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Senator Patton

**Cosponsors: Senators Tavares, Brown, Burke, Cafaro, Coley, Jones,
Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Schaffer,
Schiavoni, Seitz, Wagoner**

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A B I L L

To amend section 4731.293 of the Revised Code to 1
specify requirements for obtaining and renewing a 2
clinical research faculty certificate and to 3
declare an emergency. 4

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

Section 1. That section 4731.293 of the Revised Code be 5
amended to read as follows: 6

Sec. 4731.293. (A) The state medical board may issue, without 7
examination, a ~~visiting medical~~ clinical research faculty 8
certificate to any person who applies for the certificate and 9
provides to the board all of the following: 10

(1) Evidence satisfactory to the board of all of the 11
following: 12

(a) That the applicant holds a current, unrestricted license 13
to practice medicine and surgery or osteopathic medicine and 14
surgery issued by another state or country ~~and;~~ 15

(b) That the applicant has been appointed to serve in this 16

state on the academic staff of a medical school accredited by the
liaison committee on medical education or an osteopathic medical
school accredited by the American osteopathic association;

(c) That the applicant is an international medical graduate
who holds a medical degree from an educational institution listed
in the international medical education directory;

(d) That the applicant is proficient in spoken English as
demonstrated by passing the examination described in section
4731.142 of the Revised Code.

(2) An affidavit and supporting documentation from the dean
of the medical school or the department director or chairperson of
a teaching hospital affiliated with the school that the applicant
is qualified to perform teaching and research activities and will
be permitted to work only under the authority of the department
director or chairperson of a teaching hospital affiliated with the
medical school where the applicant's teaching and research
activities will occur;

(3) A description from the medical school or teaching
hospital of the scope of practice in which the applicant will be
involved, including the types of teaching, research, and
procedures in which the applicant will be engaged;

(4) A description from the medical school or teaching
hospital of the type and amount of patient contact that will occur
in connection with the applicant's teaching and research
activities. Except as provided in division (E) of this section,
the board shall not issue more than one visiting medical faculty
certificate to any particular person.

(B) An applicant for a visiting medical an initial clinical
research faculty certificate shall submit evidence satisfactory to
the board that the applicant meets the requirements of division
(A) of this section. The applicant shall pay a fee of three

hundred seventy-five dollars. ~~The board shall maintain a register~~ 48
~~of all persons who hold a visiting medical faculty certificate.~~ 49

(C) The holder of a ~~visiting medical~~ clinical research 50
faculty certificate may practice medicine and surgery or 51
osteopathic medicine and surgery only as is incidental to the 52
certificate holder's teaching or research duties at the medical 53
school or ~~the a teaching hospitals~~ hospital affiliated with the 54
school. The board may revoke a certificate on receiving proof 55
satisfactory to the board that the certificate holder ~~of the~~ 56
~~certificate~~ has engaged in practice in this state outside the 57
scope of the certificate or that there are grounds for action 58
against the certificate holder under section 4731.22 of the 59
Revised Code. 60

(D) A ~~visiting medical~~ clinical research faculty certificate 61
is valid for ~~the shorter of~~ three years ~~or the duration of, except~~ 62
that the certificate ceases to be valid if the holder's 63
appointment to the academic staff of the school is no longer valid 64
or the certificate is revoked pursuant to division (C) of this 65
section. ~~The certificate may not be renewed.~~ 66

(E) ~~If a person was granted a visiting medical faculty~~ 67
~~certificate before the effective date of this amendment, the~~ 68
~~person may apply for a second visiting medical faculty~~ 69
~~certificate, unless the person's first certificate was revoked.~~ 70
~~The board may issue the second certificate if the applicant~~ 71
~~complies with division (B) of this section~~ (1) Three months before 72
a clinical research faculty certificate expires, the board shall 73
mail or cause to be mailed to the certificate holder a notice of 74
renewal addressed to the certificate holder's last known address. 75
Failure of a certificate holder to receive a notice of renewal 76
from the board shall not excuse the certificate holder from the 77
requirements contained in this section. The notice shall inform 78
the certificate holder of the renewal procedure. The notice also 79

shall inform the certificate holder of the reporting requirement 80
established by division (H) of section 3701.79 of the Revised 81
Code. At the discretion of the board, the information may be 82
included on the application for renewal or on an accompanying 83
page. 84

(2) A clinical research faculty certificate may be renewed 85
for an additional three-year period. There is no limit on the 86
number of times a certificate may be renewed. A person seeking 87
renewal of a certificate shall apply to the board. The board shall 88
provide the application for renewal in a form determined by the 89
board. 90

(3) An applicant is eligible for renewal if the applicant 91
does all of the following: 92

(a) Pays a renewal fee of three hundred seventy-five dollars; 93

(b) Reports any criminal offense to which the applicant has 94
pleaded guilty, of which the applicant has been found guilty, or 95
for which the applicant has been found eligible for intervention 96
in lieu of conviction, since last filing an application for a 97
clinical research faculty certificate; 98

(c) Provides to the board an affidavit and supporting 99
documentation from the dean of the medical school or the 100
department director or chairperson of a teaching hospital 101
affiliated with the school that the applicant is in compliance 102
with the applicant's current clinical research faculty 103
certificate; 104

(d) Provides evidence satisfactory to the board of all of the 105
following: 106

(i) That the applicant continues to maintain a current, 107
unrestricted license to practice medicine and surgery or 108
osteopathic medicine and surgery issued by another state or 109
country; 110

(ii) That the applicant's initial appointment to serve in 111
this state on the academic staff of a medical school is still 112
valid or has been renewed; 113

(iii) That the applicant has completed one hundred fifty 114
hours of continuing medical education that meet the requirements 115
set forth in section 4731.281 of the Revised Code. 116

(4) Regardless of whether the certificate has expired, a 117
person who was granted a visiting medical faculty certificate 118
under this section as it existed immediately prior to the 119
effective date of this amendment may apply for a clinical research 120
faculty certificate as a renewal. The board may issue the clinical 121
research faculty certificate if the applicant meets the 122
requirements of division (E)(3) of this section. The board may not 123
issue a clinical research faculty certificate if the visiting 124
medical faculty certificate was revoked. 125

(F) The board shall maintain a register of all persons who 126
hold clinical research faculty certificates. 127

(G) The board may adopt any rules it considers necessary to 128
implement this section. The rules shall be adopted in accordance 129
with Chapter 119. of the Revised Code. 130

Section 2. That existing section 4731.293 of the Revised Code 131
is hereby repealed. 132

Section 3. This act is hereby declared to be an emergency 133
measure necessary for the immediate preservation of the public 134
peace, health, and safety. The reason for this necessity is that 135
swift enactment will allow several extraordinary doctors to renew 136
their certificates and continue their work in Ohio without 137
interruption. Otherwise, these doctors will not be permitted to 138
work in Ohio and will leave the state. Therefore, this act shall 139
go into immediate effect. 140