ 1773  
~~license of an applicant for licensure to practice chiropractic or~~ 1774  
~~of a licensed chiropractor;~~ 1775

(6) Revoke a license. 1776

(C) The board may take the actions specified in division (B) 1777  
of this section for any of the following ~~causes~~ reasons: 1778

(1) ~~Conviction of~~ A plea of guilty to, a judicial finding of 1779  
guilt of, or a judicial finding of eligibility for intervention in 1780  
lieu of conviction for, a felony ~~or of a misdemeanor involving~~ 1781  
moral turpitude in any jurisdiction, in either of which ~~cases~~ case 1782  
a certified copy of the court record shall be conclusive evidence, 1783  
upon receipt of which the board shall ~~revoke or suspend the~~ 1784  
license of a chiropractor so convicted of the conviction; 1785

(2) ~~Any~~ Commission of an act that constitutes a felony in 1786  
this state, regardless of the jurisdiction in which the act was 1787  
committed; 1788

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter; 1789  
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(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1794  
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(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter; 1797  
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(6) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 1802  
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(7) A violation or attempted violation of this chapter or the rules adopted under it governing the practice of chiropractic; 1805  
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(8) Failure to cooperate in an investigation conducted by the board, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if the board or a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 1807  
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(9) Engaging in an ongoing professional relationship with a person or entity that violates any provision of this chapter or the rules adopted under it, unless the chiropractor makes a good faith effort to have the person or entity comply with the 1816  
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<u>provisions;</u>	1820
(10) <u>Retaliating against a chiropractor for the</u>	1821
<u>chiropractor's reporting to the board or any other agency with</u>	1822
<u>jurisdiction any violation of the law or for cooperating with the</u>	1823
<u>board of another agency in the investigation of any violation of</u>	1824
<u>the law;</u>	1825
(11) <u>Aiding, abetting, assisting, counseling, or conspiring</u>	1826
<u>with any person in that person's violation of any provision of</u>	1827
<u>this chapter or the rules adopted under it, including the practice</u>	1828
<u>of chiropractic without a license, or aiding, abetting, assisting,</u>	1829
<u>counseling, or conspiring with any person in that person's</u>	1830
<u>unlicensed practice of any other health care profession that has</u>	1831
<u>licensing requirements;</u>	1832
(12) <u>With respect to a report or record that is made, filed,</u>	1833
<u>or signed in connection with the practice of chiropractic,</u>	1834
<u>knowingly making or filing a report or record that is false,</u>	1835
<u>intentionally or negligently failing to file a report or record</u>	1836
<u>required by federal, state, or local law or willfully impeding or</u>	1837
<u>obstructing the required filing, or inducing another person to</u>	1838
<u>engage in any such acts;</u>	1839
<del>(3) Fraud or deceit in procuring admission to practice;</del>	1840
<del>(4)</del> (13) <u>Making a false, fraudulent, or deceitful statement to</u>	1841
<u>the board or any agent of the board during any investigation or</u>	1842
<u>other official proceeding conducted by the board under this</u>	1843
<u>chapter or in any filing that must be submitted to the board;</u>	1844
(14) <u>Attempting to secure a license or to corrupt the outcome</u>	1845
<u>of an official board proceeding through bribery or any other</u>	1846
<u>improper means;</u>	1847
(15) <u>Willfully obstructing or hindering the board or any</u>	1848
<u>agent of the board in the discharge of the board's duties;</u>	1849

~~(16) Habitually using drugs or intoxicants to the extent of rendering the applicant or chiropractor that the person is rendered unfit for the practice of chiropractic or for gross immorality;~~

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

~~(6) Being guilty;~~

(17) Inability to practice chiropractic according to acceptable and prevailing standards of care by reason of chemical dependency, mental illness, or physical illness, including conditions in which physical deterioration has adversely affected the person's cognitive, motor, or perceptive skills and conditions in which a chiropractor's continued practice may pose a danger to the chiropractor or the public;

(18) Any act constituting gross immorality relative to the person's practice of chiropractic, including acts involving sexual abuse, sexual misconduct, or sexual exploitation;

(19) Exploiting a patient for personal or financial gain;

(20) Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient;

(21) Except as otherwise required by the board or by law, disclosing patient information gained during the chiropractor's professional relationship with a patient without obtaining the patient's authorization for the disclosure;

(22) Commission of willful and or gross malpractice, or

willful or gross neglect, in the practice of chiropractic;	1880
<u>(23) Failing to perform or negligently performing an act</u>	1881
<u>recognized by the board as a general duty or the exercise of due</u>	1882
<u>care in the practice of chiropractic, regardless of whether injury</u>	1883
<u>results to a patient from the failure to perform or negligent</u>	1884
<u>performance of the act;</u>	1885
<u>(24) Engaging in any conduct or practice that impairs or may</u>	1886
<u>impair the ability to practice chiropractic safely and skillfully;</u>	1887
<u>(25) Practicing, or claiming to be capable of practicing,</u>	1888
<u>beyond the scope of the practice of chiropractic as established</u>	1889
<u>under this chapter and the rules adopted under this chapter;</u>	1890
<u>(26) Accepting and performing professional responsibilities</u>	1891
<u>as a chiropractor when not qualified to perform those</u>	1892
<u>responsibilities, if the person knew or had reason to know that</u>	1893
<u>the person was not qualified to perform them;</u>	1894
<u>(27) Delegating any of the professional responsibilities of a</u>	1895
<u>chiropractor to an employee or other individual when the</u>	1896
<u>delegating chiropractor knows or had reason to know that the</u>	1897
<u>employee or other individual is not qualified by training,</u>	1898
<u>experience, or professional licensure to perform the</u>	1899
<u>responsibilities;</u>	1900
<u>(28) Delegating any of the professional responsibilities of a</u>	1901
<u>chiropractor to an employee or other individual in a negligent</u>	1902
<u>manner or failing to provide proper supervision of the employee or</u>	1903
<u>other individual to whom the responsibilities are delegated;</u>	1904
<u>(29) Failing to refer a patient to another health care</u>	1905
<u>practitioner for consultation or treatment when the chiropractor</u>	1906
<u>knows or has reason to know that the referral is in the best</u>	1907
<u>interest of the patient;</u>	1908
<u>(30) Obtaining or attempting to obtain any fee or other</u>	1909

<u>advantage</u> by fraud or misrepresentation;	1910
<del>(8)</del> (31) <u>Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic;</u>	1911 1912
(32) Being guilty of false, fraudulent, <u>deceptive</u> , or misleading advertising or <del>advertising the prices for which chiropractic services are available;</del> <u>other solicitations for patients</u> or <u>knowingly</u> having professional connection with any individual, firm, or corporation <u>person</u> that advertises <del>contrary to division (A)(8) of this section;</del>	1913 1914 1915 1916 1917 1918
<del>(9)</del> <u>Subject to section 4734.091 of the Revised Code, the violation or solicits for patients in such a manner;</u>	1919 1920
(33) <u>Violation of any a provision of the any code of ethics of the American chiropractic association or of another national professional organization as determined established or adopted by rule of the board. The board shall obtain and keep on file current copies of the codes of ethics of the national organizations. A chiropractor whose certificate is being suspended or revoked shall not be found to have violated a code of ethics of an organization not appropriate to the chiropractor's profession.</u>	1921 1922 1923 1924 1925 1926 1927 1928 1929
<del>(10)</del> <u>Failure of under section 4734.16 of the Revised Code;</u>	1930
(34) <u>Failing to meet the licensing examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;</u>	1931 1932 1933
<del>(11)</del> (35) <u>Actions taken for any reason, other than nonpayment of fees, by the chiropractic licensing authority of another state or country;</u>	1934 1935 1936
(36) <u>Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services are provided;</u>	1937 1938 1939

(37) <u>Except as provided in division (G) of this section:</u>	1940
(a) <u>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, 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 <del>provider</del> <u>chiropractor</u>;</u>	1941 1942 1943 1944 1945 1946
<del>(12)</del> (b) <u>Advertising that 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, otherwise would be required to pay.</u>	1947 1948 1949 1950 1951
<del>(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.</del>	1952 1953 1954 1955 1956
<del>(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions</del>	1957 1958
<u>(D) The adjudication requirements of Chapter 119. of the Revised Code apply to the board when taking actions against an individual under this section, except as follows:</u>	1959 1960 1961
(1) <u>An applicant is not entitled to an adjudication for failing to meet the conditions specified under section 4734.20 of the Revised Code for receipt of a license that involve the board's examination on jurisprudence or the examinations of the national board of chiropractic examiners.</u>	1962 1963 1964 1965 1966
(2) <u>A person is not entitled to an adjudication if the person fails to make a timely request for a hearing, in accordance with Chapter 119. of the Revised Code.</u>	1967 1968 1969

(3) In lieu of an adjudication, the board may accept the 1970  
surrender of a license from a chiropractor. 1971

(4) In lieu of an adjudication, the board may enter into a 1972  
consent agreement with an individual to resolve an allegation of a 1973  
violation of this chapter or any rule adopted under it. A consent 1974  
agreement, when ratified by the board, shall constitute the 1975  
findings and order of the board with respect to the matter 1976  
addressed in the agreement. If the board refuses to ratify a 1977  
consent agreement, the admissions and findings contained in the 1978  
consent agreement shall be of no force or effect. 1979

(E) This section does not require the board to hire, contract 1980  
with, or retain the services of an expert witness when the board 1981  
takes action against a chiropractor concerning compliance with 1982  
acceptable and prevailing standards of care. As part of an action 1983  
taken concerning compliance with acceptable and prevailing 1984  
standards of care, the board may rely on the knowledge of its 1985  
members for purposes of making a determination of compliance, 1986  
notwithstanding any expert testimony presented by the chiropractor 1987  
that contradicts the knowledge and opinions of the members of the 1988  
board. 1989

(F) The sealing of conviction records by a court shall have 1990  
no effect on a prior board order entered under this section or on 1991  
the board's jurisdiction to take action under this section if, 1992  
based on a plea of guilty, a judicial finding of guilt, or a 1993  
judicial finding of eligibility for intervention in lieu of 1994  
conviction, the board issued a notice of opportunity for a hearing 1995  
prior to the court's order to seal the records. The board shall 1996  
not be required to seal, destroy, redact, or otherwise modify its 1997  
records to reflect the court's sealing of conviction records. 1998

(G) Actions shall not be imposed taken pursuant to division 1999  
(C)(37) of this section against any licensee chiropractor who 2000

waives deductibles and copayments as follows: 2001

(1) In compliance with the health benefit plan that expressly 2002  
allows a practice of that nature. Waiver of the deductibles or 2003  
~~copays~~ copayments shall be made only with the full knowledge and 2004  
consent of the plan purchaser, payer, and third-party 2005  
administrator. Documentation of the consent shall be made 2006  
available to the board upon request. 2007

(2) For professional services rendered to any other person 2008  
licensed pursuant to this chapter, to the extent allowed by this 2009  
chapter and the rules of the board. 2010

**Sec. ~~4734.22~~ 4734.311.** On receipt of a notice pursuant to 2011  
section 2301.373 of the Revised Code, the state chiropractic 2012  
~~examining~~ board shall comply with that section with respect to a 2013  
license issued pursuant to this chapter. 2014

**Sec. 4734.32.** (A)(1) Except as provided in division (A)(2) of 2015  
this section, if formal disciplinary action is taken against a 2016  
chiropractor by any health care facility, including a clinic, 2017  
hospital, or similar facility, the chief administrator or 2018  
executive officer of the facility shall file a report with the 2019  
state chiropractic board not later than sixty days after the 2020  
disciplinary action is imposed. The report shall include the name 2021  
of the individual, the action taken by the facility, and a summary 2022  
of the underlying facts leading to the action taken. On request, 2023  
the board shall be provided certified copies of the patient 2024  
records that were the basis for the facility's action. Prior to 2025  
release to the board, the summary shall be approved by the peer 2026  
review committee that reviewed the case or by the governing board 2027  
of the facility. 2028

The filing of a report with the board, a decision not to file 2029  
a report with the board, an investigation by the board, or any 2030

disciplinary action taken by the board, does not preclude a health care facility from taking disciplinary action against a chiropractor. 2031  
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In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records. 2034  
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(2) Disciplinary action taken against a chiropractor by a chiropractic clinic need not be reported to the board in either of the following circumstances: 2037  
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(a) The clinic takes the disciplinary action for reasons that do not involve clinical or patient care issues. 2040  
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(b) The clinic employs fewer than five chiropractors and the disciplinary action taken does not rise above the level of a written reprimand. 2042  
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(B) A chiropractor or professional association or society of chiropractors that believes a violation of any provision of this chapter or rule of the board has occurred shall report to the board the information upon which the belief is based. This division does not require any treatment provider approved by the board under section 4734.40 of the Revised Code or any employee, agent, or representative of such a provider to make reports with respect to a chiropractor participating in treatment or aftercare for substance abuse as long as the chiropractor maintains participation in accordance with the requirements of section 4734.40 of the Revised Code and the treatment provider or employee, agent, or representative of the provider has no reason to believe that the chiropractor has violated any provision of this chapter or rule adopted under it, other than being impaired by alcohol, drugs, or other substances. This division does not require reporting by any member of an impaired practitioner committee established by a health care facility or by any 2045  
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representative or agent of a committee or program sponsored by a 2062  
professional association or society of chiropractors to provide 2063  
peer assistance to chiropractors with substance abuse problems 2064  
with respect to a chiropractor who has been referred for 2065  
examination to a treatment program approved by the board under 2066  
section 4734.40 of the Revised Code if the chiropractor cooperates 2067  
with the referral for examination and with any determination that 2068  
the chiropractor should enter treatment and as long as the 2069  
committee member, representative, or agent has no reason to 2070  
believe that the chiropractor has ceased to participate in the 2071  
treatment program in accordance with section 4734.40 of the 2072  
Revised Code or has violated any provision of this chapter or rule 2073  
adopted under it, other than being impaired by alcohol, drugs, or 2074  
other substances. 2075

(C) Any professional association or society composed 2076  
primarily of chiropractors that suspends or revokes an 2077  
individual's membership for violations of professional ethics, or 2078  
for reasons of professional incompetence or professional 2079  
malpractice, within sixty days after a final decision, shall 2080  
report to the board, on forms prescribed and provided by the 2081  
board, the name of the individual, the action taken by the 2082  
professional organization, and a summary of the underlying facts 2083  
leading to the action taken. 2084

The filing of a report with the board, a decision not to file 2085  
a report with the board, an investigation by the board, or any 2086  
disciplinary action taken by the board, shall not preclude a 2087  
professional organization from taking disciplinary action against 2088  
a chiropractor. 2089

(D) Any insurer providing professional liability insurance to 2090  
any person holding a valid license as a chiropractor or any other 2091  
entity that seeks to indemnify the professional liability of a 2092  
chiropractor shall notify the board within thirty days after the 2093

final disposition of any written claim for damages where such 2094  
disposition results in a payment exceeding ten thousand dollars. 2095  
The notice shall contain the following information: 2096

(1) The name and address of the person submitting the 2097  
notification; 2098

(2) The name and address of the insured who is the subject of 2099  
the claim; 2100

(3) The name of the person filing the written claim; 2101

(4) The date of final disposition; 2102

(5) If applicable, the identity of the court in which the 2103  
final disposition of the claim took place. 2104

(E) The board may investigate possible violations of this 2105  
chapter or the rules adopted under it that are brought to its 2106  
attention as a result of the reporting requirements of this 2107  
section, except that the board shall conduct an investigation if a 2108  
possible violation involves repeated malpractice. As used in this 2109  
division, "repeated malpractice" means three or more claims for 2110  
malpractice within the previous five-year period, each resulting 2111  
in a judgment or settlement in excess of ten thousand dollars in 2112  
favor of the claimant, and each involving tortious conduct by the 2113  
chiropractor. 2114

(F) All summaries, reports, and records received and 2115  
maintained by the board pursuant to this section shall be held in 2116  
confidence and shall not be subject to discovery or introduction 2117  
in evidence in any federal or state civil action involving a 2118  
chiropractor or health care facility arising out of matters that 2119  
are the subject of the reporting required by this section. The 2120  
board may use the information obtained only as the basis for an 2121  
investigation, as evidence in a disciplinary hearing against a 2122  
chiropractor, or in any subsequent trial or appeal of a board 2123  
action or order. 2124

The board may disclose the summaries and reports it receives 2125  
under this section only to health care facility committees within 2126  
or outside this state that are involved in credentialing or 2127  
recredentialing a chiropractor or reviewing the chiropractor's 2128  
privilege to practice within a particular facility. The board 2129  
shall indicate whether or not the information has been verified. 2130  
Information transmitted by the board shall be subject to the same 2131  
confidentiality provisions as when maintained by the board. 2132

(G) Except for reports filed by an individual pursuant to 2133  
division (B) of this section, the board shall send a copy of any 2134  
reports or summaries it receives pursuant to this section to the 2135  
chiropractor. The chiropractor shall have the right to file a 2136  
statement with the board concerning the correctness or relevance 2137  
of the information. The statement shall at all times accompany 2138  
that part of the record in contention. 2139

(H) An individual or entity that reports to the board or 2140  
refers an impaired chiropractor to a treatment provider approved 2141  
by the board under section 4734.40 of the Revised Code shall not 2142  
be subject to suit for civil damages as a result of the report, 2143  
referral, or provision of the information. 2144

(I) In the absence of fraud or bad faith, a professional 2145  
association or society of chiropractors that sponsors a committee 2146  
or program to provide peer assistance to a chiropractor with 2147  
substance abuse problems, a representative or agent of such a 2148  
committee or program, and a member of the state chiropractic board 2149  
shall not be held liable in damages to any person by reason of 2150  
actions taken to refer a chiropractor to a treatment provider 2151  
approved under section 4734.40 of the Revised Code for examination 2152  
or treatment. 2153

~~Sec. 4734.12~~ 4734.34. Before restoring An individual subject 2154  
to an action taken under section 4734.31 of the Revised Code, 2155

~~other than permanent revocation of a license, may apply to the~~ 2156  
~~state chiropractic board to have the individual's license restored~~ 2157  
~~to a good standing a certificate issued under Chapter 4734. of the~~ 2158  
~~Revised Code which has been suspended for any cause for more than~~ 2159  
~~two years, the chiropractic examining. The board shall consider~~ 2160  
~~the moral character and the activities of the applicant since the~~ 2161  
~~board's action was taken, in accordance with the standards for~~ 2162  
~~issuance of a license established under section 4734.20 of the~~ 2163  
~~Revised Code. The board may require the applicant to pass an oral~~ 2164  
~~and written examination, but under no circumstances shall an~~ 2165  
~~applicant take only an oral exam, to determine his present fitness~~ 2166  
~~to resume practice.~~ 2167

~~The authority of the board to impose terms and conditions~~ 2168  
~~includes on restoration of the license by doing any of the~~ 2169  
following: 2170

(A) Requiring the applicant to obtain training ~~and, which may~~ 2171  
~~include requiring the applicant~~ to pass an examination upon 2172  
completion of ~~such the~~ training; 2173

(B) ~~Requiring the applicant to pass an oral or written~~ 2174  
~~examination, or both, to determine fitness to resume practice;~~ 2175

(C) Restricting or limiting the extent, scope, or type of 2176  
practice of the applicant. 2177

~~The board shall consider the moral character and the~~ 2178  
~~activities of the applicant during the period of suspension or~~ 2179  
~~inactivity, in accordance with this chapter.~~ 2180

**Sec. 4734.35.** (A) ~~As used in this section, "prosecutor" has~~ 2181  
~~the same meaning as in section 2935.01 of the Revised Code.~~ 2182

(B) ~~The prosecutor in any case against any chiropractor~~ 2183  
~~holding a valid license issued under this chapter shall promptly~~ 2184  
~~notify the state chiropractic board of any of the following:~~ 2185

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge; 2186  
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(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice; 2190  
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(3) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude. 2195  
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(C) The report shall include the name and address of the chiropractor, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be provided under section 2929.24 of the Revised Code. 2200  
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**Sec. 4734.36.** A chiropractor who in this state pleads guilty to or is convicted of aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who in another jurisdiction pleads guilty to or is convicted of any substantially equivalent criminal offense, is automatically suspended from practice in this state and the license issued under this chapter is automatically suspended as of the date of the guilty plea or conviction. Continued practice after suspension under this section shall be considered practicing chiropractic without a license. On receiving 2206  
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notice or otherwise becoming aware of the conviction, the state 2217  
chiropractic board shall notify the individual of the suspension 2218  
under this section by certified mail or in person in accordance 2219  
with section 119.07 of the Revised Code. If an individual whose 2220  
license is suspended under this section fails to make a timely 2221  
request for an adjudication, the board shall enter a final order 2222  
revoking the individual's license. 2223

**Sec. ~~4734.101~~ 4734.37.** If the state chiropractic ~~examining~~ 2224  
board determines that there is clear and convincing evidence that 2225  
a person who has been granted a ~~certificate~~ license under this 2226  
chapter has committed an act that subjects ~~his~~ the person's 2227  
license to board action under section ~~4734.10~~ 4734.31 of the 2228  
Revised Code and that the ~~certificate holder's~~ person's continued 2229  
practice presents a danger of immediate and serious harm to the 2230  
public, the board may suspend the ~~certificate~~ license without a 2231  
prior hearing. A telephone conference call may be utilized for 2232  
reviewing the matter and taking the vote. 2233

The board shall issue a written order of suspension by 2234  
certified mail or in person in accordance with section 119.07 of 2235  
the Revised Code. The order is not subject to suspension by the 2236  
court during pendency of any appeal filed under section 119.12 of 2237  
the Revised Code. If the ~~certificate holder~~ person subject to the 2238  
suspension requests an ~~adjudicatory hearing~~ adjudication by the 2239  
board, the date set for the ~~hearing~~ adjudication shall be within 2240  
~~fifteen~~ twenty days, but not earlier than seven days, after the 2241  
request, unless otherwise agreed to by both the board and the 2242  
~~certificate holder~~ person subject to the suspension. 2243

Any summary suspension imposed under this section shall 2244  
remain in effect, unless reversed on appeal, until a final 2245  
adjudicative order issued by the board pursuant to section ~~4734.10~~ 2246  
4734.31 and Chapter 119. of the Revised Code becomes effective. 2247

The board shall issue its final adjudicative order within sixty 2248  
days after completion of its ~~hearing~~ adjudication A failure to 2249  
issue the order within sixty days shall result in dissolution of 2250  
the summary suspension order but shall not invalidate any 2251  
subsequent, final adjudicative order. 2252

**Sec. ~~4734.11~~ 4734.38.** If any person who has been granted a 2253  
~~certificate~~ license under Chapter 4734. of the Revised Code this 2254  
~~chapter~~ is adjudicated incompetent for the purpose of holding the 2255  
~~certificate, as provided in section 5122.301 of the Revised Code,~~ 2256  
his certificate adjudged by a probate court to be mentally ill or 2257  
mentally incompetent, the person's license shall be automatically 2258  
suspended until ~~such~~ the person has filed with the state 2259  
chiropractic ~~examining~~ board a certified copy of an adjudication 2260  
by a probate court of ~~his subsequent restoration~~ being restored to 2261  
competency or has submitted to ~~such~~ the board proof, satisfactory 2262  
to the board, ~~that he has~~ of having been discharged as ~~having a~~ 2263  
~~restoration~~ being restored to competency in the manner and form 2264  
provided in section 5122.38 of the Revised Code. The judge of ~~such~~ 2265  
the court shall forthwith notify the board of an adjudication of 2266  
mental illness or mental incompetence, ~~and shall note any~~ 2267  
~~suspension of a certificate in the margin of the court's record of~~ 2268  
~~such certificate.~~ 2269

**Sec. 4734.39.** (A) For purposes of the state chiropractic 2270  
board's enforcement of division (C)(16) or (17) of section 4734.31 2271  
of the Revised Code, an individual who applies for or receives a 2272  
license under this chapter accepts the privilege of practicing 2273  
chiropractic in this state and, by so doing, shall be deemed to 2274  
have given consent to submit to a mental or physical examination 2275  
when directed to do so in writing by the board in its enforcement 2276  
of those divisions, and to have waived all objections to the 2277  
admissibility of testimony or examination reports that constitute 2278

a privileged communication. 2279

(B) If the board has reason to believe that a chiropractor or applicant suffers an impairment described in division (C)(16) or (17) of section 4734.31 of the Revised Code, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this section shall be undertaken by a provider who is qualified to conduct the examination and who is chosen by the board. 2280  
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Failure 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. A default and final order may be entered without the taking of testimony or presentation of evidence. 2289  
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If the board determines that an individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, restored, or renewed certification to practice, to submit to care, counseling, or treatment. 2295  
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(C) Before being eligible to apply for reinstatement of a license suspended under division (C)(16) of section 4734.31 of the Revised Code or the chemical dependency provisions of division (C)(17) of section 4731.34 of the Revised Code, the impaired individual shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care in the practice of chiropractic. If rules have been adopted under section 4734.40 of the Revised Code, the demonstration shall include, but shall not be limited to, the following: 2301  
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(1) Certification from a treatment provider approved under section 4734.40 of the Revised Code that the individual has successfully completed any required inpatient treatment; 2310  
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(2) Evidence of continuing full compliance with an aftercare contract or consent agreement; 2313  
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(3) 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 the assessments and shall describe the basis for their determination. 2315  
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The board may reinstate a license suspended under this division after that demonstration and after the individual has entered into a written consent agreement. 2321  
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When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The monitoring 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 individual has maintained sobriety. 2324  
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**Sec. 4734.40.** (A) The state chiropractic board may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving treatment providers for impaired chiropractors. If rules are adopted, the rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that to be approved, a treatment provider must be capable of making an initial examination to determine the type 2333  
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of treatment an impaired chiropractor requires and must be capable 2340  
of adhering to guidelines the board considers appropriate for 2341  
assessment and referral of impaired chiropractors. The board shall 2342  
review treatment providers on a regular basis and designate those 2343  
providers that meet the standards for approval. The board may deny 2344  
or withdraw its approval if it finds that the treatment provider 2345  
being reviewed does not meet or no longer meets the standards for 2346  
approval. 2347

(B) A chiropractor who enters into treatment by an approved 2348  
treatment provider shall be deemed to have waived any 2349  
confidentiality requirements that would otherwise prevent the 2350  
treatment provider from making reports required under this 2351  
section. 2352

**Sec. 4734.41.** (A) As used in this section: 2353

(1) "Chemical dependency" means either of the following: 2354

(a) The chronic and habitual use of alcoholic beverages to 2355  
the extent that the user no longer can control the use of alcohol 2356  
or endangers the user's health, safety, or welfare or that of 2357  
others; 2358

(b) The use of a controlled substance as defined in section 2359  
3719.01 of the Revised Code, a harmful intoxicant as defined in 2360  
section 2925.01 of the Revised Code, or a dangerous drug as 2361  
defined in section 4729.01 of the Revised Code, to the extent that 2362  
the user becomes physically or psychologically dependent on the 2363  
substance, intoxicant, or drug or endangers the user's health, 2364  
safety, or welfare or that of others. 2365

(2) "Mental illness" means a recognized psychiatric or 2366  
psychological condition, disorder, or syndrome that has been 2367  
diagnosed by a psychiatrist, psychologist, professional clinical 2368  
counselor, or independent social worker as a condition, disorder, 2369

or syndrome that may pose a danger to the person diagnosed or 2370  
others or may prevent the person from practicing the person's 2371  
profession according to acceptable and prevailing standards of 2372  
care. 2373

(B) The state chiropractic board shall establish a chemical 2374  
dependency and mental illness monitoring program. The program 2375  
shall be made available to any individual under the board's 2376  
jurisdiction who has a chemical dependency or mental illness and 2377  
meets the board's eligibility requirements for admission to and 2378  
continued participation in the program. The board shall develop 2379  
the program and may designate a coordinator to administer it or 2380  
enter into a contract for the program to be administered by 2381  
another entity through a coordinator. The board shall adopt rules 2382  
in accordance with Chapter 119. of the Revised Code that establish 2383  
standards and procedure for operating the program. 2384

(C) Except as provided in division (D) of this section, all 2385  
records of an individual's participation in the monitoring 2386  
program, including medical records, chemical dependency records, 2387  
and mental health records, shall be confidential, are not public 2388  
records for the purposes of section 149.43 of the Revised Code, 2389  
and are not subject to discovery by subpoena or admissible as 2390  
evidence in any judicial proceeding. The program coordinator shall 2391  
maintain all records as directed by the board. 2392

(D) The monitoring program's coordinator may disclose records 2393  
or information regarding an individual's progress and status of 2394  
participation in the program to the disciplinary section of the 2395  
board and to any person or government entity that the program 2396  
participant authorizes in writing to be given the records or 2397  
information. 2398

In disclosing records or information under this division, the 2399  
coordinator shall not include any record or information that is 2400  
protected under section 3793.13 of the Revised Code or any federal 2401

statute or regulation that provides for the confidentiality of 2402  
mental health or substance abuse records. 2403

(E) In the absence of fraud or bad faith, the monitoring 2404  
program's coordinator, the board and the board's employees and 2405  
representatives are not liable for damages in any civil action as 2406  
a result of disclosing records or information in accordance with 2407  
division (D) of this section. In the absence of fraud or bad 2408  
faith, any person reporting to the program an individual's 2409  
chemical dependency or mental illness, or the progress or lack of 2410  
progress of that individual with regard to treatment, is not 2411  
liable for damages in any civil action as a result of the report. 2412

(F) The board may abstain from taking formal disciplinary 2413  
action under section 4734.31 of the Revised Code against an 2414  
individual because of the individual's chemical dependency or 2415  
mental illness, if the individual meets the eligibility 2416  
requirements for admission into the monitoring program and all of 2417  
the following occur: 2418

(1) The individual enters into a monitoring agreement with 2419  
the coordinator of the program; 2420

(2) The individual complies with the terms and conditions for 2421  
continued participation in the program, as specified in the 2422  
monitoring agreement; 2423

(3) The individual successfully completes the terms and 2424  
conditions of the monitoring agreement, including the condition 2425  
that the individual attain the ability to practice in accordance 2426  
with acceptable and prevailing standards of care applicable to the 2427  
practice of chiropractic. 2428

Sec. 4734.42. Pursuant to the state chiropractic board's 2429  
investigative authority established under this chapter, the board 2430  
shall develop and implement a quality intervention program 2431

designed to improve the practice and communication skills of 2432  
individuals authorized to practice chiropractic under this 2433  
chapter. In developing and implementing the quality intervention 2434  
program, the board shall do all of the following: 2435

(A) Offer in appropriate cases as determined by the board an 2436  
educational and assessment program pursuant to an investigation 2437  
the board conducts under this section; 2438

(B) Select providers of educational and assessment services, 2439  
including a quality intervention program panel of case reviewers; 2440

(C) Make referrals to educational and assessment service 2441  
providers and approve individual educational programs recommended 2442  
by those providers. The board shall monitor the progress of each 2443  
individual undertaking a recommended individual education program; 2444

(D) Determine what constitutes successful completion of an 2445  
individual education program and require further monitoring of the 2446  
individual who completed the program or other action the board 2447  
determines to be appropriate; 2448

(E) Adopt rules in accordance with Chapter 119. of the 2449  
Revised Code establishing standards and procedures for 2450  
implementing the quality intervention program. 2451

~~Sec. 4734.14 4734.45. If any person makes an accusation~~ 2452  
~~against any licensee under this section, it shall be reduced to~~ 2453  
~~writing, verified by some person familiar with the facts and three~~ 2454  
~~copies filed with the secretary of the (A) The state chiropractic~~ 2455  
~~examining board. If the board considers the charges made are~~ 2456  
~~sufficient, if true, to warrant suspension or revocation of~~ 2457  
~~license, it shall proceed with an adjudication hearing under the~~ 2458  
~~procedures of Chapter 119. shall investigate evidence that appears~~ 2459  
~~to show that a person has violated any provision of this chapter~~ 2460  
~~or the rules adopted under it. Any person may report to the board~~ 2461

in writing or by other means any information the person has that 2462  
appears to show a violation of any provision of this chapter or 2463  
the rules adopted under it. In the absence of bad faith, a person 2464  
who reports to the board, cooperates in an investigation, or 2465  
testifies before the board in an adjudication shall not be liable 2466  
for civil damages as a result of reporting, cooperating, or 2467  
providing testimony. 2468

(B) Information received by the board pursuant to an 2469  
investigation is confidential and not subject to discovery in any 2470  
civil action, except that for good cause, the board or its 2471  
executive director may disclose or authorize disclosure of 2472  
information gathered pursuant to an investigation. 2473

The board and its employees may share appropriate information 2474  
in the board's possession with any federal, state, or local law 2475  
enforcement, prosecutorial, or regulatory agency or its officers 2476  
or agents engaging in an investigation. The board and its 2477  
employees may cooperate in any other manner with the agency or its 2478  
officers or agents engaging in an investigation. 2479

An agency that receives confidential information shall comply 2480  
with the same requirements regarding confidentiality as those with 2481  
which the board must comply, notwithstanding any conflicting 2482  
provision of the Revised Code or procedure of the agency that 2483  
applies when the agency is dealing with other information in its 2484  
possession. The information may be admitted into evidence in a 2485  
criminal trial in accordance with the Rules of Evidence, or in an 2486  
administrative hearing conducted by an agency, but the court or 2487  
agency shall require that appropriate measures be taken to ensure 2488  
that confidentiality is maintained with respect to any part of the 2489  
information that contains names or other identifying information 2490  
about patients, complainants, or others whose confidentiality was 2491  
protected by the state chiropractic board when the information was 2492

in the board's possession. Measures to ensure confidentiality that 2493  
may be taken by the court or agency include sealing its records or 2494  
redacting specific information from its records. 2495

(C) All hearings and investigations of the board shall be 2496  
considered civil actions for the purposes of section 2305.251 of 2497  
the Revised Code. 2498

**Sec. ~~4734.13~~ 4734.46.** ~~Any investigation, inquiry, or hearing,~~ 2499  
~~which~~ All of the following apply to the investigations, inquiries, 2500  
and hearings that the state chiropractic examining board is 2501  
empowered to hold or undertake: 2502

(A) An investigation, inquiry, or hearing may be held or 2503  
undertaken by or before any member of the board, and the finding. 2504

(B) The board may appoint an examiner who is an attorney to 2505  
conduct an investigation, inquiry, or hearing. The findings or 2506  
order of ~~such~~ the hearing examiner or a member who holds or 2507  
undertakes an investigation, inquiry, or hearing shall be deemed 2508  
to be the findings or order of the board when approved and 2509  
confirmed by it. 2510

(C) The board shall adopt standards of conduct for the 2511  
attorneys and other persons who practice before the board at its 2512  
hearings. 2513

(D) Following an inquiry, the board may, in cases it 2514  
considers appropriate, issue a "letter of admonition" or a "letter 2515  
of caution." Issuance of a letter under this division is not an 2516  
action taken in addition to or in lieu of taking action under 2517  
section 4734.31 of the Revised Code and is not subject to an 2518  
adjudication under Chapter 119. of the Revised Code. The letter 2519  
shall not be used by an employer, insurer, or any other person or 2520  
government entity as the basis of an adverse action against the 2521  
recipient. 2522

Sec. 4734.15 4734.47. (A) The secretary executive director of 2523  
the state chiropractic examining board shall function as the chief 2524  
enforcement officer of the board and shall enforce the laws 2525  
relating to the practice of chiropractic. If ~~he~~ the executive 2526  
director has knowledge or notice of a violation of those laws, ~~he~~ 2527  
the executive director shall investigate the matter, ~~and, upon~~ or 2528  
cause the matter to be investigated. On probable cause appearing, 2529  
the executive director shall prosecute the offender or cause the 2530  
offender to be prosecuted. If the matter involves a violation by 2531  
an individual licensed under this chapter, the executive director 2532  
shall bring the matter before the board. If the matter involves a 2533  
violation for which a penalty may be imposed under section 4734.99 2534  
of the Revised Code, the executive director or a person authorized 2535  
by the board to represent the executive director may file a 2536  
complaint ~~and prosecute the offender.~~ When requested by the 2537  
~~secretary,~~ with the prosecuting attorney of the proper county. 2538  
Except as provided in division (B) of this section, the 2539  
prosecuting attorney shall take charge of and conduct ~~such~~ the 2540  
prosecution. 2541

(B) For purposes of enforcing this chapter, the board may 2542  
petition a court of record to appoint an attorney to assist the 2543  
prosecuting attorney in the prosecution of offenders or to take 2544  
charge of and conduct the prosecutions as a special prosecutor. 2545  
The court shall grant the petition if it is in the public 2546  
interest. A special prosecutor appointed by the court shall be 2547  
compensated by the board in an amount approved by the board. 2548

If the court believes that public knowledge of the 2549  
appointment of a special prosecutor could allow one or more 2550  
persons to interfere with the prosecution or any investigation 2551  
related to the prosecution, the court may seal all documents 2552  
pertaining to the appointment. Sealed documents shall remain 2553

sealed until there is court action on the prosecution or until the 2554  
court orders the documents to be opened. 2555

**Sec. 4734.48.** (A) For purposes of enforcing this chapter, the 2556  
state chiropractic board or any of its members, the board's 2557  
executive director, and any person authorized by the board to 2558  
serve as the executive director's representative may do any of the 2559  
following: 2560

(1) Serve and execute any process issued by any court 2561  
regarding the practice of chiropractic and serve and execute any 2562  
papers or process issued by the board or any officer or member of 2563  
the board; 2564

(2) Administer oaths, propound interrogatories, order the 2565  
taking of depositions, compel by subpoena that witnesses appear 2566  
and testify, and compel by subpoena duces tecum the production of 2567  
books, accounts, papers, records, documents, or other tangible 2568  
objects. If a person fails to cooperate in an interrogatory or 2569  
deposition or fails to comply with a subpoena or subpoena duces 2570  
tecum, the board may apply to the court of common pleas of 2571  
Franklin county for an order compelling the person to cooperate in 2572  
the interrogatory or deposition or to comply with the subpoena or 2573  
subpoena duces tecum or, for failure to do so, be held in contempt 2574  
of court. The board shall adopt rules in accordance with Chapter 2575  
119. of the Revised Code establishing procedures to be followed in 2576  
taking the actions authorized under division (A)(2) of this 2577  
section, including procedures regarding payment for and service of 2578  
subpoenas. 2579

(3) File with a judge or clerk of a court of record, or with 2580  
a magistrate, an affidavit charging a person with committing a 2581  
violation of any provision of this chapter or the rules adopted 2582  
under it. For purposes of this division, the person filing the 2583  
affidavit is a peace officer who is authorized to file an 2584

affidavit under section 2935.09 of the Revised Code. 2585

(B) Any process, paper, or other document served under this 2586  
chapter by the board, a board member, the executive director, or 2587  
an authorized representative of the executive director may be 2588  
served by personal service, residence service, or certified mail. 2589  
Service may be made at the intended recipient's usual place of 2590  
business. 2591

If attempts at service by personal service, residence 2592  
service, or certified mail are unsuccessful, service may be made 2593  
as follows: 2594

(1) By ordinary mail. If the process, paper, or other 2595  
document that is mailed is not returned by the United States 2596  
postal service, service on the intended recipient is deemed to 2597  
have occurred on the tenth day after the mailing. 2598

(2) By publication of a notice in any newspaper of general 2599  
circulation in the county in which the intended recipient's last 2600  
known residential or business address is located. 2601

**Sec. 4734.49.** (A) The attorney general, the prosecuting 2602  
attorney of the county in which a violation of this chapter is 2603  
committed or is threatened to be committed or in which the 2604  
offender resides, the state chiropractic board, or any other 2605  
person having knowledge of a person committing or threatening to 2606  
commit a violation of this chapter may, in accordance with the 2607  
provisions of the Revised Code governing injunctions, maintain an 2608  
action in the name of this state to enjoin the person from 2609  
committing the violation by applying for an injunction in any 2610  
court of competent jurisdiction. Upon the filing of a verified 2611  
petition in court, the court shall conduct a hearing on the 2612  
petition and shall give the same preference to this proceeding as 2613  
is given all proceedings under Chapter 119. of the Revised Code, 2614  
irrespective of the position of the proceeding on the calendar of 2615

the court. If the court grants a final or permanent injunction 2616  
that is a final appealable order, the court may award to the 2617  
person or entity that maintained the action an amount not 2618  
exceeding five thousand dollars to cover reasonable attorney's 2619  
fees, investigative costs, and other costs related to the 2620  
investigation or prosecution of the case. Injunction proceedings 2621  
brought under this section shall be in addition to, and not in 2622  
lieu of, all penalties and other remedies provided in this 2623  
chapter. 2624

(B) The practice of chiropractic by any person not at that 2625  
time holding a valid and current license issued under this chapter 2626  
is hereby declared to be inimical to the public welfare and to 2627  
constitute a public nuisance. 2628

Sec. 4734.50. This chapter does not require the state 2629  
chiropractic board to act on minor violations of this chapter or 2630  
the rules adopted under it, if the violations are committed by 2631  
individuals licensed under this chapter and the board determines 2632  
that the public interest is adequately served by issuing a notice 2633  
or warning to the alleged offender. 2634

Sec. ~~4734.16~~ 4734.53. All fines collected for violation of 2635  
section ~~4734.17~~ 4734.14 or 4734.161 of the Revised Code, shall be 2636  
distributed as follows: one half to the state chiropractic 2637  
examining board for deposit into the state treasury to the credit 2638  
of the ~~occupational licensing and regulatory fund~~, in accordance 2639  
with section 4734.54 of the Revised Code and one half to the 2640  
treasury of the county or municipal corporation in which the 2641  
offense was committed. 2642

Sec. ~~4734.18~~ 4734.54. All moneys received by the state 2643  
chiropractic ~~examining~~ board shall be paid into the state treasury 2644

and credited to the occupational licensing and regulatory fund. 2645  
Moneys credited to the fund that are the result of fines collected 2646  
under section 4734.53, fines collected under section 4734.31, and 2647  
amounts awarded under section 4734.49 of the Revised Code shall be 2648  
used solely for purposes related to the board's enforcement of 2649  
this chapter. Moneys credited to the fund that are the result of 2650  
any fee charged under section 4734.21 of the Revised Code shall be 2651  
used solely for purposes related to implementing that section. 2652

**Sec. ~~4734.21~~ 4734.55.** The state chiropractic ~~examining~~ board 2653  
shall provide a duplicate license to a license holder on payment 2654  
of a fee of ~~ninety~~ forty-five dollars. 2655

Upon written request and the payment of a fee of ~~one hundred~~ 2656  
~~seventy-five~~ ninety-five dollars, the board shall provide to any 2657  
person a list of persons holding licenses to practice 2658  
chiropractic, as indicated in its register maintained pursuant to 2659  
section 4734.04 of the Revised Code. 2660

~~The board shall maintain separate lists of the applicants~~ 2661  
~~taking each examination conducted under section 4734.05 of the~~ 2662  
~~Revised Code and of those who passed each examination. Upon~~ 2663  
~~written request and the payment of a fee of twenty five dollars,~~ 2664  
~~the board shall provide to any person a copy of the list of~~ 2665  
~~applicants taking an examination or the list of those who passed~~ 2666  
~~the examination.~~ 2667

Upon written request from the licensee and the payment of a 2668  
fee of twenty dollars, the board shall issue certification of 2669  
licensure information to the person identified by the licensee. 2670

**Sec. ~~4734.20~~ 4734.56.** The state chiropractic ~~examining~~ board, 2671  
subject to the approval of the controlling board, may establish 2672  
fees in excess of the amounts ~~provided by sections 4734.01 to~~ 2673  
4734.99 of the Revised Code specified in this chapter, provided 2674

that such fees do not exceed the amounts ~~permitted by those~~ 2675  
~~sections specified~~ by more than fifty per cent. 2676

**Sec. 4734.99.** (A) Whoever violates section ~~4734.17~~ 4734.14 of 2677  
the Revised Code is guilty of a ~~misdemeanor~~ felony of the ~~second~~ 2678  
fifth degree on a first offense ~~and a felony of the fifth degree~~ 2679  
~~or, unless the offender previously has been convicted of or has~~ 2680  
pleaded guilty to a violation of section 2911.01, 2911.02, 2681  
2911.11, 2911.12, 2911.13, 2913.02, 2913.40, 2913.47, 2913.48, 2682  
2913.51, 2921.13, 4715.09, 4723.03, 4725.02, 4725.41, 4729.27, 2683  
4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 4731.41, 4731.43, 2684  
4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 4741.19, 4755.48, 2685  
4757.02, 4759.02, 4761.10, or 4773.02 of the Revised Code or an 2686  
offense under an existing or former law of this state, another 2687  
state, or the United States that is or was substantially 2688  
equivalent to a violation of any of those sections, in which case 2689  
the offender is guilty of a felony of the fourth degree. For each 2690  
subsequent offense, the offender is guilty of a felony of the 2691  
fourth degree. 2692

(B) Whoever violates section ~~4734.23~~ 4734.161 of the Revised 2693  
Code is guilty of a misdemeanor of the first degree. 2694

(C) Whoever violates division (A), (B), (C), or (D) of 2695  
section 4734.32 of the Revised Code is guilty of a minor 2696  
misdemeanor on a first offense; on each subsequent offense, the 2697  
person is guilty of a misdemeanor of the fourth degree, except 2698  
that an individual guilty of a subsequent offense shall not be 2699  
subject to imprisonment, but to a fine alone of up to one thousand 2700  
dollars for each offense. 2701

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 of 2702  
the Revised Code shall be construed to prevent or restrict the 2703  
practice, services, or activities of any person who: 2704

(1) Is an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, a dietitian licensed under Chapter 4759. of the Revised Code, or a qualified member of any other occupation or profession practicing within the scope of the person's license or profession and who does not claim to the public to be an athletic trainer;

(2) Is employed as an athletic trainer by an agency of the United States government and provides athletic training solely under the direction or control of the agency by which the person is employed;

(3) Is a student in a board-approved athletic training education program leading to a baccalaureate or higher degree from an accredited college or university and is performing duties that are a part of a supervised course of study;

(4) Is a nonresident of this state practicing or offering to practice athletic training, if the nonresident offers athletic training services for not more than ninety calendar days per year or, with board approval, for more than ninety but not more than one hundred eighty calendar days per year and meets either of the following requirements:

(a) The nonresident qualifies for licensure under section 4755.62 of the Revised Code, except for passage of the examination required under division (C)(7) of that section;

(b) The nonresident holds a valid license issued by a state that has licensure requirements considered by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board to be comparable to those of this state.

(5) Provides athletic training only to relatives or in medical emergencies;	2736 2737
(6) Provides gratuitous care to friends or members of the person's family;	2738 2739
(7) Provides only self-care.	2740
(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed <del>and registered</del> under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license, by a person licensed under Chapter 4723. of the Revised Code and practicing within the scope of the person's license, by a person authorized under Chapter 4731. of the Revised Code to practice podiatry, by a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, by a person licensed under Chapter 4734. of the Revised Code to practice chiropractic, or by a person licensed under Chapter 4759. of the Revised Code to practice dietetics.	2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767

(C) Nothing in this chapter shall be construed as authorizing a licensed athletic trainer to practice medicine and surgery, osteopathic medicine and surgery, podiatry, or chiropractic.

**Sec. 4779.16.** The state board of orthotics, prosthetics, and pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets the requirements of divisions (A) and (B) of this section:

(A) Not later than ~~one hundred eighty days after the effective date of this section~~ July 27, 2001, applies to the board in accordance with section 4779.09 of the Revised Code;

(B)(1) In the case of an applicant for a license to practice orthotics, is actively practicing or teaching orthotics on ~~the effective date of this section~~ October 27, 2000, and complies with division (B)(2)(a) or (b) of this section:

(a) The applicant meets all of the following requirements:

(i) Holds a bachelor's degree or higher from a nationally accredited college or university in the United States;

(ii) Has completed a certificate program in orthotics approved by the board under section 4779.26 of the Revised Code;

(iii) Is certified in orthotics by the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;

(iv) Has completed a residency program approved by the board under section 4779.27 of the Revised Code.

(b) The individual meets both of the following requirements:

(i) Has a minimum of three years of documented, full-time

experience practicing or teaching orthotics;	2797
(ii) Has passed the certification examination in orthotics	2798
developed by the American board of certification in orthotics and	2799
prosthetics, the board of orthotist/prosthetist certification, or	2800
an equivalent organization recognized by the board.	2801
(2) In the case of an applicant for a license to practice	2802
prosthetics, is actively practicing or teaching prosthetics on <del>the</del>	2803
<del>effective date of this section</del> <u>October 27, 2000</u> , and complies with	2804
division (B)(2)(a) or (b) of this section:	2805
(a) The applicant meets all of the following requirements:	2806
(i) Holds a bachelor's degree or higher from a nationally	2807
accredited college or university in the United States;	2808
(ii) Has completed a certificate program in prosthetics	2809
approved by the board under section 4779.26 of the Revised Code;	2810
(iii) Is certified in prosthetics by the American board for	2811
certification in orthotics and prosthetics, the board of	2812
orthotist/prosthetist certification, or an equivalent successor	2813
organization recognized by the board;	2814
(iv) Has completed a residency program approved by the board	2815
under section 4779.27 of the Revised Code.	2816
(b) The applicant meets both of the following requirements:	2817
(i) Has a minimum of three years of documented, full-time	2818
experience practicing or teaching prosthetics;	2819
(ii) Has passed the certification examination in prosthetics	2820
of the American board of certification in orthotics and	2821
prosthetics, the board of orthotist/prosthetist certification, or	2822
an equivalent organization recognized by the board.	2823
(3) In the case of an applicant for a license to practice	2824
orthotics and prosthetics, the applicant complies with division	2825

(B)(3)(a) or (b) of this section:	2826
(a) The applicant meets all of the following requirements:	2827
(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;	2828 2829
(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;	2830 2831 2832
(iii) Has completed a residency program in orthotics and prosthetics approved under section 4779.27 of the Revised Code;	2833 2834
(iv) Is certified in orthotics and prosthetics by the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;	2835 2836 2837 2838
(b) The applicant meets both of the following requirements:	2839
(i) Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics;	2840 2841
(ii) Has passed the orthotics and prosthetics certification examination requirements of the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent organization recognized by the board.	2842 2843 2844 2845 2846
(4) In the case of an applicant for a license to practice pedorthics, is actively practicing or teaching pedorthics on <del>the effective date of this section</del> <u>October 27, 2000</u> , and is certified in pedorthics by the board for certification in pedorthics.	2847 2848 2849 2850
<b>Sec. 5903.12.</b> (A) As used in this section:	2851
(1) "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections	2852 2853 2854

3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 2855  
4725.16, 4725.51, 4731.281, 4734.25, 4735.141, 4736.11, 4741.16, 2856  
4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 2857  
of the Revised Code. 2858

(2) "License" means a license, certificate, permit, or other 2859  
authorization issued or conferred by a licensing agency under 2860  
which a licensee may engage in a profession, occupation, or 2861  
occupational activity. 2862

(3) "Licensee" means a person to whom all of the following 2863  
apply: 2864

(a) The person has been issued a license by a licensing 2865  
agency. 2866

(b) The person is a member of the Ohio national guard, the 2867  
Ohio military reserve, the Ohio naval militia, or a reserve 2868  
component of the armed forces of the United States. 2869

(c) The person has been called to active duty, whether inside 2870  
or outside the United States, because of an executive order issued 2871  
by the president of the United States or an act of congress, for a 2872  
period in excess of thirty-one days. 2873

(4) "Licensing agency" means any state department, division, 2874  
board, commission, agency, or other state governmental unit 2875  
authorized by the Revised Code to issue a license. 2876

(5) "Reporting period" means the period of time during which 2877  
a licensee must complete the number of hours of continuing 2878  
education required of the licensee by law. 2879

(B) Each licensing agency, upon receiving an application from 2880  
one of its licensees that is accompanied by proper documentation 2881  
certifying that the licensee has been called to active duty as 2882  
described in division (A)(3)(c) of this section during the current 2883  
or a prior reporting period and certifying the length of that 2884

active duty, shall extend the current reporting period by an 2885  
amount of time equal to the total number of months that the 2886  
licensee spent on active duty during the current reporting period. 2887  
For purposes of this division, any portion of a month served on 2888  
active duty shall be considered one full month. 2889

**Section 2.** That existing sections 119.06, 119.12, 121.22, 2890  
125.22, 2317.02, 2929.24, 3701.74, 3719.12, 3719.121, 3729.40, 2891  
4734.01, 4734.02, 4734.03, 4734.04, 4734.05, 4734.06, 4734.07, 2892  
4734.08, 4734.09, 4734.091, 4734.10, 4734.101, 4734.11, 4734.12, 2893  
4734.13, 4734.14, 4734.15, 4734.16, 4734.17, 4734.18, 4734.19, 2894  
4734.20, 4734.21, 4734.22, 4734.23, 4734.99, 4755.65, 4779.16, and 2895  
5903.12 of the Revised Code are hereby repealed. 2896

**Section 3.** This act shall be known as the Patient Protection 2897  
and Professional Standards Act of 2000. 2898

**Section 4.** Wherever the Chiropractic Examining Board or its 2899  
secretary are referred to in any law, contract, or other document, 2900  
the reference shall be deemed to refer to the State Chiropractic 2901  
Board or its executive director, whichever is appropriate. No 2902  
action or proceeding pending on the effective date of this act is 2903  
affected by the renaming of the Chiropractic Examining Board and 2904  
shall be prosecuted or defended in the name of the State 2905  
Chiropractic Board or its executive director. 2906

**Section 5.** The authority this act grants to the State 2907  
Chiropractic Board to adopt rules under Chapter 4734. of the 2908  
Revised Code shall not be construed to allow the Board to prohibit 2909  
or restrict commercial speech by time, place, or medium of 2910  
solicitation on behalf of chiropractors. 2911

**Section 6.** The authority this act grants to the State 2912

Chiropractic Board to take disciplinary action under section 2913  
4734.31 of the Revised Code against a person who has been found 2914  
eligible for intervention in lieu of conviction extends to a 2915  
person who, prior to the effective date of Am. Sub. S.B. 107 of 2916  
the 123rd General Assembly, was found eligible for treatment in 2917  
lieu of conviction. 2918

**Section 7.** The amendment of section 4779.16 of the Revised 2920  
Code is not intended to supersede the earlier repeal, with delayed 2921  
effective date, of that section. 2922

**Section 8.** Section 119.12 of the Revised Code is presented in 2923  
this act as a composite of the section as amended by both Am. Sub. 2924  
H.B. 402 and Sub. H.B. 606 of the 122nd General Assembly, with the 2925  
new language of neither of the acts shown in capital letters. This 2926  
is in recognition of the principle stated in division (B) of 2927  
section 1.52 of the Revised Code that such amendments are to be 2928  
harmonized where not substantively irreconcilable and constitutes 2929  
a legislative finding that such is the resulting version in effect 2930  
prior to the effective date of this act. 2931  
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