



Ohio Legislative Service Commission

Bill Analysis

Laurel Mannion

Sub. S.B. 297

129th General Assembly
(As Passed by the Senate)

Sens. Patton, Tavares, Brown, Burke, Cafaro, Coley, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Schaffer, Schiavoni, Seitz, Wagoner

BILL SUMMARY

- Changes the name of the State Medical Board's visiting medical faculty certificate to clinical research faculty certificate.
- Permits a certificate holder to practice medicine and surgery as incidental to the holder's research duties (in addition to the holder's teaching duties) at a medical school or teaching hospital affiliated with the school.
- Specifies additional requirements that must be met to obtain an initial clinical research faculty certificate.
- Permits the renewal of a clinical research faculty certificate and specifies the requirements for renewal.
- Permits a person who was granted a visiting medical faculty certificate to apply for a clinical research faculty certificate as a renewal.
- Declares an emergency.

CONTENT AND OPERATION

Clinical research faculty certificates

Current law permits the State Medical Board to issue a visiting medical faculty certificate to a physician licensed in another state or country who has been appointed to serve in Ohio on the academic staff of a medical school. The certificate entitles the holder to practice medicine and surgery or osteopathic medicine and surgery only as

incidental to the certificate holder's teaching duties at the school or teaching hospital affiliated with the school.¹

The bill changes the name of the visiting medical faculty certificate to clinical research faculty certificate. Under the bill, the certificate entitles the holder to practice medicine and surgery or osteopathic medicine and surgery only as incidental to the certificate holder's teaching *and research* duties at the school or teaching hospital affiliated with the school.²

In addition to the requirements that must be met under current law to receive a visiting medical faculty certificate, including payment of a fee of \$375, the bill requires that an applicant for a clinical research faculty certificate meet the following requirements:³

--**Medical degree** – The applicant must provide evidence satisfactory to the Board that the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory.

--**English proficiency** – The applicant must provide evidence satisfactory to the Board that the applicant is proficient in spoken English as demonstrated by passing an examination specified by the Board.

--**Affidavit on qualifications and authority to work** – The applicant must provide 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.

--**Scope of practice description** – The applicant must provide a description from the 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.

¹ R.C. 4731.293.

² R.C. 4731.293(A) and (C).

³ R.C. 4731.293(A)(1) to (4).

--**Extent of patient contact** – The applicant must provide 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.

Renewal of clinical research faculty certificates

Under current law, a visiting medical faculty certificate is valid for the shorter of three years or the duration of the certificate holder's appointment. The certificate may not be renewed, and only one certificate may be granted to a particular person. However, if a person was granted a certificate before January 6, 2009, the person may apply for a second certificate, unless the first certificate was revoked.⁴

The bill provides that a clinical research faculty certificate is valid for three years, but ceases to be valid if the certificate holder's appointment is no longer valid or the certificate has been revoked by the Board.

Three months before a clinical research faculty certificate expires, the bill requires the Board to send to the certificate holder's last known address a notice of renewal that informs the certificate holder of the renewal procedure. In addition, the notice must inform the certificate holder of the requirement that a physician report any post-abortion complication to the Department of Health. Failure to receive a notice of renewal does not excuse the certificate holder from any requirements relating to clinical research faculty certificates.

The bill permits a clinical research faculty certificate to be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal must apply to the Board on an application the Board provides and pay a renewal fee of \$375.⁵

To be eligible for renewal, the bill requires that an applicant meet all of the following requirements:⁶

--**Criminal records report** – The applicant must report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction since last filing an application for a clinical research faculty certificate.

⁴ R.C. 4731.293(A), (D), and (E).

⁵ R.C. 4731.293(E)(2) and (3)(a).

⁶ R.C. 4731.293(E)(3).

--**Compliance with current certificate** – The applicant must provide 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 in compliance with the current certificate.

--**License in other jurisdiction** – The applicant must provide satisfactory evidence to the Board that the applicant continues to maintain a current unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country.

--**Valid faculty appointment** – The applicant must provide satisfactory evidence to the Board that the applicant's initial appointment to the medical school faculty is still valid or has been renewed.

--**Continuing education** – The applicant must provide satisfactory evidence to the Board of completing 150 hours of continuing medical education through Board-approved courses, programs, and activities.

Renewal provisions specific to visiting medical faculty certificate holders

Under the bill, if a person was granted a visiting medical faculty certificate, the person may apply for a clinical research faculty certificate as a renewal, regardless of whether the person's original certificate has expired. The Board is permitted to issue the clinical research faculty certificate if the applicant meets the requirements for renewing a clinical research faculty certificate, but may not do so if the person's visiting medical faculty certificate was revoked.⁷

HISTORY

ACTION	DATE
Introduced	02-14-12
Reported, S. Health, Human Services & Aging	03-22-12
Passed Senate (33-0)	03-27-12

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⁷ R.C. 4731.293(E)(4).