

**As Reported by the House Government Accountability and Oversight
Committee**

131st General Assembly

**Regular Session
2015-2016**

H. B. No. 40

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

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 19
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 section 5903.12 of the Revised Code, that the physician assistant has completed during the current certification period not less than one hundred hours of continuing medical education acceptable to the board.

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

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

(E) The board may require a random sample of physician assistants to submit materials documenting certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board and

completion of the required number of hours of continuing medical education. 78
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(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 a certificate issued pursuant to section 4730.12 of the Revised Code.~~ 108
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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 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 another 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 to practice as a physician assistant 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.~~ 115
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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 4730.25 of the Revised Code. The board shall ~~deposit civil penalties in accordance with section 4731.24~~ not conduct an adjudication under Chapter 119. of the Revised Code if the board imposes only a civil penalty. 132
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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 patient is established;	257 258
(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;	259 260 261 262
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	263 264 265
(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;	266 267 268
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	269 270 271
(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 misdemeanor committed in the course of practice;	272 273 274 275
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	276 277 278
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	279 280 281
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	282 283 284

(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 287
chapter; 288

(17) Except as authorized in section 4731.31 of the 289
Revised Code, engaging in the division of fees for referral of 290
patients, or the receiving of a thing of value in return for a 291
specific referral of a patient to utilize a particular service 292
or business; 293

(18) Subject to section 4731.226 of the Revised Code, 294
violation of any provision of a code of ethics of the American 295
medical association, the American osteopathic association, the 296
American podiatric medical association, or any other national 297
professional organizations that the board specifies by rule. The 298
state medical board shall obtain and keep on file current copies 299
of the codes of ethics of the various national professional 300
organizations. The individual whose certificate is being 301
suspended or revoked shall not be found to have violated any 302
provision of a code of ethics of an organization not appropriate 303
to the individual's profession. 304

For purposes of this division, a "provision of a code of 305
ethics of a national professional organization" does not include 306
any provision that would preclude the making of a report by a 307
physician of an employee's use of a drug of abuse, or of a 308
condition of an employee other than one involving the use of a 309
drug of abuse, to the employer of the employee as described in 310
division (B) of section 2305.33 of the Revised Code. Nothing in 311
this division affects the immunity from civil liability 312
conferred by that section upon a physician who makes either type 313
of report in accordance with division (B) of that section. As 314

used in this division, "employee," "employer," and "physician" 315
have the same meanings as in section 2305.33 of the Revised 316
Code. 317

(19) Inability to practice according to acceptable and 318
prevailing standards of care by reason of mental illness or 319
physical illness, including, but not limited to, physical 320
deterioration that adversely affects cognitive, motor, or 321
perceptive skills. 322

In enforcing this division, the board, upon a showing of a 323
possible violation, may compel any individual authorized to 324
practice by this chapter or who has submitted an application 325
pursuant to this chapter to submit to a mental examination, 326
physical examination, including an HIV test, or both a mental 327
and a physical examination. The expense of the examination is 328
the responsibility of the individual compelled to be examined. 329
Failure to submit to a mental or physical examination or consent 330
to an HIV test ordered by the board constitutes an admission of 331
the allegations against the individual unless the failure is due 332
to circumstances beyond the individual's control, and a default 333
and final order may be entered without the taking of testimony 334
or presentation of evidence. If the board finds an individual 335
unable to practice because of the reasons set forth in this 336
division, the board shall require the individual to submit to 337
care, counseling, or treatment by physicians approved or 338
designated by the board, as a condition for initial, continued, 339
reinstated, or renewed authority to practice. An individual 340
affected under this division shall be afforded an opportunity to 341
demonstrate to the board the ability to resume practice in 342
compliance with acceptable and prevailing standards under the 343
provisions of the individual's certificate. For the purpose of 344
this division, any individual who applies for or receives a 345

certificate to practice under this chapter accepts the privilege 346
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 466
board for at least two years of annual written progress reports 467
made under penalty of perjury stating whether the individual has 468
maintained sobriety. 469

(27) A second or subsequent violation of section 4731.66 470
or 4731.69 of the Revised Code; 471

(28) Except as provided in division (N) of this section: 472

(a) Waiving the payment of all or any part of a deductible 473
or copayment that a patient, pursuant to a health insurance or 474
health care policy, contract, or plan that covers the 475
individual's services, otherwise would be required to pay if the 476
waiver is used as an enticement to a patient or group of 477
patients to receive health care services from that individual; 478

(b) Advertising that the individual will waive the payment 479
of all or any part of a deductible or copayment that a patient, 480
pursuant to a health insurance or health care policy, contract, 481
or plan that covers the individual's services, otherwise would 482
be required to pay. 483

(29) Failure to use universal blood and body fluid 484
precautions established by rules adopted under section 4731.051 485
of the Revised Code; 486

(30) Failure to provide notice to, and receive 487
acknowledgment of the notice from, a patient when required by 488
section 4731.143 of the Revised Code prior to providing 489
nonemergency professional services, or failure to maintain that 490
notice in the patient's file; 491

(31) Failure of a physician supervising a physician 492
assistant to maintain supervision in accordance with the 493

requirements of Chapter 4730. of the Revised Code and the rules 494
adopted under that chapter; 495

(32) Failure of a physician or podiatrist to enter into a 496
standard care arrangement with a clinical nurse specialist, 497
certified nurse-midwife, or certified nurse practitioner with 498
whom the physician or podiatrist is in collaboration pursuant to 499
section 4731.27 of the Revised Code or failure to fulfill the 500
responsibilities of collaboration after entering into a standard 501
care arrangement; 502

(33) Failure to comply with the terms of a consult 503
agreement entered into with a pharmacist pursuant to section 504
4729.39 of the Revised Code; 505

(34) Failure to cooperate in an investigation conducted by 506
the board under division (F) of this section, including failure 507
to comply with a subpoena or order issued by the board or 508
failure to answer truthfully a question presented by the board 509
in an investigative interview, an investigative office 510
conference, at a deposition, or in written interrogatories, 511
except that failure to cooperate with an investigation shall not 512
constitute grounds for discipline under this section if a court 513
of competent jurisdiction has issued an order that either 514
quashes a subpoena or permits the individual to withhold the 515
testimony or evidence in issue; 516

(35) Failure to supervise an oriental medicine 517
practitioner or acupuncturist in accordance with Chapter 4762. 518
of the Revised Code and the board's rules for providing that 519
supervision; 520

(36) Failure to supervise an anesthesiologist assistant in 521
accordance with Chapter 4760. of the Revised Code and the 522

board's rules for supervision of an anesthesiologist assistant;	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 usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

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

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

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

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

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 violation; 731
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
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(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
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(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
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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
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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 756
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by the court during pendency of any appeal filed under section 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 section. 790
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 851
Code, all of the following apply: 852

(1) The surrender of a certificate issued under this 853
chapter shall not be effective unless or until accepted by the 854
board. A telephone conference call may be utilized for 855
acceptance of the surrender of an individual's certificate to 856
practice. The telephone conference call shall be considered a 857
special meeting under division (F) of section 121.22 of the 858
Revised Code. Reinstatement of a certificate surrendered to the 859
board requires an affirmative vote of not fewer than six members 860
of the board. 861

(2) An application for a certificate made under the 862
provisions of this chapter may not be withdrawn without approval 863
of the board. 864

(3) Failure by an individual to renew a certificate of 865
registration in accordance with this chapter shall not remove or 866
limit the board's jurisdiction to take any disciplinary action 867
under this section against the individual. 868

(4) At the request of the board, a certificate holder 869
shall immediately surrender to the board a certificate that the 870
board has suspended, revoked, or permanently revoked. 871

(N) Sanctions shall not be imposed under division (B) (28) 872
of this section against any person who waives deductibles and 873
copayments as follows: 874

(1) In compliance with the health benefit plan that 875
expressly allows such a practice. Waiver of the deductibles or 876
copayments shall be made only with the full knowledge and 877
consent of the plan purchaser, payer, and third-party 878

administrator. Documentation of the consent shall be made 879
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 Revised Code to further implement the quality intervention program. 908
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 911
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Sec. 4731.222. (A) This section applies to both of the following: 914
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(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
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(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
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(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
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(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

<u>compliance monitoring.</u>	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