

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 40**

**Representatives Gonzales, Dever  
Cosponsors: Representatives Blessing, Grossman**

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**A BILL**

To amend sections 4730.14, 4731.22, 4731.222,  
4731.225, 4731.24, 4731.281, and 4778.06 and to  
enact sections 4730.252, 4760.133, 4762.133,  
4774.133, and 4778.141 of the Revised Code to  
authorize the State Medical Board to impose  
fines rather than licensing suspensions for  
failure to comply with continuing education  
requirements, to authorize the Board to impose  
fines in addition to other actions it may take  
for violations of the laws it administers, and  
to authorize the Board to impose additional  
conditions for restoration of certain  
certificates to practice.

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

**Section 1.** That sections 4730.14, 4731.22, 4731.222,  
4731.225, 4731.24, 4731.281, and 4778.06 be amended and sections  
4730.252, 4760.133, 4762.133, 4774.133, and 4778.141 of the  
Revised Code be enacted to read as follows:

**Sec. 4730.14.** (A) A certificate to practice as a physician  
assistant shall expire biennially and may be renewed in

accordance with this section. A person seeking to renew a 20  
certificate to practice as a physician assistant shall, on or 21  
before the thirty-first day of January of each even-numbered 22  
year, apply for renewal of the certificate. The state medical 23  
board shall send renewal notices at least one month prior to the 24  
expiration date. 25

Applications shall be submitted to the board on forms the 26  
board shall prescribe and furnish. Each application shall be 27  
accompanied by a biennial renewal fee of one hundred dollars. 28  
The board shall deposit the fees in accordance with section 29  
4731.24 of the Revised Code. 30

The applicant shall report any criminal offense that 31  
constitutes grounds for refusing to issue a certificate to 32  
practice under section 4730.25 of the Revised Code to which the 33  
applicant has pleaded guilty, of which the applicant has been 34  
found guilty, or for which the applicant has been found eligible 35  
for intervention in lieu of conviction, since last signing an 36  
application for a certificate to practice as a physician 37  
assistant. 38

(B) To be eligible for renewal, a physician assistant 39  
shall certify to the board both of the following: 40

(1) That the physician assistant has maintained 41  
certification by the national commission on certification of 42  
physician assistants or a successor organization that is 43  
recognized by the board by meeting the standards to hold current 44  
certification from the commission or its successor, including 45  
completion of continuing medical education requirements and 46  
passing periodic recertification examinations; 47

(2) Except as provided in division (F) of this section and 48

section 5903.12 of the Revised Code, that the physician 49  
assistant has completed during the current certification period 50  
not less than one hundred hours of continuing medical education 51  
acceptable to the board. 52

(C) The board shall adopt rules in accordance with Chapter 53  
119. of the Revised Code specifying the types of continuing 54  
medical education that must be completed to fulfill the board's 55  
requirements under division (B) (2) of this section. Except when 56  
additional continuing medical education is required to renew a 57  
certificate to prescribe, as specified in section 4730.49 of the 58  
Revised Code, the board shall not adopt rules that require a 59  
physician assistant to complete in any certification period more 60  
than one hundred hours of continuing medical education 61  
acceptable to the board. In fulfilling the board's requirements, 62  
a physician assistant may use continuing medical education 63  
courses or programs completed to maintain certification by the 64  
national commission on certification of physician assistants or 65  
a successor organization that is recognized by the board if the 66  
standards for acceptable courses and programs of the commission 67  
or its successor are at least equivalent to the standards 68  
established by the board. 69

(D) If an applicant submits a complete renewal application 70  
and qualifies for renewal pursuant to division (B) of this 71  
section, the board shall issue to the applicant a renewed 72  
certificate to practice as a physician assistant. 73

(E) The board may require a random sample of physician 74  
assistants to submit materials documenting certification by the 75  
national commission on certification of physician assistants or 76  
a successor organization that is recognized by the board and 77  
completion of the required number of hours of continuing medical 78

education. 79

(F) The board shall provide for pro rata reductions by 80  
month of the number of hours of continuing education that must 81  
be completed for individuals who are in their first 82  
certification period, who have been disabled due to illness or 83  
accident, or who have been absent from the country. The board 84  
shall adopt rules, in accordance with Chapter 119. of the 85  
Revised Code, as necessary to implement this division. 86

~~(G) (1) A certificate to practice that is not renewed on or 87  
before its expiration date is automatically suspended on its 88  
expiration date. Continued practice after suspension of the 89  
certificate shall be considered as practicing in violation of 90  
division (A) of section 4730.02 of the Revised Code. 91~~

~~(2) If a certificate has been suspended pursuant to 92  
division (G) (1) of this section for two years or less, it may be 93  
reinstated. The board shall reinstate a certificate suspended 94  
for failure to renew upon an applicant's submission of a renewal 95  
application, the biennial renewal fee, and any applicable 96  
monetary penalty. 97~~

~~If a certificate has been suspended pursuant to division 98  
(G) (1) of this division for more than two years, it may be 99  
restored. In accordance with section 4730.28 of the Revised 100  
Code, the board may restore a certificate suspended for failure 101  
to renew upon an applicant's submission of a restoration 102  
application, the biennial renewal fee, and any applicable 103  
monetary penalty and compliance with sections 4776.01 to 4776.04 104  
of the Revised Code. The board shall not restore to an applicant 105  
a certificate to practice as a physician assistant unless the 106  
board, in its discretion, decides that the results of the 107  
criminal records check do not make the applicant ineligible for 108~~

~~a certificate issued pursuant to section 4730.12 of the Revised Code.~~ 109  
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~~The penalty for reinstatement shall be fifty dollars and the penalty for restoration shall be one hundred dollars. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code.~~ 111  
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~~(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the~~ 115  
The 116  
board may impose a civil penalty of not more than five thousand 117  
dollars if, through a random sample it conducts under this 118  
section or through another means, the board finds that an 119  
individual certified that the individual completed the number of 120  
hours and type of continuing medical education required for 121  
renewal of a certificate to practice as a physician assistant 122  
even though the individual did not fulfill the continuing 123  
medical education requirement. The board's finding shall be made 124  
pursuant to an adjudication under Chapter 119. of the Revised 125  
Code and by an affirmative vote of not fewer than six members. 126  
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A civil penalty imposed under this division may be in 132  
addition to or in lieu of any other action the board may take 133  
under section 4730.25 of the Revised Code. The board shall 134  
~~deposit civil penalties in accordance with section 4731.24~~ not 135  
conduct an adjudication under Chapter 119. of the Revised Code 136  
if the board imposes only a civil penalty. 137

Pursuant to section 4730.25 of the Revised Code, the board 138

may suspend an individual's certificate to practice as a 139  
physician assistant for failure to renew the certificate and 140  
comply with this section. If an individual continues to practice 141  
after suspension, the continued practice constitutes practicing 142  
in violation of section 4730.02 of the Revised Code. 143

If an individual's certificate is suspended for failure to 144  
renew and the suspension has been in effect for a period of not 145  
more than two years, the certificate may be reinstated. The 146  
board shall reinstate the certificate on the individual's 147  
submission of a renewal application, the biennial renewal fee, 148  
and the applicable monetary penalty. If an individual's 149  
certificate is suspended for failure to renew and the suspension 150  
has been in effect for a period exceeding two years, the 151  
certificate may be restored. Subject to section 4730.28 of the 152  
Revised Code, the board may restore the certificate on the 153  
individual's submission of a restoration application, the 154  
biennial renewal fee, the applicable monetary penalty, and 155  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 156  
The board shall restore an applicant's certificate only if the 157  
board decides that the results of the criminal records check 158  
required by section 4776.02 of the Revised Code do not make the 159  
applicant ineligible for a certificate issued pursuant to 160  
section 4730.12 of the Revised Code. 161

The monetary penalty for reinstatement is fifty dollars. 162  
The monetary penalty for restoration is one hundred dollars. 163

Amounts received from payment of civil penalties and 164  
monetary penalties imposed under this division shall be 165  
deposited in accordance with section 4731.24 of the Revised 166  
Code. 167

**Sec. 4730.252.** (A)(1) If a physician assistant violates 168

any section of this chapter other than section 4730.14 of the 169  
Revised Code or violates any rule adopted under this chapter, 170  
the state medical board may, pursuant to an adjudication under 171  
Chapter 119. of the Revised Code and an affirmative vote of not 172  
fewer than six of its members, impose a civil penalty. The 173  
amount of the civil penalty shall be determined by the board in 174  
accordance with the guidelines adopted under division (A) (2) of 175  
this section. The civil penalty may be in addition to any other 176  
action the board may take under section 4730.25 of the Revised 177  
Code. 178

(2) The board shall adopt and may amend guidelines 179  
regarding the amounts of civil penalties to be imposed under 180  
this section. Adoption or amendment of the guidelines requires 181  
the approval of not fewer than six board members. 182

Under the guidelines, no civil penalty amount shall exceed 183  
twenty thousand dollars. 184

(B) Amounts received from payment of civil penalties 185  
imposed under this section shall be deposited by the board in 186  
accordance with section 4731.24 of the Revised Code. Amounts 187  
received from payment of civil penalties imposed for violations 188  
of division (B) (5) of section 4730.25 of the Revised Code shall 189  
be used by the board solely for investigations, enforcement, and 190  
compliance monitoring. 191

**Sec. 4731.22.** (A) The state medical board, by an 192  
affirmative vote of not fewer than six of its members, may 193  
limit, revoke, or suspend an individual's certificate to 194  
practice, refuse to grant a certificate to an individual, refuse 195  
to register an individual, refuse to reinstate a certificate, or 196  
reprimand or place on probation the holder of a certificate if 197  
the individual or certificate holder is found by the board to 198

have committed fraud during the administration of the 199  
examination for a certificate to practice or to have committed 200  
fraud, misrepresentation, or deception in applying for or 201  
securing any certificate to practice or certificate of 202  
registration issued by the board. 203

(B) The board, by an affirmative vote of not fewer than 204  
six members, shall, to the extent permitted by law, limit, 205  
revoke, or suspend an individual's certificate to practice, 206  
refuse to register an individual, refuse to reinstate a 207  
certificate, or reprimand or place on probation the holder of a 208  
certificate for one or more of the following reasons: 209

(1) Permitting one's name or one's certificate to practice 210  
or certificate of registration to be used by a person, group, or 211  
corporation when the individual concerned is not actually 212  
directing the treatment given; 213

(2) Failure to maintain minimal standards applicable to 214  
the selection or administration of drugs, or failure to employ 215  
acceptable scientific methods in the selection of drugs or other 216  
modalities for treatment of disease; 217

(3) Selling, giving away, personally furnishing, 218  
prescribing, or administering drugs for other than legal and 219  
legitimate therapeutic purposes or a plea of guilty to, a 220  
judicial finding of guilt of, or a judicial finding of 221  
eligibility for intervention in lieu of conviction of, a 222  
violation of any federal or state law regulating the possession, 223  
distribution, or use of any drug; 224

(4) Willfully betraying a professional confidence. 225

For purposes of this division, "willfully betraying a 226  
professional confidence" does not include providing any 227



information, documents, or reports to a child fatality review 228  
board under sections 307.621 to 307.629 of the Revised Code and 229  
does not include the making of a report of an employee's use of 230  
a drug of abuse, or a report of a condition of an employee other 231  
than one involving the use of a drug of abuse, to the employer 232  
of the employee as described in division (B) of section 2305.33 233  
of the Revised Code. Nothing in this division affects the 234  
immunity from civil liability conferred by that section upon a 235  
physician who makes either type of report in accordance with 236  
division (B) of that section. As used in this division, 237  
"employee," "employer," and "physician" have the same meanings 238  
as in section 2305.33 of the Revised Code. 239

(5) Making a false, fraudulent, deceptive, or misleading 240  
statement in the solicitation of or advertising for patients; in 241  
relation to the practice of medicine and surgery, osteopathic 242  
medicine and surgery, podiatric medicine and surgery, or a 243  
limited branch of medicine; or in securing or attempting to 244  
secure any certificate to practice or certificate of 245  
registration issued by the board. 246

As used in this division, "false, fraudulent, deceptive, 247  
or misleading statement" means a statement that includes a 248  
misrepresentation of fact, is likely to mislead or deceive 249  
because of a failure to disclose material facts, is intended or 250  
is likely to create false or unjustified expectations of 251  
favorable results, or includes representations or implications 252  
that in reasonable probability will cause an ordinarily prudent 253  
person to misunderstand or be deceived. 254

(6) A departure from, or the failure to conform to, 255  
minimal standards of care of similar practitioners under the 256  
same or similar circumstances, whether or not actual injury to a 257

patient is established;	258
(7) Representing, with the purpose of obtaining	259
compensation or other advantage as personal gain or for any	260
other person, that an incurable disease or injury, or other	261
incurable condition, can be permanently cured;	262
(8) The obtaining of, or attempting to obtain, money or	263
anything of value by fraudulent misrepresentations in the course	264
of practice;	265
(9) A plea of guilty to, a judicial finding of guilt of,	266
or a judicial finding of eligibility for intervention in lieu of	267
conviction for, a felony;	268
(10) Commission of an act that constitutes a felony in	269
this state, regardless of the jurisdiction in which the act was	270
committed;	271
(11) A plea of guilty to, a judicial finding of guilt of,	272
or a judicial finding of eligibility for intervention in lieu of	273
conviction for, a misdemeanor committed in the course of	274
practice;	275
(12) Commission of an act in the course of practice that	276
constitutes a misdemeanor in this state, regardless of the	277
jurisdiction in which the act was committed;	278
(13) A plea of guilty to, a judicial finding of guilt of,	279
or a judicial finding of eligibility for intervention in lieu of	280
conviction for, a misdemeanor involving moral turpitude;	281
(14) Commission of an act involving moral turpitude that	282
constitutes a misdemeanor in this state, regardless of the	283
jurisdiction in which the act was committed;	284
(15) Violation of the conditions of limitation placed by	285

the board upon a certificate to practice;	286
(16) Failure to pay license renewal fees specified in this chapter;	287 288
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	289 290 291 292 293
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	294 295 296 297 298 299 300 301 302 303 304
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision 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"	305 306 307 308 309 310 311 312 313 314 315

have the same meanings as in section 2305.33 of the Revised Code. 316  
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(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills. 318  
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In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege 323  
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of practicing in this state and, by so doing, shall be deemed to 347  
have given consent to submit to a mental or physical examination 348  
when directed to do so in writing by the board, and to have 349  
waived all objections to the admissibility of testimony or 350  
examination reports that constitute a privileged communication. 351

(20) Except when civil penalties are imposed under section 352  
4731.225 or division (D) of section 4731.281 of the Revised Code 353  
without any other action the board may take under this section, 354  
and subject to section 4731.226 of the Revised Code, violating 355  
or attempting to violate, directly or indirectly, or assisting 356  
in or abetting the violation of, or conspiring to violate, any 357  
provisions of this chapter or any rule promulgated by the board. 358

This division does not apply to a violation or attempted 359  
violation of, assisting in or abetting the violation of, or a 360  
conspiracy to violate, any provision of this chapter or any rule 361  
adopted by the board that would preclude the making of a report 362  
by a physician of an employee's use of a drug of abuse, or of a 363  
condition of an employee other than one involving the use of a 364  
drug of abuse, to the employer of the employee as described in 365  
division (B) of section 2305.33 of the Revised Code. Nothing in 366  
this division affects the immunity from civil liability 367  
conferred by that section upon a physician who makes either type 368  
of report in accordance with division (B) of that section. As 369  
used in this division, "employee," "employer," and "physician" 370  
have the same meanings as in section 2305.33 of the Revised 371  
Code. 372

(21) The violation of section 3701.79 of the Revised Code 373  
or of any abortion rule adopted by the public health council 374  
pursuant to section 3701.341 of the Revised Code; 375

(22) Any of the following actions taken by an agency 376

responsible for authorizing, certifying, or regulating an 377  
individual to practice a health care occupation or provide 378  
health care services in this state or another jurisdiction, for 379  
any reason other than the nonpayment of fees: the limitation, 380  
revocation, or suspension of an individual's license to 381  
practice; acceptance of an individual's license surrender; 382  
denial of a license; refusal to renew or reinstate a license; 383  
imposition of probation; or issuance of an order of censure or 384  
other reprimand; 385

(23) The violation of section 2919.12 of the Revised Code 386  
or the performance or inducement of an abortion upon a pregnant 387  
woman with actual knowledge that the conditions specified in 388  
division (B) of section 2317.56 of the Revised Code have not 389  
been satisfied or with a heedless indifference as to whether 390  
those conditions have been satisfied, unless an affirmative 391  
defense as specified in division (H) (2) of that section would 392  
apply in a civil action authorized by division (H) (1) of that 393  
section; 394

(24) The revocation, suspension, restriction, reduction, 395  
or termination of clinical privileges by the United States 396  
department of defense or department of veterans affairs or the 397  
termination or suspension of a certificate of registration to 398  
prescribe drugs by the drug enforcement administration of the 399  
United States department of justice; 400

(25) Termination or suspension from participation in the 401  
medicare or medicaid programs by the department of health and 402  
human services or other responsible agency for any act or acts 403  
that also would constitute a violation of division (B) (2), (3), 404  
(6), (8), or (19) of this section; 405

(26) Impairment of ability to practice according to 406

acceptable and prevailing standards of care because of habitual 407  
or excessive use or abuse of drugs, alcohol, or other substances 408  
that impair ability to practice. 409

For the purposes of this division, any individual 410  
authorized to practice by this chapter accepts the privilege of 411  
practicing in this state subject to supervision by the board. By 412  
filing an application for or holding a certificate to practice 413  
under this chapter, an individual shall be deemed to have given 414  
consent to submit to a mental or physical examination when 415  
ordered to do so by the board in writing, and to have waived all 416  
objections to the admissibility of testimony or examination 417  
reports that constitute privileged communications. 418

If it has reason to believe that any individual authorized 419  
to practice by this chapter or any applicant for certification 420  
to practice suffers such impairment, the board may compel the 421  
individual to submit to a mental or physical examination, or 422  
both. The expense of the examination is the responsibility of 423  
the individual compelled to be examined. Any mental or physical 424  
examination required under this division shall be undertaken by 425  
a treatment provider or physician who is qualified to conduct 426  
the examination and who is chosen by the board. 427

Failure to submit to a mental or physical examination 428  
ordered by the board constitutes an admission of the allegations 429  
against the individual unless the failure is due to 430  
circumstances beyond the individual's control, and a default and 431  
final order may be entered without the taking of testimony or 432  
presentation of evidence. If the board determines that the 433  
individual's ability to practice is impaired, the board shall 434  
suspend the individual's certificate or deny the individual's 435  
application and shall require the individual, as a condition for 436

initial, continued, reinstated, or renewed certification to 437  
practice, to submit to treatment. 438

Before being eligible to apply for reinstatement of a 439  
certificate suspended under this division, the impaired 440  
practitioner shall demonstrate to the board the ability to 441  
resume practice in compliance with acceptable and prevailing 442  
standards of care under the provisions of the practitioner's 443  
certificate. The demonstration shall include, but shall not be 444  
limited to, the following: 445

(a) Certification from a treatment provider approved under 446  
section 4731.25 of the Revised Code that the individual has 447  
successfully completed any required inpatient treatment; 448

(b) Evidence of continuing full compliance with an 449  
aftercare contract or consent agreement; 450

(c) Two written reports indicating that the individual's 451  
ability to practice has been assessed and that the individual 452  
has been found capable of practicing according to acceptable and 453  
prevailing standards of care. The reports shall be made by 454  
individuals or providers approved by the board for making the 455  
assessments and shall describe the basis for their 456  
determination. 457

The board may reinstate a certificate suspended under this 458  
division after that demonstration and after the individual has 459  
entered into a written consent agreement. 460

When the impaired practitioner resumes practice, the board 461  
shall require continued monitoring of the individual. The 462  
monitoring shall include, but not be limited to, compliance with 463  
the written consent agreement entered into before reinstatement 464  
or with conditions imposed by board order after a hearing, and, 465



upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

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

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

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the 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;

(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.

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

(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;

(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;	495
(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;	496 497 498 499 500 501 502
(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;	503 504 505
(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;	506 507 508 509 510 511 512 513 514 515 516
(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;	517 518 519 520
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	521 522 523

(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	524 525
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	526 527
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	528 529 530
(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;	531 532 533 534
(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;	535 536 537 538
(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;	539 540 541 542
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 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;	543 544 545 546
(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;	547 548 549 550
(45) Practicing at a facility that is subject to licensure	551

as a category III terminal distributor of dangerous drugs with a 552  
pain management clinic classification unless the person 553  
operating the facility has obtained and maintains the license 554  
with the classification; 555

(46) Owning a facility that is subject to licensure as a 556  
category III terminal distributor of dangerous drugs with a pain 557  
management clinic classification unless the facility is licensed 558  
with the classification; 559

(47) Failure to comply with the requirement regarding 560  
maintaining notes described in division (B) of section 2919.191 561  
of the Revised Code or failure to satisfy the requirements of 562  
section 2919.191 of the Revised Code prior to performing or 563  
inducing an abortion upon a pregnant woman; 564

(48) Failure to comply with the requirements in section 565  
3719.061 of the Revised Code before issuing to a minor a 566  
prescription for a controlled substance containing an opioid. 567

(C) Disciplinary actions taken by the board under 568  
divisions (A) and (B) of this section shall be taken pursuant to 569  
an adjudication under Chapter 119. of the Revised Code, except 570  
that in lieu of an adjudication, the board may enter into a 571  
consent agreement with an individual to resolve an allegation of 572  
a violation of this chapter or any rule adopted under it. A 573  
consent agreement, when ratified by an affirmative vote of not 574  
fewer than six members of the board, shall constitute the 575  
findings and order of the board with respect to the matter 576  
addressed in the agreement. If the board refuses to ratify a 577  
consent agreement, the admissions and findings contained in the 578  
consent agreement shall be of no force or effect. 579

A telephone conference call may be utilized for 580

ratification of a consent agreement that revokes or suspends an 581  
individual's certificate to practice. The telephone conference 582  
call shall be considered a special meeting under division (F) of 583  
section 121.22 of the Revised Code. 584

If the board takes disciplinary action against an 585  
individual under division (B) of this section for a second or 586  
subsequent plea of guilty to, or judicial finding of guilt of, a 587  
violation of section 2919.123 of the Revised Code, the 588  
disciplinary action shall consist of a suspension of the 589  
individual's certificate to practice for a period of at least 590  
one year or, if determined appropriate by the board, a more 591  
serious sanction involving the individual's certificate to 592  
practice. Any consent agreement entered into under this division 593  
with an individual that pertains to a second or subsequent plea 594  
of guilty to, or judicial finding of guilt of, a violation of 595  
that section shall provide for a suspension of the individual's 596  
certificate to practice for a period of at least one year or, if 597  
determined appropriate by the board, a more serious sanction 598  
involving the individual's certificate to practice. 599

(D) For purposes of divisions (B) (10), (12), and (14) of 600  
this section, the commission of the act may be established by a 601  
finding by the board, pursuant to an adjudication under Chapter 602  
119. of the Revised Code, that the individual committed the act. 603  
The board does not have jurisdiction under those divisions if 604  
the trial court renders a final judgment in the individual's 605  
favor and that judgment is based upon an adjudication on the 606  
merits. The board has jurisdiction under those divisions if the 607  
trial court issues an order of dismissal upon technical or 608  
procedural grounds. 609

(E) The sealing of conviction records by any court shall 610

have no effect upon a prior board order entered under this 611  
section or upon the board's jurisdiction to take action under 612  
this section if, based upon a plea of guilty, a judicial finding 613  
of guilt, or a judicial finding of eligibility for intervention 614  
in lieu of conviction, the board issued a notice of opportunity 615  
for a hearing prior to the court's order to seal the records. 616  
The board shall not be required to seal, destroy, redact, or 617  
otherwise modify its records to reflect the court's sealing of 618  
conviction records. 619

(F) (1) The board shall investigate evidence that appears 620  
to show that a person has violated any provision of this chapter 621  
or any rule adopted under it. Any person may report to the board 622  
in a signed writing any information that the person may have 623  
that appears to show a violation of any provision of this 624  
chapter or any rule adopted under it. In the absence of bad 625  
faith, any person who reports information of that nature or who 626  
testifies before the board in any adjudication conducted under 627  
Chapter 119. of the Revised Code shall not be liable in damages 628  
in a civil action as a result of the report or testimony. Each 629  
complaint or allegation of a violation received by the board 630  
shall be assigned a case number and shall be recorded by the 631  
board. 632

(2) Investigations of alleged violations of this chapter 633  
or any rule adopted under it shall be supervised by the 634  
supervising member elected by the board in accordance with 635  
section 4731.02 of the Revised Code and by the secretary as 636  
provided in section 4731.39 of the Revised Code. The president 637  
may designate another member of the board to supervise the 638  
investigation in place of the supervising member. No member of 639  
the board who supervises the investigation of a case shall 640  
participate in further adjudication of the case. 641

(3) In investigating a possible violation of this chapter 642  
or any rule adopted under this chapter, or in conducting an 643  
inspection under division (E) of section 4731.054 of the Revised 644  
Code, the board may question witnesses, conduct interviews, 645  
administer oaths, order the taking of depositions, inspect and 646  
copy any books, accounts, papers, records, or documents, issue 647  
subpoenas, and compel the attendance of witnesses and production 648  
of books, accounts, papers, records, documents, and testimony, 649  
except that a subpoena for patient record information shall not 650  
be issued without consultation with the attorney general's 651  
office and approval of the secretary and supervising member of 652  
the board. 653

(a) Before issuance of a subpoena for patient record 654  
information, the secretary and supervising member shall 655  
determine whether there is probable cause to believe that the 656  
complaint filed alleges a violation of this chapter or any rule 657  
adopted under it and that the records sought are relevant to the 658  
alleged violation and material to the investigation. The 659  
subpoena may apply only to records that cover a reasonable 660  
period of time surrounding the alleged violation. 661

(b) On failure to comply with any subpoena issued by the 662  
board and after reasonable notice to the person being 663  
subpoenaed, the board may move for an order compelling the 664  
production of persons or records pursuant to the Rules of Civil 665  
Procedure. 666

(c) A subpoena issued by the board may be served by a 667  
sheriff, the sheriff's deputy, or a board employee designated by 668  
the board. Service of a subpoena issued by the board may be made 669  
by delivering a copy of the subpoena to the person named 670  
therein, reading it to the person, or leaving it at the person's 671

usual place of residence, usual place of business, or address on 672  
file with the board. When serving a subpoena to an applicant for 673  
or the holder of a certificate issued under this chapter, 674  
service of the subpoena may be made by certified mail, return 675  
receipt requested, and the subpoena shall be deemed served on 676  
the date delivery is made or the date the person refuses to 677  
accept delivery. If the person being served refuses to accept 678  
the subpoena or is not located, service may be made to an 679  
attorney who notifies the board that the attorney is 680  
representing the person. 681

(d) A sheriff's deputy who serves a subpoena shall receive 682  
the same fees as a sheriff. Each witness who appears before the 683  
board in obedience to a subpoena shall receive the fees and 684  
mileage provided for under section 119.094 of the Revised Code. 685

(4) All hearings, investigations, and inspections of the 686  
board shall be considered civil actions for the purposes of 687  
section 2305.252 of the Revised Code. 688

(5) A report required to be submitted to the board under 689  
this chapter, a complaint, or information received by the board 690  
pursuant to an investigation or pursuant to an inspection under 691  
division (E) of section 4731.054 of the Revised Code is 692  
confidential and not subject to discovery in any civil action. 693

The board shall conduct all investigations or inspections 694  
and proceedings in a manner that protects the confidentiality of 695  
patients and persons who file complaints with the board. The 696  
board shall not make public the names or any other identifying 697  
information about patients or complainants unless proper consent 698  
is given or, in the case of a patient, a waiver of the patient 699  
privilege exists under division (B) of section 2317.02 of the 700  
Revised Code, except that consent or a waiver of that nature is 701



not required if the board possesses reliable and substantial 702  
evidence that no bona fide physician-patient relationship 703  
exists. 704

The board may share any information it receives pursuant 705  
to an investigation or inspection, including patient records and 706  
patient record information, with law enforcement agencies, other 707  
licensing boards, and other governmental agencies that are 708  
prosecuting, adjudicating, or investigating alleged violations 709  
of statutes or administrative rules. An agency or board that 710  
receives the information shall comply with the same requirements 711  
regarding confidentiality as those with which the state medical 712  
board must comply, notwithstanding any conflicting provision of 713  
the Revised Code or procedure of the agency or board that 714  
applies when it is dealing with other information in its 715  
possession. In a judicial proceeding, the information may be 716  
admitted into evidence only in accordance with the Rules of 717  
Evidence, but the court shall require that appropriate measures 718  
are taken to ensure that confidentiality is maintained with 719  
respect to any part of the information that contains names or 720  
other identifying information about patients or complainants 721  
whose confidentiality was protected by the state medical board 722  
when the information was in the board's possession. Measures to 723  
ensure confidentiality that may be taken by the court include 724  
sealing its records or deleting specific information from its 725  
records. 726

(6) On a quarterly basis, the board shall prepare a report 727  
that documents the disposition of all cases during the preceding 728  
three months. The report shall contain the following information 729  
for each case with which the board has completed its activities: 730

(a) The case number assigned to the complaint or alleged 731

violation;	732
(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed;	733 734
(c) A description of the allegations contained in the complaint;	735 736
(d) The disposition of the case.	737
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	738 739 740 741
(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing:	742 743 744
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;	745 746
(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.	747 748
Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.	749 750 751 752 753 754 755
The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section	756 757 758 759

119.12 of the Revised Code. If the individual subject to the 760  
summary suspension requests an adjudicatory hearing by the 761  
board, the date set for the hearing shall be within fifteen 762  
days, but not earlier than seven days, after the individual 763  
requests the hearing, unless otherwise agreed to by both the 764  
board and the individual. 765

Any summary suspension imposed under this division shall 766  
remain in effect, unless reversed on appeal, until a final 767  
adjudicative order issued by the board pursuant to this section 768  
and Chapter 119. of the Revised Code becomes effective. The 769  
board shall issue its final adjudicative order within seventy- 770  
five days after completion of its hearing. A failure to issue 771  
the order within seventy-five days shall result in dissolution 772  
of the summary suspension order but shall not invalidate any 773  
subsequent, final adjudicative order. 774

(H) If the board takes action under division (B) (9), (11), 775  
or (13) of this section and the judicial finding of guilt, 776  
guilty plea, or judicial finding of eligibility for intervention 777  
in lieu of conviction is overturned on appeal, upon exhaustion 778  
of the criminal appeal, a petition for reconsideration of the 779  
order may be filed with the board along with appropriate court 780  
documents. Upon receipt of a petition of that nature and 781  
supporting court documents, the board shall reinstate the 782  
individual's certificate to practice. The board may then hold an 783  
adjudication under Chapter 119. of the Revised Code to determine 784  
whether the individual committed the act in question. Notice of 785  
an opportunity for a hearing shall be given in accordance with 786  
Chapter 119. of the Revised Code. If the board finds, pursuant 787  
to an adjudication held under this division, that the individual 788  
committed the act or if no hearing is requested, the board may 789  
order any of the sanctions identified under division (B) of this 790

section. 791

(I) The certificate to practice issued to an individual 792  
under this chapter and the individual's practice in this state 793  
are automatically suspended as of the date of the individual's 794  
second or subsequent plea of guilty to, or judicial finding of 795  
guilt of, a violation of section 2919.123 of the Revised Code, 796  
or the date the individual pleads guilty to, is found by a judge 797  
or jury to be guilty of, or is subject to a judicial finding of 798  
eligibility for intervention in lieu of conviction in this state 799  
or treatment or intervention in lieu of conviction in another 800  
jurisdiction for any of the following criminal offenses in this 801  
state or a substantially equivalent criminal offense in another 802  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 803  
felonious assault, kidnapping, rape, sexual battery, gross 804  
sexual imposition, aggravated arson, aggravated robbery, or 805  
aggravated burglary. Continued practice after suspension shall 806  
be considered practicing without a certificate. 807

The board shall notify the individual subject to the 808  
suspension by certified mail or in person in accordance with 809  
section 119.07 of the Revised Code. If an individual whose 810  
certificate is automatically suspended under this division fails 811  
to make a timely request for an adjudication under Chapter 119. 812  
of the Revised Code, the board shall do whichever of the 813  
following is applicable: 814

(1) If the automatic suspension under this division is for 815  
a second or subsequent plea of guilty to, or judicial finding of 816  
guilt of, a violation of section 2919.123 of the Revised Code, 817  
the board shall enter an order suspending the individual's 818  
certificate to practice for a period of at least one year or, if 819  
determined appropriate by the board, imposing a more serious 820

sanction involving the individual's certificate to practice. 821

(2) In all circumstances in which division (I) (1) of this 822  
section does not apply, enter a final order permanently revoking 823  
the individual's certificate to practice. 824

(J) If the board is required by Chapter 119. of the 825  
Revised Code to give notice of an opportunity for a hearing and 826  
if the individual subject to the notice does not timely request 827  
a hearing in accordance with section 119.07 of the Revised Code, 828  
the board is not required to hold a hearing, but may adopt, by 829  
an affirmative vote of not fewer than six of its members, a 830  
final order that contains the board's findings. In that final 831  
order, the board may order any of the sanctions identified under 832  
division (A) or (B) of this section. 833

(K) Any action taken by the board under division (B) of 834  
this section resulting in a suspension from practice shall be 835  
accompanied by a written statement of the conditions under which 836  
the individual's certificate to practice may be reinstated. The 837  
board shall adopt rules governing conditions to be imposed for 838  
reinstatement. Reinstatement of a certificate suspended pursuant 839  
to division (B) of this section requires an affirmative vote of 840  
not fewer than six members of the board. 841

(L) When the board refuses to grant a certificate to an 842  
applicant, revokes an individual's certificate to practice, 843  
refuses to register an applicant, or refuses to reinstate an 844  
individual's certificate to practice, the board may specify that 845  
its action is permanent. An individual subject to a permanent 846  
action taken by the board is forever thereafter ineligible to 847  
hold a certificate to practice and the board shall not accept an 848  
application for reinstatement of the certificate or for issuance 849  
of a new certificate. 850

(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 under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

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

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

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

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

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

available to the board upon request. 880

(2) For professional services rendered to any other person 881  
authorized to practice pursuant to this chapter, to the extent 882  
allowed by this chapter and rules adopted by the board. 883

(0) Under the board's investigative duties described in 884  
this section and subject to division (F) of this section, the 885  
board shall develop and implement a quality intervention program 886  
designed to improve through remedial education the clinical and 887  
communication skills of individuals authorized under this 888  
chapter to practice medicine and surgery, osteopathic medicine 889  
and surgery, and podiatric medicine and surgery. In developing 890  
and implementing the quality intervention program, the board may 891  
do all of the following: 892

(1) Offer in appropriate cases as determined by the board 893  
an educational and assessment program pursuant to an 894  
investigation the board conducts under this section; 895

(2) Select providers of educational and assessment 896  
services, including a quality intervention program panel of case 897  
reviewers; 898

(3) Make referrals to educational and assessment service 899  
providers and approve individual educational programs 900  
recommended by those providers. The board shall monitor the 901  
progress of each individual undertaking a recommended individual 902  
educational program. 903

(4) Determine what constitutes successful completion of an 904  
individual educational program and require further monitoring of 905  
the individual who completed the program or other action that 906  
the board determines to be appropriate; 907

(5) Adopt rules in accordance with Chapter 119. of the 908

Revised Code to further implement the quality intervention program. 909  
910

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 911  
912  
913

**Sec. 4731.222.** (A) This section applies to both of the following: 914  
915

(1) An applicant seeking restoration of a certificate issued under this chapter that has been in a suspended or inactive state for any cause for ~~more than a~~ person exceeding two years; 916  
917  
918  
919

(2) An applicant seeking issuance of a certificate pursuant to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the Revised Code who for ~~more than a~~ period exceeding two years, has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following: 920  
921  
922  
923  
924  
925  
926

(a) An active practitioner; 927

(b) A participant in a program of graduate medical education, as defined in section 4731.091 of the Revised Code; 928  
929

(c) A student in a college of podiatry determined by the state medical board to be in good standing; 930  
931

(d) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code. 932  
933  
934  
935

(B) Before restoring a certificate to good standing for or 936



issuing a certificate to an applicant subject to this section, 937  
the state medical board may impose terms and conditions 938  
including the following: 939

(1) Requiring the applicant to pass an oral or written 940  
examination, or both, to determine the applicant's present 941  
fitness to resume practice; 942

(2) Requiring the applicant to obtain additional training 943  
and to pass an examination upon completion of such training; 944

(3) Requiring an assessment of the applicant's physical 945  
skills for purposes of determining whether the applicant's 946  
coordination, fine motor skills, and dexterity are sufficient 947  
for performing medical evaluations and procedures in a manner 948  
that meets the minimal standards of care; 949

(4) Requiring an assessment of the applicant's skills in 950  
recognizing and understanding diseases and conditions; 951

(5) Requiring the applicant to undergo a comprehensive 952  
physical examination, which may include an assessment of 953  
physical abilities, evaluation of sensory capabilities, or 954  
screening for the presence of neurological disorders; 955

(6) Restricting or limiting the extent, scope, or type of 956  
practice of the applicant. 957

The board shall consider the moral background and the 958  
activities of the applicant during the period of suspension or 959  
inactivity, in accordance with section 4731.08, 4731.19, or 960  
4731.52 of the Revised Code. The board shall not restore a 961  
certificate under this section unless the applicant complies 962  
with sections 4776.01 to 4776.04 of the Revised Code. 963

**Sec. 4731.225.** (A) If the holder of a certificate issued 964

under this chapter violates division (A), (B), or (C) of section 965  
4731.66 or section 4731.69 of the Revised Code, or if any other 966  
person violates division (B) or (C) of section 4731.66 or 967  
section 4731.69 of the Revised Code, the state medical board, 968  
pursuant to an adjudication under Chapter 119. of the Revised 969  
Code and an affirmative vote of not fewer than six of its 970  
members, shall: 971

~~(A)~~ (1) For a first violation, impose a civil penalty of 972  
not more than five thousand dollars; 973

~~(B)~~ (2) For each subsequent violation, impose a civil 974  
penalty of not more than twenty thousand dollars and, if the 975  
violator is a certificate holder, proceed under division (B) (27) 976  
of section 4731.22 of the Revised Code. 977

(B) (1) If the holder of a certificate issued under this 978  
chapter violates any section of this chapter other than section 979  
4731.281 of the Revised Code or the sections specified in 980  
division (A) of this section, or violates any rule adopted under 981  
this chapter, the board may, pursuant to an adjudication under 982  
Chapter 119. of the Revised Code and an affirmative vote of not 983  
fewer than six of its members, impose a civil penalty. The 984  
amount of the civil penalty shall be determined by the board in 985  
accordance with the guidelines adopted under division (B) (2) of 986  
this section. The civil penalty may be in addition to any other 987  
action the board may take under section 4731.22 of the Revised 988  
Code. 989

(2) The board shall adopt and may amend guidelines 990  
regarding the amounts of civil penalties to be imposed under 991  
this section. Adoption or amendment of the guidelines requires 992  
the approval of not fewer than six board members. 993

Under the guidelines, no civil penalty amount shall exceed 994  
twenty thousand dollars. 995

(C) Amounts received from payment of civil penalties 996  
imposed under this section shall be deposited by the board in 997  
accordance with section 4731.24 of the Revised Code. Amounts 998  
received from payment of civil penalties imposed for violations 999  
of division (B) (26) of section 4731.22 of the Revised Code shall 1000  
be used by the board solely for investigations, enforcement, and 1001  
compliance monitoring. 1002

**Sec. 4731.24.** Except as provided in sections 4731.281 and 1003  
4731.40 of the Revised Code, all receipts of the state medical 1004  
board, from any source, shall be deposited in the state 1005  
treasury. ~~Until July 1, 1998, the funds shall be deposited to~~ 1006  
~~the credit of the occupational licensing and regulatory fund. On~~ 1007  
~~and after July 1, 1998, the~~ The funds shall be deposited to the 1008  
credit of the state medical board operating fund, which is 1009  
hereby created ~~on July 1, 1998.~~ Except as provided in ~~section~~ 1010  
~~4731.24~~ sections 4730.252, 4731.225, 4760.133, 4762.133, 1011  
4774.133, and 4778.141 of the Revised Code, all funds deposited 1012  
into the state treasury under this section shall be used solely 1013  
for the administration and enforcement of this chapter and 1014  
Chapters 4730., 4760., 4762., 4774., and 4778. of the Revised 1015  
Code by the board. 1016

**Sec. 4731.281.** (A) On or before the deadline established 1017  
under division (B) of this section for applying for renewal of a 1018  
certificate of registration, each person holding a certificate 1019  
under this chapter to practice medicine and surgery, osteopathic 1020  
medicine and surgery, or podiatric medicine and surgery shall 1021  
certify to the state medical board that in the preceding two 1022  
years the person has completed one hundred hours of continuing 1023

medical education. The certification shall be made upon the 1024  
application for biennial registration submitted pursuant to 1025  
division (B) of this section. The board shall adopt rules 1026  
providing for pro rata reductions by month of the number of 1027  
hours of continuing education required for persons who are in 1028  
their first registration period, who have been disabled due to 1029  
illness or accident, or who have been absent from the country. 1030

In determining whether a course, program, or activity 1031  
qualifies for credit as continuing medical education, the board 1032  
shall approve all continuing medical education taken by persons 1033  
holding a certificate to practice medicine and surgery that is 1034  
certified by the Ohio state medical association, all continuing 1035  
medical education taken by persons holding a certificate to 1036  
practice osteopathic medicine and surgery that is certified by 1037  
the Ohio osteopathic association, and all continuing medical 1038  
education taken by persons holding a certificate to practice 1039  
podiatric medicine and surgery that is certified by the Ohio 1040  
podiatric medical association. Each person holding a certificate 1041  
to practice under this chapter shall be given sufficient choice 1042  
of continuing education programs to ensure that the person has 1043  
had a reasonable opportunity to participate in continuing 1044  
education programs that are relevant to the person's medical 1045  
practice in terms of subject matter and level. 1046

The board may require a random sample of persons holding a 1047  
certificate to practice under this chapter to submit materials 1048  
documenting completion of the continuing medical education 1049  
requirement during the preceding registration period, but this 1050  
provision shall not limit the board's authority to investigate 1051  
pursuant to section 4731.22 of the Revised Code. 1052

(B) (1) Every person holding a certificate under this 1053

chapter to practice medicine and surgery, osteopathic medicine 1054  
and surgery, or podiatric medicine and surgery wishing to renew 1055  
that certificate shall apply to the board for a certificate of 1056  
registration upon an application furnished by the board, and pay 1057  
to the board at the time of application a fee of three hundred 1058  
five dollars, according to the following schedule: 1059

(a) Persons whose last name begins with the letters "A" 1060  
through "B," on or before April 1, 2001, and the first day of 1061  
April of every odd-numbered year thereafter; 1062

(b) Persons whose last name begins with the letters "C" 1063  
through "D," on or before January 1, 2001, and the first day of 1064  
January of every odd-numbered year thereafter; 1065

(c) Persons whose last name begins with the letters "E" 1066  
through "G," on or before October 1, 2000, and the first day of 1067  
October of every even-numbered year thereafter; 1068

(d) Persons whose last name begins with the letters "H" 1069  
through "K," on or before July 1, 2000, and the first day of 1070  
July of every even-numbered year thereafter; 1071

(e) Persons whose last name begins with the letters "L" 1072  
through "M," on or before April 1, 2000, and the first day of 1073  
April of every even-numbered year thereafter; 1074

(f) Persons whose last name begins with the letters "N" 1075  
through "R," on or before January 1, 2000, and the first day of 1076  
January of every even-numbered year thereafter; 1077

(g) Persons whose last name begins with the letter "S," on 1078  
or before October 1, 1999, and the first day of October of every 1079  
odd-numbered year thereafter; 1080

(h) Persons whose last name begins with the letters "T" 1081

through "Z," on or before July 1, 1999, and the first day of 1082  
July of every odd-numbered year thereafter. 1083

The board shall deposit the fee in accordance with section 1084  
4731.24 of the Revised Code, except that the board shall deposit 1085  
twenty dollars of the fee into the state treasury to the credit 1086  
of the physician loan repayment fund created by section 3702.78 1087  
of the Revised Code. 1088

(2) The board shall mail or cause to be mailed to every 1089  
person registered to practice medicine and surgery, osteopathic 1090  
medicine and surgery, or podiatric medicine and surgery, a 1091  
notice of registration renewal addressed to the person's last 1092  
known address or may cause the notice to be sent to the person 1093  
through the secretary of any recognized medical, osteopathic, or 1094  
podiatric society, according to the following schedule: 1095

(a) To persons whose last name begins with the letters "A" 1096  
through "B," on or before January 1, 2001, and the first day of 1097  
January of every odd-numbered year thereafter; 1098

(b) To persons whose last name begins with the letters "C" 1099  
through "D," on or before October 1, 2000, and the first day of 1100  
October of every even-numbered year thereafter; 1101

(c) To persons whose last name begins with the letters "E" 1102  
through "G," on or before July 1, 2000, and the first day of 1103  
July of every even-numbered year thereafter; 1104

(d) To persons whose last name begins with the letters "H" 1105  
through "K," on or before April 1, 2000, and the first day of 1106  
April of every even-numbered year thereafter; 1107

(e) To persons whose last name begins with the letters "L" 1108  
through "M," on or before January 1, 2000, and the first day of 1109  
January of every even-numbered year thereafter; 1110

(f) To persons whose last name begins with the letters "N" 1111  
through "R," on or before October 1, 1999, and the first day of 1112  
October of every odd-numbered year thereafter; 1113

(g) To persons whose last name begins with the letter "S," 1114  
on or before July 1, 1999, and the first day of July of every 1115  
odd-numbered year thereafter; 1116

(h) To persons whose last name begins with the letters "T" 1117  
through "Z," on or before April 1, 1999, and the first day of 1118  
April of every odd-numbered year thereafter. 1119

(3) Failure of any person to receive a notice of renewal 1120  
from the board shall not excuse the person from the requirements 1121  
contained in this section. 1122

(4) The board's notice shall inform the applicant of the 1123  
renewal procedure. The board shall provide the application for 1124  
registration renewal in a form determined by the board. 1125

(5) The applicant shall provide in the application the 1126  
applicant's full name, principal practice address and residence 1127  
address, the number of the applicant's certificate to practice, 1128  
and any other information required by the board. 1129

(6) (a) Except as provided in division (B) (6) (b) of this 1130  
section, in the case of an applicant who prescribes or 1131  
personally furnishes opioid analgesics or benzodiazepines, the 1132  
applicant shall certify to the board whether the applicant has 1133  
been granted access to the drug database established and 1134  
maintained by the state board of pharmacy pursuant to section 1135  
4729.75 of the Revised Code. 1136

(b) The requirement in division (B) (6) (a) of this section 1137  
does not apply if either of the following is the case: 1138

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

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

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

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

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

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

(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery,



osteopathic medicine and surgery, or podiatric medicine and 1168  
surgery, upon application and qualification therefor in 1169  
accordance with this section, a certificate of registration 1170  
under the seal of the board. A certificate of registration shall 1171  
be valid for a two-year period. 1172

~~(D) Failure of any certificate holder to register and 1173  
comply with this section shall operate automatically to suspend 1174  
the holder's certificate to practice. Continued practice after 1175  
the suspension of the certificate to practice shall be 1176  
considered as practicing in violation of section 4731.41, 1177  
4731.43, or 4731.60 of the Revised Code. If the certificate has 1178  
been suspended pursuant to this division for two years or less, 1179  
it may be reinstated. The board shall reinstate a certificate to 1180  
practice suspended for failure to register upon an applicant's 1181  
submission of a renewal application, the biennial registration 1182  
fee, and the applicable monetary penalty. The penalty for 1183  
reinstatement shall be fifty dollars. If the certificate has 1184  
been suspended pursuant to this division for more than two 1185  
years, it may be restored. Subject to section 4731.222 of the 1186  
Revised Code, the board may restore a certificate to practice 1187  
suspended for failure to register upon an applicant's submission 1188  
of a restoration application, the biennial registration fee, and 1189  
the applicable monetary penalty and compliance with sections 1190  
4776.01 to 4776.04 of the Revised Code. The board shall not 1191  
restore to an applicant a certificate to practice unless the 1192  
board, in its discretion, decides that the results of the 1193  
criminal records check do not make the applicant ineligible for 1194  
a certificate issued pursuant to section 4731.14, 4731.56, or 1195  
4731.57 of the Revised Code. The penalty for restoration shall 1196  
be one hundred dollars. The board shall deposit the penalties in 1197  
accordance with section 4731.24 of the Revised Code. 1198~~

~~(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the~~ The board may impose a civil penalty of not more than five thousand dollars if, through a random sample it conducts under this section or through any other means, the board finds that an individual certified that the individual completed the number of hours and type of continuing medical education required for renewal of a certificate of registration even though the individual did not fulfill the continuing medical education requirement. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.

A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall ~~deposit civil penalties in accordance with section 4731.24 of the Revised Code~~ not conduct an adjudication under Chapter 119. of the Revised Code if the board imposes only a civil penalty.

~~(F) Pursuant to section 4731.22 of the Revised Code, the board may suspend an individual's certificate to practice for failure to register and comply with this section. If an individual continues to practice after suspension, the continued practice constitutes practicing in violation of section 4731.41 or 4731.60 of the Revised Code.~~

If an individual's certificate is suspended for failure to

register and the suspension has been in effect for a period of 1229  
not more than two years, the certificate may be reinstated. The 1230  
board shall reinstate the certificate on the individual's 1231  
submission of a renewal application, the biennial registration 1232  
fee, and the applicable monetary penalty. If an individual's 1233  
certificate is suspended for failure to register and the 1234  
suspension has been in effect for a period exceeding two years, 1235  
the certificate may be restored. Subject to section 4731.222 of 1236  
the Revised Code, the board may restore the certificate on the 1237  
individual's submission of a restoration application, the 1238  
biennial registration fee, the applicable monetary penalty, and 1239  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1240  
The board shall restore an applicant's certificate only if the 1241  
board decides that the results of the criminal records check 1242  
required by section 4776.02 of the Revised Code do not make the 1243  
applicant ineligible for a certificate issued pursuant to 1244  
section 4731.14, 4731.56, or 4731.57 of the Revised Code. 1245

The monetary penalty for reinstatement is one hundred 1246  
dollars. The monetary penalty for restoration is two hundred 1247  
dollars. 1248

Amounts received from payment of civil penalties and 1249  
monetary penalties imposed under this division shall be 1250  
deposited in accordance with section 4731.24 of the Revised 1251  
Code. 1252

(E) The state medical board may obtain information not 1253  
protected by statutory or common law privilege from courts and 1254  
other sources concerning malpractice claims against any person 1255  
holding a certificate to practice under this chapter or 1256  
practicing as provided in section 4731.36 of the Revised Code. 1257

~~(G)~~ (F) Each mailing sent by the board under division (B) 1258

(2) of this section to a person registered to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for registration or on an accompanying page.

Sec. 4760.133. (A) (1) If an anesthesiologist assistant violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A) (2) of this section. The civil penalty may be in addition to any other action the board may take under section 4760.13 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or any amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B) (6) of section 4760.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

Sec. 4762.133. (A) (1) If an oriental medicine practitioner 1288  
or acupuncturist violates any section of this chapter or rule 1289  
adopted under this chapter, the state medical board may, 1290  
pursuant to adjudication under Chapter 119. of the Revised Code 1291  
and an affirmative vote of not fewer than six of its members, 1292  
impose a civil penalty. The amount of the civil penalty shall be 1293  
determined by the board in accordance with the guidelines 1294  
adopted under division (A) (2) of this section. The civil penalty 1295  
may be in addition to any other action the board may take under 1296  
section 4762.13 of the Revised Code. 1297

(2) The board shall adopt and may amend guidelines 1298  
regarding the amounts of civil penalties to be imposed under 1299  
this section. Adoption or amendment of the guidelines requires 1300  
the approval of not fewer than six board members. 1301

Under the guidelines, no civil penalty amount shall exceed 1302  
twenty thousand dollars. 1303

(B) Amounts received from payment of civil penalties 1304  
imposed under this section shall be deposited by the board in 1305  
accordance with section 4731.24 of the Revised Code. Amounts 1306  
received from payment of civil penalties imposed for violations 1307  
of division (B) (6) of section 4762.13 of the Revised Code shall 1308  
be used by the board solely for investigations, enforcement, and 1309  
compliance monitoring. 1310

Sec. 4774.133. (A) (1) If a radiologist assistant violates 1311  
any section of this chapter or any rule adopted under this 1312  
chapter, the state medical board may, pursuant to an 1313  
adjudication under Chapter 119. of the Revised Code and an 1314  
affirmative vote of not fewer than six of its members, impose a 1315  
civil penalty. The amount of the civil penalty shall be 1316  
determined by the board in accordance with the guidelines 1317

adopted under division (A) (2) of this section. The civil penalty 1318  
may be in addition to any other action the board may take under 1319  
section 4774.13 of the Revised Code. 1320

(2) The board shall adopt and may amend guidelines 1321  
regarding the amounts of civil penalties to be imposed under 1322  
this section. Adoption or amendment of the guidelines requires 1323  
the approval of not fewer than six board members. 1324

Under the guidelines, no civil penalty amount shall exceed 1325  
twenty thousand dollars. 1326

(B) Amounts received from payment of civil penalties 1327  
imposed under this section shall be deposited by the board in 1328  
accordance with section 4731.24 of the Revised Code. Amounts 1329  
received from payment of civil penalties imposed for violations 1330  
of division (B) (6) of section 4774.13 of the Revised Code shall 1331  
be used by the board solely for investigations, enforcement, and 1332  
compliance monitoring. 1333

**Sec. 4778.06.** (A) An individual seeking to renew a license 1334  
to practice as a genetic counselor shall, on or before the 1335  
thirty-first day of January of each even-numbered year, apply 1336  
for renewal of the license. The state medical board shall send 1337  
renewal notices at least one month prior to the expiration date. 1338

Renewal applications shall be submitted to the board in a 1339  
manner prescribed by the board. Each application shall be 1340  
accompanied by a biennial renewal fee of one hundred fifty 1341  
dollars. 1342

The applicant shall report any criminal offense to which 1343  
the applicant has pleaded guilty, of which the applicant has 1344  
been found guilty, or for which the applicant has been found 1345  
eligible for intervention in lieu of conviction, since last 1346

signing an application for a license to practice as a genetic counselor. 1347  
1348

(B) To be eligible for renewal, a genetic counselor shall 1349  
certify to the board that the counselor has done both of the 1350  
following: 1351

(1) Maintained the counselor's status as a certified 1352  
genetic counselor; 1353

(2) Completed at least thirty hours of continuing 1354  
education in genetic counseling that has been approved by the 1355  
national society of genetic counselors or American board of 1356  
genetic counseling. 1357

(C) If an applicant submits a renewal application that the 1358  
board considers to be complete and qualifies for renewal 1359  
pursuant to division (B) of this section, the board shall issue 1360  
to the applicant a renewed license to practice as a genetic 1361  
counselor. 1362

(D) The board may require a random sample of genetic 1363  
counselors to submit materials documenting that their status as 1364  
certified genetic counselors has been maintained and that the 1365  
number of hours of continuing education required under division 1366  
(B) (2) of this section has been completed. 1367

If a genetic counselor certifies that the genetic 1368  
counselor has completed the number of hours and type of 1369  
continuing education required for renewal of a license, and the 1370  
board finds through the random sample or any other means that 1371  
the genetic counselor did not complete the requisite continuing 1372  
education, the board may impose a civil penalty of not more than 1373  
five thousand dollars. ~~The board's finding shall be made~~ 1374  
~~pursuant to an adjudication under Chapter 119. of the Revised~~ 1375

~~Code and by an affirmative vote of not fewer than six members. A~~ 1376

A civil penalty imposed under this division may be in 1377  
addition to or in lieu of any other action the board may take 1378  
under section 4778.14 of the Revised Code. ~~The board shall not~~ 1379  
conduct an adjudication under Chapter 119. of the Revised Code 1380  
if the board imposes only a civil penalty. 1381

**Sec. 4778.141.** (A) (1) If a genetic counselor violates any 1382  
section of this chapter other than section 4778.06 of the 1383  
Revised Code or violates any rule adopted under this chapter, 1384  
the state medical board may, pursuant to an adjudication under 1385  
Chapter 119. of the Revised Code and an affirmative vote of not 1386  
fewer than six of its members, impose a civil penalty. The 1387  
amount of the civil penalty shall be determined by the board in 1388  
accordance with guidelines adopted under division (A) (2) of this 1389  
section. The civil penalty may be in addition to any other 1390  
action the board may take under section 4778.14 of the Revised 1391  
Code. 1392

(2) The board shall adopt and may amend guidelines 1393  
regarding the amounts of civil penalties to be imposed under 1394  
this section. Adoption or amendment of the guidelines requires 1395  
the approval of not fewer than six board members. 1396

Under the guidelines, no civil penalty amount shall exceed 1397  
twenty thousand dollars. 1398

(B) Amounts received from payment of civil penalties 1399  
imposed under this section shall be deposited by the board in 1400  
accordance with section 4731.24 of the Revised Code. Amounts 1401  
received from payment of civil penalties imposed for violations 1402  
of division (B) (6) of section 4778.14 of the Revised Code shall 1403  
be used by the board solely for investigations, enforcement, and 1404



compliance monitoring. 1405

**Section 2.** That existing sections 4730.14, 4731.22, 1406  
4731.222, 4731.225, 4731.24, 4731.281, and 4778.06 of the 1407  
Revised Code are hereby repealed. 1408