

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

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Sub. H. B. No. 394

Representatives Smith, Antonio

**Cosponsors: Representatives Wachtmann, Brown, Hagan, R., Schuring,
Sears, Sprague, Barnes, Ramos, Baker, Beck, Bishoff, Buchy, Fedor,
Hackett, Heard, Hill, Letson, McClain, Milkovich, Patmon, Rogers,
Rosenberger, Scherer, Sheehy Speaker Batchelder**

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A B I L L

To amend sections 2925.02, 3701.63, 3701.64, 3719.01, 1
3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 2
4723.481, 4723.486, 4725.16, 4725.19, 4729.12, 3
4729.16, 4729.18, 4729.41, 4729.85, 4729.86, 4
4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 5
4773.03, 4773.08, 5104.015, 5104.017, 5104.018, 6
5165.08, 5165.513, 5165.515, and 5165.99; to enact 7
sections 3701.66, 3701.67, 3701.68, 3702.40, and 8
5104.014; and to repeal sections 4715.15, 9
4723.433, 4730.093, and 4731.77 of the Revised 10
Code to modify the authority of pharmacists and 11
pharmacy interns to administer immunizations; to 12
require the inclusion of certain information in 13
mammography report summaries; to revise the law 14
governing the licensure of recreational vehicle 15
parts, recreation camps, combined park-camps, and 16
temporary park-camps; to generally require 17
immunizations for children enrolled in child care; 18
to create the Commission on Infant Mortality and 19

require the establishment of infant safe sleep 20
procedures and policies; to modify the offense of 21
"corrupting another with drugs"; to require the 22
State Board of Pharmacy to prepare semiannual 23
reports on opioid prescriptions; to revise the 24
laws governing the Ohio Automated Rx Reporting 25
System and opioid prescriptions issued for minors; 26
to require under certain conditions the 27
reinstatement of licenses to practice certain 28
radiologic professions; to eliminate patient 29
notice requirements concerning Lyme disease 30
testing; to revise certain laws on nursing 31
facility admission policies and exclusions from 32
Medicaid provider agreements; to amend the 33
versions of sections 4715.30, 4715.302, 4723.28, 34
4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 35
4731.055, and 4731.22 of the Revised Code that are 36
scheduled to take effect April 1, 2015, to 37
continue the provisions of this act on and after 38
that effective date; and to declare an emergency. 39

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

Section 1. That sections 2925.02, 3701.63, 3701.64, 3719.01, 40
3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 4723.481, 4723.486, 41
4725.16, 4725.19, 4729.12, 4729.16, 4729.18, 4729.41, 4729.85, 42
4729.86, 4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 4773.03, 43
4773.08, 5104.015, 5104.017, 5104.018, 5165.08, 5165.513, 44
5165.515, and 5165.99 be amended and sections 3701.66, 3701.67, 45
3701.68, 3702.40, and 5104.014 of the Revised Code be enacted to 46
read as follows: 47

Sec. 2925.02. (A) No person shall knowingly do any of the 48

following:	49
(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;	50 51
(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent;	52 53 54 55
(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent;	56 57 58 59
(4) By any means, do any of the following:	60
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	61 62 63 64
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	65 66 67
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	68 69 70 71
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	72 73 74 75 76 77
<u>(5) By any means, furnish or administer a controlled</u>	78

substance to a pregnant woman or induce or cause a pregnant woman 79
to use a controlled substance, when the offender knows that the 80
woman is pregnant or is reckless in that regard. 81

(B) Division (A)(1), (3), ~~or (4), or (5)~~ of this section does 82
not apply to manufacturers, wholesalers, licensed health 83
professionals authorized to prescribe drugs, pharmacists, owners 84
of pharmacies, and other persons whose conduct is in accordance 85
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. 86
of the Revised Code. 87

(C) Whoever violates this section is guilty of corrupting 88
another with drugs. The penalty for the offense shall be 89
determined as follows: 90

(1) ~~Except as otherwise provided in this division, if~~ If the 91
offense is a violation of division (A)(1), (2), (3), or (4) of 92
this section and the drug involved is any compound, mixture, 93
preparation, or substance included in schedule I or II, with the 94
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 95
1-Butyl-3-(1-naphthoyl)indole, 96
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 97
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 98
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 99
offender shall be punished as follows: 100

(a) Except as otherwise provided in division (C)(1)(b) of 101
this section, corrupting another with drugs committed in those 102
circumstances is a felony of the second degree, and, subject to 103
division (E) of this section, the court shall impose as a 104
mandatory prison term one of the prison terms prescribed for a 105
felony of the second degree. ~~If the drug involved is any compound,~~ 106
~~mixture, preparation, or substance included in schedule I or II,~~ 107
~~with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole,~~ 108
~~1-Butyl-3-(1-naphthoyl)indole,~~ 109
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 110

~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 111
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 112
if 113~~

(b) If the offense was committed in the vicinity of a school, 114
corrupting another with drugs committed in those circumstances is 115
a felony of the first degree, and, subject to division (E) of this 116
section, the court shall impose as a mandatory prison term one of 117
the prison terms prescribed for a felony of the first degree. 118

~~(2) Except as otherwise provided in this division, if~~ If the 119
offense is a violation of division (A)(1), (2), (3), or (4) of 120
this section and the drug involved is any compound, mixture, 121
preparation, or substance included in schedule III, IV, or V, the 122
offender shall be punished as follows: 123

~~(a) Except as otherwise provided in division (C)(2)(b) of~~ 124
~~this section,~~ corrupting another with drugs committed in those 125
circumstances is a felony of the second degree, and there is a 126
presumption for a prison term for the offense. ~~If the drug~~ 127
~~involved is any compound, mixture, preparation, or substance~~ 128
~~included in schedule III, IV, or V and if~~ 129

(b) If the offense was committed in the vicinity of a school, 130
corrupting another with drugs committed in those circumstances is 131
a felony of the second degree, and the court shall impose as a 132
mandatory prison term one of the prison terms prescribed for a 133
felony of the second degree. 134

~~(3) Except as otherwise provided in this division, if~~ If the 135
offense is a violation of division (A)(1), (2), (3), or (4) of 136
this section and the drug involved is marihuana, 137
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 138
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 139
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 140
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 141

offender shall be punished as follows: 142

(a) Except as otherwise provided in division (C)(3)(b) of 143
this section, corrupting another with drugs committed in those 144
circumstances is a felony of the fourth degree, and division (C) 145
of section 2929.13 of the Revised Code applies in determining 146
whether to impose a prison term on the offender. ~~If the drug~~ 147
~~involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole,~~ 148
~~1-Butyl-3-(1-naphthoyl)indole,~~ 149
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,~~ 150
~~5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or~~ 151
~~5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and~~ 152
~~if~~ 153

(b) If the offense was committed in the vicinity of a school, 154
corrupting another with drugs committed in those circumstances is 155
a felony of the third degree, and division (C) of section 2929.13 156
of the Revised Code applies in determining whether to impose a 157
prison term on the offender. 158

(4) If the offense is a violation of division (A)(5) of this 159
section and the drug involved is any compound, mixture, 160
preparation, or substance included in schedule I or II, with the 161
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 162
1-Butyl-3-(1-naphthoyl)indole, 163
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 164
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 165
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 166
corrupting another with drugs is a felony of the first degree and, 167
subject to division (E) of this section, the court shall impose as 168
a mandatory prison term one of the prison terms prescribed for a 169
felony of the first degree. 170

(5) If the offense is a violation of division (A)(5) of this 171
section and the drug involved is any compound, mixture, 172
preparation, or substance included in schedule III, IV, or V, 173

corrupting another with drugs is a felony of the second degree and 174
the court shall impose as a mandatory prison term one of the 175
prison terms prescribed for a felony of the second degree. 176

(6) If the offense is a violation of division (A)(5) of this 177
section and the drug involved is marihuana, 178
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 179
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 180
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 181
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 182
corrupting another with drugs is a felony of the third degree and 183
division (C) of section 2929.13 of the Revised Code applies in 184
determining whether to impose a prison term on the offender. 185

(D) In addition to any prison term authorized or required by 186
division (C) or (E) of this section and sections 2929.13 and 187
2929.14 of the Revised Code and in addition to any other sanction 188
imposed for the offense under this section or sections 2929.11 to 189
2929.18 of the Revised Code, the court that sentences an offender 190
who is convicted of or pleads guilty to a violation of division 191
(A) of this section or the clerk of that court shall do all of the 192
following that are applicable regarding the offender: 193

(1)(a) If the violation is a felony of the first, second, or 194
third degree, the court shall impose upon the offender the 195
mandatory fine specified for the offense under division (B)(1) of 196
section 2929.18 of the Revised Code unless, as specified in that 197
division, the court determines that the offender is indigent. 198

(b) Notwithstanding any contrary provision of section 3719.21 199
of the Revised Code, any mandatory fine imposed pursuant to 200
division (D)(1)(a) of this section and any fine imposed for a 201
violation of this section pursuant to division (A) of section 202
2929.18 of the Revised Code shall be paid by the clerk of the 203
court in accordance with and subject to the requirements of, and 204
shall be used as specified in, division (F) of section 2925.03 of 205

the Revised Code. 206

(c) If a person is charged with any violation of this section 207
that is a felony of the first, second, or third degree, posts 208
bail, and forfeits the bail, the forfeited bail shall be paid by 209
the clerk of the court pursuant to division (D)(1)(b) of this 210
section as if it were a fine imposed for a violation of this 211
section. 212

(2) The court shall suspend for not less than six months nor 213
more than five years the offender's driver's or commercial 214
driver's license or permit. If an offender's driver's or 215
commercial driver's license or permit is suspended pursuant to 216
this division, the offender, at any time after the expiration of 217
two years from the day on which the offender's sentence was 218
imposed or from the day on which the offender finally was released 219
from a prison term under the sentence, whichever is later, may 220
file a motion with the sentencing court requesting termination of 221
the suspension. Upon the filing of the motion and the court's 222
finding of good cause for the termination, the court may terminate 223
the suspension. 224

(3) If the offender is a professionally licensed person, in 225
addition to any other sanction imposed for a violation of this 226
section, the court immediately shall comply with section 2925.38 227
of the Revised Code. 228

(E) Notwithstanding the prison term otherwise authorized or 229
required for the offense under division (C) of this section and 230
sections 2929.13 and 2929.14 of the Revised Code, if the violation 231
of division (A) of this section involves the sale, offer to sell, 232
or possession of a schedule I or II controlled substance, with the 233
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 234
1-Butyl-3-(1-naphthoyl)indole, 235
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 236
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 237

5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 238
if the court imposing sentence upon the offender finds that the 239
offender as a result of the violation is a major drug offender and 240
is guilty of a specification of the type described in section 241
2941.1410 of the Revised Code, the court, in lieu of the prison 242
term that otherwise is authorized or required, shall impose upon 243
the offender the mandatory prison term specified in division 244
(B)(3)(a) of section 2929.14 of the Revised Code. 245

Sec. 3701.63. (A) As used in this section and ~~section~~ 246
sections 3701.64, 3701.66, and 3701.67 of the Revised Code: 247

(1) "Child day-care center," "type A family day-care home," 248
and "licensed type B family day-care home" have the same meanings 249
as in section 5104.01 of the Revised Code. 250

(2) "Child care facility" means a child day-care center, a 251
type A family day-care home, or a licensed type B family day-care 252
home. 253

(3) "Foster caregiver" has the same meaning as in section 254
5103.02 of the Revised Code. 255

(4) "Freestanding birthing center" has the same meaning as in 256
section 3702.141 of the Revised Code. 257

~~(4)~~(5) "Hospital" means a hospital classified pursuant to 258
rules adopted under section 3701.07 of the Revised Code as a 259
general hospital or children's hospital and to which either of the 260
following applies: 261

(a) The hospital has a maternity unit. 262

(b) The hospital receives for care infants who have been 263
transferred to it from other facilities and who have never been 264
discharged to their residences following birth. 265

~~(5)~~(6) "Infant" means a child who is less than one year of 266
age. 267

~~(7)~~ "Maternity unit" means ~~any unit or place in the distinct~~ 268
~~portion of a hospital where women are regularly received and~~ 269
~~provided care during all or part of the maternity cycle, except~~ 270
~~that "maternity unit" does not include an emergency department or~~ 271
~~similar place dedicated to providing emergency health care~~ 272
licensed as a maternity unit under Chapter 3711. of the Revised 273
Code. 274

~~(6)~~(8) "Other person responsible for the infant" includes a 275
foster caregiver. 276

(9) "Parent" means either parent, unless the parents are 277
separated or divorced or their marriage has been dissolved or 278
annulled, in which case "parent" means the parent who is the 279
residential parent and legal custodian of the child. "Parent" also 280
means a prospective adoptive parent with whom a child is placed. 281

~~(7)~~(10) "Shaken baby syndrome" means signs and symptoms, 282
including, but not limited to, retinal hemorrhages in one or both 283
eyes, subdural hematoma, or brain swelling, resulting from the 284
violent shaking or the shaking and impacting of the head of an 285
infant or small child. 286

(B) The director of health shall establish the shaken baby 287
syndrome education program by doing all of the following: 288

(1) ~~By not later than one year after February 29, 2008,~~ 289
~~developing~~ Developing educational materials that present readily 290
comprehensible information on shaken baby syndrome; 291

(2) Making available on the department of health web site in 292
an easily accessible format the educational materials developed 293
under division (B)(1) of this section; 294

(3) ~~Beginning in 2009, annually~~ Annually assessing the 295
effectiveness of the shaken baby syndrome education program by 296
evaluating the reports received pursuant to section 5101.135 of 297
the Revised Code. 298

(C) In meeting the requirements under division (B) of this section, the director shall ~~not~~ develop educational materials that ~~will impose an~~, to the extent possible, minimize administrative or financial ~~burden~~ burdens on any of the entities or persons listed in section 3701.64 of the Revised Code.

Sec. 3701.64. (A) A copy of the shaken baby syndrome educational materials developed under section 3701.63 of the Revised Code shall be distributed in the following manner:

(1) By child birth educators and the staff of ~~pediatric physicians' offices and obstetricians~~ obstetricians' offices, to an expectant parent who uses their services;

(2) By the staff of pediatric physicians' offices, to any of the following who use their services: an infant's parent, guardian, or other person responsible for the infant;

(3) By the staff of a hospital or freestanding birthing center in which a child is born, to the child's an infant's parent, guardian, or other person responsible for the infant, before the child is discharged from the facility to the infant's residence following birth;

~~(3)~~(4) By the staff of the "help me grow" program established pursuant to section 3701.61 of the Revised Code, to ~~the child's~~ an infant's parent, guardian, or other person responsible for the infant, during home-visiting services conducted in accordance with that section;

~~(4)~~(5) By each child care facility operating in this state, to each of its employees;

(6) By a public children services agency, when the agency has initial contact with an infant's parent, guardian, or other person responsible for the infant.

(B) ~~Each~~ An entity ~~and~~ or person required to distribute

educational materials pursuant to division (A) of this section is 329
~~immune from any~~ not liable for damages in a civil and criminal 330
~~liability~~ action for injury, death, or loss to person or property 331
~~resulting~~ that allegedly arises from an act or omission associated 332
with the dissemination of, ~~or failure to disseminate,~~ those 333
educational materials unless the act or omission constitutes 334
willful or wanton misconduct. 335

An entity or person required to distribute educational 336
materials in accordance with division (A) of this section is not 337
subject to criminal prosecution or, to the extent that a person is 338
regulated under Title XLVII of the Revised Code, professional 339
disciplinary action under that title, for an act or omission 340
associated with the dissemination of those educational materials. 341

This division does not eliminate, limit, or reduce any other 342
immunity or defense that an entity or person may be entitled to 343
under Chapter 2744. of the Revised Code, or any other provision of 344
the Revised Code, or the common law of this state. 345

Sec. 3701.66. (A) As used in this section, "sudden unexpected 346
infant death" means the death of an infant that occurs suddenly 347
and unexpectedly, the cause of which is not immediately obvious 348
prior to investigation. 349

(B) The department of health shall establish the safe sleep 350
education program by doing all of the following: 351

(1) By not later than sixty days after the effective date of 352
this section, developing educational materials that present 353
readily comprehensible information on safe sleeping practices for 354
infants and possible causes of sudden unexpected infant death; 355

(2) Making available on the department's internet web site in 356
an easily accessible format the educational materials developed 357
under division (B)(1) of this section; 358

(3) Beginning in 2015, annually assessing the effectiveness 359
of the safe sleep education program by evaluating the reports 360
submitted by child fatality review boards to the department 361
pursuant to section 307.626 of the Revised Code. 362

(C) In meeting the requirements under division (B) of this 363
section, the department shall develop educational materials that, 364
to the extent possible, minimize administrative or financial 365
burdens on any of the entities or persons required by division (D) 366
of this section to distribute the materials. 367

(D) A copy of the safe sleep educational materials developed 368
under this section shall be distributed by entities and persons 369
with and in the same manner as the shaken baby syndrome 370
educational materials are distributed pursuant to section 3701.64 371
of the Revised Code. 372

An entity or person required to distribute the educational 373
materials is not liable for damages in a civil action for injury, 374
death, or loss to person or property that allegedly arises from an 375
act or omission associated with the dissemination of those 376
educational materials unless the act or omission constitutes 377
willful or wanton misconduct. 378

An entity or person required to distribute the educational 379
materials is not subject to criminal prosecution or, to the extent 380
that a person is regulated under Title XLVII of the Revised Code, 381
professional disciplinary action under that title, for an act or 382
omission associated with the dissemination of those educational 383
materials. 384

This division does not eliminate, limit, or reduce any other 385
immunity or defense that an entity or person may be entitled to 386
under Chapter 2744. of the Revised Code, or any other provision of 387
the Revised Code, or the common law of this state. 388

(E) Each entity or person that is required to distribute the 389

educational materials and has infants regularly sleeping at a 390
facility or location under the entity's or person's control shall 391
adopt an internal infant safe sleep policy. The policy shall 392
specify when and to whom educational materials on infant safe 393
sleep practices are to be delivered to individuals working or 394
volunteering at the facility or location and be consistent with 395
the model internal infant safe sleep policy adopted under division 396
(F) of this section. 397

(F) The director of health shall adopt a model internal 398
infant safe sleep policy for use by entities and persons that must 399
comply with division (E) of this section. The policy shall specify 400
safe infant sleep practices, include images depicting safe infant 401
sleep practices, and specify sample content for an infant safe 402
sleep education program that entities and persons may use when 403
conducting new staff orientation programs. 404

Sec. 3701.67. (A) As used in this section: 405

(1) "Contractor" means a person who provides personal 406
services pursuant to a contract. 407

(2) "Critical access hospital" means a facility designated as 408
a critical access hospital by the director of health under section 409
3701.073 of the Revised Code. 410

(3) "Crib" includes a portable play yard or other suitable 411
sleeping place. 412

(B) Each hospital and freestanding birthing center shall 413
implement an infant safe sleep screening procedure. The purpose of 414
the procedure is to determine whether there will be a safe crib 415
for an infant to sleep in once the infant is discharged from the 416
facility to the infant's residence following birth. The procedure 417
shall consist of questions that facility staff or volunteers must 418
ask the infant's parent, guardian, or other person responsible for 419

the infant regarding the infant's intended sleeping place and 420
environment. 421

The director of health shall develop questions that 422
facilities may use when implementing the infant safe sleep 423
screening procedure required by this division. The director may 424
consult with persons and government entities that have expertise 425
in infant safe sleep practices when developing the questions. 426

(C) If, prior to an infant's discharge from a facility to the 427
infant's residence following birth, a facility other than a 428
critical access hospital or a facility identified under division 429
(D) of this section determines through the procedure implemented 430
under division (B) of this section that the infant is unlikely to 431
have a safe crib at the infant's residence, the facility shall 432
make a good faith effort to arrange for the parent, guardian, or 433
other person responsible for the infant to obtain a safe crib at 434
no charge to that individual. In meeting this requirement, the 435
facility may do any of the following: 436

(1) Obtain a safe crib with its own resources; 437

(2) Collaborate with or obtain assistance from persons or 438
government entities that are able to procure a safe crib or 439
provide money to purchase a safe crib; 440

(3) Refer the parent, guardian, or other person responsible 441
for the infant to a person or government entity described in 442
division (C)(2) of this section to obtain a safe crib free of 443
charge from that source; 444

(4) If funds are available for the cribs for kids program or 445
a successor program administered by the department of health, 446
refer the parent, guardian, or other person responsible for the 447
infant to a site, designated by the department for purposes of the 448
program, at which a safe crib may be obtained at no charge. 449

(D) The director of health shall identify the facilities in 450

this state that are not critical access hospitals and are not 451
served by a site described in division (C)(4) of this section. The 452
director shall identify not less than annually the facilities that 453
meet both criteria and notify those that do so. 454

(E) When a facility that is a hospital registers with the 455
department of health under section 3701.07 of the Revised Code or 456
a facility that is a freestanding birthing center renews its 457
license in accordance with rules adopted under section 3702.30 of 458
the Revised Code, the facility shall report the following 459
information to the department in a manner the department 460
prescribes: 461

(1) The number of safe cribs that the facility obtained and 462
distributed by using its own resources as described in division 463
(C)(1) of this section since the last time the facility reported 464
this information to the department; 465

(2) The number of safe cribs that the facility obtained and 466
distributed by collaborating with or obtaining assistance from 467
another person or government entity as described in division 468
(C)(2) of this section since the last time the facility reported 469
this information to the department; 470

(3) The number of referrals that the facility made to a 471
person or government entity as described in division (C)(3) of 472
this section since the last time the facility reported this 473
information to the department; 474

(4) The number of referrals that the facility made to a site 475
designated by the department as described in division (C)(4) of 476
this section since the last time the facility reported this 477
information to the department; 478

(5) Demographic information specified by the director of 479
health regarding the individuals to whom safe cribs were 480
distributed as described in division (E)(1) or (2) of this section 481

or for whom a referral described in division (E)(3) or (4) of this 482
section was made; 483

(6) In the case of a critical access hospital or a facility 484
identified under division (D) of this section, demographic 485
information specified by the director of health regarding each 486
parent, guardian, or other person responsible for the infant 487
determined to be unlikely to have a safe crib at the infant's 488
residence pursuant to the procedure implemented under division (B) 489
of this section; 490

(7) Any other information collected by the facility regarding 491
infant sleep environments and intended infant sleep environments 492
that the director determines to be appropriate. 493

(F) Not later than July 1 of each year beginning in 2015, the 494
director of health shall prepare a written report that summarizes 495
the information collected under division (E) of this section for 496
the preceding twelve months and provides any other information the 497
director considers appropriate for inclusion in the report. On 498
completion, the report shall be submitted to the governor and, in 499
accordance with section 101.68 of the Revised Code, the general 500
assembly. 501

(G) A facility, and any employee, contractor, or volunteer of 502
a facility, that implements an infant safe sleep procedure in 503
accordance with division (B) of this section is not liable for 504
damages in a civil action for injury, death, or loss to person or 505
property that allegedly arises from an act or omission associated 506
with implementation of the procedure, unless the act or omission 507
constitutes willful or wanton misconduct. 508

A facility, and any employee, contractor, or volunteer of a 509
facility, that implements an infant safe sleep screening procedure 510
in accordance with division (B) of this section is not subject to 511
criminal prosecution or, to the extent that a person is regulated 512

under Title XLVII of the Revised Code, professional disciplinary 513
action under that title, for an act or omission associated with 514
implementation of the procedure. 515

This division does not eliminate, limit, or reduce any other 516
immunity or defense that a facility, or an employee, contractor, 517
or volunteer of a facility, may be entitled to under Chapter 2744. 518
of the Revised Code, or any other provision of the Revised Code, 519
or the common law of this state. 520

(H) A facility, and any employee, contractor, or volunteer of 521
a facility, is neither liable for damages in a civil action, nor 522
subject to criminal prosecution, for injury, death, or loss to 523
person or property that allegedly arises from a crib obtained by a 524
parent, guardian, or other person responsible for the infant as a 525
result of any action the facility, employee, contractor, or 526
volunteer takes to comply with division (C) of this section. 527

The immunity provided by this division does not require 528
compliance with division (D) of section 2305.37 of the Revised 529
Code. 530

Sec. 3701.68. (A) As used in this section: 531

(1) "Academic medical center" means a medical school and its 532
affiliated teaching hospitals. 533

(2) "State registrar" has the same meaning as in section 534
3705.01 of the Revised Code. 535

(B) There is hereby created the commission on infant 536
mortality. The commission shall do all of the following: 537

(1) Conduct a complete inventory of services provided or 538
administered by the state that are available to address the infant 539
mortality rate in this state; 540

(2) For each service identified under division (B)(1) of this 541
section, determine both of the following: 542

<u>(a) The sources of the funds that are used to pay for the service;</u>	543 544
<u>(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.</u>	545 546 547 548
<u>(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.</u>	549 550 551 552
<u>(C) The commission shall consist of the following members:</u>	553
<u>(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;</u>	554 555 556
<u>(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;</u>	557 558 559
<u>(3) The executive director of the office of health transformation or the executive director's designee;</u>	560 561
<u>(4) The medicaid director or the director's designee;</u>	562
<u>(5) The director of health or the director's designee;</u>	563
<u>(6) The executive director of the commission on minority health or the executive director's designee;</u>	564 565
<u>(7) The attorney general or the attorney general's designee;</u>	566
<u>(8) A health commissioner of a city or general health district, appointed by the governor;</u>	567 568
<u>(9) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;</u>	569 570
<u>(10) An individual who represents the Ohio hospital</u>	571

association, appointed by the association's president; 572

(11) An individual who represents the Ohio children's hospital association, appointed by the association's president; 573
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(12) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor. 575
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(D) The commission members described in divisions (C)(1), (2), (8), (9), (10), (11), and (12) of this section shall be appointed not later than thirty days after the effective date of this section. An appointed member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment. 578
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From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission. 584
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A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment. 587
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(E) The commission may request assistance from the staff of the legislative service commission. 590
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(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after the effective date of this section, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised 592
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Code, the general assembly. 603

(G) The president of the senate and speaker of the house of
representatives shall determine the responsibilities of the
commission following submission of the report under division (F)
of this section. 604
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(H) The commission is not subject to sections 101.82 to
101.87 of the Revised Code. 608
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Sec. 3702.40. (A) As used in this section, "mammogram" and
"facility" have the same meanings as in section 263b(a) of the
"Mammography Quality Standards Act of 1992," 106 Stat. 3547
(1992), 42 U.S.C. 263b(a), as amended. 610
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(B) As required by 21 C.F.R. 900.12(c)(2), a facility shall
send to each patient who has a mammogram at the facility a summary
of the written report containing the results of the patient's
mammogram. If, based on the breast imaging reporting and data
system established by the American college of radiology, the
patient's mammogram demonstrates that the patient has dense breast
tissue, the summary shall include the following statement: 614
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"Your mammogram demonstrates that you have dense breast
tissue, which could hide abnormalities. Dense breast tissue, in
and of itself, is a relatively common condition. Therefore, this
information is not provided to cause undue concern; rather, it is
to raise your awareness and promote discussion with your health
care provider regarding the presence of dense breast tissue in
addition to other risk factors." 621
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As required by 21 C.F.R. 900.12(c)(3), the facility shall
send to the patient's health care provider, if known, a copy of
the written report containing the results of the patient's
mammogram not later than thirty days after the mammogram was
performed. 628
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<u>(C) This section does not do either of the following:</u>	633
<u>(1) Create a new cause of action or substantive legal right against a person, facility, or other entity;</u>	634
<u>(2) Create a standard of care, obligation, or duty for a person, facility, or other entity that would provide the basis for a cause of action or substantive legal right, other than the duty to send the summary and written report described in division (B) of this section.</u>	635
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Sec. 3719.01. As used in this chapter:	641
(A) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.	642
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(B) "Drug enforcement administration" means the drug enforcement administration of the United States department of justice or its successor agency.	645
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(C) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V.	648
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(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	651
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(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	653
	654
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	655
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(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	657
	658
(H) "Drug abuse offense," "felony drug abuse offense," "cocaine," and "hashish" have the same meanings as in section 2925.01 of the Revised Code.	659
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(I) "Federal drug abuse control laws" means the 662
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 663
Stat. 1242, 21 U.S.C. 801, as amended. 664

(J) "Hospital" means an institution for the care and 665
treatment of the sick and injured that is certified by the 666
department of health and approved by the state board of pharmacy 667
as proper to be entrusted with the custody of controlled 668
substances and the professional use of controlled substances. 669

(K) "Hypodermic" means a hypodermic syringe or needle, or 670
other instrument or device for the injection of medication. 671

(L) "Isomer," except as otherwise expressly stated, means the 672
optical isomer. 673

(M) "Laboratory" means a laboratory approved by the state 674
board of pharmacy as proper to be entrusted with the custody of 675
controlled substances and the use of controlled substances for 676
scientific and clinical purposes and for purposes of instruction. 677

(N) "Manufacturer" means a person who manufactures a 678
controlled substance, as "manufacture" is defined in section 679
3715.01 of the Revised Code. 680

(O) "Marihuana" means all parts of a plant of the genus 681
cannabis, whether growing or not; the seeds of a plant of that 682
type; the resin extracted from a part of a plant of that type; and 683
every compound, manufacture, salt, derivative, mixture, or 684
preparation of a plant of that type or of its seeds or resin. 685
"Marihuana" does not include the mature stalks of the plant, fiber 686
produced from the stalks, oils or cake made from the seeds of the 687
plant, or any other compound, manufacture, salt, derivative, 688
mixture, or preparation of the mature stalks, except the resin 689
extracted from the mature stalks, fiber, oil or cake, or the 690
sterilized seed of the plant that is incapable of germination. 691

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, 692

amidone, isoamidone, ketobemidone, as defined in this division, 693
and every substance not chemically distinguished from them and 694
every drug, other than cannabis, that may be included in the 695
meaning of "narcotic drug" under the federal drug abuse control 696
laws. As used in this division: 697

(1) "Coca leaves" includes cocaine and any compound, 698
manufacture, salt, derivative, mixture, or preparation of coca 699
leaves, except derivatives of coca leaves, that does not contain 700
cocaine, ecgonine, or substances from which cocaine or ecgonine 701
may be synthesized or made. 702

(2) "Isonipecaine" means any substance identified chemically 703
as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or 704
any salt thereof, by whatever trade name designated. 705

(3) "Amidone" means any substance identified chemically as 706
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by 707
whatever trade name designated. 708

(4) "Isoamidone" means any substance identified chemically as 709
4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 710
thereof, by whatever trade name designated. 711

(5) "Ketobemidone" means any substance identified chemically 712
as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone 713
hydrochloride, or any salt thereof, by whatever trade name 714
designated. 715

(Q) "Official written order" means an order written on a form 716
provided for that purpose by the director of the United States 717
drug enforcement administration, under any laws of the United 718
States making provision for the order, if the order forms are 719
authorized and required by federal law. 720

(R) "Opiate" means any substance having an addiction-forming 721
or addiction-sustaining liability similar to morphine or being 722
capable of conversion into a drug having addiction-forming or 723

addiction-sustaining liability. "Opiate" does not include, unless 724
specifically designated as controlled under section 3719.41 of the 725
Revised Code, the dextrorotatory isomer of 726
3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). 727
"Opiate" does include its racemic and levoratory forms. 728

(S) "Opium poppy" means the plant of the species papaver 729
somniferum L., except its seeds. 730

(T) "Person" means any individual, corporation, government, 731
governmental subdivision or agency, business trust, estate, trust, 732
partnership, association, or other legal entity. 733

(U) "Pharmacist" means a person licensed under Chapter 4729. 734
of the Revised Code to engage in the practice of pharmacy. 735

(V) "Pharmacy" has the same meaning as in section 4729.01 of 736
the Revised Code. 737

(W) "Poison" means any drug, chemical, or preparation likely 738
to be deleterious or destructive to adult human life in quantities 739
of four grams or less. 740

(X) "Poppy straw" means all parts, except the seeds, of the 741
opium poppy, after mowing. 742

(Y) "Licensed health professional authorized to prescribe 743
drugs," "prescriber," and "prescription" have the same meanings as 744
in section 4729.01 of the Revised Code. 745

(Z) "Registry number" means the number assigned to each 746
person registered under the federal drug abuse control laws. 747

(AA) "Sale" includes delivery, barter, exchange, transfer, or 748
gift, or offer thereof, and each transaction of those natures made 749
by any person, whether as principal, proprietor, agent, servant, 750
or employee. 751

(BB) "Schedule I," "schedule II," "schedule III," "schedule 752
IV," and "schedule V" mean controlled substance schedules I, II, 753

III, IV, and V, respectively, established pursuant to section 754
3719.41 of the Revised Code, as amended pursuant to section 755
3719.43 or 3719.44 of the Revised Code. 756

(CC) "Wholesaler" means a person who, on official written 757
orders other than prescriptions, supplies controlled substances 758
that the person has not manufactured, produced, or prepared 759
personally and includes a "wholesale distributor of dangerous 760
drugs" as defined in section 4729.01 of the Revised Code. 761

(DD) "Animal shelter" means a facility operated by a humane 762
society or any society organized under Chapter 1717. of the 763
Revised Code or a dog pound operated pursuant to Chapter 955. of 764
the Revised Code. 765

(EE) "Terminal distributor of dangerous drugs" has the same 766
meaning as in section 4729.01 of the Revised Code. 767

(FF) "Category III license" means a license issued to a 768
terminal distributor of dangerous drugs as set forth in section 769
4729.54 of the Revised Code. 770

(GG) "Prosecutor" has the same meaning as in section 2935.01 771
of the Revised Code. 772

(HH)(1) "Controlled substance analog" means, except as 773
provided in division (HH)(2) of this section, a substance to which 774
both of the following apply: 775

(a) The chemical structure of the substance is substantially 776
similar to the structure of a controlled substance in schedule I 777
or II. 778

(b) One of the following applies regarding the substance: 779

(i) The substance has a stimulant, depressant, or 780
hallucinogenic effect on the central nervous system that is 781
substantially similar to or greater than the stimulant, 782
depressant, or hallucinogenic effect on the central nervous system 783

of a controlled substance in schedule I or II. 784

(ii) With respect to a particular person, that person 785
represents or intends the substance to have a stimulant, 786
depressant, or hallucinogenic effect on the central nervous system 787
that is substantially similar to or greater than the stimulant, 788
depressant, or hallucinogenic effect on the central nervous system 789
of a controlled substance in schedule I or II. 790

(2) "Controlled substance analog" does not include any of the 791
following: 792

(a) A controlled substance; 793

(b) Any substance for which there is an approved new drug 794
application; 795

(c) With respect to a particular person, any substance if an 796
exemption is in effect for investigational use for that person 797
pursuant to federal law to the extent that conduct with respect to 798
that substance is pursuant to that exemption; 799

(d) Any substance to the extent it is not intended for human 800
consumption before the exemption described in division (HH)(2)(b) 801
of this section takes effect with respect to that substance. 802

(II) "Benzodiazepine" means a controlled substance that has 803
United States food and drug administration approved labeling 804
indicating that it is a benzodiazepine, benzodiazepine derivative, 805
triazolobenzodiazepine, or triazolobenzodiazepine derivative, 806
including the following drugs and their varying salt forms or 807
chemical congeners: alprazolam, chlordiazepoxide hydrochloride, 808
clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam 809
hydrochloride, lorazepam, midazolam, oxazepam, quazepam, 810
temazepam, and triazolam. 811

(JJ) "Opioid analgesic" means a controlled substance that has 812
analgesic pharmacologic activity at the opioid receptors of the 813

central nervous system, including the following drugs and their 814
varying salt forms or chemical congeners: buprenorphine, 815
butorphanol, codeine (including acetaminophen and other 816
combination products), dihydrocodeine, fentanyl, hydrocodone 817
(including acetaminophen combination products), hydromorphone, 818
meperidine, methadone, morphine sulfate, oxycodone (including 819
acetaminophen, aspirin, and other combination products), 820
oxymorphone, tapentadol, and tramadol. 821

(KK) "Emergency facility" means a hospital emergency 822
department or any other facility that provides emergency care. 823

Sec. 3719.061. (A)(1) As used in this section: 824

(a) "Another adult authorized to consent to the minor's 825
medical treatment" means an adult to whom a minor's parent or 826
guardian has given written authorization to consent to the minor's 827
medical treatment. 828

(b) "Medical emergency" means a situation that in a 829
prescriber's good faith medical judgment creates an immediate 830
threat of serious risk to the life or physical health of a minor. 831

(c) "Minor" means an individual under eighteen years of age 832
who is not emancipated. 833

(2) For purposes of this section, an individual under 834
eighteen years of age is emancipated only if the individual has 835
married, has entered the armed services of the United States, 836
~~became~~ has become employed and self-sustaining, or ~~has~~ otherwise 837
has become independent from the care and control of the 838
individual's parent, guardian, or custodian. 839

(B) Except as provided in division (C) of this section, 840
before issuing for a minor the first prescription in a single 841
course of treatment for ~~a particular compound that is a controlled~~ 842
~~substance containing~~ an opioid analgesic, regardless of whether 843

the dosage is modified during that course of treatment, a 844
prescriber shall do all of the following: 845

(1) As part of the prescriber's examination of the minor, 846
assess whether the minor has ever suffered, or is currently 847
suffering, from mental health or substance abuse disorders and 848
whether the minor has taken or is currently taking prescription 849
drugs for treatment of those disorders; 850

(2) Discuss with the minor and the minor's parent, guardian, 851
or another adult authorized to consent to the minor's medical 852
treatment all of the following: 853

(a) The risks of addiction and overdose associated with ~~the~~ 854
~~compound~~ opioid analgesics; 855

(b) The increased risk of addiction to controlled substances 856
of individuals suffering from both mental and substance abuse 857
disorders; 858

(c) The dangers of taking ~~controlled substances containing~~ 859
~~opioids~~ opioid analgesics with benzodiazepines, alcohol, or other 860
central nervous system depressants; 861

(d) Any other information in the patient counseling 862
information section of the labeling for the ~~compound~~ opioid 863
analgesic required under 21 C.F.R. 201.57(c)(18). 864

(3) Obtain written consent for the prescription from the 865
minor's parent, guardian, or, subject to division (E) of this 866
section, another adult authorized to consent to the minor's 867
medical treatment. 868

The prescriber shall record the consent on a form, which 869
shall be known as the "Start Talking!" consent form. The form 870
shall be separate from any other document the prescriber uses to 871
obtain informed consent for other treatment provided to the minor. 872
The form shall contain all of the following: 873

(a) The name and quantity of the compound <u>opioid analgesic</u>	874
being prescribed and the amount of the initial dose;	875
(b) A statement indicating that a controlled substance is a	876
drug or other substance that the United States drug enforcement	877
administration has identified as having a potential for abuse;	878
(c) A statement certifying that the prescriber discussed with	879
the minor and the minor's parent, guardian, or another adult	880
authorized to consent to the minor's medical treatment the matters	881
described in division (B)(2) of this section;	882
(d) The number of refills, if any, authorized by the	883
prescription;	884
(e) The signature of the minor's parent, guardian, or another	885
adult authorized to consent to the minor's medical treatment and	886
the date of signing.	887
(C)(1) The requirements in division (B) of this section do	888
not apply if the minor's treatment with a compound that is a	889
controlled substance containing an opioid <u>analgesic</u> meets any of	890
the following criteria:	891
(a) The treatment is associated with or incident to a medical	892
emergency.	893
(b) The treatment is associated with or incident to surgery,	894
regardless of whether the surgery is performed on an inpatient or	895
outpatient basis.	896
(c) In the prescriber's professional judgment, fulfilling the	897
requirements of division (B) of this section with respect to the	898
minor's treatment would be a detriment to the minor's health or	899
safety.	900
(d) Except as provided in division (D) of this section, the	901
treatment is rendered in a hospital, <u>emergency facility</u> ,	902
ambulatory surgical facility, nursing home, pediatric respite care	903

program, residential care facility, freestanding rehabilitation 904
facility, or similar institutional facility. 905

(2) The requirements in division (B) of this section do not 906
apply to a prescription for a ~~compound that is a controlled~~ 907
~~substance containing~~ an opioid analgesic that a prescriber issues 908
to a minor at the time of discharge from a facility or other 909
location described in division (C)(1)(d) of this section. 910

(D) The exemption in division (C)(1)(d) of this section does 911
not apply to treatment rendered in a prescriber's office that is 912
located on the premises of or adjacent to a facility or other 913
location described in that division. 914

(E) If the individual who signs the consent form required by 915
division (B)(3) of this section is another adult authorized to 916
consent to the minor's medical treatment, the prescriber shall 917
prescribe not more than a single, seventy-two-hour supply and 918
indicate on the prescription the quantity that is to be dispensed 919
pursuant to the prescription. 920

(F) A signed "Start Talking!" consent form obtained under 921
this section shall be maintained in the minor's medical record. 922

Sec. 3729.05. (A)(1) ~~On~~ Except as otherwise provided in this 923
section, on or after the first day of April, but before the first 924
day of May of each year, every person who intends to operate a 925
recreational vehicle park, recreation camp, or combined park-camp 926
shall procure a license to operate the park or camp from the 927
licensor. If the applicable license fee prescribed under section 928
3729.07 of the Revised Code is not received by the licensor by the 929
close of business on the last day of April, the applicant for the 930
license shall pay a penalty equal to twenty-five per cent of the 931
applicable license fee. The penalty shall accompany the license 932
fee. If the last day of April is not a business day, the penalty 933
attaches upon the close of business on the next business day. 934

(2) Every person who intends to operate a temporary park-camp 935
shall obtain a license to operate the temporary park-camp from the 936
licensor at any time before the person begins operation of the 937
temporary park-camp during the calendar year. 938

(3) No recreational vehicle park, recreation camp, combined 939
park-camp, or temporary park-camp shall be maintained or operated 940
in this state without a license. However, no person who neither 941
intends to receive nor receives anything of value arising from the 942
use of, or the sale of goods or services in connection with the 943
use of, a recreational vehicle park, recreation camp, combined 944
park-camp, or temporary park-camp is required to procure a license 945
under this division. If any health hazard exists at such an 946
unlicensed park, camp, or park-camp, the health hazard shall be 947
corrected in a manner consistent with the appropriate rule adopted 948
under division (A) or (B) of section 3729.02 of the Revised Code. 949

(4) No person who has received a license under division 950
(A)(1) of this section, upon the sale or disposition of the 951
recreational vehicle park, recreation camp, or combined park-camp, 952
may have the license transferred to the new operator. A person 953
shall obtain a separate license to operate each recreational 954
vehicle park, recreation camp, or combined park-camp. No license 955
to operate a temporary park-camp shall be transferred. A person 956
shall obtain a separate license for each temporary park-camp that 957
the person intends to operate, and the license shall be valid for 958
a period of not longer than seven consecutive days. A person who 959
operates a temporary park-camp on a tract of land for more than 960
twenty-one days or parts thereof in a calendar year shall obtain a 961
license to operate a recreational vehicle park, recreation camp, 962
or combined park-camp. 963

(B)(1) Before a license is initially issued under division 964
(A)(1) of this section and annually thereafter, or more often if 965
necessary, the licensor shall cause each recreational vehicle 966

park, recreation camp, or combined park-camp to be inspected to 967
determine compliance with this chapter and rules adopted under it. 968
A record shall be made of each inspection on a form prescribed by 969
the director of health. 970

(2) When a license is initially issued under division (A)(2) 971
of this section, and more often if necessary, the licensor shall 972
cause each temporary park-camp to be inspected to determine 973
compliance with this chapter and rules adopted under it during the 974
period that the temporary park-camp is in operation. A record 975
shall be made of each inspection on a form prescribed by the 976
director. 977

(C) Each person applying for an initial license to operate a 978
recreational vehicle park, recreation camp, combined park-camp, or 979
temporary park-camp shall provide acceptable proof to the 980
director, or to the licensor in the case of a temporary park-camp, 981
that adequate fire protection will be provided and that applicable 982
fire codes will be adhered to in the construction and operation of 983
the park, camp, or park-camp. 984

(D) Any person that operates a county or state fair or any 985
independent agricultural society organized pursuant to section 986
1711.02 of the Revised Code that operates a fair shall not be 987
required to obtain a license under this chapter if recreational 988
vehicles, portable camping units, or any combination of them are 989
parked at the site of the fair only during the time of preparation 990
for, operation of, and dismantling of the fair and if the 991
recreational vehicles, portable camping units, or any combination 992
of them belong to participants in the fair. 993

(E) The following entities that operate a fair and that hold 994
a license issued under this chapter are not required to comply 995
with the requirements normally imposed on a licensee under this 996
chapter and rules adopted under it during the time of preparation 997
for, operation of, and dismantling of the fair: 998

(1) A county agricultural society organized pursuant to section 1711.01 of the Revised Code;	999 1000
(2) An independent agricultural society organized pursuant to section 1711.02 of the Revised Code;	1001 1002
(3) The Ohio expositions commission.	1003
<u>(F) A motorsports park is exempt from the license requirements established in divisions (A)(1) and (2) of this section if the motorsports park does both of the following:</u>	1004 1005 1006
<u>(1) Holds at least one annual event sanctioned by the national association for stock car auto racing or the national hot rod association during a motor sports racing event;</u>	1007 1008 1009
<u>(2) Provides parking for recreational vehicles, dependent recreational vehicles, and portable camping units that belong to participants in that event.</u>	1010 1011 1012
<u>The exemption established in this division applies to participant-only areas during the time of preparation for and operation of the event.</u>	1013 1014 1015
<u>(G) A person subject to this chapter or rules adopted under it may apply to the director for a waiver or variance from a provision of this chapter or rules adopted under it. The director may grant a waiver or variance if the person demonstrates, to the satisfaction of the director, that the waiver or variance will not result in any adverse effect on the public health and safety. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures governing the application for and granting of a waiver or variance under this division.</u>	1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
Sec. 4715.14. (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The	1026 1027 1028

registration shall be made on a form prescribed by the board and 1029
furnished by the secretary, shall include the licensee's name, 1030
address, license number, and such other reasonable information as 1031
the board may consider necessary, and shall include payment of a 1032
biennial registration fee of two hundred forty-five dollars. 1033
Except as provided in division (E) of this section, this fee shall 1034
be paid to the treasurer of state. Subject to division (C) of this 1035
section, a registration shall be in effect for the two-year period 1036
beginning on the first day of January of the even-numbered year 1037
and ending on the last day of December of the following 1038
odd-numbered year, and shall be renewed in accordance with the 1039
standard renewal procedure of sections 4745.01 to 4745.03 of the 1040
Revised Code. 1041

(2)(a) Except as provided in division (A)(2)(b) of this 1042
section, in the case of a licensee seeking registration who 1043
prescribes or personally furnishes opioid analgesics or 1044
benzodiazepines, as defined in section 3719.01 of the Revised 1045
Code, the licensee shall certify to the board whether the licensee 1046
has been granted access to the drug database established and 1047
maintained by the state board of pharmacy pursuant to section 1048
4729.75 of the Revised Code. 1049

(b) The requirement in division (A)(2)(a) of this section 1050
does not apply if ~~either~~ any of the following is the case: 1051

(i) The state board of pharmacy notifies the state dental 1052
board pursuant to section 4729.861 of the Revised Code that the 1053
licensee has been restricted from obtaining further information 1054
from the drug database. 1055

(ii) The state board of pharmacy no longer maintains the drug 1056
database. 1057

(iii) The licensee does not practice dentistry in this state. 1058

(3) If a licensee certifies to the state dental board that 1059

the licensee has been granted access to the drug database and the 1060
board finds through an audit or other means that the licensee has 1061
not been granted access, the board may take action under section 1062
4715.30 of the Revised Code. 1063

(B) A licensed dentist who desires to temporarily retire from 1064
practice and who has given the board notice in writing to that 1065
effect shall be granted such a retirement, provided only that at 1066
that time all previous registration fees and additional costs of 1067
reinstatement have been paid. 1068

(C) Not later than the thirty-first day of January of an 1069
even-numbered year, the board shall send a notice by certified 1070
mail to a dentist who fails to renew a license in accordance with 1071
division (A) of this section. The notice shall state all of the 1072
following: 1073

(1) That the board has not received the registration form and 1074
fee described in that division; 1075

(2) That the license shall remain valid and in good standing 1076
until the first day of April following the last day of December of 1077
the odd-numbered year in which the dentist was scheduled to renew 1078
if the dentist remains in compliance with all other applicable 1079
provisions of this chapter and any rule adopted under it; 1080

(3) That the license may be renewed until the first day of 1081
April following the last day of December of the odd-numbered year 1082
in which the dentist was scheduled to renew by the payment of the 1083
biennial registration fee and an additional fee of one hundred 1084
dollars to cover the cost of late renewal; 1085

(4) That unless the board receives the registration form and 1086
fee before the first day of April following the last day of 1087
December of the odd-numbered year in which the dentist was 1088
scheduled to renew, the board may, on or after the relevant first 1089
day of April, initiate disciplinary action against the dentist 1090

pursuant to Chapter 119. of the Revised Code; 1091

(5) That a dentist whose license has been suspended as a 1092
result of disciplinary action initiated pursuant to division 1093
(C)(4) of this section may be reinstated by the payment of the 1094
biennial registration fee and an additional fee of three hundred 1095
dollars to cover the cost of reinstatement. 1096

(D) Each dentist licensed to practice, whether a resident or 1097
not, shall notify the secretary in writing or electronically of 1098
any change in the dentist's office address or employment within 1099
ten days after such change has taken place. On the first day of 1100
July of every even-numbered year, the secretary shall issue a 1101
printed roster of the names and addresses so registered. 1102

(E) Twenty dollars of each biennial registration fee shall be 1103
paid to the dentist loan repayment fund created under section 1104
3702.95 of the Revised Code. 1105

Sec. 4715.30. (A) An applicant for or holder of a certificate 1106
or license issued under this chapter is subject to disciplinary 1107
action by the state dental board for any of the following reasons: 1108
1109

(1) Employing or cooperating in fraud or material deception 1110
in applying for or obtaining a license or certificate; 1111

(2) Obtaining or attempting to obtain money or anything of 1112
value by intentional misrepresentation or material deception in 1113
the course of practice; 1114

(3) Advertising services in a false or misleading manner or 1115
violating the board's rules governing time, place, and manner of 1116
advertising; 1117

(4) Commission of an act that constitutes a felony in this 1118
state, regardless of the jurisdiction in which the act was 1119
committed; 1120

(5) Commission of an act in the course of practice that	1121
constitutes a misdemeanor in this state, regardless of the	1122
jurisdiction in which the act was committed;	1123
(6) Conviction of, a plea of guilty to, a judicial finding of	1124
guilt of, a judicial finding of guilt resulting from a plea of no	1125
contest to, or a judicial finding of eligibility for intervention	1126
in lieu of conviction for, any felony or of a misdemeanor	1127
committed in the course of practice;	1128
(7) Engaging in lewd or immoral conduct in connection with	1129
the provision of dental services;	1130
(8) Selling, prescribing, giving away, or administering drugs	1131
for other than legal and legitimate therapeutic purposes, or	1132
conviction of, a plea of guilty to, a judicial finding of guilt	1133
of, a judicial finding of guilt resulting from a plea of no	1134
contest to, or a judicial finding of eligibility for intervention	1135
in lieu of conviction for, a violation of any federal or state law	1136
regulating the possession, distribution, or use of any drug;	1137
(9) Providing or allowing dental hygienists, expanded	1138
function dental auxiliaries, or other practitioners of auxiliary	1139
dental occupations working under the certificate or license	1140
holder's supervision, or a dentist holding a temporary limited	1141
continuing education license under division (C) of section 4715.16	1142
of the Revised Code working under the certificate or license	1143
holder's direct supervision, to provide dental care that departs	1144
from or fails to conform to accepted standards for the profession,	1145
whether or not injury to a patient results;	1146
(10) Inability to practice under accepted standards of the	1147
profession because of physical or mental disability, dependence on	1148
alcohol or other drugs, or excessive use of alcohol or other	1149
drugs;	1150
(11) Violation of any provision of this chapter or any rule	1151

adopted thereunder;	1152
(12) Failure to use universal blood and body fluid	1153
precautions established by rules adopted under section 4715.03 of	1154
the Revised Code;	1155
(13) Except as provided in division (H) of this section,	1156
either of the following:	1157
(a) Waiving the payment of all or any part of a deductible or	1158
copayment that a patient, pursuant to a health insurance or health	1159
care policy, contract, or plan that covers dental services, would	1160
otherwise be required to pay if the waiver is used as an	1161
enticement to a patient or group of patients to receive health	1162
care services from that certificate or license holder;	1163
(b) Advertising that the certificate or license holder will	1164
waive the payment of all or any part of a deductible or copayment	1165
that a patient, pursuant to a health insurance or health care	1166
policy, contract, or plan that covers dental services, would	1167
otherwise be required to pay.	1168
(14) Failure to comply with section 4729.79 of the Revised	1169
Code, unless the state board of pharmacy no longer maintains a	1170
drug database pursuant to section 4729.75 of the Revised Code;	1171
(15) Any of the following actions taken by an agency	1172
responsible for authorizing, certifying, or regulating an	1173
individual to practice a health care occupation or provide health	1174
care services in this state or another jurisdiction, for any	1175
reason other than the nonpayment of fees: the limitation,	1176
revocation, or suspension of an individual's license to practice;	1177
acceptance of an individual's license surrender; denial of a	1178
license; refusal to renew or reinstate a license; imposition of	1179
probation; or issuance of an order of censure or other reprimand;	1180
(16) Failure to cooperate in an investigation conducted by	1181
the board under division (D) of section 4715.03 of the Revised	1182

Code, including failure to comply with a subpoena or order issued 1183
by the board or failure to answer truthfully a question presented 1184
by the board at a deposition or in written interrogatories, except 1185
that failure to cooperate with an investigation shall not 1186
constitute grounds for discipline under this section if a court of 1187
competent jurisdiction has issued an order that either quashes a 1188
subpoena or permits the individual to withhold the testimony or 1189
evidence in issue; 1190

(17) Failure to comply with the requirements in section 1191
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 1192
prescription for ~~a controlled substance containing~~ an opioid 1193
analgesic, as defined in section 3719.01 of the Revised Code. 1194

(B) A manager, proprietor, operator, or conductor of a dental 1195
facility shall be subject to disciplinary action if any dentist, 1196
dental hygienist, expanded function dental auxiliary, or qualified 1197
personnel providing services in the facility is found to have 1198
committed a violation listed in division (A) of this section and 1199
the manager, proprietor, operator, or conductor knew of the 1200
violation and permitted it to occur on a recurring basis. 1201

(C) Subject to Chapter 119. of the Revised Code, the board 1202
may take one or more of the following disciplinary actions if one 1203
or more of the grounds for discipline listed in divisions (A) and 1204
(B) of this section exist: 1205

(1) Censure the license or certificate holder; 1206

(2) Place the license or certificate on probationary status 1207
for such period of time the board determines necessary and require 1208
the holder to: 1209

(a) Report regularly to the board upon the matters which are 1210
the basis of probation; 1211

(b) Limit practice to those areas specified by the board; 1212

(c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

Where the board places a holder of a license or certificate on probationary status pursuant to division (C)(2) of this section, the board may subsequently suspend or revoke the license or certificate if it determines that the holder has not met the requirements of the probation or continues to engage in activities that constitute grounds for discipline pursuant to division (A) or (B) of this section.

Any order suspending a license or certificate shall state the conditions under which the license or certificate will be restored, which may include a conditional restoration during which time the holder is in a probationary status pursuant to division (C)(2) of this section. The board shall restore the license or certificate unconditionally when such conditions are met.

(D) If the physical or mental condition of an applicant or a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by an individual designated or approved by the board and at the board's expense. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.

Failure to comply with an order for an examination shall be grounds for refusal of a license or certificate or summary

suspension of a license or certificate under division (E) of this section. 1244
1245

(E) If a license or certificate holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code. 1246
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(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction. Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be 1258
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considered practicing without a certificate or license. The board 1276
shall notify the suspended individual of the suspension of the 1277
individual's certificate or license under this division by 1278
certified mail or in person in accordance with section 119.07 of 1279
the Revised Code. If an individual whose certificate or license is 1280
suspended under this division fails to make a timely request for 1281
an adjudicatory hearing, the board shall enter a final order 1282
revoking the individual's certificate or license. 1283

(G) If the supervisory investigative panel determines both of 1284
the following, the panel may recommend that the board suspend an 1285
individual's certificate or license without a prior hearing: 1286

(1) That there is clear and convincing evidence that an 1287
individual has violated division (A) of this section; 1288

(2) That the individual's continued practice presents a 1289
danger of immediate and serious harm to the public. 1290

Written allegations shall be prepared for consideration by 1291
the board. The board, upon review of those allegations and by an 1292
affirmative vote of not fewer than four dentist members of the 1293
board and seven of its members in total, excluding any member on 1294
the supervisory investigative panel, may suspend a certificate or 1295
license without a prior hearing. A telephone conference call may 1296
be utilized for reviewing the allegations and taking the vote on 1297
the summary suspension. 1298

The board shall issue a written order of suspension by 1299
certified mail or in person in accordance with section 119.07 of 1300
the Revised Code. The order shall not be subject to suspension by 1301
the court during pendency or any appeal filed under section 119.12 1302
of the Revised Code. If the individual subject to the summary 1303
suspension requests an adjudicatory hearing by the board, the date 1304
set for the hearing shall be within fifteen days, but not earlier 1305
than seven days, after the individual requests the hearing, unless 1306

otherwise agreed to by both the board and the individual. 1307

Any summary suspension imposed under this division shall 1308
remain in effect, unless reversed on appeal, until a final 1309
adjudicative order issued by the board pursuant to this section 1310
and Chapter 119. of the Revised Code becomes effective. The board 1311
shall issue its final adjudicative order within seventy-five days 1312
after completion of its hearing. A failure to issue the order 1313
within seventy-five days shall result in dissolution of the 1314
summary suspension order but shall not invalidate any subsequent, 1315
final adjudicative order. 1316

(H) Sanctions shall not be imposed under division (A)(13) of 1317
this section against any certificate or license holder who waives 1318
deductibles and copayments as follows: 1319

(1) In compliance with the health benefit plan that expressly 1320
allows such a practice. Waiver of the deductibles or copayments 1321
shall be made only with the full knowledge and consent of the plan 1322
purchaser, payer, and third-party administrator. Documentation of 1323
the consent shall be made available to the board upon request. 1324

(2) For professional services rendered to any other person 1325
who holds a certificate or license issued pursuant to this chapter 1326
to the extent allowed by this chapter and the rules of the board. 1327

(I) In no event shall the board consider or raise during a 1328
hearing required by Chapter 119. of the Revised Code the 1329
circumstances of, or the fact that the board has received, one or 1330
more complaints about a person unless the one or more complaints 1331
are the subject of the hearing or resulted in the board taking an 1332
action authorized by this section against the person on a prior 1333
occasion. 1334

(J) The board may share any information it receives pursuant 1335
to an investigation under division (D) of section 4715.03 of the 1336
Revised Code, including patient records and patient record 1337

information, with law enforcement agencies, other licensing 1338
boards, and other governmental agencies that are prosecuting, 1339
adjudicating, or investigating alleged violations of statutes or 1340
administrative rules. An agency or board that receives the 1341
information shall comply with the same requirements regarding 1342
confidentiality as those with which the state dental board must 1343
comply, notwithstanding any conflicting provision of the Revised 1344
Code or procedure of the agency or board that applies when it is 1345
dealing with other information in its possession. In a judicial 1346
proceeding, the information may be admitted into evidence only in 1347
accordance with the Rules of Evidence, but the court shall require 1348
that appropriate measures are taken to ensure that confidentiality 1349
is maintained with respect to any part of the information that 1350
contains names or other identifying information about patients or 1351
complainants whose confidentiality was protected by the state 1352
dental board when the information was in the board's possession. 1353
Measures to ensure confidentiality that may be taken by the court 1354
include sealing its records or deleting specific information from 1355
its records. 1356

Sec. 4723.28. (A) The board of nursing, by a vote of a 1357
quorum, may impose one or more of the following sanctions if it 1358
finds that a person committed fraud in passing an examination 1359
required to obtain a license, certificate of authority, or 1360
dialysis technician certificate issued by the board or to have 1361
committed fraud, misrepresentation, or deception in applying for 1362
or securing any nursing license, certificate of authority, or 1363
dialysis technician certificate issued by the board: deny, revoke, 1364
suspend, or place restrictions on any nursing license, certificate 1365
of authority, or dialysis technician certificate issued by the 1366
board; reprimand or otherwise discipline a holder of a nursing 1367
license, certificate of authority, or dialysis technician 1368
certificate; or impose a fine of not more than five hundred 1369

dollars per violation. 1370

(B) The board of nursing, by a vote of a quorum, may impose 1371
one or more of the following sanctions: deny, revoke, suspend, or 1372
place restrictions on any nursing license, certificate of 1373
authority, or dialysis technician certificate issued by the board; 1374
reprimand or otherwise discipline a holder of a nursing license, 1375
certificate of authority, or dialysis technician certificate; or 1376
impose a fine of not more than five hundred dollars per violation. 1377
The sanctions may be imposed for any of the following: 1378

(1) Denial, revocation, suspension, or restriction of 1379
authority to engage in a licensed profession or practice a health 1380
care occupation, including nursing or practice as a dialysis 1381
technician, for any reason other than a failure to renew, in Ohio 1382
or another state or jurisdiction; 1383

(2) Engaging in the practice of nursing or engaging in 1384
practice as a dialysis technician, having failed to renew a 1385
nursing license or dialysis technician certificate issued under 1386
this chapter, or while a nursing license or dialysis technician 1387
certificate is under suspension; 1388

(3) Conviction of, a plea of guilty to, a judicial finding of 1389
guilt of, a judicial finding of guilt resulting from a plea of no 1390
contest to, or a judicial finding of eligibility for a pretrial 1391
diversion or similar program or for intervention in lieu of 1392
conviction for, a misdemeanor committed in the course of practice; 1393

(4) Conviction of, a plea of guilty to, a judicial finding of 1394
guilt of, a judicial finding of guilt resulting from a plea of no 1395
contest to, or a judicial finding of eligibility for a pretrial 1396
diversion or similar program or for intervention in lieu of 1397
conviction for, any felony or of any crime involving gross 1398
immorality or moral turpitude; 1399

(5) Selling, giving away, or administering drugs or 1400
therapeutic devices for other than legal and legitimate 1401
therapeutic purposes; or conviction of, a plea of guilty to, a 1402
judicial finding of guilt of, a judicial finding of guilt 1403
resulting from a plea of no contest to, or a judicial finding of 1404
eligibility for a pretrial diversion or similar program or for 1405
intervention in lieu of conviction for, violating any municipal, 1406
state, county, or federal drug law; 1407

(6) Conviction of, a plea of guilty to, a judicial finding of 1408
guilt of, a judicial finding of guilt resulting from a plea of no 1409
contest to, or a judicial finding of eligibility for a pretrial 1410
diversion or similar program or for intervention in lieu of 1411
conviction for, an act in another jurisdiction that would 1412
constitute a felony or a crime of moral turpitude in Ohio; 1413

(7) Conviction of, a plea of guilty to, a judicial finding of 1414
guilt of, a judicial finding of guilt resulting from a plea of no 1415
contest to, or a judicial finding of eligibility for a pretrial 1416
diversion or similar program or for intervention in lieu of 1417
conviction for, an act in the course of practice in another 1418
jurisdiction that would constitute a misdemeanor in Ohio; 1419

(8) Self-administering or otherwise taking into the body any 1420
dangerous drug, as defined in section 4729.01 of the Revised Code, 1421
in any way that is not in accordance with a legal, valid 1422
prescription issued for that individual, or self-administering or 1423
otherwise taking into the body any drug that is a schedule I 1424
controlled substance; 1425

(9) Habitual or excessive use of controlled substances, other 1426
habit-forming drugs, or alcohol or other chemical substances to an 1427
extent that impairs the individual's ability to provide safe 1428
nursing care or safe dialysis care; 1429

(10) Impairment of the ability to practice according to 1430

acceptable and prevailing standards of safe nursing care or safe	1431
dialysis care because of the use of drugs, alcohol, or other	1432
chemical substances;	1433
(11) Impairment of the ability to practice according to	1434
acceptable and prevailing standards of safe nursing care or safe	1435
dialysis care because of a physical or mental disability;	1436
(12) Assaulting or causing harm to a patient or depriving a	1437
patient of the means to summon assistance;	1438
(13) Misappropriation or attempted misappropriation of money	1439
or anything of value in the course of practice;	1440
(14) Adjudication by a probate court of being mentally ill or	1441
mentally incompetent. The board may reinstate the person's nursing	1442
license or dialysis technician certificate upon adjudication by a	1443
probate court of the person's restoration to competency or upon	1444
submission to the board of other proof of competency.	1445
(15) The suspension or termination of employment by the	1446
department of defense or the veterans administration of the United	1447
States for any act that violates or would violate this chapter;	1448
(16) Violation of this chapter or any rules adopted under it;	1449
(17) Violation of any restrictions placed by the board on a	1450
nursing license or dialysis technician certificate;	1451
(18) Failure to use universal and standard precautions	1452
established by rules adopted under section 4723.07 of the Revised	1453
Code;	1454
(19) Failure to practice in accordance with acceptable and	1455
prevailing standards of safe nursing care or safe dialysis care;	1456
(20) In the case of a registered nurse, engaging in	1457
activities that exceed the practice of nursing as a registered	1458
nurse;	1459
(21) In the case of a licensed practical nurse, engaging in	1460

activities that exceed the practice of nursing as a licensed	1461
practical nurse;	1462
(22) In the case of a dialysis technician, engaging in	1463
activities that exceed those permitted under section 4723.72 of	1464
the Revised Code;	1465
(23) Aiding and abetting a person in that person's practice	1466
of nursing without a license or practice as a dialysis technician	1467
without a certificate issued under this chapter;	1468
(24) In the case of a certified registered nurse anesthetist,	1469
clinical nurse specialist, certified nurse-midwife, or certified	1470
nurse practitioner, except as provided in division (M) of this	1471
section, either of the following:	1472
(a) Waiving the payment of all or any part of a deductible or	1473
copayment that a patient, pursuant to a health insurance or health	1474
care policy, contract, or plan that covers such nursing services,	1475
would otherwise be required to pay if the waiver is used as an	1476
enticement to a patient or group of patients to receive health	1477
care services from that provider;	1478
(b) Advertising that the nurse will waive the payment of all	1479
or any part of a deductible or copayment that a patient, pursuant	1480
to a health insurance or health care policy, contract, or plan	1481
that covers such nursing services, would otherwise be required to	1482
pay.	1483
(25) Failure to comply with the terms and conditions of	1484
participation in the chemical dependency monitoring program	1485
established under section 4723.35 of the Revised Code;	1486
(26) Failure to comply with the terms and conditions required	1487
under the practice intervention and improvement program	1488
established under section 4723.282 of the Revised Code;	1489
(27) In the case of a certified registered nurse anesthetist,	1490

clinical nurse specialist, certified nurse-midwife, or certified	1491
nurse practitioner:	1492
(a) Engaging in activities that exceed those permitted for	1493
the nurse's nursing specialty under section 4723.43 of the Revised	1494
Code;	1495
(b) Failure to meet the quality assurance standards	1496
established under section 4723.07 of the Revised Code.	1497
(28) In the case of a clinical nurse specialist, certified	1498
nurse-midwife, or certified nurse practitioner, failure to	1499
maintain a standard care arrangement in accordance with section	1500
4723.431 of the Revised Code or to practice in accordance with the	1501
standard care arrangement;	1502
(29) In the case of a clinical nurse specialist, certified	1503
nurse-midwife, or certified nurse practitioner who holds a	1504
certificate to prescribe issued under section 4723.48 of the	1505
Revised Code, failure to prescribe drugs and therapeutic devices	1506
in accordance with section 4723.481 of the Revised Code;	1507
(30) Prescribing any drug or device to perform or induce an	1508
abortion, or otherwise performing or inducing an abortion;	1509
(31) Failure to establish and maintain professional	1510
boundaries with a patient, as specified in rules adopted under	1511
section 4723.07 of the Revised Code;	1512
(32) Regardless of whether the contact or verbal behavior is	1513
consensual, engaging with a patient other than the spouse of the	1514
registered nurse, licensed practical nurse, or dialysis technician	1515
in any of the following:	1516
(a) Sexual contact, as defined in section 2907.01 of the	1517
Revised Code;	1518
(b) Verbal behavior that is sexually demeaning to the patient	1519
or may be reasonably interpreted by the patient as sexually	1520

demeaning. 1521

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code; 1522
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(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing ~~to~~ for a minor a prescription for ~~a controlled substance containing~~ an opioid analgesic, as defined in section 3719.01 of the Revised Code. 1524
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect. 1528
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(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code. 1539
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In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this 1544
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section. 1552

(E) If a criminal action is brought against a registered 1553
nurse, licensed practical nurse, or dialysis technician for an act 1554
or crime described in divisions (B)(3) to (7) of this section and 1555
the action is dismissed by the trial court other than on the 1556
merits, the board shall conduct an adjudication to determine 1557
whether the registered nurse, licensed practical nurse, or 1558
dialysis technician committed the act on which the action was 1559
based. If the board determines on the basis of the adjudication 1560
that the registered nurse, licensed practical nurse, or dialysis 1561
technician committed the act, or if the registered nurse, licensed 1562
practical nurse, or dialysis technician fails to participate in 1563
the adjudication, the board may take action as though the 1564
registered nurse, licensed practical nurse, or dialysis technician 1565
had been convicted of the act. 1566

If the board takes action on the basis of a conviction, plea, 1567
or a judicial finding as described in divisions (B)(3) to (7) of 1568
this section that is overturned on appeal, the registered nurse, 1569
licensed practical nurse, or dialysis technician may, on 1570
exhaustion of the appeal process, petition the board for 1571
reconsideration of its action. On receipt of the petition and 1572
supporting court documents, the board shall temporarily rescind 1573
its action. If the board determines that the decision on appeal 1574
was a decision on the merits, it shall permanently rescind its 1575
action. If the board determines that the decision on appeal was 1576
not a decision on the merits, it shall conduct an adjudication to 1577
determine whether the registered nurse, licensed practical nurse, 1578
or dialysis technician committed the act on which the original 1579
conviction, plea, or judicial finding was based. If the board 1580
determines on the basis of the adjudication that the registered 1581
nurse, licensed practical nurse, or dialysis technician committed 1582
such act, or if the registered nurse, licensed practical nurse, or 1583

dialysis technician does not request an adjudication, the board 1584
shall reinstate its action; otherwise, the board shall permanently 1585
rescind its action. 1586

Notwithstanding the provision of division (C)(2) of section 1587
2953.32 of the Revised Code specifying that if records pertaining 1588
to a criminal case are sealed under that section the proceedings 1589
in the case shall be deemed not to have occurred, sealing of the 1590
following records on which the board has based an action under 1591
this section shall have no effect on the board's action or any 1592
sanction imposed by the board under this section: records of any 1593
conviction, guilty plea, judicial finding of guilt resulting from 1594
a plea of no contest, or a judicial finding of eligibility for a 1595
pretrial diversion program or intervention in lieu of conviction. 1596

The board shall not be required to seal, destroy, redact, or 1597
otherwise modify its records to reflect the court's sealing of 1598
conviction records. 1599

(F) The board may investigate an individual's criminal 1600
background in performing its duties under this section. As part of 1601
such investigation, the board may order the individual to submit, 1602
at the individual's expense, a request to the bureau of criminal 1603
identification and investigation for a criminal records check and 1604
check of federal bureau of investigation records in accordance 1605
with the procedure described in section 4723.091 of the Revised 1606
Code. 1607

(G) During the course of an investigation conducted under 1608
this section, the board may compel any registered nurse, licensed 1609
practical nurse, or dialysis technician or applicant under this 1610
chapter to submit to a mental or physical examination, or both, as 1611
required by the board and at the expense of the individual, if the 1612
board finds reason to believe that the individual under 1613
investigation may have a physical or mental impairment that may 1614
affect the individual's ability to provide safe nursing care. 1615

Failure of any individual to submit to a mental or physical 1616
examination when directed constitutes an admission of the 1617
allegations, unless the failure is due to circumstances beyond the 1618
individual's control, and a default and final order may be entered 1619
without the taking of testimony or presentation of evidence. 1620

If the board finds that an individual is impaired, the board 1621
shall require the individual to submit to care, counseling, or 1622
treatment approved or designated by the board, as a condition for 1623
initial, continued, reinstated, or renewed authority to practice. 1624
The individual shall be afforded an opportunity to demonstrate to 1625
the board that the individual can begin or resume the individual's 1626
occupation in compliance with acceptable and prevailing standards 1627
of care under the provisions of the individual's authority to 1628
practice. 1629

For purposes of this division, any registered nurse, licensed 1630
practical nurse, or dialysis technician or applicant under this 1631
chapter shall be deemed to have given consent to submit to a 1632
mental or physical examination when directed to do so in writing 1633
by the board, and to have waived all objections to the 1634
admissibility of testimony or examination reports that constitute 1635
a privileged communication. 1636

(H) The board shall investigate evidence that appears to show 1637
that any person has violated any provision of this chapter or any 1638
rule of the board. Any person may report to the board any 1639
information the person may have that appears to show a violation 1640
of any provision of this chapter or rule of the board. In the 1641
absence of bad faith, any person who reports such information or 1642
who testifies before the board in any adjudication conducted under 1643
Chapter 119. of the Revised Code shall not be liable for civil 1644
damages as a result of the report or testimony. 1645

(I) All of the following apply under this chapter with 1646
respect to the confidentiality of information: 1647

(1) Information received by the board pursuant to a complaint 1648
or an investigation is confidential and not subject to discovery 1649
in any civil action, except that the board may disclose 1650
information to law enforcement officers and government entities 1651
for purposes of an investigation of either a licensed health care 1652
professional, including a registered nurse, licensed practical 1653
nurse, or dialysis technician, or a person who may have engaged in 1654
the unauthorized practice of nursing or dialysis care. No law 1655
enforcement officer or government entity with knowledge of any 1656
information disclosed by the board pursuant to this division shall 1657
divulge the information to any other person or government entity 1658
except for the purpose of a government investigation, a 1659
prosecution, or an adjudication by a court or government entity. 1660

(2) If an investigation requires a review of patient records, 1661
the investigation and proceeding shall be conducted in such a 1662
manner as to protect patient confidentiality. 1663

(3) All adjudications and investigations of the board shall 1664
be considered civil actions for the purposes of section 2305.252 1665
of the Revised Code. 1666

(4) Any board activity that involves continued monitoring of 1667
an individual as part of or following any disciplinary action 1668
taken under this section shall be conducted in a manner that 1669
maintains the individual's confidentiality. Information received 1670
or maintained by the board with respect to the board's monitoring 1671
activities is not subject to discovery in any civil action and is 1672
confidential, except that the board may disclose information to 1673
law enforcement officers and government entities for purposes of 1674
an investigation of a licensee or certificate holder. 1675

(J) Any action taken by the board under this section 1676
resulting in a suspension from practice shall be accompanied by a 1677
written statement of the conditions under which the person may be 1678
reinstated to practice. 1679

(K) When the board refuses to grant a license or certificate 1680
to an applicant, revokes a license or certificate, or refuses to 1681
reinstate a license or certificate, the board may specify that its 1682
action is permanent. An individual subject to permanent action 1683
taken by the board is forever ineligible to hold a license or 1684
certificate of the type that was refused or revoked and the board 1685
shall not accept from the individual an application for 1686
reinstatement of the license or certificate or for a new license 1687
or certificate. 1688

(L) No unilateral surrender of a nursing license, certificate 1689
of authority, or dialysis technician certificate issued under this 1690
chapter shall be effective unless accepted by majority vote of the 1691
board. No application for a nursing license, certificate of 1692
authority, or dialysis technician certificate issued under this 1693
chapter may be withdrawn without a majority vote of the board. The 1694
board's jurisdiction to take disciplinary action under this 1695
section is not removed or limited when an individual has a license 1696
or certificate classified as inactive or fails to renew a license 1697
or certificate. 1698

(M) Sanctions shall not be imposed under division (B)(24) of 1699
this section against any licensee who waives deductibles and 1700
copayments as follows: 1701

(1) In compliance with the health benefit plan that expressly 1702
allows such a practice. Waiver of the deductibles or copayments 1703
shall be made only with the full knowledge and consent of the plan 1704
purchaser, payer, and third-party administrator. Documentation of 1705
the consent shall be made available to the board upon request. 1706

(2) For professional services rendered to any other person 1707
licensed pursuant to this chapter to the extent allowed by this 1708
chapter and the rules of the board. 1709

Sec. 4723.481. This section establishes standards and 1710

conditions regarding the authority of a clinical nurse specialist, 1711
certified nurse-midwife, or certified nurse practitioner to 1712
prescribe drugs and therapeutic devices under a certificate to 1713
prescribe issued under section 4723.48 of the Revised Code. 1714

(A) A clinical nurse specialist, certified nurse-midwife, or 1715
certified nurse practitioner shall not prescribe any drug or 1716
therapeutic device that is not included in the types of drugs and 1717
devices listed on the formulary established in rules adopted under 1718
section 4723.50 of the Revised Code. 1719

(B) The prescriptive authority of a clinical nurse 1720
specialist, certified nurse-midwife, or certified nurse 1721
practitioner shall not exceed the prescriptive authority of the 1722
collaborating physician or podiatrist, including the collaborating 1723
physician's authority to treat chronic pain with controlled 1724
substances and products containing tramadol as described in 1725
section 4731.052 of the Revised Code. 1726

(C)(1) Except as provided in division (C)(2) or (3) of this 1727
section, a clinical nurse specialist, certified nurse-midwife, or 1728
certified nurse practitioner may prescribe to a patient a schedule 1729
II controlled substance only if all of the following are the case: 1730

(a) The patient has a terminal condition, as defined in 1731
section 2133.01 of the Revised Code. 1732

(b) The collaborating physician of the clinical nurse 1733
specialist, certified nurse-midwife, or certified nurse 1734
practitioner initially prescribed the substance for the patient. 1735

(c) The prescription is for an amount that does not exceed 1736
the amount necessary for the patient's use in a single, 1737
twenty-four-hour period. 1738

(2) The restrictions on prescriptive authority in division 1739
(C)(1) of this section do not apply if a clinical nurse 1740

specialist, certified nurse-midwife, or certified nurse 1741
practitioner issues the prescription to the patient from any of 1742
the following locations: 1743

(a) A hospital registered under section 3701.07 of the 1744
Revised Code; 1745

(b) An entity owned or controlled, in whole or in part, by a 1746
hospital or by an entity that owns or controls, in whole or in 1747
part, one or more hospitals; 1748

(c) A health care facility operated by the department of 1749
mental health and addiction services or the department of 1750
developmental disabilities; 1751

(d) A nursing home licensed under section 3721.02 of the 1752
Revised Code or by a political subdivision certified under section 1753
3721.09 of the Revised Code; 1754

(e) A county home or district home operated under Chapter 1755
5155. of the Revised Code that is certified under the medicare or 1756
medicaid program; 1757

(f) A hospice care program, as defined in section 3712.01 of 1758
the Revised Code; 1759

(g) A community mental health services provider, as defined 1760
in section 5122.01 of the Revised Code; 1761

(h) An ambulatory surgical facility, as defined in section 1762
3702.30 of the Revised Code; 1763

(i) A freestanding birthing center, as defined in section 1764
3702.141 of the Revised Code; 1765

(j) A federally qualified health center, as defined in 1766
section 3701.047 of the Revised Code; 1767

(k) A federally qualified health center look-alike, as 1768
defined in section 3701.047 of the Revised Code; 1769

(1) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site.

(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish to a patient a sample of any drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:

(1) The amount of the sample furnished shall not exceed a

seventy-two-hour supply, except when the minimum available 1801
quantity of the sample is packaged in an amount that is greater 1802
than a seventy-two-hour supply, in which case the packaged amount 1803
may be furnished. 1804

(2) No charge may be imposed for the sample or for furnishing 1805
it. 1806

(3) Samples of controlled substances may not be personally 1807
furnished. 1808

(F) A clinical nurse specialist, certified nurse-midwife, or 1809
certified nurse practitioner may personally furnish to a patient a 1810
complete or partial supply of a drug or therapeutic device 1811
included in the types of drugs and devices listed on the 1812
formulary, except that all of the following conditions apply: 1813

(1) The clinical nurse specialist, certified nurse-midwife, 1814
or certified nurse practitioner shall personally furnish only 1815
antibiotics, antifungals, scabicides, contraceptives, prenatal 1816
vitamins, antihypertensives, drugs and devices used in the 1817
treatment of diabetes, drugs and devices used in the treatment of 1818
asthma, and drugs used in the treatment of dyslipidemia. 1819

(2) The clinical nurse specialist, certified nurse-midwife, 1820
or certified nurse practitioner shall not furnish the drugs and 1821
devices in locations other than a health department operated by 1822
the board of health of a city or general health district or the 1823
authority having the duties of a board of health under section 1824
3709.05 of the Revised Code, a federally funded comprehensive 1825
primary care clinic, or a nonprofit health care clinic or program. 1826

(3) The clinical nurse specialist, certified nurse-midwife, 1827
or certified nurse practitioner shall comply with all safety 1828
standards for personally furnishing supplies of drugs and devices, 1829
as established in rules adopted under section 4723.50 of the 1830
Revised Code. 1831

(G) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, ~~a compound that is a controlled substance containing~~ an opioid analgesic, as defined in section 3719.01 of the Revised Code.

Sec. 4723.486. (A) A certificate to prescribe issued under section 4723.48 of the Revised Code that is not issued as an externship certificate is valid for two years, unless otherwise provided in rules adopted under section 4723.50 of the Revised Code or earlier suspended or revoked by the board. The board of nursing shall renew certificates to prescribe according to procedures and a renewal schedule established in rules adopted under section 4723.50 of the Revised Code.

(B) Except as provided in division (C) of this section, the board may renew a certificate to prescribe if the holder submits to the board all of the following:

(1) Evidence of having completed during the previous two years at least twelve hours of continuing education in advanced pharmacology, or, if the certificate has been held for less than a full renewal period, the number of hours required by the board in rules adopted under section 4723.50 of the Revised Code;

(2) The fee required under section 4723.08 of the Revised Code for renewal of a certificate to prescribe;

(3) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, in the case of a certificate holder seeking renewal who prescribes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the holder shall certify to the board

whether the holder has been granted access to the drug database 1862
established and maintained by the state board of pharmacy pursuant 1863
to section 4729.75 of the Revised Code. 1864

(2) The requirement in division (C)(1) of this section does 1865
not apply if ~~either~~ any of the following is the case: 1866

(a) The state board of pharmacy notifies the board of nursing 1867
pursuant to section 4729.861 of the Revised Code that the 1868
certificate holder has been restricted from obtaining further 1869
information from the drug database. 1870

(b) The state board of pharmacy no longer maintains the drug 1871
database. 1872

(c) The certificate holder does not practice nursing in this 1873
state. 1874

(3) If a certificate holder certifies to the board of nursing 1875
that the holder has been granted access to the drug database and 1876
the board finds through an audit or other means that the holder 1877
has not been granted access, the board may take action under 1878
section 4723.28 of the Revised Code. 1879

(D) The continuing education in pharmacology required under 1880
division (B)(1) of this section must be received from an 1881
accredited institution recognized by the board. The hours of 1882
continuing education required are in addition to any other 1883
continuing education requirement that must be completed pursuant 1884
to this chapter. 1885

Sec. 4725.16. (A)(1) Each certificate of licensure, topical 1886
ocular pharmaceutical agents certificate, and therapeutic 1887
pharmaceutical agents certificate issued by the state board of 1888
optometry shall expire annually on the last day of December, and 1889
may be renewed in accordance with this section and the standard 1890
renewal procedure established under Chapter 4745. of the Revised 1891

Code. 1892

(2) An optometrist seeking to continue to practice optometry 1893
shall file with the board an application for license renewal. The 1894
application shall be in such form and require such pertinent 1895
professional biographical data as the board may require. 1896

(3)(a) Except as provided in division (A)(3)(b) of this 1897
section, in the case of an optometrist seeking renewal who holds a 1898
~~topical ocular~~ therapeutic pharmaceutical agents certificate and 1899
who prescribes or personally furnishes analgesic controlled 1900
substances authorized pursuant to section 4725.091 of the Revised 1901
Code that are opioid analgesics ~~or benzodiazepines~~, as defined in 1902
section 3719.01 of the Revised Code, the optometrist shall certify 1903
to the board whether the optometrist has been granted access to 1904
the drug database established and maintained by the state board of 1905
pharmacy pursuant to section 4729.75 of the Revised Code. 1906

(b) The requirement in division (A)(3)(a) of this section 1907
does not apply if ~~either~~ any of the following is the case: 1908

(i) The state board of pharmacy notifies the state board of 1909
optometry pursuant to section 4729.861 of the Revised Code that 1910
the certificate holder has been restricted from obtaining further 1911
information from the drug database. 1912

(ii) The state board of pharmacy no longer maintains the drug 1913
database. 1914

(iii) The certificate holder does not practice optometry in 1915
this state. 1916

(c) If an optometrist certifies to the state board of 1917
optometry that the optometrist has been granted access to the drug 1918
database and the board finds through an audit or other means that 1919
the optometrist has not been granted access, the board may take 1920
action under section 4725.19 of the Revised Code. 1921

(B) All licensed optometrists shall annually complete 1922
continuing education in subjects relating to the practice of 1923
optometry, to the end that the utilization and application of new 1924
techniques, scientific and clinical advances, and the achievements 1925
of research will assure comprehensive care to the public. The 1926
board shall prescribe by rule the continuing optometric education 1927
that licensed optometrists must complete. The length of study 1928
shall be twenty-five clock hours each year, including ten clock 1929
hours of instruction in pharmacology to be completed by all 1930
licensed optometrists. 1931

Unless the continuing education required under this division 1932
is waived or deferred under division (D) of this section, the 1933
continuing education must be completed during the twelve-month 1934
period beginning on the first day of October and ending on the 1935
last day of September. If the board receives notice from a 1936
continuing education program indicating that an optometrist 1937
completed the program after the last day of September, and the 1938
optometrist wants to use the continuing education completed after 1939
that day to renew the license that expires on the last day of 1940
December of that year, the optometrist shall pay the penalty 1941
specified under section 4725.34 of the Revised Code for late 1942
completion of continuing education. 1943

At least once annually, the board shall post on its web site 1944
and shall mail, or send by electronic mail, to each licensed 1945
optometrist a list of courses approved in accordance with 1946
standards prescribed by board rule. Upon the request of a licensed 1947
optometrist, the executive director of the board shall supply a 1948
list of additional courses that the board has approved subsequent 1949
to the most recent web site posting, electronic mail transmission, 1950
or mailing of the list of approved courses. 1951

(C)(1) Annually, not later than the first day of November, 1952
the board shall mail or send by electronic mail a notice regarding 1953

license renewal to each licensed optometrist who may be eligible 1954
for renewal. The notice shall be sent to the optometrist's most 1955
recent electronic mail or mailing address shown in the board's 1956
records. If the board knows that the optometrist has completed the 1957
required continuing optometric education for the year, the board 1958
may include with the notice an application for license renewal. 1959

(2) Filing a license renewal application with the board shall 1960
serve as notice by the optometrist that the continuing optometric 1961
education requirement has been successfully completed. If the 1962
board finds that an optometrist has not completed the required 1963
continuing optometric education, the board shall disapprove the 1964
optometrist's application. The board's disapproval of renewal is 1965
effective without a hearing, unless a hearing is requested 1966
pursuant to Chapter 119. of the Revised Code. 1967

(3) The board shall refuse to accept an application for 1968
renewal from any applicant whose license is not in good standing 1969
or who is under disciplinary review pursuant to section 4725.19 of 1970
the Revised Code. 1971

(4) Notice of an applicant's failure to qualify for renewal 1972
shall be served upon the applicant by mail. The notice shall be 1973
sent not later than the fifteenth day of November to the 1974
applicant's last address shown in the board's records. 1975

(D) In cases of certified illness or undue hardship, the 1976
board may waive or defer for up to twelve months the requirement 1977
of continuing optometric education, except that in such cases the 1978
board may not waive or defer the continuing education in 1979
pharmacology required to be completed by optometrists who hold 1980
topical ocular pharmaceutical agents certificates or therapeutic 1981
pharmaceutical agents certificates. The board shall waive the 1982
requirement of continuing optometric education for any optometrist 1983
who is serving on active duty in the armed forces of the United 1984
States or a reserve component of the armed forces of the United 1985

States, including the Ohio national guard or the national guard of 1986
any other state or who has received an initial certificate of 1987
licensure during the nine-month period which ended on the last day 1988
of September. 1989

(E) An optometrist whose renewal application has been 1990
approved may renew each certificate held by paying to the 1991
treasurer of state the fees for renewal specified under section 1992
4725.34 of the Revised Code. On payment of all applicable fees, 1993
the board shall issue a renewal of the optometrist's certificate 1994
of licensure, topical ocular pharmaceutical agents certificate, 1995
and therapeutic pharmaceutical agents certificate, as appropriate. 1996

(F) Not later than the fifteenth day of December, the board 1997
shall mail or send by electronic mail a second notice regarding 1998
license renewal to each licensed optometrist who may be eligible 1999
for renewal but did not respond to the notice sent under division 2000
(C)(1) of this section. The notice shall be sent to the 2001
optometrist's most recent electronic mail or mailing address shown 2002
in the board's records. If an optometrist fails to file a renewal 2003
application after the second notice is sent, the board shall send 2004
a third notice regarding license renewal prior to any action under 2005
division (I) of this section to classify the optometrist's 2006
certificates as delinquent. 2007

(G) The failure of an optometrist to apply for license 2008
renewal or the failure to pay the applicable annual renewal fees 2009
on or before the date of expiration, shall automatically work a 2010
forfeiture of the optometrist's authority to practice optometry in 2011
this state. 2012

(H) The board shall accept renewal applications and renewal 2013
fees that are submitted from the first day of January to the last 2014
day of April of the year next succeeding the date of expiration. 2015
An individual who submits such a late renewal application or fee 2016
shall pay the late renewal fee specified in section 4725.34 of the 2017

Revised Code.	2018
(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.	2019 2020 2021 2022 2023
(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:	2024 2025 2026 2027
(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;	2028 2029 2030
(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;	2031 2032 2033
(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;	2034 2035 2036 2037
(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.	2038 2039 2040 2041
(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.	2042 2043 2044 2045 2046
Sec. 4725.19. (A) In accordance with Chapter 119. of the	2047

Revised Code and by an affirmative vote of a majority of its 2048
members, the state board of optometry, for any of the reasons 2049
specified in division (B) of this section, shall refuse to grant a 2050
certificate of licensure to an applicant and may, with respect to 2051
a licensed optometrist, do one or more of the following: 2052

(1) Suspend the operation of any certificate of licensure, 2053
topical ocular pharmaceutical agents certificate, or therapeutic 2054
pharmaceutical agents certificate, or all certificates granted by 2055
it to the optometrist; 2056

(2) Permanently revoke any or all of the certificates; 2057

(3) Limit or otherwise place restrictions on any or all of 2058
the certificates; 2059

(4) Reprimand the optometrist; 2060

(5) Impose a monetary penalty. If the reason for which the 2061
board is imposing the penalty involves a criminal offense that 2062
carries a fine under the Revised Code, the penalty shall not 2063
exceed the maximum fine that may be imposed for the criminal 2064
offense. In any other case, the penalty imposed by the board shall 2065
not exceed five hundred dollars. 2066

(6) Require the optometrist to take corrective action 2067
courses. 2068

The amount and content of corrective action courses shall be 2069
established by the board in rules adopted under section 4725.09 of 2070
the Revised Code. 2071

(B) The sanctions specified in division (A) of this section 2072
may be taken by the board for any of the following reasons: 2073

(1) Committing fraud in passing the licensing examination or 2074
making false or purposely misleading statements in an application 2075
for a certificate of licensure; 2076

(2) Being at any time guilty of immorality, regardless of the 2077

jurisdiction in which the act was committed;	2078
(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;	2079 2080
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	2081 2082
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;	2083 2084 2085
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	2086 2087 2088
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	2089 2090 2091 2092 2093
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	2094 2095 2096 2097
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	2098 2099 2100 2101 2102
(10) Failing to maintain comprehensive patient records;	2103
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	2104 2105 2106
(12) Being addicted to the use of alcohol, stimulants,	2107

narcotics, or any other substance which impairs the intellect and 2108
judgment to such an extent as to hinder or diminish the 2109
performance of the duties included in the person's practice of 2110
optometry; 2111

(13) Engaging in the practice of optometry as provided in 2112
division (A)(2) or (3) of section 4725.01 of the Revised Code 2113
without authority to do so or, if authorized, in a manner 2114
inconsistent with the authority granted; 2115

(14) Failing to make a report to the board as required by 2116
division (A) of section 4725.21 or section 4725.31 of the Revised 2117
Code; 2118

(15) Soliciting patients from door to door or establishing 2119
temporary offices, in which case the board shall suspend all 2120
certificates held by the optometrist; 2121

(16) Except as provided in division (D) of this section: 2122

(a) Waiving the payment of all or any part of a deductible or 2123
copayment that a patient, pursuant to a health insurance or health 2124
care policy, contract, or plan that covers optometric services, 2125
would otherwise be required to pay if the waiver is used as an 2126
enticement to a patient or group of patients to receive health 2127
care services from that optometrist. 2128

(b) Advertising that the optometrist will waive the payment 2129
of all or any part of a deductible or copayment that a patient, 2130
pursuant to a health insurance or health care policy, contract, or 2131
plan that covers optometric services, would otherwise be required 2132
to pay. 2133

(17) Failing to comply with the requirements in section 2134
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 2135
prescription for ~~a controlled substance containing~~ an analgesic 2136
controlled substance authorized pursuant to section 4725.091 of 2137
the Revised Code that is an opioid analgesic, as defined in 2138

section 3719.01 of the Revised Code. 2139

(C) Any person who is the holder of a certificate of 2140
licensure, or who is an applicant for a certificate of licensure 2141
against whom is preferred any charges, shall be furnished by the 2142
board with a copy of the complaint and shall have a hearing before 2143
the board in accordance with Chapter 119. of the Revised Code. 2144

(D) Sanctions shall not be imposed under division (B)(16) of 2145
this section against any optometrist who waives deductibles and 2146
copayments: 2147

(1) In compliance with the health benefit plan that expressly 2148
allows such a practice. Waiver of the deductibles or copayments 2149
shall be made only with the full knowledge and consent of the plan 2150
purchaser, payer, and third-party administrator. Documentation of 2151
the consent shall be made available to the board upon request. 2152

(2) For professional services rendered to any other 2153
optometrist licensed by the board, to the extent allowed by 2154
sections 4725.01 to 4725.34 of the Revised Code and the rules of 2155
the board. 2156

Sec. 4729.12. An identification card issued by the state 2157
board of pharmacy under section 4729.08 of the Revised Code 2158
entitles the individual to whom it is issued to practice as a 2159
pharmacist or as a pharmacy intern in this state until the next 2160
annual renewal date. 2161

Identification cards shall be renewed annually on the 2162
fifteenth day of September, according to the standard renewal 2163
procedure of Chapter 4745. of the Revised Code. 2164

Each pharmacist and pharmacy intern shall carry the 2165
identification card or renewal identification card while engaged 2166
in the practice of pharmacy. The license shall be conspicuously 2167
exposed at the principal place where the pharmacist or pharmacy 2168

intern practices pharmacy. 2169

A pharmacist or pharmacy intern who desires to continue in 2170
the practice of pharmacy shall file with the board an application 2171
in such form and containing such data as the board may require for 2172
renewal of an identification card. ~~An~~ In the case of a pharmacist 2173
who dispenses or plans to dispense controlled substances in this 2174
state, the pharmacist shall certify, as part of the application, 2175
that the pharmacist has been granted access to the drug database 2176
established and maintained by the board pursuant to section 2177
4729.75 of the Revised Code, unless the board has restricted the 2178
pharmacist from obtaining further information from the database or 2179
the board no longer maintains the database. If the pharmacist 2180
certifies to the board that the applicant has been granted access 2181
to the drug database and the board finds through an audit or other 2182
means that the pharmacist has not been granted access, the board 2183
may take action under section 4729.16 of the Revised Code. 2184

An application filed under this section for renewal of an 2185
identification card may not be withdrawn without the approval of 2186
the board. ~~It~~ 2187

If the board finds that ~~the~~ an applicant's identification 2188
card has not been revoked or placed under suspension and that the 2189
applicant has paid the renewal fee, has continued pharmacy 2190
education in accordance with the rules of the board, ~~has been~~ 2191
~~granted access to the drug database established and maintained by~~ 2192
~~the board pursuant to section 4729.75 of the Revised Code (unless~~ 2193
~~the board has restricted the applicant from obtaining any further~~ 2194
~~information from the database or the board no longer maintains the~~ 2195
~~database),~~ and is entitled to continue in the practice of 2196
pharmacy, the board shall issue a renewal identification card to 2197
the applicant. 2198

When an identification card has lapsed for more than sixty 2199
days but application is made within three years after the 2200

expiration of the card, the applicant shall be issued a renewal 2201
identification card without further examination if the applicant 2202
meets the requirements of this section and pays the fee designated 2203
under division (A)(5) of section 4729.15 of the Revised Code. 2204

Sec. 4729.16. (A) The state board of pharmacy, after notice 2205
and hearing in accordance with Chapter 119. of the Revised Code, 2206
may revoke, suspend, limit, place on probation, or refuse to grant 2207
or renew an identification card, or may impose a monetary penalty 2208
or forfeiture not to exceed in severity any fine designated under 2209
the Revised Code for a similar offense, or in the case of a 2210
violation of a section of the Revised Code that does not bear a 2211
penalty, a monetary penalty or forfeiture of not more than five 2212
hundred dollars, if the board finds a pharmacist or pharmacy 2213
intern: 2214

(1) Guilty of a felony or gross immorality; 2215

(2) Guilty of dishonesty or unprofessional conduct in the 2216
practice of pharmacy; 2217

(3) Addicted to or abusing ~~liquor~~ alcohol or drugs or 2218
impaired physically or mentally to such a degree as to render the 2219
pharmacist or pharmacy intern unfit to practice pharmacy; 2220

(4) Has been convicted of a misdemeanor related to, or 2221
committed in, the practice of pharmacy; 2222

(5) Guilty of willfully violating, conspiring to violate, 2223
attempting to violate, or aiding and abetting the violation of any 2224
of the provisions of this chapter, sections 3715.52 to 3715.72 of 2225
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 2226
any rule adopted by the board under those provisions; 2227

(6) Guilty of permitting anyone other than a pharmacist or 2228
pharmacy intern to practice pharmacy; 2229

(7) Guilty of knowingly lending the pharmacist's or pharmacy 2230

intern's name to an illegal practitioner of pharmacy or having	2231
professional connection with an illegal practitioner of pharmacy;	2232
(8) Guilty of dividing or agreeing to divide remuneration	2233
made in the practice of pharmacy with any other individual,	2234
including, but not limited to, any licensed health professional	2235
authorized to prescribe drugs or any owner, manager, or employee	2236
of a health care facility, residential care facility, or nursing	2237
home;	2238
(9) Has violated the terms of a consult agreement entered	2239
into pursuant to section 4729.39 of the Revised Code;	2240
(10) Has committed fraud, misrepresentation, or deception in	2241
applying for or securing a license or identification card issued	2242
by the board under this chapter or under Chapter 3715. or 3719. of	2243
the Revised Code.	2244
(B) Any individual whose identification card is revoked,	2245
suspended, or refused, shall return the identification card and	2246
license to the offices of the state board of pharmacy within ten	2247
days after receipt of notice of such action.	2248
(C) As used in this section:	2249
"Unprofessional conduct in the practice of pharmacy" includes	2250
any of the following:	2251
(1) Advertising or displaying signs that promote dangerous	2252
drugs to the public in a manner that is false or misleading;	2253
(2) Except as provided in section 4729.281 of the Revised	2254
Code, the sale of any drug for which a prescription is required,	2255
without having received a prescription for the drug;	2256
(3) Knowingly dispensing medication pursuant to false or	2257
forged prescriptions;	2258
(4) Knowingly failing to maintain complete and accurate	2259
records of all dangerous drugs received or dispensed in compliance	2260

with federal laws and regulations and state laws and rules;	2261
(5) Obtaining any remuneration by fraud, misrepresentation, or deception.	2262 2263
(D) The board may suspend a license or identification card under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	2264 2265 2266 2267
(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.	2268 2269 2270 2271 2272
Sec. 4729.18. The state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving and designating physicians and facilities as treatment providers for pharmacists with substance abuse problems and shall approve and designate treatment providers in accordance with the rules. 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 of treatment required for a pharmacist with substance abuse problems. Subject to the rules, the board shall review and approve treatment providers on a regular basis and may, at its discretion, withdraw or deny approval.	2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285
An approved treatment provider shall:	2286
(A) Report to the board the name of any pharmacist suffering or showing evidence of suffering impairment by reason of being addicted to or abusing liquor <u>alcohol</u> or drugs as described in division (A)(3) of section 4729.16 of the Revised Code who fails	2287 2288 2289 2290

to comply within one week with a referral for examination;	2291
(B) Report to the board the name of any impaired pharmacist	2292
who fails to enter treatment within forty-eight hours following	2293
the provider's determination that the pharmacist needs treatment;	2294
(C) Require every pharmacist who enters treatment to agree to	2295
a treatment contract establishing the terms of treatment and	2296
aftercare, including any required supervision or restrictions of	2297
practice during treatment or aftercare;	2298
(D) Require a pharmacist to suspend practice on entering any	2299
required inpatient treatment;	2300
(E) Report to the board any failure by an impaired pharmacist	2301
to comply with the terms of the treatment contract during	2302
inpatient or outpatient treatment or aftercare;	2303
(F) Report to the board the resumption of practice of any	2304
impaired pharmacist before the treatment provider has made a clear	2305
determination that the pharmacist is capable of practicing	2306
according to acceptable and prevailing standards;	2307
(G) Require a pharmacist who resumes practice after	2308
completion of treatment to comply with an aftercare contract that	2309
meets the requirements of rules adopted by the board for approval	2310
of treatment providers;	2311
(H) Report to the board any pharmacist who suffers a relapse	2312
at any time during or following aftercare.	2313
Any pharmacist who enters into treatment by an approved	2314
treatment provider shall be deemed to have waived any	2315
confidentiality requirements that would otherwise prevent the	2316
treatment provider from making reports required under this	2317
section.	2318
In the absence of fraud or bad faith, no professional	2319
association of pharmacists licensed under this chapter that	2320

sponsors a committee or program to provide peer assistance to 2321
pharmacists with substance abuse problems, no representative or 2322
agent of such a committee or program, and no member of the state 2323
board of pharmacy shall be liable to any person for damages in a 2324
civil action by reason of actions taken to refer a pharmacist to a 2325
treatment provider designated by the board or actions or omissions 2326
of the provider in treating a pharmacist. 2327

In the absence of fraud or bad faith, no person who reports 2328
to the board a pharmacist with a suspected substance abuse problem 2329
shall be liable to any person for damages in a civil action as a 2330
result of the report. 2331

Sec. 4729.41. (A)(1) A pharmacist licensed under this chapter 2332
who meets the requirements of division (B) of this section, and a 2333
pharmacy intern licensed under this chapter who meets the 2334
requirements of division (B) of this section and is working under 2335
the direct supervision of a pharmacist who meets the requirements 2336
of that division, may do any of the following: 2337

(a) Administer immunizations for influenza to individuals 2338
~~fourteen~~ who are seven years of age or older; 2339

(b) ~~Administer immunizations~~ Only pursuant to a prescription, 2340
administer to individuals ~~eighteen~~ who are seven years of age or 2341
older ~~for~~ but not more than thirteen years of age any of the 2342
following: 2343

(i) ~~Pneumonia;~~ 2344

(ii) ~~Tetanus;~~ 2345

(iii) ~~Hepatitis A;~~ 2346

(iv) ~~Hepatitis B;~~ 2347

(v) ~~Meningitis;~~ 2348

(vi) ~~Diphtheria;~~ 2349

~~(vii) Pertussis. immunizations included in division (A)(2) of this section;~~ 2350
2351

(c) Administer to individuals ~~eighteen~~ who are thirteen years 2352
of age or older any ~~other immunization listed of the immunizations~~ 2353
included in the rule division (A)(2) of this section. 2354

(2) A pharmacist or pharmacy intern may administer in 2356
accordance with divisions (A)(1)(b) and (c) of this section either 2357
of the following: 2358

(a) Any immunization that on the effective date of this 2359
amendment is included in either of the following immunization 2360
schedules recommended by the advisory committee on immunization 2361
practices of the centers for disease control and prevention in the 2362
United States department of health and human services: 2363

(i) The recommended immunization schedule for persons aged 2364
zero through eighteen years; 2365

(ii) The recommended adult immunization schedule. 2366

(b) Any other immunization specified in rules adopted under 2367
division (E)(1)(d) of this section. 2368

~~(2) A pharmacy intern licensed under this chapter who meets~~ 2369
~~the requirements of division (B) of this section and is working~~ 2370
~~under the direct supervision of a pharmacist who meets the~~ 2371
~~requirements of that division may administer immunizations for~~ 2372
~~influenza to individuals eighteen years of age or older.~~ 2373

(3) As part of engaging in the administration of 2374
immunizations or supervising a pharmacy intern's administration of 2375
immunizations, a pharmacist may administer epinephrine or 2376
diphenhydramine, or both, to individuals in emergency situations 2377
resulting from adverse reactions to the immunizations administered 2378
by the pharmacist or pharmacy intern. 2379

(B) For a pharmacist or pharmacy intern to be authorized to engage in the administration of immunizations ~~as specified in~~ pursuant to division (A) of this section, the pharmacist or pharmacy intern shall do all of the following:

(1) Successfully complete a course in the administration of immunizations that has been approved by the state board of pharmacy as meeting the standards established for such courses by the centers for disease control and prevention ~~in the public health service of the United States department of health and human services;~~

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course certified by the American red cross or American heart association;

(3) Practice in accordance with a definitive set of treatment guidelines specified in a protocol established by a physician and approved by the state board of pharmacy.

(C) The protocol required by division (B)(3) of this section shall include provisions for implementation of the following requirements:

(1) The pharmacist or pharmacy intern who administers an immunization shall observe the individual who receives the immunization to determine whether the individual has an adverse reaction to the immunization. The length of time and location of the observation shall comply with the standards specified in rules adopted by the state board of pharmacy under division (E) of this section for the approval of protocols. The protocol shall specify procedures to be followed by a pharmacist when administering epinephrine, diphenhydramine, or both, to an individual who has an adverse reaction to an immunization administered by the pharmacist or a pharmacy intern.

(2) For each immunization administered to an individual by a pharmacist or pharmacy intern, other than an immunization for influenza administered to an individual eighteen years of age or older, the pharmacist or pharmacy intern shall notify the individual's family physician or, if the individual has no family physician, the board of health of the health district in which the individual resides or the authority having the duties of a board of health for that district under section 3709.05 of the Revised Code. The notice shall be given not later than thirty days after the immunization is administered.

(3) For each immunization ~~for influenza~~ administered by a pharmacist or pharmacy intern to an individual ~~who is fourteen years of age or older but~~ younger than eighteen years of age pursuant to division (A)(1) of this section, the pharmacist or a pharmacy intern shall obtain permission from the individual's parent or legal guardian in accordance with the procedures specified in rules adopted under division (E) of this section.

(D)(1) No pharmacist shall do either of the following:

(a) Engage in the administration of immunizations unless the requirements of division (B) of this section have been met;

(b) Delegate to any person the pharmacist's authority to engage in or supervise the administration of immunizations.

(2) No pharmacy intern shall engage in the administration of immunizations ~~for influenza~~ unless the requirements of division (B) of this section have been met.

(E)(1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include the following:

(a) Provisions for approval of courses in administration of immunizations;

(b) Provisions for approval of protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations, including protocols that contain provisions specifying the locations at which a pharmacist or pharmacy intern may engage in the administration of immunizations;

(c) Procedures to be followed by pharmacists and pharmacy interns in obtaining from the individual's parent or legal guardian permission to administer ~~influenza~~ immunizations to an individual younger than eighteen years of age pursuant to division (A)(1)~~(a)~~ of this section;

(d) ~~A list of~~ Provisions specifying any immunizations that may be administered under division (A)~~(1)(e)~~(2)(b) of this section.

(2) Prior to adopting rules regarding approval of protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations, the state board of pharmacy shall consult with the state medical board and the board of nursing.

(3) Prior to adopting ~~a rule listing~~ rules specifying any immunizations that may be administered under division (A)~~(1)(e)~~(2)(b) of this section, the state board of pharmacy shall consult with the state medical board.

(F) In addition to the rules it adopts under division (E) of this section, the board may adopt rules that change the immunizations authorized by division (A)(2)(a) of this section to reflect changes in the recommendations of the advisory committee on immunization practices. The rules shall be adopted in accordance with Chapter 119 of the Revised Code.

Sec. 4729.85. ~~(A)~~ If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the

Revised Code, the board shall prepare reports regarding the 2472
database and present or submit them in accordance with both of the 2473
following: 2474

(A) The board shall present a biennial report to the standing 2475
committees of the house of representatives and the senate that are 2476
primarily responsible for considering health and human services 2477
issues. The initial report shall be presented not later than two 2478
years after the database is established. 2479

~~(B) Each report presented under this section shall include~~ 2480
all of the following: 2481

(1) The cost to the state of establishing and maintaining the 2482
database; 2483

(2) Information from terminal distributors of dangerous 2484
drugs, prescribers, and the board regarding the board's 2485
effectiveness in providing information from the database; 2486

(3) The board's timeliness in transmitting information from 2487
the database. 2488

(B) The board shall submit a semiannual report to the 2489
governor, the president of the senate, the speaker of the house of 2490
representatives, the attorney general, the chairpersons of the 2491
standing committees of the house of representatives and the senate 2492
that are primarily responsible for considering health and human 2493
services issues, the department of public safety, the state dental 2494
board, the board of nursing, the state board of optometry, the 2495
state medical board, and the state veterinary medical licensing 2496
board. The state board of pharmacy shall make the report available 2497
to the public on its internet web site. Each report submitted 2498
shall include all of the following for the period covered by the 2499
report: 2500

(1) An aggregate of the information submitted to the board 2501
under section 4729.77 of the Revised Code regarding prescriptions 2502

<u>for controlled substances containing opioids, including all of the</u>	2503
<u>following:</u>	2504
<u>(a) The number of prescribers who issued the prescriptions;</u>	2505
<u>(b) The number of patients to whom the controlled substances</u> <u>were dispensed;</u>	2506 2507
<u>(c) The average quantity of the controlled substances</u> <u>dispensed per prescription;</u>	2508 2509
<u>(d) The average daily morphine equivalent dose of the</u> <u>controlled substances dispensed per prescription.</u>	2510 2511
<u>(2) An aggregate of the information submitted to the board</u> <u>under section 4729.79 of the Revised Code regarding controlled</u> <u>substances containing opioids that have been personally furnished</u> <u>to a patient by a prescriber, other than a prescriber who is a</u> <u>veterinarian, including all of the following:</u>	2512 2513 2514 2515 2516
<u>(a) The number of prescribers who personally furnished the</u> <u>controlled substances;</u>	2517 2518
<u>(b) The number of patients to whom the controlled substances</u> <u>were personally furnished;</u>	2519 2520
<u>(c) The average quantity of the controlled substances that</u> <u>were furnished at one time;</u>	2521 2522
<u>(d) The average daily morphine equivalent dose of the</u> <u>controlled substances that were furnished at one time.</u>	2523 2524
Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:	2525 2526 2527
(A)(1) No person identified in divisions (A)(1) to (12) or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the	2528 2529 2530 2531

information that the person receives from the database, except as follows: 2532
2533

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense; 2534
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(b) When a person provides the information to the prescriber or pharmacist for whom the person is approved by the board to serve as a delegate of the prescriber or pharmacist for purposes of requesting and receiving information from the drug database under division (A)(5) or (6) of section 4729.80 of the Revised Code; 2536
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(c) When a prescriber or pharmacist provides the information to a person who is approved by the board to serve as such a delegate of the prescriber or pharmacist; 2542
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(d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative; 2545
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(e) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code. 2547
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(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. 2550
2551
2552

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. 2553
2554
2555

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. 2556
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(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may 2559
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restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(13) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as a physician assistant or a certificate to prescribe to a person found by the board to have committed fraud, misrepresentation, or deception in applying for

or securing the certificate. 2592

(B) The board, by an affirmative vote of not fewer than six 2593
members, shall, to the extent permitted by law, limit, revoke, or 2594
suspend an individual's certificate to practice as a physician 2595
assistant or certificate to prescribe, refuse to issue a 2596
certificate to an applicant, refuse to reinstate a certificate, or 2597
reprimand or place on probation the holder of a certificate for 2598
any of the following reasons: 2599

(1) Failure to practice in accordance with the conditions 2600
under which the supervising physician's supervision agreement with 2601
the physician assistant was approved, including the requirement 2602
that when practicing under a particular supervising physician, the 2603
physician assistant must practice only according to the physician 2604
supervisory plan the board approved for that physician or the 2605
policies of the health care facility in which the supervising 2606
physician and physician assistant are practicing; 2607

(2) Failure to comply with the requirements of this chapter, 2608
Chapter 4731. of the Revised Code, or any rules adopted by the 2609
board; 2610

(3) Violating or attempting to violate, directly or 2611
indirectly, or assisting in or abetting the violation of, or 2612
conspiring to violate, any provision of this chapter, Chapter 2613
4731. of the Revised Code, or the rules adopted by the board; 2614

(4) Inability to practice according to acceptable and 2615
prevailing standards of care by reason of mental illness or 2616
physical illness, including physical deterioration that adversely 2617
affects cognitive, motor, or perceptive skills; 2618

(5) Impairment of ability to practice according to acceptable 2619
and prevailing standards of care because of habitual or excessive 2620
use or abuse of drugs, alcohol, or other substances that impair 2621
ability to practice; 2622

(6) Administering drugs for purposes other than those authorized under this chapter;	2623 2624
(7) Willfully betraying a professional confidence;	2625
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.	2626 2627 2628 2629 2630 2631 2632 2633
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	2634 2635 2636 2637 2638 2639 2640 2641
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	2642 2643 2644 2645
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2646 2647 2648
(11) 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 felony;	2649 2650 2651
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was	2652 2653

committed;	2654
(13) A plea of guilty to, a judicial finding of guilt of, or	2655
a judicial finding of eligibility for intervention in lieu of	2656
conviction for, a misdemeanor committed in the course of practice;	2657
(14) A plea of guilty to, a judicial finding of guilt of, or	2658
a judicial finding of eligibility for intervention in lieu of	2659
conviction for, a misdemeanor involving moral turpitude;	2660
(15) Commission of an act in the course of practice that	2661
constitutes a misdemeanor in this state, regardless of the	2662
jurisdiction in which the act was committed;	2663
(16) Commission of an act involving moral turpitude that	2664
constitutes a misdemeanor in this state, regardless of the	2665
jurisdiction in which the act was committed;	2666
(17) A plea of guilty to, a judicial finding of guilt of, or	2667
a judicial finding of eligibility for intervention in lieu of	2668
conviction for violating any state or federal law regulating the	2669
possession, distribution, or use of any drug, including	2670
trafficking in drugs;	2671
(18) Any of the following actions taken by the state agency	2672
responsible for regulating the practice of physician assistants in	2673
another state, for any reason other than the nonpayment of fees:	2674
the limitation, revocation, or suspension of an individual's	2675
license to practice; acceptance of an individual's license	2676
surrender; denial of a license; refusal to renew or reinstate a	2677
license; imposition of probation; or issuance of an order of	2678
censure or other reprimand;	2679
(19) A departure from, or failure to conform to, minimal	2680
standards of care of similar physician assistants under the same	2681
or similar circumstances, regardless of whether actual injury to a	2682
patient is established;	2683

(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement;	2684 2685 2686
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	2687 2688 2689
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, 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 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;	2690 2691 2692 2693 2694 2695 2696 2697 2698
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2699 2700
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	2701 2702
(25) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing to <u>for</u> a minor a prescription for a controlled substance containing an opioid analgesic, as defined in section 3719.01 of the Revised Code.	2703 2704 2705 2706
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute	2707 2708 2709 2710 2711 2712 2713 2714

the findings and order of the board with respect to the matter 2715
addressed in the agreement. If the board refuses to ratify a 2716
consent agreement, the admissions and findings contained in the 2717
consent agreement shall be of no force or effect. 2718

(D) For purposes of divisions (B)(12), (15), and (16) of this 2719
section, the commission of the act may be established by a finding 2720
by the board, pursuant to an adjudication under Chapter 119. of 2721
the Revised Code, that the applicant or certificate holder 2722
committed the act in question. The board shall have no 2723
jurisdiction under these divisions in cases where the trial court 2724
renders a final judgment in the certificate holder's favor and 2725
that judgment is based upon an adjudication on the merits. The 2726
board shall have jurisdiction under these divisions in cases where 2727
the trial court issues an order of dismissal upon technical or 2728
procedural grounds. 2729

(E) The sealing of conviction records by any court shall have 2730
no effect upon a prior board order entered under the provisions of 2731
this section or upon the board's jurisdiction to take action under 2732
the provisions of this section if, based upon a plea of guilty, a 2733
judicial finding of guilt, or a judicial finding of eligibility 2734
for intervention in lieu of conviction, the board issued a notice 2735
of opportunity for a hearing prior to the court's order to seal 2736
the records. The board shall not be required to seal, destroy, 2737
redact, or otherwise modify its records to reflect the court's 2738
sealing of conviction records. 2739

(F) For purposes of this division, any individual who holds a 2740
certificate issued under this chapter, or applies for a 2741
certificate issued under this chapter, shall be deemed to have 2742
given consent to submit to a mental or physical examination when 2743
directed to do so in writing by the board and to have waived all 2744
objections to the admissibility of testimony or examination 2745
reports that constitute a privileged communication. 2746

(1) In enforcing division (B)(4) of this section, the board, 2747
upon a showing of a possible violation, may compel any individual 2748
who holds a certificate issued under this chapter or who has 2749
applied for a certificate pursuant to this chapter to submit to a 2750
mental examination, physical examination, including an HIV test, 2751
or both a mental and physical examination. The expense of the 2752
examination is the responsibility of the individual compelled to 2753
be examined. Failure to submit to a mental or physical examination 2754
or consent to an HIV test ordered by the board constitutes an 2755
admission of the allegations against the individual unless the 2756
failure is due to circumstances beyond the individual's control, 2757
and a default and final order may be entered without the taking of 2758
testimony or presentation of evidence. If the board finds a 2759
physician assistant unable to practice because of the reasons set 2760
forth in division (B)(4) of this section, the board shall require 2761
the physician assistant to submit to care, counseling, or 2762
treatment by physicians approved or designated by the board, as a 2763
condition for an initial, continued, reinstated, or renewed 2764
certificate. An individual affected under this division shall be 2765
afforded an opportunity to demonstrate to the board the ability to 2766
resume practicing in compliance with acceptable and prevailing 2767
standards of care. 2768

(2) For purposes of division (B)(5) of this section, if the 2769
board has reason to believe that any individual who holds a 2770
certificate issued under this chapter or any applicant for a 2771
certificate suffers such impairment, the board may compel the 2772
individual to submit to a mental or physical examination, or both. 2773
The expense of the examination is the responsibility of the 2774
individual compelled to be examined. Any mental or physical 2775
examination required under this division shall be undertaken by a 2776
treatment provider or physician qualified to conduct such 2777
examination and chosen by the board. 2778

Failure to submit to a mental or physical examination ordered 2779
by the board constitutes an admission of the allegations against 2780
the individual unless the failure is due to circumstances beyond 2781
the individual's control, and a default and final order may be 2782
entered without the taking of testimony or presentation of 2783
evidence. If the board determines that the individual's ability to 2784
practice is impaired, the board shall suspend the individual's 2785
certificate or deny the individual's application and shall require 2786
the individual, as a condition for initial, continued, reinstated, 2787
or renewed certification to practice or prescribe, to submit to 2788
treatment. 2789

Before being eligible to apply for reinstatement of a 2790
certificate suspended under this division, the physician assistant 2791
shall demonstrate to the board the ability to resume practice or 2792
prescribing in compliance with acceptable and prevailing standards 2793
of care. The demonstration shall include the following: 2794

(a) Certification from a treatment provider approved under 2795
section 4731.25 of the Revised Code that the individual has 2796
successfully completed any required inpatient treatment; 2797

(b) Evidence of continuing full compliance with an aftercare 2798
contract or consent agreement; 2799

(c) Two written reports indicating that the individual's 2800
ability to practice has been assessed and that the individual has 2801
been found capable of practicing according to acceptable and 2802
prevailing standards of care. The reports shall be made by 2803
individuals or providers approved by the board for making such 2804
assessments and shall describe the basis for their determination. 2805

The board may reinstate a certificate suspended under this 2806
division after such demonstration and after the individual has 2807
entered into a written consent agreement. 2808

When the impaired physician assistant resumes practice or 2809

prescribing, the board shall require continued monitoring of the 2810
physician assistant. The monitoring shall include compliance with 2811
the written consent agreement entered into before reinstatement or 2812
with conditions imposed by board order after a hearing, and, upon 2813
termination of the consent agreement, submission to the board for 2814
at least two years of annual written progress reports made under 2815
penalty of falsification stating whether the physician assistant 2816
has maintained sobriety. 2817

(G) If the secretary and supervising member determine that 2818
there is clear and convincing evidence that a physician assistant 2819
has violated division (B) of this section and that the 2820
individual's continued practice or prescribing presents a danger 2821
of immediate and serious harm to the public, they may recommend 2822
that the board suspend the individual's certificate to practice or 2823
prescribe without a prior hearing. Written allegations shall be 2824
prepared for consideration by the board. 2825

The board, upon review of those allegations and by an 2826
affirmative vote of not fewer than six of its members, excluding 2827
the secretary and supervising member, may suspend a certificate 2828
without a prior hearing. A telephone conference call may be 2829
utilized for reviewing the allegations and taking the vote on the 2830
summary suspension. 2831

The board shall issue a written order of suspension by 2832
certified mail or in person in accordance with section 119.07 of 2833
the Revised Code. The order shall not be subject to suspension by 2834
the court during pendency of any appeal filed under section 119.12 2835
of the Revised Code. If the physician assistant requests an 2836
adjudicatory hearing by the board, the date set for the hearing 2837
shall be within fifteen days, but not earlier than seven days, 2838
after the physician assistant requests the hearing, unless 2839
otherwise agreed to by both the board and the certificate holder. 2840

A summary suspension imposed under this division shall remain 2841

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice or prescribe. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,

murder, voluntary manslaughter, felonious assault, kidnapping, 2874
rape, sexual battery, gross sexual imposition, aggravated arson, 2875
aggravated robbery, or aggravated burglary. Continued practice 2876
after the suspension shall be considered practicing without a 2877
certificate. 2878

The board shall notify the individual subject to the 2879
suspension by certified mail or in person in accordance with 2880
section 119.07 of the Revised Code. If an individual whose 2881
certificate is suspended under this division fails to make a 2882
timely request for an adjudication under Chapter 119. of the 2883
Revised Code, the board shall enter a final order permanently 2884
revoking the individual's certificate to practice. 2885

(J) In any instance in which the board is required by Chapter 2886
119. of the Revised Code to give notice of opportunity for hearing 2887
and the individual subject to the notice does not timely request a 2888
hearing in accordance with section 119.07 of the Revised Code, the 2889
board is not required to hold a hearing, but may adopt, by an 2890
affirmative vote of not fewer than six of its members, a final 2891
order that contains the board's findings. In that final order, the 2892
board may order any of the sanctions identified under division (A) 2893
or (B) of this section. 2894

(K) Any action taken by the board under division (B) of this 2895
section resulting in a suspension shall be accompanied by a 2896
written statement of the conditions under which the physician 2897
assistant's certificate may be reinstated. The board shall adopt 2898
rules in accordance with Chapter 119. of the Revised Code 2899
governing conditions to be imposed for reinstatement. 2900
Reinstatement of a certificate suspended pursuant to division (B) 2901
of this section requires an affirmative vote of not fewer than six 2902
members of the board. 2903

(L) When the board refuses to grant to an applicant a 2904
certificate to practice as a physician assistant or a certificate 2905

to prescribe, revokes an individual's certificate, refuses to 2906
issue a certificate, or refuses to reinstate an individual's 2907
certificate, the board may specify that its action is permanent. 2908
An individual subject to a permanent action taken by the board is 2909
forever thereafter ineligible to hold the certificate and the 2910
board shall not accept an application for reinstatement of the 2911
certificate or for issuance of a new certificate. 2912

(M) Notwithstanding any other provision of the Revised Code, 2913
all of the following apply: 2914

(1) The surrender of a certificate issued under this chapter 2915
is not effective unless or until accepted by the board. 2916
Reinstatement of a certificate surrendered to the board requires 2917
an affirmative vote of not fewer than six members of the board. 2918

(2) An application made under this chapter for a certificate, 2919
approval of a physician supervisory plan, or approval of a 2920
supervision agreement may not be withdrawn without approval of the 2921
board. 2922

(3) Failure by an individual to renew a certificate in 2923
accordance with section 4730.14 or section 4730.48 of the Revised 2924
Code shall not remove or limit the board's jurisdiction to take 2925
disciplinary action under this section against the individual. 2926

Sec. 4730.41. (A) A certificate to prescribe issued under 2927
this chapter authorizes a physician assistant to prescribe and 2928
personally furnish drugs and therapeutic devices in the exercise 2929
of physician-delegated prescriptive authority. 2930

(B) In exercising physician-delegated prescriptive authority, 2931
a physician assistant is subject to all of the following: 2932

(1) The physician assistant shall exercise 2933
physician-delegated prescriptive authority only to the extent that 2934
the physician supervising the physician assistant has granted that 2935

authority. 2936

(2) The physician assistant shall comply with all conditions 2937
placed on the physician-delegated prescriptive authority, as 2938
specified by the supervising physician who is supervising the 2939
physician assistant in the exercise of physician-delegated 2940
prescriptive authority. 2941

(3) If the physician assistant possesses physician-delegated 2942
prescriptive authority for controlled substances, the physician 2943
assistant shall register with the federal drug enforcement 2944
administration. 2945

(4) If the physician assistant possesses physician-delegated 2946
prescriptive authority for schedule II controlled substances, the 2947
physician assistant shall comply with section 4730.411 of the 2948
Revised Code. 2949

(5) If the physician assistant possesses physician-delegated 2950
prescriptive authority to prescribe for a minor an opioid 2951
analgesic, as those terms are defined in section ~~section~~ sections 3719.061 2952
and 3719.01 of the Revised Code, ~~a compound that is a controlled~~ 2953
~~substance containing an opioid~~ respectively, the physician 2954
assistant shall comply with section 3719.061 of the Revised Code. 2955
2956

Sec. 4730.48. (A)(1) Except in the case of a provisional 2957
certificate to prescribe, a physician assistant's certificate to 2958
prescribe expires on the same date as the physician assistant's 2959
certificate to practice as a physician assistant, as provided in 2960
section 4730.14 of the Revised Code. The certificate to prescribe 2961
may be renewed in accordance with this section. 2962

(2) A person seeking to renew a certificate to prescribe 2963
shall, on or before the thirty-first day of January of each 2964
even-numbered year, apply for renewal of the certificate. The 2965

state medical board shall send renewal notices at least one month 2966
prior to the expiration date. The notice may be sent as part of 2967
the notice sent for renewal of the certificate to practice. 2968

(3) Applications for renewal shall be submitted to the board 2969
on forms the board shall prescribe and furnish. An application for 2970
renewal of a certificate to prescribe may be submitted in 2971
conjunction with an application for renewal of a certificate to 2972
practice. 2973

(4)(a) Except as provided in division (A)(4)(b) of this 2974
section, in the case of an applicant who prescribes opioid 2975
analgesics or benzodiazepines, as defined in section 3719.01 of 2976
the Revised Code, the applicant shall certify to the board whether 2977
the applicant has been granted access to the drug database 2978
established and maintained by the state board of pharmacy pursuant 2979
to section 4729.75 of the Revised Code. 2980

(b) The requirement in division (A)(4)(a) of this section 2981
does not apply if ~~either~~ any of the following is the case: 2982

(i) The state board of pharmacy notifies the state medical 2983
board pursuant to section 4729.861 of the Revised Code that the 2984
applicant has been restricted from obtaining further information 2985
from the drug database. 2986

(ii) The state board of pharmacy no longer maintains the drug 2987
database. 2988

(iii) The applicant does not practice as a physician 2989
assistant in this state. 2990

(c) If an applicant certifies to the state medical board that 2991
the applicant has been granted access to the drug database and the 2992
board finds through an audit or other means that the applicant has 2993
not been granted access, the board may take action under section 2994
4730.25 of the Revised Code. 2995

(5) Each application for renewal of a certificate to
prescribe shall be accompanied by a biennial renewal fee of fifty
dollars. The board shall deposit the fees in accordance with
section 4731.24 of the Revised Code.

(6) The applicant shall report any criminal offense that
constitutes grounds under section 4730.25 of the Revised Code for
refusing to issue a certificate to prescribe 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 signing an
application for a certificate to prescribe.

(B) The board shall review all renewal applications received.
If an applicant submits a complete renewal application and meets
the requirements for renewal specified in section 4730.49 of the
Revised Code, the board shall issue to the applicant a renewed
certificate to prescribe.

Sec. 4731.22. (A) The state medical board, by an affirmative
vote of not fewer than six of its members, may limit, revoke, or
suspend an individual's certificate to practice, refuse to grant a
certificate to an individual, refuse to register an individual,
refuse to reinstate a certificate, or reprimand or place on
probation the holder of a certificate if the individual or
certificate holder is found by the board to have committed fraud
during the administration of the examination for a certificate to
practice or to have committed fraud, misrepresentation, or
deception in applying for or securing any certificate to practice
or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six
members, shall, to the extent permitted by law, limit, revoke, or
suspend an individual's certificate to practice, refuse to
register an individual, refuse to reinstate a certificate, or

reprimand or place on probation the holder of a certificate for 3027
one or more of the following reasons: 3028

(1) Permitting one's name or one's certificate to practice or 3029
certificate of registration to be used by a person, group, or 3030
corporation when the individual concerned is not actually 3031
directing the treatment given; 3032

(2) Failure to maintain minimal standards applicable to the 3033
selection or administration of drugs, or failure to employ 3034
acceptable scientific methods in the selection of drugs or other 3035
modalities for treatment of disease; 3036

(3) Selling, giving away, personally furnishing, prescribing, 3037
or administering drugs for other than legal and legitimate 3038
therapeutic purposes or a plea of guilty to, a judicial finding of 3039
guilt of, or a judicial finding of eligibility for intervention in 3040
lieu of conviction of, a violation of any federal or state law 3041
regulating the possession, distribution, or use of any drug; 3042

(4) Willfully betraying a professional confidence. 3043

For purposes of this division, "willfully betraying a 3044
professional confidence" does not include providing any 3045
information, documents, or reports to a child fatality review 3046
board under sections 307.621 to 307.629 of the Revised Code and 3047
does not include the making of a report of an employee's use of a 3048
drug of abuse, or a report of a condition of an employee other 3049
than one involving the use of a drug of abuse, to the employer of 3050
the employee as described in division (B) of section 2305.33 of 3051
the Revised Code. Nothing in this division affects the immunity 3052
from civil liability conferred by that section upon a physician 3053
who makes either type of report in accordance with division (B) of 3054
that section. As used in this division, "employee," "employer," 3055
and "physician" have the same meanings as in section 2305.33 of 3056
the Revised Code. 3057

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

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

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

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

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

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

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

committed;	3089
(11) A plea of guilty to, a judicial finding of guilt of, or	3090
a judicial finding of eligibility for intervention in lieu of	3091
conviction for, a misdemeanor committed in the course of practice;	3092
(12) Commission of an act in the course of practice that	3093
constitutes a misdemeanor in this state, regardless of the	3094
jurisdiction in which the act was committed;	3095
(13) A plea of guilty to, a judicial finding of guilt of, or	3096
a judicial finding of eligibility for intervention in lieu of	3097
conviction for, a misdemeanor involving moral turpitude;	3098
(14) Commission of an act involving moral turpitude that	3099
constitutes a misdemeanor in this state, regardless of the	3100
jurisdiction in which the act was committed;	3101
(15) Violation of the conditions of limitation placed by the	3102
board upon a certificate to practice;	3103
(16) Failure to pay license renewal fees specified in this	3104
chapter;	3105
(17) Except as authorized in section 4731.31 of the Revised	3106
Code, engaging in the division of fees for referral of patients,	3107
or the receiving of a thing of value in return for a specific	3108
referral of a patient to utilize a particular service or business;	3109
(18) Subject to section 4731.226 of the Revised Code,	3110
violation of any provision of a code of ethics of the American	3111
medical association, the American osteopathic association, the	3112
American podiatric medical association, or any other national	3113
professional organizations that the board specifies by rule. The	3114
state medical board shall obtain and keep on file current copies	3115
of the codes of ethics of the various national professional	3116
organizations. The individual whose certificate is being suspended	3117
or revoked shall not be found to have violated any provision of a	3118

code of ethics of an organization not appropriate to the 3119
individual's profession. 3120

For purposes of this division, a "provision of a code of 3121
ethics of a national professional organization" does not include 3122
any provision that would preclude the making of a report by a 3123
physician of an employee's use of a drug of abuse, or of a 3124
condition of an employee other than one involving the use of a 3125
drug of abuse, to the employer of the employee as described in 3126
division (B) of section 2305.33 of the Revised Code. Nothing in 3127
this division affects the immunity from civil liability conferred 3128
by that section upon a physician who makes either type of report 3129
in accordance with division (B) of that section. As used in this 3130
division, "employee," "employer," and "physician" have the same 3131
meanings as in section 2305.33 of the Revised Code. 3132

(19) Inability to practice according to acceptable and 3133
prevailing standards of care by reason of mental illness or 3134
physical illness, including, but not limited to, physical 3135
deterioration that adversely affects cognitive, motor, or 3136
perceptive skills. 3137

In enforcing this division, the board, upon a showing of a 3138
possible violation, may compel any individual authorized to 3139
practice by this chapter or who has submitted an application 3140
pursuant to this chapter to submit to a mental examination, 3141
physical examination, including an HIV test, or both a mental and 3142
a physical examination. The expense of the examination is the 3143
responsibility of the individual compelled to be examined. Failure 3144
to submit to a mental or physical examination or consent to an HIV 3145
test ordered by the board constitutes an admission of the 3146
allegations against the individual unless the failure is due to 3147
circumstances beyond the individual's control, and a default and 3148
final order may be entered without the taking of testimony or 3149
presentation of evidence. If the board finds an individual unable 3150

to practice because of the reasons set forth in this division, the 3151
board shall require the individual to submit to care, counseling, 3152
or treatment by physicians approved or designated by the board, as 3153
a condition for initial, continued, reinstated, or renewed 3154
authority to practice. An individual affected under this division 3155
shall be afforded an opportunity to demonstrate to the board the 3156
ability to resume practice in compliance with acceptable and 3157
prevailing standards under the provisions of the individual's 3158
certificate. For the purpose of this division, any individual who 3159
applies for or receives a certificate to practice under this 3160
chapter accepts the privilege of practicing in this state and, by 3161
so doing, shall be deemed to have given consent to submit to a 3162
mental or physical examination when directed to do so in writing 3163
by the board, and to have waived all objections to the 3164
admissibility of testimony or examination reports that constitute 3165
a privileged communication. 3166

(20) Except when civil penalties are imposed under section 3167
4731.225 or 4731.281 of the Revised Code, and subject to section 3168
4731.226 of the Revised Code, violating or attempting to violate, 3169
directly or indirectly, or assisting in or abetting the violation 3170
of, or conspiring to violate, any provisions of this chapter or 3171
any rule promulgated by the board. 3172

This division does not apply to a violation or attempted 3173
violation of, assisting in or abetting the violation of, or a 3174
conspiracy to violate, any provision of this chapter or any rule 3175
adopted by the board that would preclude the making of a report by 3176
a physician of an employee's use of a drug of abuse, or of a 3177
condition of an employee other than one involving the use of a 3178
drug of abuse, to the employer of the employee as described in 3179
division (B) of section 2305.33 of the Revised Code. Nothing in 3180
this division affects the immunity from civil liability conferred 3181
by that section upon a physician who makes either type of report 3182

in accordance with division (B) of that section. As used in this 3183
division, "employee," "employer," and "physician" have the same 3184
meanings as in section 2305.33 of the Revised Code. 3185

(21) The violation of section 3701.79 of the Revised Code or 3186
of any abortion rule adopted by the public health council pursuant 3187
to section 3701.341 of the Revised Code; 3188

(22) Any of the following actions taken by an agency 3189
responsible for authorizing, certifying, or regulating an 3190
individual to practice a health care occupation or provide health 3191
care services in this state or another jurisdiction, for any 3192
reason other than the nonpayment of fees: the limitation, 3193
revocation, or suspension of an individual's license to practice; 3194
acceptance of an individual's license surrender; denial of a 3195
license; refusal to renew or reinstate a license; imposition of 3196
probation; or issuance of an order of censure or other reprimand; 3197

(23) The violation of section 2919.12 of the Revised Code or 3198
the performance or inducement of an abortion upon a pregnant woman 3199
with actual knowledge that the conditions specified in division 3200
(B) of section 2317.56 of the Revised Code have not been satisfied 3201
or with a heedless indifference as to whether those conditions 3202
have been satisfied, unless an affirmative defense as specified in 3203
division (H)(2) of that section would apply in a civil action 3204
authorized by division (H)(1) of that section; 3205

(24) The revocation, suspension, restriction, reduction, or 3206
termination of clinical privileges by the United States department 3207
of defense or department of veterans affairs or the termination or 3208
suspension of a certificate of registration to prescribe drugs by 3209
the drug enforcement administration of the United States 3210
department of justice; 3211

(25) Termination or suspension from participation in the 3212
medicare or medicaid programs by the department of health and 3213

human services or other responsible agency for any act or acts 3214
that also would constitute a violation of division (B)(2), (3), 3215
(6), (8), or (19) of this section; 3216

(26) Impairment of ability to practice according to 3217
acceptable and prevailing standards of care because of habitual or 3218
excessive use or abuse of drugs, alcohol, or other substances that 3219
impair ability to practice. 3220

For the purposes of this division, any individual authorized 3221
to practice by this chapter accepts the privilege of practicing in 3222
this state subject to supervision by the board. By filing an 3223
application for or holding a certificate to practice under this 3224
chapter, an individual shall be deemed to have given consent to 3225
submit to a mental or physical examination when ordered to do so 3226
by the board in writing, and to have waived all objections to the 3227
admissibility of testimony or examination reports that constitute 3228
privileged communications. 3229

If it has reason to believe that any individual authorized to 3230
practice by this chapter or any applicant for certification to 3231
practice suffers such impairment, the board may compel the 3232
individual to submit to a mental or physical examination, or both. 3233
The expense of the examination is the responsibility of the 3234
individual compelled to be examined. Any mental or physical 3235
examination required under this division shall be undertaken by a 3236
treatment provider or physician who is qualified to conduct the 3237
examination and who is chosen by the board. 3238

Failure to submit to a mental or physical examination ordered 3239
by the board constitutes an admission of the allegations against 3240
the individual unless the failure is due to circumstances beyond 3241
the individual's control, and a default and final order may be 3242
entered without the taking of testimony or presentation of 3243
evidence. If the board determines that the individual's ability to 3244
practice is impaired, the board shall suspend the individual's 3245

certificate or deny the individual's application and shall require 3246
the individual, as a condition for initial, continued, reinstated, 3247
or renewed certification to practice, to submit to treatment. 3248

Before being eligible to apply for reinstatement of a 3249
certificate suspended under this division, the impaired 3250
practitioner shall demonstrate to the board the ability to resume 3251
practice in compliance with acceptable and prevailing standards of 3252
care under the provisions of the practitioner's certificate. The 3253
demonstration shall include, but shall not be limited to, the 3254
following: 3255

(a) Certification from a treatment provider approved under 3256
section 4731.25 of the Revised Code that the individual has 3257
successfully completed any required inpatient treatment; 3258

(b) Evidence of continuing full compliance with an aftercare 3259
contract or consent agreement; 3260

(c) Two written reports indicating that the individual's 3261
ability to practice has been assessed and that the individual has 3262
been found capable of practicing according to acceptable and 3263
prevailing standards of care. The reports shall be made by 3264
individuals or providers approved by the board for making the 3265
assessments and shall describe the basis for their determination. 3266

The board may reinstate a certificate suspended under this 3267
division after that demonstration and after the individual has 3268
entered into a written consent agreement. 3269

When the impaired practitioner resumes practice, the board 3270
shall require continued monitoring of the individual. The 3271
monitoring shall include, but not be limited to, compliance with 3272
the written consent agreement entered into before reinstatement or 3273
with conditions imposed by board order after a hearing, and, upon 3274
termination of the consent agreement, submission to the board for 3275
at least two years of annual written progress reports made under 3276

penalty of perjury stating whether the individual has maintained sobriety.	3277 3278
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	3279 3280
(28) Except as provided in division (N) of this section:	3281
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual'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 individual;	3282 3283 3284 3285 3286 3287
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	3288 3289 3290 3291 3292
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	3293 3294 3295
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	3296 3297 3298 3299 3300
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	3301 3302 3303 3304
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	3305 3306

certified nurse-midwife, or certified nurse practitioner with whom 3307
the physician or podiatrist is in collaboration pursuant to 3308
section 4731.27 of the Revised Code or failure to fulfill the 3309
responsibilities of collaboration after entering into a standard 3310
care arrangement; 3311

(33) Failure to comply with the terms of a consult agreement 3312
entered into with a pharmacist pursuant to section 4729.39 of the 3313
Revised Code; 3314

(34) Failure to cooperate in an investigation conducted by 3315
the board under division (F) of this section, including failure to 3316
comply with a subpoena or order issued by the board or failure to 3317
answer truthfully a question presented by the board in an 3318
investigative interview, an investigative office conference, at a 3319
deposition, or in written interrogatories, except that failure to 3320
cooperate with an investigation shall not constitute grounds for 3321
discipline under this section if a court of competent jurisdiction 3322
has issued an order that either quashes a subpoena or permits the 3323
individual to withhold the testimony or evidence in issue; 3324

(35) Failure to supervise an oriental medicine practitioner 3325
or acupuncturist in accordance with Chapter 4762. of the Revised 3326
Code and the board's rules for providing that supervision; 3327

(36) Failure to supervise an anesthesiologist assistant in 3328
accordance with Chapter 4760. of the Revised Code and the board's 3329
rules for supervision of an anesthesiologist assistant; 3330

(37) Assisting suicide, as defined in section 3795.01 of the 3331
Revised Code; 3332

(38) Failure to comply with the requirements of section 3333
2317.561 of the Revised Code; 3334

(39) Failure to supervise a radiologist assistant in 3335
accordance with Chapter 4774. of the Revised Code and the board's 3336
rules for supervision of radiologist assistants; 3337

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3338 3339 3340
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3341 3342 3343 3344
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3345 3346 3347 3348
(43) Failure to comply with the requirements of section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3349 3350 3351 3352
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	3353 3354 3355 3356
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3357 3358 3359 3360 3361
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	3362 3363 3364 3365
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section	3366 3367 3368

2919.191 of the Revised Code prior to performing or inducing an 3369
abortion upon a pregnant woman; 3370

(48) Failure to comply with the requirements in section 3371
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 3372
prescription for ~~a controlled substance containing~~ an opioid 3373
analgesic, as defined in section 3719.01 of the Revised Code. 3374

(C) Disciplinary actions taken by the board under divisions 3375
(A) and (B) of this section shall be taken pursuant to an 3376
adjudication under Chapter 119. of the Revised Code, except that 3377
in lieu of an adjudication, the board may enter into a consent 3378
agreement with an individual to resolve an allegation of a 3379
violation of this chapter or any rule adopted under it. A consent 3380
agreement, when ratified by an affirmative vote of not fewer than 3381
six members of the board, shall constitute the findings and order 3382
of the board with respect to the matter addressed in the 3383
agreement. If the board refuses to ratify a consent agreement, the 3384
admissions and findings contained in the consent agreement shall 3385
be of no force or effect. 3386

A telephone conference call may be utilized for ratification 3387
of a consent agreement that revokes or suspends an individual's 3388
certificate to practice. The telephone conference call shall be 3389
considered a special meeting under division (F) of section 121.22 3390
of the Revised Code. 3391

If the board takes disciplinary action against an individual 3392
under division (B) of this section for a second or subsequent plea 3393
of guilty to, or judicial finding of guilt of, a violation of 3394
section 2919.123 of the Revised Code, the disciplinary action 3395
shall consist of a suspension of the individual's certificate to 3396
practice for a period of at least one year or, if determined 3397
appropriate by the board, a more serious sanction involving the 3398
individual's certificate to practice. Any consent agreement 3399
entered into under this division with an individual that pertains 3400

to a second or subsequent plea of guilty to, or judicial finding 3401
of guilt of, a violation of that section shall provide for a 3402
suspension of the individual's certificate to practice for a 3403
period of at least one year or, if determined appropriate by the 3404
board, a more serious sanction involving the individual's 3405
certificate to practice. 3406

(D) For purposes of divisions (B)(10), (12), and (14) of this 3407
section, the commission of the act may be established by a finding 3408
by the board, pursuant to an adjudication under Chapter 119. of 3409
the Revised Code, that the individual committed the act. The board 3410
does not have jurisdiction under those divisions if the trial 3411
court renders a final judgment in the individual's favor and that 3412
judgment is based upon an adjudication on the merits. The board 3413
has jurisdiction under those divisions if the trial court issues 3414
an order of dismissal upon technical or procedural grounds. 3415

(E) The sealing of conviction records by any court shall have 3416
no effect upon a prior board order entered under this section or 3417
upon the board's jurisdiction to take action under this section 3418
if, based upon a plea of guilty, a judicial finding of guilt, or a 3419
judicial finding of eligibility for intervention in lieu of 3420
conviction, the board issued a notice of opportunity for a hearing 3421
prior to the court's order to seal the records. The board shall 3422
not be required to seal, destroy, redact, or otherwise modify its 3423
records to reflect the court's sealing of conviction records. 3424

(F)(1) The board shall investigate evidence that appears to 3425
show that a person has violated any provision of this chapter or 3426
any rule adopted under it. Any person may report to the board in a 3427
signed writing any information that the person may have that 3428
appears to show a violation of any provision of this chapter or 3429
any rule adopted under it. In the absence of bad faith, any person 3430
who reports information of that nature or who testifies before the 3431
board in any adjudication conducted under Chapter 119. of the 3432

Revised Code shall not be liable in damages in a civil action as a 3433
result of the report or testimony. Each complaint or allegation of 3434
a violation received by the board shall be assigned a case number 3435
and shall be recorded by the board. 3436

(2) Investigations of alleged violations of this chapter or 3437
any rule adopted under it shall be supervised by the supervising 3438
member elected by the board in accordance with section 4731.02 of 3439
the Revised Code and by the secretary as provided in section 3440
4731.39 of the Revised Code. The president may designate another 3441
member of the board to supervise the investigation in place of the 3442
supervising member. No member of the board who supervises the 3443
investigation of a case shall participate in further adjudication 3444
of the case. 3445

(3) In investigating a possible violation of this chapter or 3446
any rule adopted under this chapter, or in conducting an 3447
inspection under division (E) of section 4731.054 of the Revised 3448
Code, the board may question witnesses, conduct interviews, 3449
administer oaths, order the taking of depositions, inspect and 3450
copy any books, accounts, papers, records, or documents, issue 3451
subpoenas, and compel the attendance of witnesses and production 3452
of books, accounts, papers, records, documents, and testimony, 3453
except that a subpoena for patient record information shall not be 3454
issued without consultation with the attorney general's office and 3455
approval of the secretary and supervising member of the board. 3456

(a) Before issuance of a subpoena for patient record 3457
information, the secretary and supervising member shall determine 3458
whether there is probable cause to believe that the complaint 3459
filed alleges a violation of this chapter or any rule adopted 3460
under it and that the records sought are relevant to the alleged 3461
violation and material to the investigation. The subpoena may 3462
apply only to records that cover a reasonable period of time 3463
surrounding the alleged violation. 3464

(b) On failure to comply with any subpoena issued by the 3465
board and after reasonable notice to the person being subpoenaed, 3466
the board may move for an order compelling the production of 3467
persons or records pursuant to the Rules of Civil Procedure. 3468

(c) A subpoena issued by the board may be served by a 3469
sheriff, the sheriff's deputy, or a board employee designated by 3470
the board. Service of a subpoena issued by the board may be made 3471
by delivering a copy of the subpoena to the person named therein, 3472
reading it to the person, or leaving it at the person's usual 3473
place of residence, usual place of business, or address on file 3474
with the board. When serving a subpoena to an applicant for or the 3475
holder of a certificate issued under this chapter, service of the 3476
subpoena may be made by certified mail, return receipt requested, 3477
and the subpoena shall be deemed served on the date delivery is 3478
made or the date the person refuses to accept delivery. If the 3479
person being served refuses to accept the subpoena or is not 3480
located, service may be made to an attorney who notifies the board 3481
that the attorney is representing the person. 3482

(d) A sheriff's deputy who serves a subpoena shall receive 3483
the same fees as a sheriff. Each witness who appears before the 3484
board in obedience to a subpoena shall receive the fees and 3485
mileage provided for under section 119.094 of the Revised Code. 3486

(4) All hearings, investigations, and inspections of the 3487
board shall be considered civil actions for the purposes of 3488
section 2305.252 of the Revised Code. 3489

(5) A report required to be submitted to the board under this 3490
chapter, a complaint, or information received by the board 3491
pursuant to an investigation or pursuant to an inspection under 3492
division (E) of section 4731.054 of the Revised Code is 3493
confidential and not subject to discovery in any civil action. 3494

The board shall conduct all investigations or inspections and 3495

proceedings in a manner that protects the confidentiality of 3496
patients and persons who file complaints with the board. The board 3497
shall not make public the names or any other identifying 3498
information about patients or complainants unless proper consent 3499
is given or, in the case of a patient, a waiver of the patient 3500
privilege exists under division (B) of section 2317.02 of the 3501
Revised Code, except that consent or a waiver of that nature is 3502
not required if the board possesses reliable and substantial 3503
evidence that no bona fide physician-patient relationship exists. 3504

The board may share any information it receives pursuant to 3505
an investigation or inspection, including patient records and 3506
patient record information, with law enforcement agencies, other 3507
licensing boards, and other governmental agencies that are 3508
prosecuting, adjudicating, or investigating alleged violations of 3509
statutes or administrative rules. An agency or board that receives 3510
the information shall comply with the same requirements regarding 3511
confidentiality as those with which the state medical board must 3512
comply, notwithstanding any conflicting provision of the Revised 3513
Code or procedure of the agency or board that applies when it is 3514
dealing with other information in its possession. In a judicial 3515
proceeding, the information may be admitted into evidence only in 3516
accordance with the Rules of Evidence, but the court shall require 3517
that appropriate measures are taken to ensure that confidentiality 3518
is maintained with respect to any part of the information that 3519
contains names or other identifying information about patients or 3520
complainants whose confidentiality was protected by the state 3521
medical board when the information was in the board's possession. 3522
Measures to ensure confidentiality that may be taken by the court 3523
include sealing its records or deleting specific information from 3524
its records. 3525

(6) On a quarterly basis, the board shall prepare a report 3526
that documents the disposition of all cases during the preceding 3527

three months. The report shall contain the following information 3528
for each case with which the board has completed its activities: 3529

(a) The case number assigned to the complaint or alleged 3530
violation; 3531

(b) The type of certificate to practice, if any, held by the 3532
individual against whom the complaint is directed; 3533

(c) A description of the allegations contained in the 3534
complaint; 3535

(d) The disposition of the case. 3536

The report shall state how many cases are still pending and 3537
shall be prepared in a manner that protects the identity of each 3538
person involved in each case. The report shall be a public record 3539
under section 149.43 of the Revised Code. 3540

(G) If the secretary and supervising member determine both of 3541
the following, they may recommend that the board suspend an 3542
individual's certificate to practice without a prior hearing: 3543

(1) That there is clear and convincing evidence that an 3544
individual has violated division (B) of this section; 3545

(2) That the individual's continued practice presents a 3546
danger of immediate and serious harm to the public. 3547

Written allegations shall be prepared for consideration by 3548
the board. The board, upon review of those allegations and by an 3549
affirmative vote of not fewer than six of its members, excluding 3550
the secretary and supervising member, may suspend a certificate 3551
without a prior hearing. A telephone conference call may be 3552
utilized for reviewing the allegations and taking the vote on the 3553
summary suspension. 3554

The board shall issue a written order of suspension by 3555
certified mail or in person in accordance with section 119.07 of 3556
the Revised Code. The order shall not be subject to suspension by 3557

the court during pendency of any appeal filed under section 119.12 3558
of the Revised Code. If the individual subject to the summary 3559
suspension requests an adjudicatory hearing by the board, the date 3560
set for the hearing shall be within fifteen days, but not earlier 3561
than seven days, after the individual requests the hearing, unless 3562
otherwise agreed to by both the board and the individual. 3563

Any summary suspension imposed under this division shall 3564
remain in effect, unless reversed on appeal, until a final 3565
adjudicative order issued by the board pursuant to this section 3566
and Chapter 119. of the Revised Code becomes effective. The board 3567
shall issue its final adjudicative order within seventy-five days 3568
after completion of its hearing. A failure to issue the order 3569
within seventy-five days shall result in dissolution of the 3570
summary suspension order but shall not invalidate any subsequent, 3571
final adjudicative order. 3572

(H) If the board takes action under division (B)(9), (11), or 3573
(13) of this section and the judicial finding of guilt, guilty 3574
plea, or judicial finding of eligibility for intervention in lieu 3575
of conviction is overturned on appeal, upon exhaustion of the 3576
criminal appeal, a petition for reconsideration of the order may 3577
be filed with the board along with appropriate court documents. 3578
Upon receipt of a petition of that nature and supporting court 3579
documents, the board shall reinstate the individual's certificate 3580
to practice. The board may then hold an adjudication under Chapter 3581
119. of the Revised Code to determine whether the individual 3582
committed the act in question. Notice of an opportunity for a 3583
hearing shall be given in accordance with Chapter 119. of the 3584
Revised Code. If the board finds, pursuant to an adjudication held 3585
under this division, that the individual committed the act or if 3586
no hearing is requested, the board may order any of the sanctions 3587
identified under division (B) of this section. 3588

(I) The certificate to practice issued to an individual under 3589

this chapter and the individual's practice in this state are 3590
automatically suspended as of the date of the individual's second 3591
or subsequent plea of guilty to, or judicial finding of guilt of, 3592
a violation of section 2919.123 of the Revised Code, or the date 3593
the individual pleads guilty to, is found by a judge or jury to be 3594
guilty of, or is subject to a judicial finding of eligibility for 3595
intervention in lieu of conviction in this state or treatment or 3596
intervention in lieu of conviction in another jurisdiction for any 3597
of the following criminal offenses in this state or a 3598
substantially equivalent criminal offense in another jurisdiction: 3599
aggravated murder, murder, voluntary manslaughter, felonious 3600
assault, kidnapping, rape, sexual battery, gross sexual 3601
imposition, aggravated arson, aggravated robbery, or aggravated 3602
burglary. Continued practice after suspension shall be considered 3603
practicing without a certificate. 3604

The board shall notify the individual subject to the 3605
suspension by certified mail or in person in accordance with 3606
section 119.07 of the Revised Code. If an individual whose 3607
certificate is automatically suspended under this division fails 3608
to make a timely request for an adjudication under Chapter 119. of 3609
the Revised Code, the board shall do whichever of the following is 3610
applicable: 3611

(1) If the automatic suspension under this division is for a 3612
second or subsequent plea of guilty to, or judicial finding of 3613
guilt of, a violation of section 2919.123 of the Revised Code, the 3614
board shall enter an order suspending the individual's certificate 3615
to practice for a period of at least one year or, if determined 3616
appropriate by the board, imposing a more serious sanction 3617
involving the individual's certificate to practice. 3618

(2) In all circumstances in which division (I)(1) of this 3619
section does not apply, enter a final order permanently revoking 3620
the individual's certificate to practice. 3621

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

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

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 3654
under division (F) of section 121.22 of the Revised Code. 3655
Reinstatement of a certificate surrendered to the board requires 3656
an affirmative vote of not fewer than six members of the board. 3657

(2) An application for a certificate made under the 3658
provisions of this chapter may not be withdrawn without approval 3659
of the board. 3660

(3) Failure by an individual to renew a certificate of 3661
registration in accordance with this chapter shall not remove or 3662
limit the board's jurisdiction to take any disciplinary action 3663
under this section against the individual. 3664

(4) At the request of the board, a certificate holder shall 3665
immediately surrender to the board a certificate that the board 3666
has suspended, revoked, or permanently revoked. 3667

(N) Sanctions shall not be imposed under division (B)(28) of 3668
this section against any person who waives deductibles and 3669
copayments as follows: 3670

(1) In compliance with the health benefit plan that expressly 3671
allows such a practice. Waiver of the deductibles or copayments 3672
shall be made only with the full knowledge and consent of the plan 3673
purchaser, payer, and third-party administrator. Documentation of 3674
the consent shall be made available to the board upon request. 3675

(2) For professional services rendered to any other person 3676
authorized to practice pursuant to this chapter, to the extent 3677
allowed by this chapter and rules adopted by the board. 3678

(O) Under the board's investigative duties described in this 3679
section and subject to division (F) of this section, the board 3680
shall develop and implement a quality intervention program 3681
designed to improve through remedial education the clinical and 3682
communication skills of individuals authorized under this chapter 3683
to practice medicine and surgery, osteopathic medicine and 3684

surgery, and podiatric medicine and surgery. In developing and 3685
implementing the quality intervention program, the board may do 3686
all of the following: 3687

(1) Offer in appropriate cases as determined by the board an 3688
educational and assessment program pursuant to an investigation 3689
the board conducts under this section; 3690

(2) Select providers of educational and assessment services, 3691
including a quality intervention program panel of case reviewers; 3692

(3) Make referrals to educational and assessment service 3693
providers and approve individual educational programs recommended 3694
by those providers. The board shall monitor the progress of each 3695
individual undertaking a recommended individual educational 3696
program. 3697

(4) Determine what constitutes successful completion of an 3698
individual educational program and require further monitoring of 3699
the individual who completed the program or other action that the 3700
board determines to be appropriate; 3701

(5) Adopt rules in accordance with Chapter 119. of the 3702
Revised Code to further implement the quality intervention 3703
program. 3704

An individual who participates in an individual educational 3705
program pursuant to this division shall pay the financial 3706
obligations arising from that educational program. 3707

Sec. 4731.281. (A) On or before the deadline established 3708
under division (B) of this section for applying for renewal of a 3709
certificate of registration, each person holding a certificate 3710
under this chapter to practice medicine and surgery, osteopathic 3711
medicine and surgery, or podiatric medicine and surgery shall 3712
certify to the state medical board that in the preceding two years 3713
the person has completed one hundred hours of continuing medical 3714

education. The certification shall be made upon the application 3715
for biennial registration submitted pursuant to division (B) of 3716
this section. The board shall adopt rules providing for pro rata 3717
reductions by month of the number of hours of continuing education 3718
required for persons who are in their first registration period, 3719
who have been disabled due to illness or accident, or who have 3720
been absent from the country. 3721

In determining whether a course, program, or activity 3722
qualifies for credit as continuing medical education, the board 3723
shall approve all continuing medical education taken by persons 3724
holding a certificate to practice medicine and surgery that is 3725
certified by the Ohio state medical association, all continuing 3726
medical education taken by persons holding a certificate to 3727
practice osteopathic medicine and surgery that is certified by the 3728
Ohio osteopathic association, and all continuing medical education 3729
taken by persons holding a certificate to practice podiatric 3730
medicine and surgery that is certified by the Ohio podiatric 3731
medical association. Each person holding a certificate to practice 3732
under this chapter shall be given sufficient choice of continuing 3733
education programs to ensure that the person has had a reasonable 3734
opportunity to participate in continuing education programs that 3735
are relevant to the person's medical practice in terms of subject 3736
matter and level. 3737

The board may require a random sample of persons holding a 3738
certificate to practice under this chapter to submit materials 3739
documenting completion of the continuing medical education 3740
requirement during the preceding registration period, but this 3741
provision shall not limit the board's authority to investigate 3742
pursuant to section 4731.22 of the Revised Code. 3743

(B)(1) Every person holding a certificate under this chapter 3744
to practice medicine and surgery, osteopathic medicine and 3745
surgery, or podiatric medicine and surgery wishing to renew that 3746

certificate shall apply to the board for a certificate of 3747
registration upon an application furnished by the board, and pay 3748
to the board at the time of application a fee of three hundred 3749
five dollars, according to the following schedule: 3750

(a) Persons whose last name begins with the letters "A" 3751
through "B," on or before April 1, 2001, and the first day of 3752
April of every odd-numbered year thereafter; 3753

(b) Persons whose last name begins with the letters "C" 3754
through "D," on or before January 1, 2001, and the first day of 3755
January of every odd-numbered year thereafter; 3756

(c) Persons whose last name begins with the letters "E" 3757
through "G," on or before October 1, 2000, and the first day of 3758
October of every even-numbered year thereafter; 3759

(d) Persons whose last name begins with the letters "H" 3760
through "K," on or before July 1, 2000, and the first day of July 3761
of every even-numbered year thereafter; 3762

(e) Persons whose last name begins with the letters "L" 3763
through "M," on or before April 1, 2000, and the first day of 3764
April of every even-numbered year thereafter; 3765

(f) Persons whose last name begins with the letters "N" 3766
through "R," on or before January 1, 2000, and the first day of 3767
January of every even-numbered year thereafter; 3768

(g) Persons whose last name begins with the letter "S," on or 3769
before October 1, 1999, and the first day of October of every 3770
odd-numbered year thereafter; 3771

(h) Persons whose last name begins with the letters "T" 3772
through "Z," on or before July 1, 1999, and the first day of July 3773
of every odd-numbered year thereafter. 3774

The board shall deposit the fee in accordance with section 3775
4731.24 of the Revised Code, except that the board shall deposit 3776

twenty dollars of the fee into the state treasury to the credit of 3777
the physician loan repayment fund created by section 3702.78 of 3778
the Revised Code. 3779

(2) The board shall mail or cause to be mailed to every 3780
person registered to practice medicine and surgery, osteopathic 3781
medicine and surgery, or podiatric medicine and surgery, a notice 3782
of registration renewal addressed to the person's last known 3783
address or may cause the notice to be sent to the person through 3784
the secretary of any recognized medical, osteopathic, or podiatric 3785
society, according to the following schedule: 3786

(a) To persons whose last name begins with the letters "A" 3787
through "B," on or before January 1, 2001, and the first day of 3788
January of every odd-numbered year thereafter; 3789

(b) To persons whose last name begins with the letters "C" 3790
through "D," on or before October 1, 2000, and the first day of 3791
October of every even-numbered year thereafter; 3792

(c) To persons whose last name begins with the letters "E" 3793
through "G," on or before July 1, 2000, and the first day of July 3794
of every even-numbered year thereafter; 3795

(d) To persons whose last name begins with the letters "H" 3796
through "K," on or before April 1, 2000, and the first day of 3797
April of every even-numbered year thereafter; 3798

(e) To persons whose last name begins with the letters "L" 3799
through "M," on or before January 1, 2000, and the first day of 3800
January of every even-numbered year thereafter; 3801

(f) To persons whose last name begins with the letters "N" 3802
through "R," on or before October 1, 1999, and the first day of 3803
October of every odd-numbered year thereafter; 3804

(g) To persons whose last name begins with the letter "S," on 3805
or before July 1, 1999, and the first day of July of every 3806

odd-numbered year thereafter; 3807

(h) To persons whose last name begins with the letters "T" 3808
through "Z," on or before April 1, 1999, and the first day of 3809
April of every odd-numbered year thereafter. 3810

(3) Failure of any person to receive a notice of renewal from 3811
the board shall not excuse the person from the requirements 3812
contained in this section. 3813

(4) The board's notice shall inform the applicant of the 3814
renewal procedure. The board shall provide the application for 3815
registration renewal in a form determined by the board. 3816

(5) The applicant shall provide in the application the 3817
applicant's full name, principal practice address and residence 3818
address, the number of the applicant's certificate to practice, 3819
and any other information required by the board. 3820

(6)(a) Except as provided in division (B)(6)(b) of this 3821
section, in the case of an applicant who prescribes or personally 3822
furnishes opioid analgesics or benzodiazepines, as defined in 3823
section 3719.01 of the Revised Code, the applicant shall certify 3824
to the board whether the applicant has been granted access to the 3825
drug database established and maintained by the state board of 3826
pharmacy pursuant to section 4729.75 of the Revised Code. 3827

(b) The requirement in division (B)(6)(a) of this section 3828
does not apply if ~~either~~ any of the following is the case: 3829

(i) The state board of pharmacy notifies the state medical 3830
board pursuant to section 4729.861 of the Revised Code that the 3831
applicant has been restricted from obtaining further information 3832
from the drug database. 3833

(ii) The state board of pharmacy no longer maintains the drug 3834
database. 3835

(iii) The applicant does not practice medicine and surgery, 3836

osteopathic medicine and surgery, or podiatric medicine and 3837
surgery in this state. 3838

(c) If an applicant certifies to the state medical board that 3839
the applicant has been granted access to the drug database and the 3840
board finds through an audit or other means that the applicant has 3841
not been granted access, the board may take action under section 3842
4731.22 of the Revised Code. 3843

(7) The applicant shall include with the application a list 3844
of the names and addresses of any clinical nurse specialists, 3845
certified nurse-midwives, or certified nurse practitioners with 3846
whom the applicant is currently collaborating, as defined in 3847
section 4723.01 of the Revised Code. Every person registered under 3848
this section shall give written notice to the state medical board 3849
of any change of principal practice address or residence address 3850
or in the list within thirty days of the change. 3851

(8) The applicant shall report any criminal offense to which 3852
the applicant has pleaded guilty, of which the applicant has been 3853
found guilty, or for which the applicant has been found eligible 3854
for intervention in lieu of conviction, since last filing an 3855
application for a certificate of registration. 3856

(9) The applicant shall execute and deliver the application 3857
to the board in a manner prescribed by the board. 3858

(C) The board shall issue to any person holding a certificate 3859
under this chapter to practice medicine and surgery, osteopathic 3860
medicine and surgery, or podiatric medicine and surgery, upon 3861
application and qualification therefor in accordance with this 3862
section, a certificate of registration under the seal of the 3863
board. A certificate of registration shall be valid for a two-year 3864
period. 3865

(D) Failure of any certificate holder to register and comply 3866
with this section shall operate automatically to suspend the 3867

holder's certificate to practice. Continued practice after the 3868
suspension of the certificate to practice shall be considered as 3869
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 3870
the Revised Code. If the certificate has been suspended pursuant 3871
to this division for two years or less, it may be reinstated. The 3872
board shall reinstate a certificate to practice suspended for 3873
failure to register upon an applicant's submission of a renewal 3874
application, the biennial registration fee, and the applicable 3875
monetary penalty. The penalty for reinstatement shall be fifty 3876
dollars. If the certificate has been suspended pursuant to this 3877
division for more than two years, it may be restored. Subject to 3878
section 4731.222 of the Revised Code, the board may restore a 3879
certificate to practice suspended for failure to register upon an 3880
applicant's submission of a restoration application, the biennial 3881
registration fee, and the applicable monetary penalty and 3882
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3883
The board shall not restore to an applicant a certificate to 3884
practice unless the board, in its discretion, decides that the 3885
results of the criminal records check do not make the applicant 3886
ineligible for a certificate issued pursuant to section 4731.14, 3887
4731.56, or 4731.57 of the Revised Code. The penalty for 3888
restoration shall be one hundred dollars. The board shall deposit 3889
the penalties in accordance with section 4731.24 of the Revised 3890
Code. 3891

(E) If an individual certifies completion of the number of 3892
hours and type of continuing medical education required to receive 3893
a certificate of registration or reinstatement of a certificate to 3894
practice, and the board finds through the random samples it 3895
conducts under this section or through any other means that the 3896
individual did not complete the requisite continuing medical 3897
education, the board may impose a civil penalty of not more than 3898
five thousand dollars. The board's finding shall be made pursuant 3899
to an adjudication under Chapter 119. of the Revised Code and by 3900

an affirmative vote of not fewer than six members. 3901

A civil penalty imposed under this division may be in 3902
addition to or in lieu of any other action the board may take 3903
under section 4731.22 of the Revised Code. The board shall deposit 3904
civil penalties in accordance with section 4731.24 of the Revised 3905
Code. 3906

(F) The state medical board may obtain information not 3907
protected by statutory or common law privilege from courts and 3908
other sources concerning malpractice claims against any person 3909
holding a certificate to practice under this chapter or practicing 3910
as provided in section 4731.36 of the Revised Code. 3911

(G) Each mailing sent by the board under division (B)(2) of 3912
this section to a person registered to practice medicine and 3913
surgery or osteopathic medicine and surgery shall inform the 3914
applicant of the reporting requirement established by division (H) 3915
of section 3701.79 of the Revised Code. At the discretion of the 3916
board, the information may be included on the application for 3917
registration or on an accompanying page. 3918

Sec. 4773.03. (A) Each individual seeking a license to 3919
practice as a general x-ray machine operator, radiographer, 3920
radiation therapy technologist, or nuclear medicine technologist 3921
shall apply to the department of health on a form the department 3922
shall prescribe and provide. The application shall be accompanied 3923
by the appropriate license application fee established in rules 3924
adopted under section 4773.08 of the Revised Code. 3925

(B) The department shall review all applications received and 3926
issue the appropriate general x-ray machine operator, 3927
radiographer, radiation therapy technologist, or nuclear medicine 3928
technologist license to each applicant who meets all of the 3929
following requirements: 3930

(1) Is eighteen years of age or older-;i	3931
(2) Is of good moral character-;i	3932
(3) Except as provided in division (C) of this section, passes the examination administered under section 4773.04 of the Revised Code for the applicant's area of practice-;i	3933 3934 3935
(4) Complies with any other licensing standards established in rules adopted under section 4773.08 of the Revised Code.	3936 3937
(C) An applicant is not required to take a licensing examination if any <u>one</u> of the following apply <u>applies to the</u> <u>applicant</u> :	3938 3939 3940
(1) The individual is applying for a license as a general x-ray machine operator and holds certification in that area of practice from the American registry of radiologic technologists or the American chiropractic registry of radiologic technologists.	3941 3942 3943 3944
(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists.	3945 3946 3947
(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists.	3948 3949 3950
(4) The individual is applying for a license as a nuclear medicine technologist and holds certification in that area of practice from the American registry of radiologic technologists or the nuclear medicine technology certification board.	3951 3952 3953 3954
(5) The individual holds a conditional license issued under section 4773.05 of the Revised Code and has completed the continuing education requirements established in rules adopted under section 4773.08 of the Revised Code.	3955 3956 3957 3958
(6) The individual holds a license, certificate, or other credential issued by another state that the department determines	3959 3960

uses standards for radiologic professions that are at least equal 3961
to those established under this chapter. 3962

(D) A license issued under this section expires biennially on 3963
the license holder's birthday, except for an initial license which 3964
expires on the license holder's birthday following two years after 3965
it is issued. For an initial license, the fee established in rules 3966
adopted under section 4773.08 of the Revised Code may be increased 3967
in proportion to the amount of time beyond two years that the 3968
license may be valid. 3969

A license may be renewed ~~if~~. To be eligible for renewal, the 3970
license holder ~~completes~~ must complete the continuing education 3971
requirements specified in rules adopted by the department under 3972
section 4773.08 of the Revised Code. Applications for license 3973
renewal shall be accompanied by the appropriate renewal fee 3974
established in rules adopted under section 4773.08 of the Revised 3975
Code. Renewals shall be made in accordance with the standard 3976
renewal procedure established under Chapter 4745. of the Revised 3977
Code. 3978

(E)(1) A license that has lapsed or otherwise become inactive 3979
may be reinstated. An individual seeking reinstatement of a 3980
license shall apply to the department on a form the department 3981
shall prescribe and provide. The application shall be accompanied 3982
by the appropriate reinstatement fee established in rules adopted 3983
under section 4773.08 of the Revised Code. 3984

(2) To be eligible for reinstatement, both of the following 3985
apply: 3986

(a) An applicant must continue to meet the conditions for 3987
receiving an initial license, including the examination or 3988
certification requirements specified in division (B) or (C) of 3989
this section. In the case of an applicant seeking reinstatement 3990
based on having passed an examination administered under section 3991

4773.04 of the Revised Code, the length of time that has elapsed 3992
since the examination was passed is not a consideration in 3993
determining whether the applicant is eligible for reinstatement. 3994

(b) The applicant must complete the continuing education 3995
requirements for reinstatement established in rules adopted under 3996
section 4773.08 of the Revised Code. 3997

(F) The department shall refuse to issue ~~or~~, renew, or 3998
reinstatement and may suspend or revoke a general x-ray machine 3999
operator, radiographer, radiation therapy technologist, or nuclear 4000
medicine technologist license if the applicant or license holder 4001
does not comply with the applicable requirements of this chapter 4002
or rules adopted under it. 4003

Sec. 4773.08. The director of health shall adopt rules to 4004
implement and administer this chapter. In adopting the rules, the 4005
director shall consider any recommendations made by the radiation 4006
advisory council created under section 3701.93 of the Revised 4007
Code. The rules shall be adopted in accordance with Chapter 119. 4008
of the Revised Code and shall not be less stringent than any 4009
applicable standards specified in 42 C.F.R. 75. The rules shall 4010
establish all of the following: 4011

(A) Standards for licensing general x-ray machine operators, 4012
radiographers, radiation therapy technologists, and nuclear 4013
medicine technologists; 4014

(B) Application ~~and~~, renewal, and reinstatement fees for 4015
licenses issued under this chapter that do not exceed the cost 4016
incurred in issuing ~~and~~, renewing, and reinstating the licenses; 4017

(C) Standards for accreditation of educational programs and 4018
approval of continuing education programs in general x-ray machine 4019
operation, radiography, radiation therapy technology, and nuclear 4020
medicine technology; 4021

(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology that do not exceed the cost incurred in accrediting the educational programs;

(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code;

(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;

(H) Any other rules necessary for the implementation or administration of this chapter.

Sec. 5104.014. (A) As used in this section:

(1) "Child" includes both of the following:

(a) An infant, toddler, or preschool age child;

(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care center, type A family day-care home, or licensed type B family day-care home or receives child care from a certified in-home aide.

(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.

(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care

center, type A family day-care home, or licensed type B family 4051
day-care home and every thirteen months thereafter while enrolled 4052
in the center or home and not later than thirty days after 4053
beginning to receive child care from a certified in-home aide and 4054
every thirteen months thereafter while continuing to receive child 4055
care from the aide, each child's caretaker parent shall provide to 4056
the center, home, or in-home aide a medical statement, as 4057
described in division (D) of this section, indicating that the 4058
child has been immunized against or is in the process of being 4059
immunized against all of the following diseases: 4060

(1) Chicken pox; 4061

(2) Diphtheria; 4062

(3) Haemophilus influenzae type b; 4063

(4) Hepatitis A; 4064

(5) Hepatitis B; 4065

(6) Influenza; 4066

(7) Measles; 4067

(8) Mumps; 4068

(9) Pertussis; 4069

(10) Pneumococcal disease; 4070

(11) Poliomyelitis; 4071

(12) Rotavirus; 4072

(13) Rubella; 4073

(14) Tetanus. 4074

(C)(1) A child is not required to be immunized against a 4075
disease specified in division (B) of this section if any of the 4076
following is the case: 4077

(a) Immunization against the disease is medically 4078

contraindicated for the child; 4079

(b) The child's parent or guardian has declined to have the 4080
child immunized against the disease for reasons of conscience, 4081
including religious convictions; 4082

(c) Immunization against the disease is not medically 4083
appropriate for the child's age. 4084

(2) In the case of influenza, a child is not required to be 4085
immunized against the disease if the seasonal vaccine is not 4086
available. 4087

(D)(1) The medical statement shall include all of the 4088
following information: 4089

(a) The dates that a child received immunizations against 4090
each of the diseases specified in division (B) of this section; 4091

(b) Whether a child is subject to any of the exceptions 4092
specified in division (C) of this section. 4093

(2) The medical statement shall include a component where a 4094
parent or guardian may indicate that the parent or guardian has 4095
declined to have the child immunized. 4096

Sec. 5104.015. The director of job and family services shall 4097
adopt rules in accordance with Chapter 119. of the Revised Code 4098
governing the operation of child day-care centers, including 4099
parent cooperative centers, part-time centers, drop-in centers, 4100
and school-age child care centers. The rules shall reflect the 4101
various forms of child care and the needs of children receiving 4102
child care or publicly funded child care and shall include 4103
specific rules for school-age child care centers that are 4104
developed in consultation with the department of education. The 4105
rules shall not require an existing school facility that is in 4106
compliance with applicable building codes to undergo an additional 4107
building code inspection or to have structural modifications. The 4108

rules shall include the following: 4109

(A) Submission of a site plan and descriptive plan of 4110
operation to demonstrate how the center proposes to meet the 4111
requirements of this chapter and rules adopted pursuant to this 4112
chapter for the initial license application; 4113

(B) Standards for ensuring that the physical surroundings of 4114
the center are safe and sanitary including the physical 4115
environment, the physical plant, and the equipment of the center; 4116

(C) Standards for the supervision, care, and discipline of 4117
children receiving child care or publicly funded child care in the 4118
center; 4119

(D) Standards for a program of activities, and for play 4120
equipment, materials, and supplies, to enhance the development of 4121
each child; however, any educational curricula, philosophies, and 4122
methodologies that are developmentally appropriate and that 4123
enhance the social, emotional, intellectual, and physical 4124
development of each child shall be permissible. As used in this 4125
division, "program" does not include instruction in religious or 4126
moral doctrines, beliefs, or values that is conducted at child 4127
day-care centers owned and operated by churches and does include 4128
methods of disciplining children at child day-care centers. 4129

(E) Admissions policies and procedures, ~~health;~~ 4130

(F) Health care policies and procedures, including procedures 4131
for the isolation of children with communicable diseases, ~~first;~~ 4132

(G) First aid and emergency procedures, ~~procedures;~~ 4133

(H) Procedures for discipline and supervision of children, ~~standards;~~ 4134
standards; 4135

(I) Standards for the provision of nutritious meals and 4136
snacks, ~~and procedures;~~ 4137

<u>(J) Procedures for screening children and employees, that may</u>	4138
include any necessary physical examinations and <u>shall include</u>	4139
immunizations <u>in accordance with section 5104.014 of the Revised</u>	4140
<u>Code;</u>	4141
(F) <u>(K) Procedures for screening employees that may include</u>	4142
<u>any necessary physical examinations and immunizations;</u>	4143
<u>(L) Methods for encouraging parental participation in the</u>	4144
center and methods for ensuring that the rights of children,	4145
parents, and employees are protected and that responsibilities of	4146
parents and employees are met;	4147
(G) <u>(M) Procedures for ensuring the safety and adequate</u>	4148
supervision of children traveling off the premises of the center	4149
while under the care of a center employee;	4150
(H) <u>(N) Procedures for record keeping, organization, and</u>	4151
administration;	4152
(I) <u>(O) Procedures for issuing, denying, and revoking a</u>	4153
license that are not otherwise provided for in Chapter 119. of the	4154
Revised Code;	4155
(J) <u>(P) Inspection procedures;</u>	4156
(K) <u>(Q) Procedures and standards for setting initial license</u>	4157
application fees;	4158
(L) <u>(R) Procedures for receiving, recording, and responding to</u>	4159
complaints about centers;	4160
(M) <u>(S) Procedures for enforcing section 5104.04 of the</u>	4161
Revised Code;	4162
(N) <u>(T) A standard requiring the inclusion of a current</u>	4163
department of job and family services toll-free telephone number	4164
on each center provisional license or license which any person may	4165
use to report a suspected violation by the center of this chapter	4166
or rules adopted pursuant to this chapter;	4167

~~(O)~~(U) Requirements for the training of administrators and 4168
child-care staff members in first aid, in prevention, recognition, 4169
and management of communicable diseases, and in child abuse 4170
recognition and prevention. Training requirements for child 4171
day-care centers adopted under this division shall be consistent 4172
with sections 5104.034 and 5104.037 of the Revised Code. 4173

~~(P)~~(V) Standards providing for the special needs of children 4174
who are handicapped or who require treatment for health conditions 4175
while the child is receiving child care or publicly funded child 4176
care in the center; 4177

~~(Q)~~(W) A procedure for reporting of injuries of children that 4178
occur at the center; 4179

~~(R)~~(X) Standards for licensing child day-care centers for 4180
children with short-term illnesses and other temporary medical 4181
conditions; 4182

~~(S)~~(Y) Any other procedures and standards necessary to carry 4183
out the provisions of this chapter regarding child day-care 4184
centers. 4185

Sec. 5104.017. The director of job and family services shall 4186
adopt rules pursuant to Chapter 119. of the Revised Code governing 4187
the operation of type A family day-care homes, including parent 4188
cooperative type A homes, part-time type A homes, drop-in type A 4189
homes, and school-age child type A homes. The rules shall reflect 4190
the various forms of child care and the needs of children 4191
receiving child care. The rules shall include the following: 4192

(A) Submission of a site plan and descriptive plan of 4193
operation to demonstrate how the type A home proposes to meet the 4194
requirements of this chapter and rules adopted pursuant to this 4195
chapter for the initial license application; 4196

(B) Standards for ensuring that the physical surroundings of 4197

the type A home are safe and sanitary, including the physical 4198
environment, the physical plant, and the equipment of the type A 4199
home; 4200

(C) Standards for the supervision, care, and discipline of 4201
children receiving child care or publicly funded child care in the 4202
type A home; 4203

(D) Standards for a program of activities, and for play 4204
equipment, materials, and supplies, to enhance the development of 4205
each child; however, any educational curricula, philosophies, and 4206
methodologies that are developmentally appropriate and that 4207
enhance the social, emotional, intellectual, and physical 4208
development of each child shall be permissible; 4209

(E) Admissions policies and procedures, ~~health;~~ 4210

(F) Health care policies and procedures, including procedures 4211
for the isolation of children with communicable diseases, ~~first;~~ 4212

(G) First aid and emergency procedures, ~~procedures;~~ 4213

(H) Procedures for discipline and supervision of children, ~~standards;~~ 4214
standards; 4215

(I) Standards for the provision of nutritious meals and 4216
snacks, ~~and procedures;~~ 4217

(J) Procedures for screening children ~~and employees,~~ 4218
including any necessary physical examinations and the 4219
immunizations required pursuant to section 5104.014 of the Revised 4220
Code; 4221

~~(F)~~ (K) Procedures for screening employees, including any 4222
necessary physical examinations and immunizations; 4223

(L) Methods for encouraging parental participation in the 4224
type A home and methods for ensuring that the rights of children, 4225
parents, and employees are protected and that the responsibilities 4226
of parents and employees are met; 4227

(G) <u>(M)</u> Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	4228 4229 4230
(H) <u>(N)</u> Procedures for record keeping, organization, and administration;	4231 4232
(I) <u>(O)</u> Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	4233 4234 4235
(J) <u>(P)</u> Inspection procedures;	4236
(K) <u>(Q)</u> Procedures and standards for setting initial license application fees;	4237 4238
(L) <u>(R)</u> Procedures for receiving, recording, and responding to complaints about type A homes;	4239 4240
(M) <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	4241 4242
(N) <u>(T)</u> A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	4243 4244 4245 4246 4247
(O) <u>(U)</u> Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	4248 4249 4250 4251
(P) <u>(V)</u> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	4252 4253 4254 4255
(Q) <u>(W)</u> Standards for the maximum number of children per child-care staff member;	4256 4257

(R) <u>(X)</u> Requirements for the amount of usable indoor floor space for each child;	4258 4259
(S) <u>(Y)</u> Requirements for safe outdoor play space;	4260
(T) <u>(Z)</u> Qualifications and training requirements for administrators and for child-care staff members;	4261 4262
(U) <u>(AA)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	4263 4264 4265
(V) <u>(BB)</u> Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	4266 4267
(W) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	4268 4269
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	4270 4271 4272 4273 4274 4275 4276
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code.	4277 4278 4279
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	4280 4281 4282
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	4283 4284 4285
(D) Standards for a program of activities, and for play	4286

equipment, materials, and supplies to enhance the development of	4287
each child; however, any educational curricula, philosophies, and	4288
methodologies that are developmentally appropriate and that	4289
enhance the social, emotional, intellectual, and physical	4290
development of each child shall be permissible;	4291
(E) Admission policies and procedures, health;	4292
(F) <u>Health</u> care, first aid and emergency procedures, 	4293
procedures;	4294
(G) <u>Procedures</u> for the care of sick children, procedures;	4295
(H) <u>Procedures</u> for discipline and supervision of children, 	4296
nutritional;	4297
(I) <u>Nutritional</u> standards, and procedures;	4298
(J) <u>Procedures</u> for screening children and administrators,	4299
including any necessary physical examinations and <u>the</u>	4300
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	4301
<u>Code;</u>	4302
(F) (K) <u>Procedures for screening administrators and employees,</u>	4303
<u>including any necessary physical examinations and immunizations;</u>	4304
(L) Methods of encouraging parental participation and	4305
ensuring that the rights of children, parents, and administrators	4306
are protected and the responsibilities of parents and	4307
administrators are met;	4308
(G) (M) Standards for the safe transport of children when	4309
under the care of administrators;	4310
(H) (N) Procedures for issuing, denying, or revoking licenses;	4311
(I) (O) Procedures for the inspection of type B homes that	4312
require, at a minimum, that each type B home be inspected prior to	4313
licensure to ensure that the home is safe and sanitary;	4314
(J) (P) Procedures for record keeping and evaluation;	4315

(K) (Q) Procedures for receiving, recording, and responding to complaints;	4316 4317
(L) (R) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	4318 4319 4320 4321
(M) (S) Requirements for the amount of usable indoor floor space for each child;	4322 4323
(N) (T) Requirements for safe outdoor play space;	4324
(O) (U) Qualification and training requirements for administrators;	4325 4326
(P) (V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	4327 4328 4329
(Q) (W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	4330 4331 4332
(R) (X) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	4333 4334 4335
Sec. 5165.08. (A) <u>As used in this section:</u>	4336
<u>"Bed need" means the number of long-term care beds a county needs as determined by the director of health pursuant to division (B)(3) of section 3702.593 of the Revised Code.</u>	4337 4338 4339
<u>"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need.</u>	4340 4341 4342 4343
<u>(B) Every provider agreement with a nursing facility provider</u>	4344

shall ~~prohibit~~ do both of the following: 4345

(1) Permit the provider to exclude one or more parts of the 4346
nursing facility from the provider agreement, even though those 4347
parts meet federal and state standards for medicaid certification, 4348
if all of the following apply: 4349

(a) The nursing facility initially obtained both its nursing 4350
home license under Chapter 3721. of the Revised Code and medicaid 4351
certification on or after January 1, 2008. 4352

(b) The nursing facility is located in a county that has a 4353
bed need excess at the time the provider excludes the parts from 4354
the provider agreement. 4355

(c) Federal law permits the provider to exclude the parts 4356
from the provider agreement. 4357

(d) The provider gives the department of medicaid written 4358
notice of the exclusion not less than forty-five days before the 4359
first day of the calendar quarter in which the exclusion is to 4360
occur. 4361

(2) Prohibit the provider from doing either of the following: 4362

~~(1)~~(a) Discriminating against a resident on the basis of 4363
race, color, sex, creed, or national origin; 4364

~~(2)~~(b) Subject to division ~~(C)~~(D) of this section, failing or 4365
refusing to do either of the following: 4366

~~(a)~~(i) Except as otherwise prohibited under section 5165.82 4367
of the Revised Code, admit as a resident of the nursing facility 4368
an individual because the individual is, or may (as a resident of 4369
the nursing facility) become, a medicaid recipient unless at least 4370
~~eighty~~ twenty-five per cent of the nursing facility's 4371
medicaid-certified beds are occupied by medicaid recipients at the 4372
time the person would otherwise be admitted; 4373

~~(b)~~(ii) Retain as a resident of the nursing facility an 4374

individual because the individual is, or may (as a resident of the
nursing facility) become, a medicaid recipient.

~~(B)~~(C) For the purpose of division ~~(A)~~(B)(2)(b)(ii) of this
section, a medicaid recipient who is a resident of a nursing
facility shall be considered a resident of the nursing facility
during any hospital stays totaling less than twenty-five days
during any twelve-month period.

~~(C)~~(D) Nothing in this section shall bar a provider from
doing any of the following:

(1) If the provider is a religious organization operating a
religious or denominational nursing facility from giving
preference to persons of the same religion or denomination;

(2) Giving preference to persons with whom the provider has
contracted to provide continuing care;

(3) If the nursing facility is a county home organized under
Chapter 5155. of the Revised Code, admitting residents exclusively
from the county in which the county home is located;

(4) Retaining residents who have resided in the provider's
nursing facility for not less than one year as private pay
patients and who subsequently become medicaid recipients, but
refusing to accept as a resident any person who is, or may (as a
resident of the nursing facility) become a medicaid recipient, if
all of the following apply:

(a) The provider does not refuse to retain any resident who
has resided in the provider's nursing facility for not less than
one year as a private pay resident because the resident becomes a
medicaid recipient, except as necessary to comply with division
~~(C)~~(D)(4)(b) of this section;

(b) The number of medicaid recipients retained under division
~~(C)~~(D)(4) of this section does not at any time exceed ten per cent

of all the residents in the nursing facility; 4405

(c) On July 1, 1980, all the residents in the nursing 4406
facility were private pay residents. 4407

~~(D)~~(E) No provider shall violate the provider agreement 4408
obligations imposed by this section. 4409

(F) A nursing facility provider who excludes one or more 4410
parts of the nursing facility from a provider agreement pursuant 4411
to division (B)(1) of this section does not violate division (C) 4412
of section 3702.53 of the Revised Code. 4413

Sec. 5165.513. (A) A provider that enters into a provider 4414
agreement with the department of medicaid under section 5165.511 4415
or 5165.512 of the Revised Code shall do all of the following: 4416

~~(A)~~(1) Comply with all applicable federal statutes and 4417
regulations; 4418

~~(B)~~(2) Comply with section 5165.07 of the Revised Code and 4419
all other applicable state statutes and rules; 4420

~~(C)~~(3) Subject to division (B) of this section, comply with 4421
all the terms and conditions of the exiting operator's provider 4422
agreement, including, but not limited to, all of the following: 4423

~~(1)~~(a) Any plan of correction; 4424

~~(2)~~(b) Compliance with health and safety standards; 4425

~~(3)~~(c) Compliance with the ownership and financial interest 4426
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 4427

~~(4)~~(d) Compliance with the civil rights requirements of 45 4428
C.F.R. parts 80, 84, and 90; 4429

~~(5)~~(e) Compliance with additional requirements imposed by the 4430
department; 4431

~~(6)~~(f) Any sanctions relating to remedies for violation of 4432

the provider agreement, including deficiencies, compliance 4433
periods, accountability periods, monetary penalties, notification 4434
for correction of contract violations, and history of 4435
deficiencies. 4436

(B) Division (A)(3) of this section does not prohibit a 4437
nursing facility provider from excluding one or more parts of the 4438
nursing facility from the provider agreement pursuant to division 4439
(B)(1) of section 5165.08 of the Revised Code. 4440

Sec. 5165.515. The department of medicaid may enter into a 4441
provider agreement as provided in section 5165.07 of the Revised 4442
Code, rather than section 5165.511 or 5165.512 of the Revised 4443
Code, with an entering operator if the entering operator does not 4444
agree to a provider agreement that satisfies the requirements of 4445
division ~~(C)~~(A)(3) of section 5165.513 of the Revised Code. The 4446
department may not enter into the provider agreement unless the 4447
department of health certifies the nursing facility for 4448
participation in medicaid. The effective date of the provider 4449
agreement shall not precede any of the following: 4450

(A) The date that the department of health certifies the 4451
nursing facility; 4452

(B) The effective date of the change of operator; 4453

(C) The date the requirement of section 5165.51 of the 4454
Revised Code is satisfied. 4455

Sec. 5165.99. (A) Whoever violates section 5165.102 or 4456
division ~~(D)~~(E) of section 5165.08 of the Revised Code shall be 4457
fined not less than five hundred dollars nor more than one 4458
thousand dollars for the first offense and not less than one 4459
thousand dollars nor more than five thousand dollars for each 4460
subsequent offense. Fines paid under this section shall be 4461
deposited in the state treasury to the credit of the general 4462

revenue fund. 4463

(B) Whoever violates division (D) of section 5165.88 of the 4464
Revised Code is guilty of registering a false complaint, a 4465
misdemeanor of the first degree. 4466

Section 2. That existing sections 2925.02, 3701.63, 3701.64, 4467
3719.01, 3719.061, 3729.05, 4715.14, 4715.30, 4723.28, 4723.481, 4468
4723.486, 4725.16, 4725.19, 4729.12, 4729.16, 4729.18, 4729.41, 4469
4729.85, 4729.86, 4730.25, 4730.41, 4730.48, 4731.22, 4731.281, 4470
4773.03, 4773.08, 5104.015, 5104.017, 5104.018, 5165.08, 5165.513, 4471
5165.515, and 5165.99 and sections 4715.15, 4723.433, 4730.093, 4472
and 4731.22 of the Revised Code are hereby repealed. 4473

Section 3. That the versions of sections 4715.30, 4715.302, 4474
4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, 4475
and 4731.22 of the Revised Code that are scheduled to take effect 4476
April 1, 2015, be amended to read as follows: 4477

Sec. 4715.30. (A) An applicant for or holder of a certificate 4478
or license issued under this chapter is subject to disciplinary 4479
action by the state dental board for any of the following reasons: 4480
4481

(1) Employing or cooperating in fraud or material deception 4482
in applying for or obtaining a license or certificate; 4483

(2) Obtaining or attempting to obtain money or anything of 4484
value by intentional misrepresentation or material deception in 4485
the course of practice; 4486

(3) Advertising services in a false or misleading manner or 4487
violating the board's rules governing time, place, and manner of 4488
advertising; 4489

(4) Commission of an act that constitutes a felony in this 4490

state, regardless of the jurisdiction in which the act was	4491
committed;	4492
(5) Commission of an act in the course of practice that	4493
constitutes a misdemeanor in this state, regardless of the	4494
jurisdiction in which the act was committed;	4495
(6) Conviction of, a plea of guilty to, a judicial finding of	4496
guilt of, a judicial finding of guilt resulting from a plea of no	4497
contest to, or a judicial finding of eligibility for intervention	4498
in lieu of conviction for, any felony or of a misdemeanor	4499
committed in the course of practice;	4500
(7) Engaging in lewd or immoral conduct in connection with	4501
the provision of dental services;	4502
(8) Selling, prescribing, giving away, or administering drugs	4503
for other than legal and legitimate therapeutic purposes, or	4504
conviction of, a plea of guilty to, a judicial finding of guilt	4505
of, a judicial finding of guilt resulting from a plea of no	4506
contest to, or a judicial finding of eligibility for intervention	4507
in lieu of conviction for, a violation of any federal or state law	4508
regulating the possession, distribution, or use of any drug;	4509
(9) Providing or allowing dental hygienists, expanded	4510
function dental auxiliaries, or other practitioners of auxiliary	4511
dental occupations working under the certificate or license	4512
holder's supervision, or a dentist holding a temporary limited	4513
continuing education license under division (C) of section 4715.16	4514
of the Revised Code working under the certificate or license	4515
holder's direct supervision, to provide dental care that departs	4516
from or fails to conform to accepted standards for the profession,	4517
whether or not injury to a patient results;	4518
(10) Inability to practice under accepted standards of the	4519
profession because of physical or mental disability, dependence on	4520
alcohol or other drugs, or excessive use of alcohol or other	4521

drugs;	4522
(11) Violation of any provision of this chapter or any rule adopted thereunder;	4523 4524
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	4525 4526 4527
(13) Except as provided in division (H) of this section, either of the following:	4528 4529
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;	4530 4531 4532 4533 4534 4535
(b) Advertising that the certificate or license holder 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 dental services, would otherwise be required to pay.	4536 4537 4538 4539 4540
(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	4541 4542 4543 4544
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of	4545 4546 4547 4548 4549 4550 4551 4552

probation; or issuance of an order of censure or other reprimand; 4553

(16) Failure to cooperate in an investigation conducted by 4554
the board under division (D) of section 4715.03 of the Revised 4555
Code, including failure to comply with a subpoena or order issued 4556
by the board or failure to answer truthfully a question presented 4557
by the board at a deposition or in written interrogatories, except 4558
that failure to cooperate with an investigation shall not 4559
constitute grounds for discipline under this section if a court of 4560
competent jurisdiction has issued an order that either quashes a 4561
subpoena or permits the individual to withhold the testimony or 4562
evidence in issue; 4563

(17) Failure to comply with the requirements in section 4564
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4565
prescription for ~~a controlled substance containing~~ an opioid 4566
analgesic, as defined in section 3719.01 of the Revised Code. 4567

(B) A manager, proprietor, operator, or conductor of a dental 4568
facility shall be subject to disciplinary action if any dentist, 4569
dental hygienist, expanded function dental auxiliary, or qualified 4570
personnel providing services in the facility is found to have 4571
committed a violation listed in division (A) of this section and 4572
the manager, proprietor, operator, or conductor knew of the 4573
violation and permitted it to occur on a recurring basis. 4574

(C) Subject to Chapter 119. of the Revised Code, the board 4575
may take one or more of the following disciplinary actions if one 4576
or more of the grounds for discipline listed in divisions (A) and 4577
(B) of this section exist: 4578

(1) Censure the license or certificate holder; 4579

(2) Place the license or certificate on probationary status 4580
for such period of time the board determines necessary and require 4581
the holder to: 4582

(a) Report regularly to the board upon the matters which are 4583

the basis of probation; 4584

(b) Limit practice to those areas specified by the board; 4585

(c) Continue or renew professional education until a 4586
satisfactory degree of knowledge or clinical competency has been 4587
attained in specified areas. 4588

(3) Suspend the certificate or license; 4589

(4) Revoke the certificate or license. 4590

Where the board places a holder of a license or certificate 4591
on probationary status pursuant to division (C)(2) of this 4592
section, the board may subsequently suspend or revoke the license 4593
or certificate if it determines that the holder has not met the 4594
requirements of the probation or continues to engage in activities 4595
that constitute grounds for discipline pursuant to division (A) or 4596
(B) of this section. 4597

Any order suspending a license or certificate shall state the 4598
conditions under which the license or certificate will be 4599
restored, which may include a conditional restoration during which 4600
time the holder is in a probationary status pursuant to division 4601
(C)(2) of this section. The board shall restore the license or 4602
certificate unconditionally when such conditions are met. 4603

(D) If the physical or mental condition of an applicant or a 4604
license or certificate holder is at issue in a disciplinary 4605
proceeding, the board may order the license or certificate holder 4606
to submit to reasonable examinations by an individual designated 4607
or approved by the board and at the board's expense. The physical 4608
examination may be conducted by any individual authorized by the 4609
Revised Code to do so, including a physician assistant, a clinical 4610
nurse specialist, a certified nurse practitioner, or a certified 4611
nurse-midwife. Any written documentation of the physical 4612
examination shall be completed by the individual who conducted the 4613
examination. 4614

Failure to comply with an order for an examination shall be 4615
grounds for refusal of a license or certificate or summary 4616
suspension of a license or certificate under division (E) of this 4617
section. 4618

(E) If a license or certificate holder has failed to comply 4619
with an order under division (D) of this section, the board may 4620
apply to the court of common pleas of the county in which the 4621
holder resides for an order temporarily suspending the holder's 4622
license or certificate, without a prior hearing being afforded by 4623
the board, until the board conducts an adjudication hearing 4624
pursuant to Chapter 119. of the Revised Code. If the court 4625
temporarily suspends a holder's license or certificate, the board 4626
shall give written notice of the suspension personally or by 4627
certified mail to the license or certificate holder. Such notice 4628
shall inform the license or certificate holder of the right to a 4629
hearing pursuant to Chapter 119. of the Revised Code. 4630

(F) Any holder of a certificate or license issued under this 4631
chapter who has pleaded guilty to, has been convicted of, or has 4632
had a judicial finding of eligibility for intervention in lieu of 4633
conviction entered against the holder in this state for aggravated 4634
murder, murder, voluntary manslaughter, felonious assault, 4635
kidnapping, rape, sexual battery, gross sexual imposition, 4636
aggravated arson, aggravated robbery, or aggravated burglary, or 4637
who has pleaded guilty to, has been convicted of, or has had a 4638
judicial finding of eligibility for treatment or intervention in 4639
lieu of conviction entered against the holder in another 4640
jurisdiction for any substantially equivalent criminal offense, is 4641
automatically suspended from practice under this chapter in this 4642
state and any certificate or license issued to the holder under 4643
this chapter is automatically suspended, as of the date of the 4644
guilty plea, conviction, or judicial finding, whether the 4645
proceedings are brought in this state or another jurisdiction. 4646

Continued practice by an individual after the suspension of the 4647
individual's certificate or license under this division shall be 4648
considered practicing without a certificate or license. The board 4649
shall notify the suspended individual of the suspension of the 4650
individual's certificate or license under this division by 4651
certified mail or in person in accordance with section 119.07 of 4652
the Revised Code. If an individual whose certificate or license is 4653
suspended under this division fails to make a timely request for 4654
an adjudicatory hearing, the board shall enter a final order 4655
revoking the individual's certificate or license. 4656

(G) If the supervisory investigative panel determines both of 4657
the following, the panel may recommend that the board suspend an 4658
individual's certificate or license without a prior hearing: 4659

(1) That there is clear and convincing evidence that an 4660
individual has violated division (A) of this section; 4661

(2) That the individual's continued practice presents a 4662
danger of immediate and serious harm to the public. 4663

Written allegations shall be prepared for consideration by 4664
the board. The board, upon review of those allegations and by an 4665
affirmative vote of not fewer than four dentist members of the 4666
board and seven of its members in total, excluding any member on 4667
the supervisory investigative panel, may suspend a certificate or 4668
license without a prior hearing. A telephone conference call may 4669
be utilized for reviewing the allegations and taking the vote on 4670
the summary suspension. 4671

The board shall issue a written order of suspension by 4672
certified mail or in person in accordance with section 119.07 of 4673
the Revised Code. The order shall not be subject to suspension by 4674
the court during pendency or any appeal filed under section 119.12 4675
of the Revised Code. If the individual subject to the summary 4676
suspension requests an adjudicatory hearing by the board, the date 4677

set for the hearing shall be within fifteen days, but not earlier 4678
than seven days, after the individual requests the hearing, unless 4679
otherwise agreed to by both the board and the individual. 4680

Any summary suspension imposed under this division shall 4681
remain in effect, unless reversed on appeal, until a final 4682
adjudicative order issued by the board pursuant to this section 4683
and Chapter 119. of the Revised Code becomes effective. The board 4684
shall issue its final adjudicative order within seventy-five days 4685
after completion of its hearing. A failure to issue the order 4686
within seventy-five days shall result in dissolution of the 4687
summary suspension order but shall not invalidate any subsequent, 4688
final adjudicative order. 4689

(H) Sanctions shall not be imposed under division (A)(13) of 4690
this section against any certificate or license holder who waives 4691
deductibles and copayments as follows: 4692

(1) In compliance with the health benefit plan that expressly 4693
allows such a practice. Waiver of the deductibles or copayments 4694
shall be made only with the full knowledge and consent of the plan 4695
purchaser, payer, and third-party administrator. Documentation of 4696
the consent shall be made available to the board upon request. 4697

(2) For professional services rendered to any other person 4698
who holds a certificate or license issued pursuant to this chapter 4699
to the extent allowed by this chapter and the rules of the board. 4700

(I) In no event shall the board consider or raise during a 4701
hearing required by Chapter 119. of the Revised Code the 4702
circumstances of, or the fact that the board has received, one or 4703
more complaints about a person unless the one or more complaints 4704
are the subject of the hearing or resulted in the board taking an 4705
action authorized by this section against the person on a prior 4706
occasion. 4707

(J) The board may share any information it receives pursuant 4708

to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

Sec. 4715.302. (A) As used in this section, ~~"drug:~~ 4730

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 4731
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(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code. 4734
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(B) Except as provided in divisions (C) and (E) of this section, a dentist shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete 4736
4737
4738
4739

or partial supply of such a drug, as part of a patient's course of 4740
treatment for a particular condition: 4741

(1) Before initially prescribing or furnishing the drug, the 4742
dentist or the dentist's delegate shall request from the drug 4743
database a report of information related to the patient that 4744
covers at least the twelve months immediately preceding the date 4745
of the request. If the dentist practices primarily in a county of 4746
this state that adjoins another state, the dentist or delegate 4747
also shall request a report of any information available in the 4748
drug database that pertains to prescriptions issued or drugs 4749
furnished to the patient in the state adjoining that county. 4750

(2) If the patient's course of treatment for the condition 4751
continues for more than ninety days after the initial report is 4752
requested, the dentist or delegate shall make periodic requests 4753
for reports of information from the drug database until the course 4754
of treatment has ended. The requests shall be made at intervals 4755
not exceeding ninety days, determined according to the date the 4756
initial request was made. The request shall be made in the same 4757
manner provided in division (B)(1) of this section for requesting 4758
the initial report of information from the drug database. 4759

(3) On receipt of a report under division (B)(1) or (2) of 4760
this section, the dentist shall assess the information in the 4761
report. The dentist shall document in the patient's record that 4762
the report was received and the information was assessed. 4763

(C)(1) Division (B) of this section does not apply if a drug 4764
database report regarding the patient is not available. In this 4765
event, the dentist shall document in the patient's record the 4766
reason that the report is not available. 4767

(2) Division (B) of this section does not apply if the drug 4768
is prescribed or personally furnished in an amount indicated for a 4769
period not to exceed seven days. 4770

(D) ~~With respect to prescribing or personally furnishing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the~~ The state dental board ~~shall~~ may adopt rules that establish standards and procedures to be followed by a dentist regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) This section and ~~the~~ any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

Sec. 4723.28. (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license, certificate of authority, or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license, certificate of authority, or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license, certificate of authority, or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license,

certificate of authority, or dialysis technician certificate; or 4802
impose a fine of not more than five hundred dollars per violation. 4803
The sanctions may be imposed for any of the following: 4804

(1) Denial, revocation, suspension, or restriction of 4805
authority to engage in a licensed profession or practice a health 4806
care occupation, including nursing or practice as a dialysis 4807
technician, for any reason other than a failure to renew, in Ohio 4808
or another state or jurisdiction; 4809

(2) Engaging in the practice of nursing or engaging in 4810
practice as a dialysis technician, having failed to renew a 4811
nursing license or dialysis technician certificate issued under 4812
this chapter, or while a nursing license or dialysis technician 4813
certificate is under suspension; 4814

(3) Conviction of, a plea of guilty to, a judicial finding of 4815
guilt of, a judicial finding of guilt resulting from a plea of no 4816
contest to, or a judicial finding of eligibility for a pretrial 4817
diversion or similar program or for intervention in lieu of 4818
conviction for, a misdemeanor committed in the course of practice; 4819

(4) Conviction of, a plea of guilty to, a judicial finding of 4820
guilt of, a judicial finding of guilt resulting from a plea of no 4821
contest to, or a judicial finding of eligibility for a pretrial 4822
diversion or similar program or for intervention in lieu of 4823
conviction for, any felony or of any crime involving gross 4824
immorality or moral turpitude; 4825

(5) Selling, giving away, or administering drugs or 4826
therapeutic devices for other than legal and legitimate 4827
therapeutic purposes; or conviction of, a plea of guilty to, a 4828
judicial finding of guilt of, a judicial finding of guilt 4829
resulting from a plea of no contest to, or a judicial finding of 4830
eligibility for a pretrial diversion or similar program or for 4831
intervention in lieu of conviction for, violating any municipal, 4832

state, county, or federal drug law;	4833
(6) Conviction of, a plea of guilty to, a judicial finding of	4834
guilt of, a judicial finding of guilt resulting from a plea of no	4835
contest to, or a judicial finding of eligibility for a pretrial	4836
diversion or similar program or for intervention in lieu of	4837
conviction for, an act in another jurisdiction that would	4838
constitute a felony or a crime of moral turpitude in Ohio;	4839
(7) Conviction of, a plea of guilty to, a judicial finding of	4840
guilt of, a judicial finding of guilt resulting from a plea of no	4841
contest to, or a judicial finding of eligibility for a pretrial	4842
diversion or similar program or for intervention in lieu of	4843
conviction for, an act in the course of practice in another	4844
jurisdiction that would constitute a misdemeanor in Ohio;	4845
(8) Self-administering or otherwise taking into the body any	4846
dangerous drug, as defined in section 4729.01 of the Revised Code,	4847
in any way that is not in accordance with a legal, valid	4848
prescription issued for that individual, or self-administering or	4849
otherwise taking into the body any drug that is a schedule I	4850
controlled substance;	4851
(9) Habitual or excessive use of controlled substances, other	4852
habit-forming drugs, or alcohol or other chemical substances to an	4853
extent that impairs the individual's ability to provide safe	4854
nursing care or safe dialysis care;	4855
(10) Impairment of the ability to practice according to	4856
acceptable and prevailing standards of safe nursing care or safe	4857
dialysis care because of the use of drugs, alcohol, or other	4858
chemical substances;	4859
(11) Impairment of the ability to practice according to	4860
acceptable and prevailing standards of safe nursing care or safe	4861
dialysis care because of a physical or mental disability;	4862
(12) Assaulting or causing harm to a patient or depriving a	4863

patient of the means to summon assistance;	4864
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	4865 4866
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	4867 4868 4869 4870 4871
(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	4872 4873 4874
(16) Violation of this chapter or any rules adopted under it;	4875
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	4876 4877
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	4878 4879 4880
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	4881 4882
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	4883 4884 4885
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	4886 4887 4888
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	4889 4890 4891
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician	4892 4893

without a certificate issued under this chapter; 4894

(24) In the case of a certified registered nurse anesthetist, 4895
clinical nurse specialist, certified nurse-midwife, or certified 4896
nurse practitioner, except as provided in division (M) of this 4897
section, either of the following: 4898

(a) Waiving the payment of all or any part of a deductible or 4899
copayment that a patient, pursuant to a health insurance or health 4900
care policy, contract, or plan that covers such nursing services, 4901
would otherwise be required to pay if the waiver is used as an 4902
enticement to a patient or group of patients to receive health 4903
care services from that provider; 4904

(b) Advertising that the nurse will waive the payment of all 4905
or any part of a deductible or copayment that a patient, pursuant 4906
to a health insurance or health care policy, contract, or plan 4907
that covers such nursing services, would otherwise be required to 4908
pay. 4909

(25) Failure to comply with the terms and conditions of 4910
participation in the chemical dependency monitoring program 4911
established under section 4723.35 of the Revised Code; 4912

(26) Failure to comply with the terms and conditions required 4913
under the practice intervention and improvement program 4914
established under section 4723.282 of the Revised Code; 4915

(27) In the case of a certified registered nurse anesthetist, 4916
clinical nurse specialist, certified nurse-midwife, or certified 4917
nurse practitioner: 4918

(a) Engaging in activities that exceed those permitted for 4919
the nurse's nursing specialty under section 4723.43 of the Revised 4920
Code; 4921

(b) Failure to meet the quality assurance standards 4922
established under section 4723.07 of the Revised Code. 4923

(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;

(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;

(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing ~~to~~ for a minor a prescription for ~~a controlled substance containing~~ an opioid-analgesic, as defined in section 3719.01 of the Revised Code;

~~(34)~~(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and

the action is dismissed by the trial court other than on the 4986
merits, the board shall conduct an adjudication to determine 4987
whether the registered nurse, licensed practical nurse, or 4988
dialysis technician committed the act on which the action was 4989
based. If the board determines on the basis of the adjudication 4990
that the registered nurse, licensed practical nurse, or dialysis 4991
technician committed the act, or if the registered nurse, licensed 4992
practical nurse, or dialysis technician fails to participate in 4993
the adjudication, the board may take action as though the 4994
registered nurse, licensed practical nurse, or dialysis technician 4995
had been convicted of the act. 4996

If the board takes action on the basis of a conviction, plea, 4997
or a judicial finding as described in divisions (B)(3) to (7) of 4998
this section that is overturned on appeal, the registered nurse, 4999
licensed practical nurse, or dialysis technician may, on 5000
exhaustion of the appeal process, petition the board for 5001
reconsideration of its action. On receipt of the petition and 5002
supporting court documents, the board shall temporarily rescind 5003
its action. If the board determines that the decision on appeal 5004
was a decision on the merits, it shall permanently rescind its 5005
action. If the board determines that the decision on appeal was 5006
not a decision on the merits, it shall conduct an adjudication to 5007
determine whether the registered nurse, licensed practical nurse, 5008
or dialysis technician committed the act on which the original 5009
conviction, plea, or judicial finding was based. If the board 5010
determines on the basis of the adjudication that the registered 5011
nurse, licensed practical nurse, or dialysis technician committed 5012
such act, or if the registered nurse, licensed practical nurse, or 5013
dialysis technician does not request an adjudication, the board 5014
shall reinstate its action; otherwise, the board shall permanently 5015
rescind its action. 5016

Notwithstanding the provision of division (C)(2) of section 5017

2953.32 of the Revised Code specifying that if records pertaining 5018
to a criminal case are sealed under that section the proceedings 5019
in the case shall be deemed not to have occurred, sealing of the 5020
following records on which the board has based an action under 5021
this section shall have no effect on the board's action or any 5022
sanction imposed by the board under this section: records of any 5023
conviction, guilty plea, judicial finding of guilt resulting from 5024
a plea of no contest, or a judicial finding of eligibility for a 5025
pretrial diversion program or intervention in lieu of conviction. 5026

The board shall not be required to seal, destroy, redact, or 5027
otherwise modify its records to reflect the court's sealing of 5028
conviction records. 5029

(F) The board may investigate an individual's criminal 5030
background in performing its duties under this section. As part of 5031
such investigation, the board may order the individual to submit, 5032
at the individual's expense, a request to the bureau of criminal 5033
identification and investigation for a criminal records check and 5034
check of federal bureau of investigation records in accordance 5035
with the procedure described in section 4723.091 of the Revised 5036
Code. 5037

(G) During the course of an investigation conducted under 5038
this section, the board may compel any registered nurse, licensed 5039
practical nurse, or dialysis technician or applicant under this 5040
chapter to submit to a mental or physical examination, or both, as 5041
required by the board and at the expense of the individual, if the 5042
board finds reason to believe that the individual under 5043
investigation may have a physical or mental impairment that may 5044
affect the individual's ability to provide safe nursing care. 5045
Failure of any individual to submit to a mental or physical 5046
examination when directed constitutes an admission of the 5047
allegations, unless the failure is due to circumstances beyond the 5048
individual's control, and a default and final order may be entered 5049

without the taking of testimony or presentation of evidence. 5050

If the board finds that an individual is impaired, the board 5051
shall require the individual to submit to care, counseling, or 5052
treatment approved or designated by the board, as a condition for 5053
initial, continued, reinstated, or renewed authority to practice. 5054
The individual shall be afforded an opportunity to demonstrate to 5055
the board that the individual can begin or resume the individual's 5056
occupation in compliance with acceptable and prevailing standards 5057
of care under the provisions of the individual's authority to 5058
practice. 5059

For purposes of this division, any registered nurse, licensed 5060
practical nurse, or dialysis technician or applicant under this 5061
chapter shall be deemed to have given consent to submit to a 5062
mental or physical examination when directed to do so in writing 5063
by the board, and to have waived all objections to the 5064
admissibility of testimony or examination reports that constitute 5065
a privileged communication. 5066

(H) The board shall investigate evidence that appears to show 5067
that any person has violated any provision of this chapter or any 5068
rule of the board. Any person may report to the board any 5069
information the person may have that appears to show a violation 5070
of any provision of this chapter or rule of the board. In the 5071
absence of bad faith, any person who reports such information or 5072
who testifies before the board in any adjudication conducted under 5073
Chapter 119. of the Revised Code shall not be liable for civil 5074
damages as a result of the report or testimony. 5075

(I) All of the following apply under this chapter with 5076
respect to the confidentiality of information: 5077

(1) Information received by the board pursuant to a complaint 5078
or an investigation is confidential and not subject to discovery 5079
in any civil action, except that the board may disclose 5080

information to law enforcement officers and government entities 5081
for purposes of an investigation of either a licensed health care 5082
professional, including a registered nurse, licensed practical 5083
nurse, or dialysis technician, or a person who may have engaged in 5084
the unauthorized practice of nursing or dialysis care. No law 5085
enforcement officer or government entity with knowledge of any 5086
information disclosed by the board pursuant to this division shall 5087
divulge the information to any other person or government entity 5088
except for the purpose of a government investigation, a 5089
prosecution, or an adjudication by a court or government entity. 5090

(2) If an investigation requires a review of patient records, 5091
the investigation and proceeding shall be conducted in such a 5092
manner as to protect patient confidentiality. 5093

(3) All adjudications and investigations of the board shall 5094
be considered civil actions for the purposes of section 2305.252 5095
of the Revised Code. 5096

(4) Any board activity that involves continued monitoring of 5097
an individual as part of or following any disciplinary action 5098
taken under this section shall be conducted in a manner that 5099
maintains the individual's confidentiality. Information received 5100
or maintained by the board with respect to the board's monitoring 5101
activities is not subject to discovery in any civil action and is 5102
confidential, except that the board may disclose information to 5103
law enforcement officers and government entities for purposes of 5104
an investigation of a licensee or certificate holder. 5105

(J) Any action taken by the board under this section 5106
resulting in a suspension from practice shall be accompanied by a 5107
written statement of the conditions under which the person may be 5108
reinstated to practice. 5109

(K) When the board refuses to grant a license or certificate 5110
to an applicant, revokes a license or certificate, or refuses to 5111

reinstate a license or certificate, the board may specify that its 5112
action is permanent. An individual subject to permanent action 5113
taken by the board is forever ineligible to hold a license or 5114
certificate of the type that was refused or revoked and the board 5115
shall not accept from the individual an application for 5116
reinstatement of the license or certificate or for a new license 5117
or certificate. 5118

(L) No unilateral surrender of a nursing license, certificate 5119
of authority, or dialysis technician certificate issued under this 5120
chapter shall be effective unless accepted by majority vote of the 5121
board. No application for a nursing license, certificate of 5122
authority, or dialysis technician certificate issued under this 5123
chapter may be withdrawn without a majority vote of the board. The 5124
board's jurisdiction to take disciplinary action under this 5125
section is not removed or limited when an individual has a license 5126
or certificate classified as inactive or fails to renew a license 5127
or certificate. 5128

(M) Sanctions shall not be imposed under division (B)(24) of 5129
this section against any licensee who waives deductibles and 5130
copayments as follows: 5131

(1) In compliance with the health benefit plan that expressly 5132
allows such a practice. Waiver of the deductibles or copayments 5133
shall be made only with the full knowledge and consent of the plan 5134
purchaser, payer, and third-party administrator. Documentation of 5135
the consent shall be made available to the board upon request. 5136

(2) For professional services rendered to any other person 5137
licensed pursuant to this chapter to the extent allowed by this 5138
chapter and the rules of the board. 5139

Sec. 4723.487. (A) As used in this section, ~~"drug:~~ 5140

(1) "Drug database" means the database established and 5141

maintained by the state board of pharmacy pursuant to section 5142
4729.75 of the Revised Code. 5143

(2) "Opioid analgesic" and "benzodiazepine" have the same 5144
meanings as in section 3719.01 of the Revised Code. 5145

(B) Except as provided in divisions (C) and (E) of this 5146
section, an advanced practice registered nurse holding a 5147
certificate to prescribe issued under this chapter shall comply 5148
with all of the following as conditions of prescribing a drug that 5149
is either an opioid analgesic or a benzodiazepine as part of a 5150
patient's course of treatment for a particular condition: 5151

(1) Before initially prescribing the drug, the nurse or the 5152
nurse's delegate shall request from the drug database a report of 5153
information related to the patient that covers at least the twelve 5154
months immediately preceding the date of the request. If the nurse 5155
practices primarily in a county of this state that adjoins another 5156
state, the nurse or delegate also shall request a report of any 5157
information available in the drug database that pertains to 5158
prescriptions issued or drugs furnished to the patient in the 5159
state adjoining that county. 5160

(2) If the patient's course of treatment for the condition 5161
continues for more than ninety days after the initial report is 5162
requested, the nurse or delegate shall make periodic requests for 5163
reports of information from the drug database until the course of 5164
treatment has ended. The requests shall be made at intervals not 5165
exceeding ninety days, determined according to the date the 5166
initial request was made. The request shall be made in the same 5167
manner provided in division (B)(1) of this section for requesting 5168
the initial report of information from the drug database. 5169

(3) On receipt of a report under division (B)(1) or (2) of 5170
this section, the nurse shall assess the information in the 5171
report. The nurse shall document in the patient's record that the 5172

report was received and the information was assessed. 5173

(C) Division (B) of this section does not apply if in any of 5174
the following circumstances: 5175

(1) A drug database report regarding the patient is not 5176
available, in which case the nurse shall document in the patient's 5177
record the reason that the report is not available. 5178

(2) The drug is prescribed in an amount indicated for a 5179
period not to exceed seven days. 5180

(3) The drug is prescribed for the treatment of cancer or 5181
another condition associated with cancer. 5182

(4) The drug is prescribed to a hospice patient in a hospice 5183
care program, as those terms are defined in section 3712.01 of the 5184
Revised Code, or any other patient diagnosed as terminally ill. 5185

(5) The drug is prescribed for administration in a hospital, 5186
nursing home, or residential care facility. 5187

(D) ~~With respect to prescribing any drug that is not an~~ 5188
~~opioid analgesic or a benzodiazepine but is included in the drug~~ 5189
~~database pursuant to rules adopted under section 4729.84 of the~~ 5190
~~Revised Code, the~~ The board of nursing shall may adopt rules, in 5191
accordance with Chapter 119. of the Revised Code, that establish 5192
standards and procedures to be followed by an advanced practice 5193
registered nurse with a certificate to prescribe issued under 5194
section 4723.48 of the Revised Code regarding the review of 5195
patient information available through the drug database under 5196
division (A)(5) of section 4729.80 of the Revised Code. The rules 5197
shall be adopted in accordance with Chapter 119. of the Revised 5198
Code. 5199

(E) This section and ~~the~~ any rules adopted under it do not 5200
apply if the state board of pharmacy no longer maintains the drug 5201
database. 5202

Sec. 4725.092. (A) As used in this section, "drug database" 5203
means the database established and maintained by the state board 5204
of pharmacy pursuant to section 4729.75 of the Revised Code. 5205

(B) ~~Except as provided in divisions (C) and (E) of this~~ 5206
~~section, an optometrist holding a therapeutic pharmaceutical~~ 5207
~~agents certificate shall comply with all of the following as~~ 5208
~~conditions of prescribing a drug that is either an opioid~~ 5209
~~analgesic or a benzodiazepine, or personally furnishing a complete~~ 5210
~~or partial supply of such a drug, as part of a patient's course of~~ 5211
~~treatment for a particular condition:~~ 5212

~~(1) Before initially prescribing or furnishing the drug, the~~ 5213
~~optometrist or the optometrist's delegate shall request from the~~ 5214
~~drug database a report of information related to the patient that~~ 5215
~~covers at least the twelve months immediately preceding the date~~ 5216
~~of the request. If the optometrist practices primarily in a county~~ 5217
~~of this state that adjoins another state, the optometrist or~~ 5218
~~delegate also shall request a report of any information available~~ 5219
~~in the drug database that pertains to prescriptions issued or~~ 5220
~~drugs furnished to the patient in the state adjoining that county.~~ 5221

~~(2) If the patient's course of treatment for the condition~~ 5222
~~continues for more than ninety days after the initial report is~~ 5223
~~requested, the optometrist or delegate shall make periodic~~ 5224
~~requests for reports of information from the drug database until~~ 5225
~~the course of treatment has ended. The requests shall be made at~~ 5226
~~intervals not exceeding ninety days, determined according to the~~ 5227
~~date the initial request was made. The request shall be made in~~ 5228
~~the same manner provided in division (B)(1) of this section for~~ 5229
~~requesting the initial report of information from the drug~~ 5230
~~database.~~ 5231

~~(3) On receipt of a report under division (B)(1) or (2) of~~ 5232
~~this section, the optometrist shall assess the information in the~~ 5233

~~report. The optometrist shall document in the patient's record 5234
that the report was received and the information was assessed. 5235~~

~~(C)(1) Division (B) of this section does not apply if a drug 5236
database report regarding the patient is not available. In this 5237
event, the optometrist shall document in the patient's record the 5238
reason that the report is not available. 5239~~

~~(2) Division (B) of this section does not apply if the drug 5240
is prescribed or personally furnished in an amount indicated for a 5241
period not to exceed seven days. 5242~~

~~(D) With respect to prescribing or personally furnishing any 5243
drug that is not an opioid analgesic or a benzodiazepine but is 5244
included in the drug database pursuant to rules adopted under 5245
section 4729.84 of the Revised Code, the The state board of 5246
optometry shall adopt rules that establish standards and 5247
procedures to be followed by an optometrist who holds a 5248
therapeutic pharmaceutical agents certificate regarding the review 5249
of patient information available through the drug database under 5250
division (A)(5) of section 4729.80 of the Revised Code. The rules 5251
shall be adopted in accordance with Chapter 119. of the Revised 5252
Code. 5253~~

~~(E)(C) This section and the rules adopted under it do not 5254
apply if the state board of pharmacy no longer maintains the drug 5255
database. 5256~~

Sec. 4725.19. (A) In accordance with Chapter 119. of the 5257
Revised Code and by an affirmative vote of a majority of its 5258
members, the state board of optometry, for any of the reasons 5259
specified in division (B) of this section, shall refuse to grant a 5260
certificate of licensure to an applicant and may, with respect to 5261
a licensed optometrist, do one or more of the following: 5262

(1) Suspend the operation of any certificate of licensure, 5263

topical ocular pharmaceutical agents certificate, or therapeutic	5264
pharmaceutical agents certificate, or all certificates granted by	5265
it to the optometrist;	5266
(2) Permanently revoke any or all of the certificates;	5267
(3) Limit or otherwise place restrictions on any or all of	5268
the certificates;	5269
(4) Reprimand the optometrist;	5270
(5) Impose a monetary penalty. If the reason for which the	5271
board is imposing the penalty involves a criminal offense that	5272
carries a fine under the Revised Code, the penalty shall not	5273
exceed the maximum fine that may be imposed for the criminal	5274
offense. In any other case, the penalty imposed by the board shall	5275
not exceed five hundred dollars.	5276
(6) Require the optometrist to take corrective action	5277
courses.	5278
The amount and content of corrective action courses shall be	5279
established by the board in rules adopted under section 4725.09 of	5280
the Revised Code.	5281
(B) The sanctions specified in division (A) of this section	5282
may be taken by the board for any of the following reasons:	5283
(1) Committing fraud in passing the licensing examination or	5284
making false or purposely misleading statements in an application	5285
for a certificate of licensure;	5286
(2) Being at any time guilty of immorality, regardless of the	5287
jurisdiction in which the act was committed;	5288
(3) Being guilty of dishonesty or unprofessional conduct in	5289
the practice of optometry;	5290
(4) Being at any time guilty of a felony, regardless of the	5291
jurisdiction in which the act was committed;	5292

(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;	5293 5294 5295
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	5296 5297 5298
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	5299 5300 5301 5302 5303
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	5304 5305 5306 5307
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	5308 5309 5310 5311 5312
(10) Failing to maintain comprehensive patient records;	5313
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	5314 5315 5316
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	5317 5318 5319 5320 5321
(13) Engaging in the practice of optometry as provided in	5322

division (A)(2) or (3) of section 4725.01 of the Revised Code 5323
without authority to do so or, if authorized, in a manner 5324
inconsistent with the authority granted; 5325

(14) Failing to make a report to the board as required by 5326
division (A) of section 4725.21 or section 4725.31 of the Revised 5327
Code; 5328

(15) Soliciting patients from door to door or establishing 5329
temporary offices, in which case the board shall suspend all 5330
certificates held by the optometrist; 5331

~~(16) Failing to comply with section 4725.092 of the Revised 5332
Code, unless the state board of pharmacy no longer maintains a 5333
drug database pursuant to section 4729.75 of the Revised Code; 5334~~

~~(17) Except as provided in division (D) of this section: 5335~~

(a) Waiving the payment of all or any part of a deductible or 5336
copayment that a patient, pursuant to a health insurance or health 5337
care policy, contract, or plan that covers optometric services, 5338
would otherwise be required to pay if the waiver is used as an 5339
enticement to a patient or group of patients to receive health 5340
care services from that optometrist. 5341

(b) Advertising that the optometrist will waive the payment 5342
of all or any part of a deductible or copayment that a patient, 5343
pursuant to a health insurance or health care policy, contract, or 5344
plan that covers optometric services, would otherwise be required 5345
to pay. 5346

(17) Failing to comply with the requirements in section 5347
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 5348
prescription for ~~a controlled substance containing~~ an analgesic 5349
controlled substance authorized pursuant to section 4725.091 of 5350
the Revised Code that is an opioid analgesic, as defined in 5351
section 3719.01 of the Revised Code. 5352

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

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

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as a physician assistant or a certificate to prescribe to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice as a physician assistant or certificate to prescribe, refuse to issue a certificate to an applicant, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Failure to practice in accordance with the conditions 5383
under which the supervising physician's supervision agreement with 5384
the physician assistant was approved, including the requirement 5385
that when practicing under a particular supervising physician, the 5386
physician assistant must practice only according to the physician 5387
supervisory plan the board approved for that physician or the 5388
policies of the health care facility in which the supervising 5389
physician and physician assistant are practicing; 5390

(2) Failure to comply with the requirements of this chapter, 5391
Chapter 4731. of the Revised Code, or any rules adopted by the 5392
board; 5393

(3) Violating or attempting to violate, directly or 5394
indirectly, or assisting in or abetting the violation of, or 5395
conspiring to violate, any provision of this chapter, Chapter 5396
4731. of the Revised Code, or the rules adopted by the board; 5397

(4) Inability to practice according to acceptable and 5398
prevailing standards of care by reason of mental illness or 5399
physical illness, including physical deterioration that adversely 5400
affects cognitive, motor, or perceptive skills; 5401

(5) Impairment of ability to practice according to acceptable 5402
and prevailing standards of care because of habitual or excessive 5403
use or abuse of drugs, alcohol, or other substances that impair 5404
ability to practice; 5405

(6) Administering drugs for purposes other than those 5406
authorized under this chapter; 5407

(7) Willfully betraying a professional confidence; 5408

(8) Making a false, fraudulent, deceptive, or misleading 5409
statement in soliciting or advertising for employment as a 5410
physician assistant; in connection with any solicitation or 5411
advertisement for patients; in relation to the practice of 5412
medicine as it pertains to physician assistants; or in securing or 5413

attempting to secure a certificate to practice as a physician 5414
assistant, a certificate to prescribe, or approval of a 5415
supervision agreement. 5416

As used in this division, "false, fraudulent, deceptive, or 5417
misleading statement" means a statement that includes a 5418
misrepresentation of fact, is likely to mislead or deceive because 5419
of a failure to disclose material facts, is intended or is likely 5420
to create false or unjustified expectations of favorable results, 5421
or includes representations or implications that in reasonable 5422
probability will cause an ordinarily prudent person to 5423
misunderstand or be deceived. 5424

(9) Representing, with the purpose of obtaining compensation 5425
or other advantage personally or for any other person, that an 5426
incurable disease or injury, or other incurable condition, can be 5427
permanently cured; 5428

(10) The obtaining of, or attempting to obtain, money or 5429
anything of value by fraudulent misrepresentations in the course 5430
of practice; 5431

(11) A plea of guilty to, a judicial finding of guilt of, or 5432
a judicial finding of eligibility for intervention in lieu of 5433
conviction for, a felony; 5434

(12) Commission of an act that constitutes a felony in this 5435
state, regardless of the jurisdiction in which the act was 5436
committed; 5437

(13) A plea of guilty to, a judicial finding of guilt of, or 5438
a judicial finding of eligibility for intervention in lieu of 5439
conviction for, a misdemeanor committed in the course of practice; 5440

(14) A plea of guilty to, a judicial finding of guilt of, or 5441
a judicial finding of eligibility for intervention in lieu of 5442
conviction for, a misdemeanor involving moral turpitude; 5443

(15) Commission of an act in the course of practice that 5444
constitutes a misdemeanor in this state, regardless of the 5445
jurisdiction in which the act was committed; 5446

(16) Commission of an act involving moral turpitude that 5447
constitutes a misdemeanor in this state, regardless of the 5448
jurisdiction in which the act was committed; 5449

(17) A plea of guilty to, a judicial finding of guilt of, or 5450
a judicial finding of eligibility for intervention in lieu of 5451
conviction for violating any state or federal law regulating the 5452
possession, distribution, or use of any drug, including 5453
trafficking in drugs; 5454

(18) Any of the following actions taken by the state agency 5455
responsible for regulating the practice of physician assistants in 5456
another state, for any reason other than the nonpayment of fees: 5457
the limitation, revocation, or suspension of an individual's 5458
license to practice; acceptance of an individual's license 5459
surrender; denial of a license; refusal to renew or reinstate a 5460
license; imposition of probation; or issuance of an order of 5461
censure or other reprimand; 5462

(19) A departure from, or failure to conform to, minimal 5463
standards of care of similar physician assistants under the same 5464
or similar circumstances, regardless of whether actual injury to a 5465
patient is established; 5466

(20) Violation of the conditions placed by the board on a 5467
certificate to practice as a physician assistant, a certificate to 5468
prescribe, a physician supervisory plan, or supervision agreement; 5469

(21) Failure to use universal blood and body fluid 5470
precautions established by rules adopted under section 4731.051 of 5471
the Revised Code; 5472

(22) Failure to cooperate in an investigation conducted by 5473
the board under section 4730.26 of the Revised Code, including 5474

failure to comply with a subpoena or order issued by the board or 5475
failure to answer truthfully a question presented by the board at 5476
a deposition or in written interrogatories, except that failure to 5477
cooperate with an investigation shall not constitute grounds for 5478
discipline under this section if a court of competent jurisdiction 5479
has issued an order that either quashes a subpoena or permits the 5480
individual to withhold the testimony or evidence in issue; 5481

(23) Assisting suicide, as defined in section 3795.01 of the 5482
Revised Code; 5483

(24) Prescribing any drug or device to perform or induce an 5484
abortion, or otherwise performing or inducing an abortion; 5485

(25) Failure to comply with section 4730.53 of the Revised 5486
Code, unless the board no longer maintains a drug database 5487
pursuant to section 4729.75 of the Revised Code; 5488

~~(25)~~(26) Failure to comply with the requirements in section 5489
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 5490
prescription for ~~a controlled substance containing~~ an opioid 5491
analgesic, as defined in section 3719.01 of the Revised Code. 5492

(C) Disciplinary actions taken by the board under divisions 5493
(A) and (B) of this section shall be taken pursuant to an 5494
adjudication under Chapter 119. of the Revised Code, except that 5495
in lieu of an adjudication, the board may enter into a consent 5496
agreement with a physician assistant or applicant to resolve an 5497
allegation of a violation of this chapter or any rule adopted 5498
under it. A consent agreement, when ratified by an affirmative 5499
vote of not fewer than six members of the board, shall constitute 5500
the findings and order of the board with respect to the matter 5501
addressed in the agreement. If the board refuses to ratify a 5502
consent agreement, the admissions and findings contained in the 5503
consent agreement shall be of no force or effect. 5504

(D) For purposes of divisions (B)(12), (15), and (16) of this 5505

section, the commission of the act may be established by a finding 5506
by the board, pursuant to an adjudication under Chapter 119. of 5507
the Revised Code, that the applicant or certificate holder 5508
committed the act in question. The board shall have no 5509
jurisdiction under these divisions in cases where the trial court 5510
renders a final judgment in the certificate holder's favor and 5511
that judgment is based upon an adjudication on the merits. The 5512
board shall have jurisdiction under these divisions in cases where 5513
the trial court issues an order of dismissal upon technical or 5514
procedural grounds. 5515

(E) The sealing of conviction records by any court shall have 5516
no effect upon a prior board order entered under the provisions of 5517
this section or upon the board's jurisdiction to take action under 5518
the provisions of this section if, based upon a plea of guilty, a 5519
judicial finding of guilt, or a judicial finding of eligibility 5520
for intervention in lieu of conviction, the board issued a notice 5521
of opportunity for a hearing prior to the court's order to seal 5522
the records. The board shall not be required to seal, destroy, 5523
redact, or otherwise modify its records to reflect the court's 5524
sealing of conviction records. 5525

(F) For purposes of this division, any individual who holds a 5526
certificate issued under this chapter, or applies for a 5527
certificate issued under this chapter, shall be deemed to have 5528
given consent to submit to a mental or physical examination when 5529
directed to do so in writing by the board and to have waived all 5530
objections to the admissibility of testimony or examination 5531
reports that constitute a privileged communication. 5532

(1) In enforcing division (B)(4) of this section, the board, 5533
upon a showing of a possible violation, may compel any individual 5534
who holds a certificate issued under this chapter or who has 5535
applied for a certificate pursuant to this chapter to submit to a 5536
mental examination, physical examination, including an HIV test, 5537

or both a mental and physical examination. The expense of the 5538
examination is the responsibility of the individual compelled to 5539
be examined. Failure to submit to a mental or physical examination 5540
or consent to an HIV test ordered by the board constitutes an 5541
admission of the allegations against the individual unless the 5542
failure is due to circumstances beyond the individual's control, 5543
and a default and final order may be entered without the taking of 5544
testimony or presentation of evidence. If the board finds a 5545
physician assistant unable to practice because of the reasons set 5546
forth in division (B)(4) of this section, the board shall require 5547
the physician assistant to submit to care, counseling, or 5548
treatment by physicians approved or designated by the board, as a 5549
condition for an initial, continued, reinstated, or renewed 5550
certificate. An individual affected under this division shall be 5551
afforded an opportunity to demonstrate to the board the ability to 5552
resume practicing in compliance with acceptable and prevailing 5553
standards of care. 5554

(2) For purposes of division (B)(5) of this section, if the 5555
board has reason to believe that any individual who holds a 5556
certificate issued under this chapter or any applicant for a 5557
certificate suffers such impairment, the board may compel the 5558
individual to submit to a mental or physical examination, or both. 5559
The expense of the examination is the responsibility of the 5560
individual compelled to be examined. Any mental or physical 5561
examination required under this division shall be undertaken by a 5562
treatment provider or physician qualified to conduct such 5563
examination and chosen by the board. 5564

Failure to submit to a mental or physical examination ordered 5565
by the board constitutes an admission of the allegations against 5566
the individual unless the failure is due to circumstances beyond 5567
the individual's control, and a default and final order may be 5568
entered without the taking of testimony or presentation of 5569

evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed certification to practice or prescribe, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

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

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

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

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

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include 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 5601
penalty of falsification stating whether the physician assistant 5602
has maintained sobriety. 5603

(G) If the secretary and supervising member determine that 5604
there is clear and convincing evidence that a physician assistant 5605
has violated division (B) of this section and that the 5606
individual's continued practice or prescribing presents a danger 5607
of immediate and serious harm to the public, they may recommend 5608
that the board suspend the individual's certificate to practice or 5609
prescribe without a prior hearing. Written allegations shall be 5610
prepared for consideration by the board. 5611

The board, upon review of those allegations and by an 5612
affirmative vote of not fewer than six of its members, excluding 5613
the secretary and supervising member, may suspend a certificate 5614
without a prior hearing. A telephone conference call may be 5615
utilized for reviewing the allegations and taking the vote on the 5616
summary suspension. 5617

The board shall issue a written order of suspension by 5618
certified mail or in person in accordance with section 119.07 of 5619
the Revised Code. The order shall not be subject to suspension by 5620
the court during pendency of any appeal filed under section 119.12 5621
of the Revised Code. If the physician assistant requests an 5622
adjudicatory hearing by the board, the date set for the hearing 5623
shall be within fifteen days, but not earlier than seven days, 5624
after the physician assistant requests the hearing, unless 5625
otherwise agreed to by both the board and the certificate holder. 5626

A summary suspension imposed under this division shall remain 5627
in effect, unless reversed on appeal, until a final adjudicative 5628
order issued by the board pursuant to this section and Chapter 5629
119. of the Revised Code becomes effective. The board shall issue 5630
its final adjudicative order within sixty days after completion of 5631
its hearing. Failure to issue the order within sixty days shall 5632

result in dissolution of the summary suspension order, but shall 5633
not invalidate any subsequent, final adjudicative order. 5634

(H) If the board takes action under division (B)(11), (13), 5635
or (14) of this section, and the judicial finding of guilt, guilty 5636
plea, or judicial finding of eligibility for intervention in lieu 5637
of conviction is overturned on appeal, upon exhaustion of the 5638
criminal appeal, a petition for reconsideration of the order may 5639
be filed with the board along with appropriate court documents. 5640
Upon receipt of a petition and supporting court documents, the 5641
board shall reinstate the certificate to practice or prescribe. 5642
The board may then hold an adjudication under Chapter 119. of the 5643
Revised Code to determine whether the individual committed the act 5644
in question. Notice of opportunity for hearing shall be given in 5645
accordance with Chapter 119. of the Revised Code. If the board 5646
finds, pursuant to an adjudication held under this division, that 5647
the individual committed the act, or if no hearing is requested, 5648
it may order any of the sanctions identified under division (B) of 5649
this section. 5650

(I) The certificate to practice issued to a physician 5651
assistant and the physician assistant's practice in this state are 5652
automatically suspended as of the date the physician assistant 5653
pleads guilty to, is found by a judge or jury to be guilty of, or 5654
is subject to a judicial finding of eligibility for intervention 5655
in lieu of conviction in this state or treatment or intervention 5656
in lieu of conviction in another state for any of the following 5657
criminal offenses in this state or a substantially equivalent 5658
criminal offense in another jurisdiction: aggravated murder, 5659
murder, voluntary manslaughter, felonious assault, kidnapping, 5660
rape, sexual battery, gross sexual imposition, aggravated arson, 5661
aggravated robbery, or aggravated burglary. Continued practice 5662
after the suspension shall be considered practicing without a 5663
certificate. 5664

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the

board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a certificate, approval of a physician supervisory plan, or approval of a supervision agreement may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4730.53. (A) As used in this section, ~~"drug:~~

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.

(B) Except as provided in divisions (C) and (E) of this section, a physician assistant holding a certificate to prescribe issued under this chapter shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing the drug, the physician assistant or the physician assistant's delegate shall request from

the drug database a report of information related to the patient 5727
that covers at least the twelve months immediately preceding the 5728
date of the request. If the physician assistant practices 5729
primarily in a county of this state that adjoins another state, 5730
the physician assistant or delegate also shall request a report of 5731
any information available in the drug database that pertains to 5732
prescriptions issued or drugs furnished to the patient in the 5733
state adjoining that county. 5734

(2) If the patient's course of treatment for the condition 5735
continues for more than ninety days after the initial report is 5736
requested, the physician assistant or delegate shall make periodic 5737
requests for reports of information from the drug database until 5738
the course of treatment has ended. The requests shall be made at 5739
intervals not exceeding ninety days, determined according to the 5740
date the initial request was made. The request shall be made in 5741
the same manner provided in division (B)(1) of this section for 5742
requesting the initial report of information from the drug 5743
database. 5744

(3) On receipt of a report under division (B)(1) or (2) of 5745
this section, the physician assistant shall assess the information 5746
in the report. The physician assistant shall document in the 5747
patient's record that the report was received and the information 5748
was assessed. 5749

(C) Division (B) of this section does not apply in any of the 5750
following circumstances: 5751

(1) A drug database report regarding the patient is not 5752
available, in which case the physician assistant shall document in 5753
the patient's record the reason that the report is not available. 5754

(2) The drug is prescribed in an amount indicated for a 5755
period not to exceed seven days. 5756

(3) The drug is prescribed for the treatment of cancer or 5757

another condition associated with cancer. 5758

(4) The drug is prescribed to a hospice patient in a hospice 5759
care program, as those terms are defined in section 3712.01 of the 5760
Revised Code, or any other patient diagnosed as terminally ill. 5761

(5) The drug is prescribed for administration in a hospital, 5762
nursing home, or residential care facility. 5763

(D) ~~With respect to prescribing any drug that is not an~~ 5764
~~opioid analgesic or a benzodiazepine but is included in the drug~~ 5765
~~database pursuant to rules adopted under section 4729.84 of the~~ 5766
~~Revised Code, the~~ The state medical board ~~shall~~ may adopt rules 5767
that establish standards and procedures to be followed by a 5768
physician assistant who holds a certificate to prescribe issued 5769
under this chapter regarding the review of patient information 5770
available through the drug database under division (A)(5) of 5771
section 4729.80 of the Revised Code. The rules shall be adopted in 5772
accordance with Chapter 119. of the Revised Code. 5773

(E) This section and ~~the~~ any rules adopted under it do not 5774
apply if the state board of pharmacy no longer maintains the drug 5775
database. 5776

Sec. 4731.055. (A) As used in this section: 5777

(1) "Drug database" means the database established and 5778
maintained by the state board of pharmacy pursuant to section 5779
4729.75 of the Revised Code. 5780

(2) "Physician" means an individual authorized under this 5781
chapter to practice medicine and surgery, osteopathic medicine and 5782
surgery, or podiatric medicine and surgery. 5783

(3) "Opioid analgesic" and "benzodiazepine" have the same 5784
meanings as in section 3719.01 of the Revised Code. 5785

(B) Except as provided in divisions (C) and (E) of this 5786
section, a physician shall comply with all of the following as 5787

conditions of prescribing a drug that is either an opioid 5788
analgesic or a benzodiazepine, or personally furnishing a complete 5789
or partial supply of such a drug, as part of a patient's course of 5790
treatment for a particular condition: 5791

(1) Before initially prescribing or furnishing the drug, the 5792
physician or the physician's delegate shall request from the drug 5793
database a report of information related to the patient that 5794
covers at least the twelve months immediately preceding the date 5795
of the request. If the physician practices primarily in a county 5796
of this state that adjoins another state, the physician or 5797
delegate also shall request a report of any information available 5798
in the drug database that pertains to prescriptions issued or 5799
drugs furnished to the patient in the state adjoining that county. 5800

(2) If the patient's course of treatment for the condition 5801
continues for more than ninety days after the initial report is 5802
requested, the physician or delegate shall make periodic requests 5803
for reports of information from the drug database until the course 5804
of treatment has ended. The requests shall be made at intervals 5805
not exceeding ninety days, determined according to the date the 5806
initial request was made. The request shall be made in the same 5807
manner provided in division (B)(1) of this section for requesting 5808
the initial report of information from the drug database. 5809

(3) On receipt of a report under division (B)(1) or (2) of 5810
this section, the physician shall assess the information in the 5811
report. The physician shall document in the patient's record that 5812
the report was received and the information was assessed. 5813

(C) Division (B) of this section does not apply in any of the 5814
following circumstances: 5815

(1) A drug database report regarding the patient is not 5816
available, in which case the physician shall document in the 5817
patient's record the reason that the report is not available. 5818

(2) The drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days. 5819
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(3) The drug is prescribed or personally furnished for the treatment of cancer or another condition associated with cancer. 5821
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(4) The drug is prescribed or personally furnished to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 5823
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(5) The drug is prescribed or personally furnished for administration in a hospital, nursing home, or residential care facility. 5827
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(6) The drug is prescribed or personally furnished to treat acute pain resulting from a surgical or other invasive procedure or a delivery. 5830
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~~(D) With respect to prescribing or personally furnishing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the~~ The state medical board ~~shall~~ may adopt rules that establish standards and procedures to be followed by a physician regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 5833
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(E) This section and ~~the~~ any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database. 5842
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Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend an individual's certificate to practice, refuse to grant a certificate to an individual, refuse to register an individual, 5845
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refuse to reinstate a certificate, or reprimand or place on 5849
probation the holder of a certificate if the individual or 5850
certificate holder is found by the board to have committed fraud 5851
during the administration of the examination for a certificate to 5852
practice or to have committed fraud, misrepresentation, or 5853
deception in applying for or securing any certificate to practice 5854
or certificate of registration issued by the board. 5855

(B) The board, by an affirmative vote of not fewer than six 5856
members, shall, to the extent permitted by law, limit, revoke, or 5857
suspend an individual's certificate to practice, refuse to 5858
register an individual, refuse to reinstate a certificate, or 5859
reprimand or place on probation the holder of a certificate for 5860
one or more of the following reasons: 5861

(1) Permitting one's name or one's certificate to practice or 5862
certificate of registration to be used by a person, group, or 5863
corporation when the individual concerned is not actually 5864
directing the treatment given; 5865

(2) Failure to maintain minimal standards applicable to the 5866
selection or administration of drugs, or failure to employ 5867
acceptable scientific methods in the selection of drugs or other 5868
modalities for treatment of disease; 5869

(3) Selling, giving away, personally furnishing, prescribing, 5870
or administering drugs for other than legal and legitimate 5871
therapeutic purposes or a plea of guilty to, a judicial finding of 5872
guilt of, or a judicial finding of eligibility for intervention in 5873
lieu of conviction of, a violation of any federal or state law 5874
regulating the possession, distribution, or use of any drug; 5875

(4) Willfully betraying a professional confidence. 5876

For purposes of this division, "willfully betraying a 5877
professional confidence" does not include providing any 5878
information, documents, or reports to a child fatality review 5879

board under sections 307.621 to 307.629 of the Revised Code and 5880
does not include the making of a report of an employee's use of a 5881
drug of abuse, or a report of a condition of an employee other 5882
than one involving the use of a drug of abuse, to the employer of 5883
the employee as described in division (B) of section 2305.33 of 5884
the Revised Code. Nothing in this division affects the immunity 5885
from civil liability conferred by that section upon a physician 5886
who makes either type of report in accordance with division (B) of 5887
that section. As used in this division, "employee," "employer," 5888
and "physician" have the same meanings as in section 2305.33 of 5889
the Revised Code. 5890

(5) Making a false, fraudulent, deceptive, or misleading 5891
statement in the solicitation of or advertising for patients; in 5892
relation to the practice of medicine and surgery, osteopathic 5893
medicine and surgery, podiatric medicine and surgery, or a limited 5894
branch of medicine; or in securing or attempting to secure any 5895
certificate to practice or certificate of registration issued by 5896
the board. 5897

As used in this division, "false, fraudulent, deceptive, or 5898
misleading statement" means a statement that includes a 5899
misrepresentation of fact, is likely to mislead or deceive because 5900
of a failure to disclose material facts, is intended or is likely 5901
to create false or unjustified expectations of favorable results, 5902
or includes representations or implications that in reasonable 5903
probability will cause an ordinarily prudent person to 5904
misunderstand or be deceived. 5905

(6) A departure from, or the failure to conform to, minimal 5906
standards of care of similar practitioners under the same or 5907
similar circumstances, whether or not actual injury to a patient 5908
is established; 5909

(7) Representing, with the purpose of obtaining compensation 5910
or other advantage as personal gain or for any other person, that 5911

an incurable disease or injury, or other incurable condition, can	5912
be permanently cured;	5913
(8) The obtaining of, or attempting to obtain, money or	5914
anything of value by fraudulent misrepresentations in the course	5915
of practice;	5916
(9) A plea of guilty to, a judicial finding of guilt of, or a	5917
judicial finding of eligibility for intervention in lieu of	5918
conviction for, a felony;	5919
(10) Commission of an act that constitutes a felony in this	5920
state, regardless of the jurisdiction in which the act was	5921
committed;	5922
(11) A plea of guilty to, a judicial finding of guilt of, or	5923
a judicial finding of eligibility for intervention in lieu of	5924
conviction for, a misdemeanor committed in the course of practice;	5925
(12) Commission of an act in the course of practice that	5926
constitutes a misdemeanor in this state, regardless of the	5927
jurisdiction in which the act was committed;	5928
(13) A plea of guilty to, a judicial finding of guilt of, or	5929
a judicial finding of eligibility for intervention in lieu of	5930
conviction for, a misdemeanor involving moral turpitude;	5931
(14) Commission of an act involving moral turpitude that	5932
constitutes a misdemeanor in this state, regardless of the	5933
jurisdiction in which the act was committed;	5934
(15) Violation of the conditions of limitation placed by the	5935
board upon a certificate to practice;	5936
(16) Failure to pay license renewal fees specified in this	5937
chapter;	5938
(17) Except as authorized in section 4731.31 of the Revised	5939
Code, engaging in the division of fees for referral of patients,	5940
or the receiving of a thing of value in return for a specific	5941

referral of a patient to utilize a particular service or business; 5942

(18) Subject to section 4731.226 of the Revised Code, 5943
violation of any provision of a code of ethics of the American 5944
medical association, the American osteopathic association, the 5945
American podiatric medical association, or any other national 5946
professional organizations that the board specifies by rule. The 5947
state medical board shall obtain and keep on file current copies 5948
of the codes of ethics of the various national professional 5949
organizations. The individual whose certificate is being suspended 5950
or revoked shall not be found to have violated any provision of a 5951
code of ethics of an organization not appropriate to the 5952
individual's profession. 5953

For purposes of this division, a "provision of a code of 5954
ethics of a national professional organization" does not include 5955
any provision that would preclude the making of a report by a 5956
physician of an employee's use of a drug of abuse, or of a 5957
condition of an employee other than one involving the use of a 5958
drug of abuse, to the employer of the employee as described in 5959
division (B) of section 2305.33 of the Revised Code. Nothing in 5960
this division affects the immunity from civil liability conferred 5961
by that section upon a physician who makes either type of report 5962
in accordance with division (B) of that section. As used in this 5963
division, "employee," "employer," and "physician" have the same 5964
meanings as in section 2305.33 of the Revised Code. 5965

(19) Inability to practice according to acceptable and 5966
prevailing standards of care by reason of mental illness or 5967
physical illness, including, but not limited to, physical 5968
deterioration that adversely affects cognitive, motor, or 5969
perceptive skills. 5970

In enforcing this division, the board, upon a showing of a 5971
possible violation, may compel any individual authorized to 5972
practice by this chapter or who has submitted an application 5973

pursuant to this chapter to submit to a mental examination, 5974
physical examination, including an HIV test, or both a mental and 5975
a physical examination. The expense of the examination is the 5976
responsibility of the individual compelled to be examined. Failure 5977
to submit to a mental or physical examination or consent to an HIV 5978
test ordered by the board constitutes an admission of the 5979
allegations against the individual unless the failure is due to 5980
circumstances beyond the individual's control, and a default and 5981
final order may be entered without the taking of testimony or 5982
presentation of evidence. If the board finds an individual unable 5983
to practice because of the reasons set forth in this division, the 5984
board shall require the individual to submit to care, counseling, 5985
or treatment by physicians approved or designated by the board, as 5986
a condition for initial, continued, reinstated, or renewed 5987
authority to practice. An individual affected under this division 5988
shall be afforded an opportunity to demonstrate to the board the 5989
ability to resume practice in compliance with acceptable and 5990
prevailing standards under the provisions of the individual's 5991
certificate. For the purpose of this division, any individual who 5992
applies for or receives a certificate to practice under this 5993
chapter accepts the privilege of practicing in this state and, by 5994
so doing, shall be deemed to have given consent to submit to a 5995
mental or physical examination when directed to do so in writing 5996
by the board, and to have waived all objections to the 5997
admissibility of testimony or examination reports that constitute 5998
a privileged communication. 5999

(20) Except when civil penalties are imposed under section 6000
4731.225 or 4731.281 of the Revised Code, and subject to section 6001
4731.226 of the Revised Code, violating or attempting to violate, 6002
directly or indirectly, or assisting in or abetting the violation 6003
of, or conspiring to violate, any provisions of this chapter or 6004
any rule promulgated by the board. 6005

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

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

authorized by division (H)(1) of that section; 6038

(24) The revocation, suspension, restriction, reduction, or 6039
termination of clinical privileges by the United States department 6040
of defense or department of veterans affairs or the termination or 6041
suspension of a certificate of registration to prescribe drugs by 6042
the drug enforcement administration of the United States 6043
department of justice; 6044

(25) Termination or suspension from participation in the 6045
medicare or medicaid programs by the department of health and 6046
human services or other responsible agency for any act or acts 6047
that also would constitute a violation of division (B)(2), (3), 6048
(6), (8), or (19) of this section; 6049

(26) Impairment of ability to practice according to 6050
acceptable and prevailing standards of care because of habitual or 6051
excessive use or abuse of drugs, alcohol, or other substances that 6052
impair ability to practice. 6053

For the purposes of this division, any individual authorized 6054
to practice by this chapter accepts the privilege of practicing in 6055
this state subject to supervision by the board. By filing an 6056
application for or holding a certificate to practice under this 6057
chapter, an individual shall be deemed to have given consent to 6058
submit to a mental or physical examination when ordered to do so 6059
by the board in writing, and to have waived all objections to the 6060
admissibility of testimony or examination reports that constitute 6061
privileged communications. 6062

If it has reason to believe that any individual authorized to 6063
practice by this chapter or any applicant for certification to 6064
practice suffers such impairment, the board may compel the 6065
individual to submit to a mental or physical examination, or both. 6066
The expense of the examination is the responsibility of the 6067
individual compelled to be examined. Any mental or physical 6068

examination required under this division shall be undertaken by a 6069
treatment provider or physician who is qualified to conduct the 6070
examination and who is chosen by the board. 6071

Failure to submit to a mental or physical examination ordered 6072
by the board constitutes an admission of the allegations against 6073
the individual unless the failure is due to circumstances beyond 6074
the individual's control, and a default and final order may be 6075
entered without the taking of testimony or presentation of 6076
evidence. If the board determines that the individual's ability to 6077
practice is impaired, the board shall suspend the individual's 6078
certificate or deny the individual's application and shall require 6079
the individual, as a condition for initial, continued, reinstated, 6080
or renewed certification to practice, to submit to treatment. 6081

Before being eligible to apply for reinstatement of a 6082
certificate suspended under this division, the impaired 6083
practitioner shall demonstrate to the board the ability to resume 6084
practice in compliance with acceptable and prevailing standards of 6085
care under the provisions of the practitioner's certificate. The 6086
demonstration shall include, but shall not be limited to, the 6087
following: 6088

(a) Certification from a treatment provider approved under 6089
section 4731.25 of the Revised Code that the individual has 6090
successfully completed any required inpatient treatment; 6091

(b) Evidence of continuing full compliance with an aftercare 6092
contract or consent agreement; 6093

(c) Two written reports indicating that the individual's 6094
ability to practice has been assessed and that the individual has 6095
been found capable of practicing according to acceptable and 6096
prevailing standards of care. The reports shall be made by 6097
individuals or providers approved by the board for making the 6098
assessments and shall describe the basis for their determination. 6099

The board may reinstate a certificate suspended under this 6100
division after that demonstration and after the individual has 6101
entered into a written consent agreement. 6102

When the impaired practitioner resumes practice, the board 6103
shall require continued monitoring of the individual. The 6104
monitoring shall include, but not be limited to, compliance with 6105
the written consent agreement entered into before reinstatement or 6106
with conditions imposed by board order after a hearing, and, upon 6107
termination of the consent agreement, submission to the board for 6108
at least two years of annual written progress reports made under 6109
penalty of perjury stating whether the individual has maintained 6110
sobriety. 6111

(27) A second or subsequent violation of section 4731.66 or 6112
4731.69 of the Revised Code; 6113

(28) Except as provided in division (N) of this section: 6114

(a) Waiving the payment of all or any part of a deductible or 6115
copayment that a patient, pursuant to a health insurance or health 6116
care policy, contract, or plan that covers the individual's 6117
services, otherwise would be required to pay if the waiver is used 6118
as an enticement to a patient or group of patients to receive 6119
health care services from that individual; 6120

(b) Advertising that the individual will waive the payment of 6121
all or any part of a deductible or copayment that a patient, 6122
pursuant to a health insurance or health care policy, contract, or 6123
plan that covers the individual's services, otherwise would be 6124
required to pay. 6125

(29) Failure to use universal blood and body fluid 6126
precautions established by rules adopted under section 4731.051 of 6127
the Revised Code; 6128

(30) Failure to provide notice to, and receive acknowledgment 6129
of the notice from, a patient when required by section 4731.143 of 6130

the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

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

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, 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 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;

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in

accordance with Chapter 4760. of the Revised Code and the board's	6162
rules for supervision of an anesthesiologist assistant;	6163
(37) Assisting suicide, as defined in section 3795.01 of the	6164
Revised Code;	6165
(38) Failure to comply with the requirements of section	6166
2317.561 of the Revised Code;	6167
(39) Failure to supervise a radiologist assistant in	6168
accordance with Chapter 4774. of the Revised Code and the board's	6169
rules for supervision of radiologist assistants;	6170
(40) Performing or inducing an abortion at an office or	6171
facility with knowledge that the office or facility fails to post	6172
the notice required under section 3701.791 of the Revised Code;	6173
(41) Failure to comply with the standards and procedures	6174
established in rules under section 4731.054 of the Revised Code	6175
for the operation of or the provision of care at a pain management	6176
clinic;	6177
(42) Failure to comply with the standards and procedures	6178
established in rules under section 4731.054 of the Revised Code	6179
for providing supervision, direction, and control of individuals	6180
at a pain management clinic;	6181
(43) Failure to comply with the requirements of section	6182
4729.79 or 4731.055 of the Revised Code, unless the state board of	6183
pharmacy no longer maintains a drug database pursuant to section	6184
4729.75 of the Revised Code;	6185
(44) Failure to comply with the requirements of section	6186
2919.171 of the Revised Code or failure to submit to the	6187
department of health in accordance with a court order a complete	6188
report as described in section 2919.171 of the Revised Code;	6189
(45) Practicing at a facility that is subject to licensure as	6190
a category III terminal distributor of dangerous drugs with a pain	6191

management clinic classification unless the person operating the 6192
facility has obtained and maintains the license with the 6193
classification; 6194

(46) Owning a facility that is subject to licensure as a 6195
category III terminal distributor of dangerous drugs with a pain 6196
management clinic classification unless the facility is licensed 6197
with the classification; 6198

(47) Failure to comply with the requirement regarding 6199
maintaining notes described in division (B) of section 2919.191 of 6200
the Revised Code or failure to satisfy the requirements of section 6201
2919.191 of the Revised Code prior to performing or inducing an 6202
abortion upon a pregnant woman; 6203

(48) Failure to comply with the requirements in section 6204
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 6205
prescription for ~~a controlled substance containing~~ an opioid 6206
analgesic, as defined in section 3719.01 of the Revised Code. 6207

(C) Disciplinary actions taken by the board under divisions 6208
(A) and (B) of this section shall be taken pursuant to an 6209
adjudication under Chapter 119. of the Revised Code, except that 6210
in lieu of an adjudication, the board may enter into a consent 6211
agreement with an individual to resolve an allegation of a 6212
violation of this chapter or any rule adopted under it. A consent 6213
agreement, when ratified by an affirmative vote of not fewer than 6214
six members of the board, shall constitute the findings and order 6215
of the board with respect to the matter addressed in the 6216
agreement. If the board refuses to ratify a consent agreement, the 6217
admissions and findings contained in the consent agreement shall 6218
be of no force or effect. 6219

A telephone conference call may be utilized for ratification 6220
of a consent agreement that revokes or suspends an individual's 6221
certificate to practice. The telephone conference call shall be 6222

considered a special meeting under division (F) of section 121.22 6223
of the Revised Code. 6224

If the board takes disciplinary action against an individual 6225
under division (B) of this section for a second or subsequent plea 6226
of guilty to, or judicial finding of guilt of, a violation of 6227
section 2919.123 of the Revised Code, the disciplinary action 6228
shall consist of a suspension of the individual's certificate to 6229
practice for a period of at least one year or, if determined 6230
appropriate by the board, a more serious sanction involving the 6231
individual's certificate to practice. Any consent agreement 6232
entered into under this division with an individual that pertains 6233
to a second or subsequent plea of guilty to, or judicial finding 6234
of guilt of, a violation of that section shall provide for a 6235
suspension of the individual's certificate to practice for a 6236
period of at least one year or, if determined appropriate by the 6237
board, a more serious sanction involving the individual's 6238
certificate to practice. 6239

(D) For purposes of divisions (B)(10), (12), and (14) of this 6240
section, the commission of the act may be established by a finding 6241
by the board, pursuant to an adjudication under Chapter 119. of 6242
the Revised Code, that the individual committed the act. The board 6243
does not have jurisdiction under those divisions if the trial 6244
court renders a final judgment in the individual's favor and that 6245
judgment is based upon an adjudication on the merits. The board 6246
has jurisdiction under those divisions if the trial court issues 6247
an order of dismissal upon technical or procedural grounds. 6248

(E) The sealing of conviction records by any court shall have 6249
no effect upon a prior board order entered under this section or 6250
upon the board's jurisdiction to take action under this section 6251
if, based upon a plea of guilty, a judicial finding of guilt, or a 6252
judicial finding of eligibility for intervention in lieu of 6253
conviction, the board issued a notice of opportunity for a hearing 6254

prior to the court's order to seal the records. The board shall 6255
not be required to seal, destroy, redact, or otherwise modify its 6256
records to reflect the court's sealing of conviction records. 6257

(F)(1) The board shall investigate evidence that appears to 6258
show that a person has violated any provision of this chapter or 6259
any rule adopted under it. Any person may report to the board in a 6260
signed writing any information that the person may have that 6261
appears to show a violation of any provision of this chapter or 6262
any rule adopted under it. In the absence of bad faith, any person 6263
who reports information of that nature or who testifies before the 6264
board in any adjudication conducted under Chapter 119. of the 6265
Revised Code shall not be liable in damages in a civil action as a 6266
result of the report or testimony. Each complaint or allegation of 6267
a violation received by the board shall be assigned a case number 6268
and shall be recorded by the board. 6269

(2) Investigations of alleged violations of this chapter or 6270
any rule adopted under it shall be supervised by the supervising 6271
member elected by the board in accordance with section 4731.02 of 6272
the Revised Code and by the secretary as provided in section 6273
4731.39 of the Revised Code. The president may designate another 6274
member of the board to supervise the investigation in place of the 6275
supervising member. No member of the board who supervises the 6276
investigation of a case shall participate in further adjudication 6277
of the case. 6278

(3) In investigating a possible violation of this chapter or 6279
any rule adopted under this chapter, or in conducting an 6280
inspection under division (E) of section 4731.054 of the Revised 6281
Code, the board may question witnesses, conduct interviews, 6282
administer oaths, order the taking of depositions, inspect and 6283
copy any books, accounts, papers, records, or documents, issue 6284
subpoenas, and compel the attendance of witnesses and production 6285
of books, accounts, papers, records, documents, and testimony, 6286

except that a subpoena for patient record information shall not be 6287
issued without consultation with the attorney general's office and 6288
approval of the secretary and supervising member of the board. 6289

(a) Before issuance of a subpoena for patient record 6290
information, the secretary and supervising member shall determine 6291
whether there is probable cause to believe that the complaint 6292
filed alleges a violation of this chapter or any rule adopted 6293
under it and that the records sought are relevant to the alleged 6294
violation and material to the investigation. The subpoena may 6295
apply only to records that cover a reasonable period of time 6296
surrounding the alleged violation. 6297

(b) On failure to comply with any subpoena issued by the 6298
board and after reasonable notice to the person being subpoenaed, 6299
the board may move for an order compelling the production of 6300
persons or records pursuant to the Rules of Civil Procedure. 6301

(c) A subpoena issued by the board may be served by a 6302
sheriff, the sheriff's deputy, or a board employee designated by 6303
the board. Service of a subpoena issued by the board may be made 6304
by delivering a copy of the subpoena to the person named therein, 6305
reading it to the person, or leaving it at the person's usual 6306
place of residence, usual place of business, or address on file 6307
with the board. When serving a subpoena to an applicant for or the 6308
holder of a certificate issued under this chapter, service of the 6309
subpoena may be made by certified mail, return receipt requested, 6310
and the subpoena shall be deemed served on the date delivery is 6311
made or the date the person refuses to accept delivery. If the 6312
person being served refuses to accept the subpoena or is not 6313
located, service may be made to an attorney who notifies the board 6314
that the attorney is representing the person. 6315

(d) A sheriff's deputy who serves a subpoena shall receive 6316
the same fees as a sheriff. Each witness who appears before the 6317
board in obedience to a subpoena shall receive the fees and 6318

mileage provided for under section 119.094 of the Revised Code. 6319

(4) All hearings, investigations, and inspections of the 6320
board shall be considered civil actions for the purposes of 6321
section 2305.252 of the Revised Code. 6322

(5) A report required to be submitted to the board under this 6323
chapter, a complaint, or information received by the board 6324
pursuant to an investigation or pursuant to an inspection under 6325
division (E) of section 4731.054 of the Revised Code is 6326
confidential and not subject to discovery in any civil action. 6327

The board shall conduct all investigations or inspections and 6328
proceedings in a manner that protects the confidentiality of 6329
patients and persons who file complaints with the board. The board 6330
shall not make public the names or any other identifying 6331
information about patients or complainants unless proper consent 6332
is given or, in the case of a patient, a waiver of the patient 6333
privilege exists under division (B) of section 2317.02 of the 6334
Revised Code, except that consent or a waiver of that nature is 6335
not required if the board possesses reliable and substantial 6336
evidence that no bona fide physician-patient relationship exists. 6337

The board may share any information it receives pursuant to 6338
an investigation or inspection, including patient records and 6339
patient record information, with law enforcement agencies, other 6340
licensing boards, and other governmental agencies that are 6341
prosecuting, adjudicating, or investigating alleged violations of 6342
statutes or administrative rules. An agency or board that receives 6343
the information shall comply with the same requirements regarding 6344
confidentiality as those with which the state medical board must 6345
comply, notwithstanding any conflicting provision of the Revised 6346
Code or procedure of the agency or board that applies when it is 6347
dealing with other information in its possession. In a judicial 6348
proceeding, the information may be admitted into evidence only in 6349
accordance with the Rules of Evidence, but the court shall require 6350

that appropriate measures are taken to ensure that confidentiality 6351
is maintained with respect to any part of the information that 6352
contains names or other identifying information about patients or 6353
complainants whose confidentiality was protected by the state 6354
medical board when the information was in the board's possession. 6355
Measures to ensure confidentiality that may be taken by the court 6356
include sealing its records or deleting specific information from 6357
its records. 6358

(6) On a quarterly basis, the board shall prepare a report 6359
that documents the disposition of all cases during the preceding 6360
three months. The report shall contain the following information 6361
for each case with which the board has completed its activities: 6362

(a) The case number assigned to the complaint or alleged 6363
violation; 6364

(b) The type of certificate to practice, if any, held by the 6365
individual against whom the complaint is directed; 6366

(c) A description of the allegations contained in the 6367
complaint; 6368

(d) The disposition of the case. 6369

The report shall state how many cases are still pending and 6370
shall be prepared in a manner that protects the identity of each 6371
person involved in each case. The report shall be a public record 6372
under section 149.43 of the Revised Code. 6373

(G) If the secretary and supervising member determine both of 6374
the following, they may recommend that the board suspend an 6375
individual's certificate to practice without a prior hearing: 6376

(1) That there is clear and convincing evidence that an 6377
individual has violated division (B) of this section; 6378

(2) That the individual's continued practice presents a 6379
danger of immediate and serious harm to the public. 6380

Written allegations shall be prepared for consideration by 6381
the board. The board, upon review of those allegations and by an 6382
affirmative vote of not fewer than six of its members, excluding 6383
the secretary and supervising member, may suspend a certificate 6384
without a prior hearing. A telephone conference call may be 6385
utilized for reviewing the allegations and taking the vote on the 6386
summary suspension. 6387

The board shall issue a written order of suspension by 6388
certified mail or in person in accordance with section 119.07 of 6389
the Revised Code. The order shall not be subject to suspension by 6390
the court during pendency of any appeal filed under section 119.12 6391
of the Revised Code. If the individual subject to the summary 6392
suspension requests an adjudicatory hearing by the board, the date 6393
set for the hearing shall be within fifteen days, but not earlier 6394
than seven days, after the individual requests the hearing, unless 6395
otherwise agreed to by both the board and the individual. 6396

Any summary suspension imposed under this division shall 6397
remain in effect, unless reversed on appeal, until a final 6398
adjudicative order issued by the board pursuant to this section 6399
and Chapter 119. of the Revised Code becomes effective. The board 6400
shall issue its final adjudicative order within seventy-five days 6401
after completion of its hearing. A failure to issue the order 6402
within seventy-five days shall result in dissolution of the 6403
summary suspension order but shall not invalidate any subsequent, 6404
final adjudicative order. 6405

(H) If the board takes action under division (B)(9), (11), or 6406
(13) of this section and the judicial finding of guilt, guilty 6407
plea, or judicial finding of eligibility for intervention in lieu 6408
of conviction is overturned on appeal, upon exhaustion of the 6409
criminal appeal, a petition for reconsideration of the order may 6410
be filed with the board along with appropriate court documents. 6411
Upon receipt of a petition of that nature and supporting court 6412

documents, the board shall reinstate the individual's certificate 6413
to practice. The board may then hold an adjudication under Chapter 6414
119. of the Revised Code to determine whether the individual 6415
committed the act in question. Notice of an opportunity for a 6416
hearing shall be given in accordance with Chapter 119. of the 6417
Revised Code. If the board finds, pursuant to an adjudication held 6418
under this division, that the individual committed the act or if 6419
no hearing is requested, the board may order any of the sanctions 6420
identified under division (B) of this section. 6421

(I) The certificate to practice issued to an individual under 6422
this chapter and the individual's practice in this state are 6423
automatically suspended as of the date of the individual's second 6424
or subsequent plea of guilty to, or judicial finding of guilt of, 6425
a violation of section 2919.123 of the Revised Code, or the date 6426
the individual pleads guilty to, is found by a judge or jury to be 6427
guilty of, or is subject to a judicial finding of eligibility for 6428
intervention in lieu of conviction in this state or treatment or 6429
intervention in lieu of conviction in another jurisdiction for any 6430
of the following criminal offenses in this state or a 6431
substantially equivalent criminal offense in another jurisdiction: 6432
aggravated murder, murder, voluntary manslaughter, felonious 6433
assault, kidnapping, rape, sexual battery, gross sexual 6434
imposition, aggravated arson, aggravated robbery, or aggravated 6435
burglary. Continued practice after suspension shall be considered 6436
practicing without a certificate. 6437

The board shall notify the individual subject to the 6438
suspension by certified mail or in person in accordance with 6439
section 119.07 of the Revised Code. If an individual whose 6440
certificate is automatically suspended under this division fails 6441
to make a timely request for an adjudication under Chapter 119. of 6442
the Revised Code, the board shall do whichever of the following is 6443
applicable: 6444

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

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

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent

action taken by the board is forever thereafter ineligible to hold 6477
a certificate to practice and the board shall not accept an 6478
application for reinstatement of the certificate or for issuance 6479
of a new certificate. 6480

(M) Notwithstanding any other provision of the Revised Code, 6481
all of the following apply: 6482

(1) The surrender of a certificate issued under this chapter 6483
shall not be effective unless or until accepted by the board. A 6484
telephone conference call may be utilized for acceptance of the 6485
surrender of an individual's certificate to practice. The 6486
telephone conference call shall be considered a special meeting 6487
under division (F) of section 121.22 of the Revised Code. 6488
Reinstatement of a certificate surrendered to the board requires 6489
an affirmative vote of not fewer than six members of the board. 6490

(2) An application for a certificate made under the 6491
provisions of this chapter may not be withdrawn without approval 6492
of the board. 6493

(3) Failure by an individual to renew a certificate of 6494
registration in accordance with this chapter shall not remove or 6495
limit the board's jurisdiction to take any disciplinary action 6496
under this section against the individual. 6497

(4) At the request of the board, a certificate holder shall 6498
immediately surrender to the board a certificate that the board 6499
has suspended, revoked, or permanently revoked. 6500

(N) Sanctions shall not be imposed under division (B)(28) of 6501
this section against any person who waives deductibles and 6502
copayments as follows: 6503

(1) In compliance with the health benefit plan that expressly 6504
allows such a practice. Waiver of the deductibles or copayments 6505
shall be made only with the full knowledge and consent of the plan 6506
purchaser, payer, and third-party administrator. Documentation of 6507

the consent shall be made available to the board upon request. 6508

(2) For professional services rendered to any other person 6509
authorized to practice pursuant to this chapter, to the extent 6510
allowed by this chapter and rules adopted by the board. 6511

(O) Under the board's investigative duties described in this 6512
section and subject to division (F) of this section, the board 6513
shall develop and implement a quality intervention program 6514
designed to improve through remedial education the clinical and 6515
communication skills of individuals authorized under this chapter 6516
to practice medicine and surgery, osteopathic medicine and 6517
surgery, and podiatric medicine and surgery. In developing and 6518
implementing the quality intervention program, the board may do 6519
all of the following: 6520

(1) Offer in appropriate cases as determined by the board an 6521
educational and assessment program pursuant to an investigation 6522
the board conducts under this section; 6523

(2) Select providers of educational and assessment services, 6524
including a quality intervention program panel of case reviewers; 6525

(3) Make referrals to educational and assessment service 6526
providers and approve individual educational programs recommended 6527
by those providers. The board shall monitor the progress of each 6528
individual undertaking a recommended individual educational 6529
program. 6530

(4) Determine what constitutes successful completion of an 6531
individual educational program and require further monitoring of 6532
the individual who completed the program or other action that the 6533
board determines to be appropriate; 6534

(5) Adopt rules in accordance with Chapter 119. of the 6535
Revised Code to further implement the quality intervention 6536
program. 6537

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

Section 4. That the existing versions of sections 4715.30, 4715.302, 4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, and 4731.22 of the Revised Code that are scheduled to take effect April 1, 2015, are hereby repealed.

Section 5. Sections 3 and 4 of this act shall take effect April 1, 2015."

Section 6. Not later than twenty-four months after the effective date of this act, the Department of Health shall prepare a report regarding the feasibility of requiring all individuals who administer vaccines in this state to submit immunization administration information to the Department's statewide immunization registry known as ImpactSIIS. On completion, the Department shall submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, to the General Assembly.

Section 7. An individual may apply for reinstatement of a license under division (E) of section 4773.03 of the Revised Code, as amended by this act, even if the individual had applied prior to the effective date of this section for a new license pursuant to paragraph (O) of rule 3701-72-02 of the Administrative Code and the application was denied. The Department of Health shall accept and review the individual's application for reinstatement. If the applicant meets the requirements of division (E) of section 4773.03 of the Revised Code, as amended by this act, the Department shall reinstate the applicant's license to practice as a general x-ray machine operator, radiographer, radiation therapy

technologist, or nuclear medicine technologist. 6567

Section 8. Sections 1 and 2 of this act, except sections 6568
4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 5165.99 of the 6569
Revised Code, take effect ninety days after the effective date of 6570
this section. 6571

Sections 4773.03, 4773.08, 5165.08, 5165.513, 5165.515, and 6572
5165.99 of the Revised Code, as amended by this act, take effect 6573
January 1, 2015. 6574

Section 6 of this act takes effect ninety days after the 6575
effective date of this act. 6576

Section 7 of this act takes effect January 1, 2015. 6577

Section 9. The versions of sections 5165.08, 5165.513, 6578
5165.515, and 5165.99 of the Revised Code presented in this act 6579
are the versions of the sections that result from Sections 110.25, 6580
110.26, and 110.27 of Am. Sub. H.B. 59 of the 130th General 6581
Assembly. 6582

Section 10. The General Assembly, applying the principle 6583
stated in division (B) of section 1.52 of the Revised Code that 6584
amendments are to be harmonized if reasonably capable of 6585
simultaneous operation, finds that the following sections, 6586
presented in this act as composites of the sections as amended by 6587
the acts indicated, are the resulting versions of the sections in 6588
effect prior to the effective date of the sections as presented in 6589
this act: 6590

Section 2925.02 of the Revised Code as amended by both Sub. 6591
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. 6592

Section 3701.63 of the Revised Code as amended by both Am. 6593
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. 6594

Sections 4715.30, 4723.28, 4729.12, 4730.25, and 4731.22 of 6595
the Revised Code as amended by Sub. H.B. 314, Am. Sub. H.B. 341, 6596
and Am. Sub. H.B. 483 all of the 130th General Assembly. 6597

Section 4729.12 of the Revised Code as amended by Am. Sub. 6598
H.B. 341, Am. Sub. H.B. 483, and Am. Sub. H.B. 488, all of the 6599
130th General Assembly. 6600

Section 11. This act is hereby declared to be an emergency 6601
measure necessary for the immediate preservation of the public 6602
peace, health, and safety. The reason for such necessity is to 6603
provide continuity in the operation of nursing facilities in this 6604
state and in the provision of services by radiologic personnel to 6605
the residents of this state. Therefore, this act shall go into 6606
immediate effect. 6607