

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 541**

**Representatives Patterson, LaTourette**

**Cosponsors: Representatives Becker, Brown, Riedel, O'Brien, Seitz, Huffman, Johnson, Lepore-Hagan, Anielski, Antonio, Arndt, Boggs, Boyd, Celebrezze, Clyde, Craig, Dean, Faber, Gavarone, Ginter, Green, Greenspan, Hambley, Hood, Koehler, Lang, Leland, Manning, Miller, Patton, Perales, Ramos, Rezabek, Roegner, Rogers, Ryan, Sheehy, Slaby, Smith, K., Stein, Sweeney, Thompson, West, Wiggam, Young, Speaker Smith**

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**A BILL**

To amend sections 4715.09, 4715.20, 4725.26, 1  
4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 2  
and to enact sections 4723.321 and 4725.591 of 3  
the Revised Code to authorize health 4  
professionals licensed in other states to 5  
provide volunteer health services during 6  
charitable events. 7

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

**Section 1.** That sections 4715.09, 4715.20, 4725.26, 8  
4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 be amended and 9  
sections 4723.321 and 4725.591 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 4715.09.** (A) No person shall practice dentistry 12  
without a current license from the state dental board. No person 13  
shall practice dentistry while the person's license is under 14  
suspension by the state dental board. 15

(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board.

The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.

(C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, ~~he or it~~ the person shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.

The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.

(D) No unlicensed person, partnership, association, or

corporation shall perform any service described in division (B) 46  
of this section without a written work authorization from a 47  
licensed dentist. Provided, that if a written work authorization 48  
is demanded from a licensed dentist who fails or refuses to 49  
furnish it for any reason, the unlicensed person, partnership, 50  
association, or corporation shall not, in such event, be subject 51  
to the enforcement provisions of section 4715.05 or the penal 52  
provisions of section 4715.99 of the Revised Code. 53

(E) No dentist shall employ or use conscious intravenous 54  
sedation unless the dentist possesses a valid permit issued by 55  
the state dental board authorizing ~~him~~ the dentist to do so. 56

(F) Division (A) of this section does not apply to a 57  
person who meets both of the following conditions: 58

(1) The person holds a license in good standing to 59  
practice dentistry issued by another state. 60

(2) The person is practicing as a volunteer without 61  
remuneration during a charitable event that lasts not more than 62  
seven days. 63

When a person meets the conditions of this division, the 64  
person shall be deemed to hold, for the course of the charitable 65  
event, a license to practice dentistry from the state dental 66  
board and shall be subject to the provisions of this chapter 67  
authorizing the board to take disciplinary action against a 68  
license holder. During the course of the charitable event, the 69  
person's scope of practice is limited to the procedures that a 70  
dentist licensed under this chapter is authorized to perform. 71

**Sec. 4715.20.** No person shall practice as a dental 72  
hygienist except ~~a~~ as follows: 73

(A) A licensed dentist ~~or one;~~ 74

(B) One who has obtained a license from the state dental board to practice as a dental hygienist; 75  
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(C) One who holds in good standing a license from another state to practice as a dental hygienist and is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days. 77  
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In the case of a person described in division (C) of this section, the person shall be deemed to hold, for the course of the charitable event, a license to practice as a dental hygienist from the state dental board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dental hygienist licensed under this chapter is authorized to perform. 81  
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**Sec. 4723.321.** Section 4723.03 of the Revised Code does not apply to an individual that meets both of the following conditions: 90  
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(A) The individual currently holds in good standing a license to practice nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse from another jurisdiction. 93  
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(B) The individual is engaging in the practice of nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse as a volunteer without remuneration during a charitable event that lasts not more than seven days. 97  
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When an individual meets the conditions of this section, the individual shall be deemed to hold, during the course of the charitable event, a license to practice nursing as a registered 101  
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nurse, advanced practice registered nurse, or licensed practical 104  
nurse from the board of nursing and shall be subject to the 105  
provisions of this chapter authorizing the board to take 106  
disciplinary action against a license holder. During the course 107  
of the charitable event, the individual's scope of practice is 108  
limited to the procedures that a registered nurse, advanced 109  
practice registered nurse, or licensed practical nurse licensed 110  
under this chapter is authorized to perform. 111

**Sec. 4725.26.** Division (A) of section 4725.02 of the 112  
Revised Code does not apply to the following: 113

(A) Physicians authorized to practice medicine and surgery 114  
or osteopathic medicine and surgery under Chapter 4731. of the 115  
Revised Code; 116

(B) Persons who sell optical accessories but do not assume 117  
to adapt them to the eye, and neither practice nor profess to 118  
practice optometry; 119

(C) An instructor in a school of optometry that is located 120  
in this state and approved by the state vision professionals 121  
board under section 4725.10 of the Revised Code who holds a 122  
valid current license to practice optometry from a licensing 123  
body in another jurisdiction and limits the practice of 124  
optometry to the instruction of students enrolled in the school. 125

(D) A student enrolled in a school of optometry, located 126  
in this or another state and approved by the board under section 127  
4725.10 of the Revised Code, while the student is participating 128  
in this state in an optometry training program provided or 129  
sponsored by the school, if the student acts under the direct, 130  
personal supervision and control of an optometrist licensed by 131  
the board or authorized to practice pursuant to division (C) of 132

this section. 133

(E) An individual who is licensed or otherwise 134  
specifically authorized by the Revised Code to engage in an 135  
activity that is included in the practice of optometry. 136

(F) An individual who is not licensed or otherwise 137  
specifically authorized by the Revised Code to engage in an 138  
activity that is included in the practice of optometry, but is 139  
acting pursuant to the rules for delegation of optometric tasks 140  
adopted under section 4725.09 of the Revised Code. 141

(G) An individual who holds in good standing a valid 142  
license to practice optometry from a licensing body in another 143  
jurisdiction and is practicing as a volunteer without 144  
remuneration during a charitable event that lasts not more than 145  
seven days. 146

When an individual meets the conditions of this division, 147  
the individual shall be deemed to hold, during the course of the 148  
charitable event, a license to practice optometry from the state 149  
vision professionals board and shall be subject to the 150  
provisions of this chapter authorizing the board to take 151  
disciplinary action against a license holder. During the course 152  
of the charitable event, the individual's scope of practice is 153  
limited to the procedures that an optometrist licensed under 154  
this chapter is authorized to perform. 155

**Sec. 4725.591.** Section 4725.41 of the Revised Code does 156  
not apply to a person who holds in good standing a valid license 157  
from another state to engage in optical dispensing and is 158  
engaging in optical dispensing as a volunteer without 159  
remuneration during a charitable event that lasts not more than 160  
seven days. 161

When a person meets the conditions of this section, the 162  
person shall be deemed to hold, during the course of the 163  
charitable event, a license to engage in optical dispensing from 164  
the state vision professionals board and shall be subject to the 165  
provisions of this chapter authorizing the board to take 166  
disciplinary action against a license holder. During the course 167  
of the charitable event, the person's scope of practice is 168  
limited to the procedures that a dispensing optician licensed 169  
under this chapter is authorized to perform. 170

**Sec. 4730.02.** (A) No person shall hold that person out as 171  
being able to function as a physician assistant, or use any 172  
words or letters indicating or implying that the person is a 173  
physician assistant, without a current, valid license to 174  
practice as a physician assistant issued pursuant to this 175  
chapter. 176

(B) No person shall practice as a physician assistant 177  
without the supervision, control, and direction of a physician. 178

(C) No person shall practice as a physician assistant 179  
without having entered into a supervision agreement with a 180  
supervising physician under section 4730.19 of the Revised Code. 181

(D) No person acting as the supervising physician of a 182  
physician assistant shall authorize the physician assistant to 183  
perform services if either of the following is the case: 184

(1) The services are not within the physician's normal 185  
course of practice and expertise; 186

(2) The services are inconsistent with the supervision 187  
agreement under which the physician assistant is being 188  
supervised, including, if applicable, the policies of the health 189  
care facility in which the physician and physician assistant are 190

practicing. 191

(E) No person practicing as a physician assistant shall 192  
prescribe any drug or device to perform or induce an abortion, 193  
or otherwise perform or induce an abortion. 194

(F) No person shall advertise to provide services as a 195  
physician assistant, except for the purpose of seeking 196  
employment. 197

(G) No person practicing as a physician assistant shall 198  
fail to wear at all times when on duty a placard, plate, or 199  
other device identifying that person as a "physician assistant." 200

(H) Division (A) of this section does not apply to a 201  
person who meets both of the following conditions: 202

(1) The person holds in good standing a valid license or 203  
other form of authority to practice as a physician assistant 204  
issued by another state. 205

(2) The person is practicing as a volunteer without 206  
remuneration during a charitable event that lasts not more than 207  
seven days. 208

When a person meets the conditions of this division, the 209  
person shall be deemed to hold, during the course of the 210  
charitable event, a license to practice as a physician assistant 211  
from the state medical board and shall be subject to the 212  
provisions of this chapter authorizing the board to take 213  
disciplinary action against a license holder. During the course 214  
of the charitable event, the person's scope of practice is 215  
limited to the procedures that a physician assistant licensed 216  
under this chapter is authorized to perform. 217

**Sec. 4731.41.** (A) No person shall practice medicine and 218



surgery, or any of its branches, without the appropriate license 219  
or certificate from the state medical board to engage in the 220  
practice. No person shall advertise or claim to the public to be 221  
a practitioner of medicine and surgery, or any of its branches, 222  
without a license or certificate from the board. No person shall 223  
open or conduct an office or other place for such practice 224  
without a license or certificate from the board. No person shall 225  
conduct an office in the name of some person who has a license 226  
or certificate to practice medicine and surgery, or any of its 227  
branches. No person shall practice medicine and surgery, or any 228  
of its branches, after the person's license or certificate has 229  
been revoked, or, if suspended, during the time of such 230  
suspension. 231

A license or certificate signed by the secretary of the 232  
board to which is affixed the official seal of the board to the 233  
effect that it appears from the records of the board that no 234  
such license or certificate to practice medicine and surgery, or 235  
any of its branches, in this state has been issued to the person 236  
specified therein, or that a license or certificate to practice, 237  
if issued, has been revoked or suspended, shall be received as 238  
prima-facie evidence of the record of the board in any court or 239  
before any officer of the state. 240

(B) No license or certificate from the state medical board 241  
is required by a physician who comes into this state to practice 242  
medicine at a free-of-charge camp accredited by the SeriousFun 243  
children's network that specializes in providing therapeutic 244  
recreation, as defined in section 2305.231 of the Revised Code, 245  
for individuals with chronic illnesses as long as all of the 246  
following apply: 247

(1) The physician provides documentation to the medical 248

director of the camp that the physician is licensed and in good standing to practice medicine in another state; 249  
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(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp; 251  
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(3) The physician receives no compensation for the services; 254  
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(4) The physician provides those services within this state for not more than thirty days per calendar year; 256  
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(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section. 258  
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(C) Division (A) of this section does not apply to a person who meets both of the following conditions: 261  
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(1) The person holds in good standing a valid license to practice medicine and surgery issued by another state. 263  
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(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days. 265  
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When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice medicine and surgery is authorized to perform. 268  
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**Sec. 4731.43.** ~~No~~ (A) No person shall announce or advertise 277  
that person as an osteopathic physician and surgeon, or shall 278  
practice as such, without a license from the state medical board 279  
or without complying with all the provisions of law relating to 280  
such practice, or shall practice after such license has been 281  
revoked, or if suspended, during the time of such suspension. 282

A ~~(B) Division (A) of this section does not apply to a~~ 283  
person who holds in good standing a valid license to practice as 284  
an osteopathic physician and surgeon issued by another state and 285  
is practicing as a volunteer without remuneration during a 286  
charitable event that lasts not more than seven days. 287

When a person meets the conditions of this division, the 288  
person shall be deemed authorized by the state medical board, 289  
during the course of the charitable event, to practice 290  
osteopathic medicine and surgery and shall be subject to the 291  
provisions of this chapter authorizing the board to take 292  
disciplinary action against a physician. During the course of 293  
the charitable event, the person's scope of practice is limited 294  
to the procedures that a physician authorized under this chapter 295  
to practice osteopathic medicine and surgery is authorized to 296  
perform. 297

(C) A license certified by the secretary, under the 298  
official seal of the ~~said~~ board to the effect that it appears 299  
from the records of the board that no license to practice 300  
osteopathic medicine and surgery has been issued to any person 301  
specified therein, or that a license, if issued, has been 302  
revoked or suspended shall be received as prima-facie evidence 303  
of the record in any court or before any officer of the state. 304

**Sec. 4731.60.** (A) (1) No person shall engage in the 305  
practice of podiatric medicine and surgery without a current, 306

valid license to practice podiatric medicine and surgery issued 307  
by the state medical board. 308

(2) No person shall advertise or claim to be authorized to 309  
practice podiatric medicine and surgery unless the person holds 310  
a current, valid license to practice podiatric medicine and 311  
surgery issued by the board under this chapter. 312

(3) No person shall practice podiatric medicine and 313  
surgery after the person's license has been revoked, or if 314  
suspended, during the time of such suspension. 315

(B) A document that is signed by the president and 316  
secretary of the board and has affixed the official seal of the 317  
board to the effect that it appears from the records of the 318  
board that a license to practice podiatric medicine and surgery 319  
in this state has not been issued to a particular person, or 320  
that a license, if issued, has been revoked or suspended, shall 321  
be received as prima-facie evidence of the record of the board 322  
in any court or before any officer of this state. 323

(C) Division (A) of this section does not apply to a 324  
person who holds in good standing a valid license to practice 325  
podiatric medicine and surgery issued by another state and is 326  
practicing as a volunteer without remuneration during a 327  
charitable event that lasts not more than seven days. 328

When a person meets the conditions of this division, the 329  
person shall be deemed authorized by the state medical board, 330  
during the course of the charitable event, to practice podiatric 331  
medicine and surgery and shall be subject to the provisions of 332  
this chapter authorizing the board to take disciplinary action 333  
against a podiatrist. During the course of the charitable event, 334  
the person's scope of practice is limited to the procedures that 335

a physician authorized under this chapter to practice podiatric 336  
medicine and surgery is authorized to perform. 337

**Sec. 4734.14.** (A) (1) Except as provided in division (B) of 338  
this section, no person shall engage in the practice of 339  
chiropractic without a current, valid license issued by the 340  
state chiropractic board under this chapter. 341

(2) Except as provided in division (C) of this section, no 342  
person shall advertise or claim to be a chiropractor, doctor of 343  
chiropractic, or chiropractic physician, or use the initials 344  
"D.C." in connection with the person's name, unless the person 345  
holds a current, valid license from the board. 346

(3) Subject to section 4734.17 of the Revised Code, no 347  
person shall open or conduct an office or other place for the 348  
practice of chiropractic without a license from the board. 349

(4) Subject to section 4734.17 of the Revised Code, no 350  
person shall conduct an office in the name of some person who 351  
has a license to practice chiropractic. 352

(5) No person shall practice chiropractic in violation of 353  
the person's license revocation, forfeiture, or suspension or in 354  
violation of any restriction, limitation, or condition placed on 355  
the person's license. 356

(6) No person shall employ fraud or deception in applying 357  
for or securing a license to practice chiropractic or in 358  
renewing a license to practice chiropractic. 359

(7) No person shall make, issue, or publish, or cause to 360  
be made, issued, or published, for the purpose of sale, barter, 361  
or gift, a license, certificate, diploma, degree, or other 362  
writing or document falsely representing the holder or receiver 363  
thereof to be licensed under this chapter or to be a graduate of 364

a chiropractic school, college, or other educational institution 365  
of chiropractic, or sell or dispose of, or offer to sell or 366  
dispose of such license, certificate, diploma, degree, or other 367  
writing or document containing such false representation or use 368  
the person's name, or permit it to be used, as a subscriber to 369  
such false and fictitious license, certificate, diploma, degree, 370  
or other writing or document or engage in the practice of 371  
chiropractic under and by virtue of such fraudulent license, 372  
certificate, diploma, degree, or other writing or document. 373

~~(B) (1) Subject to division (B) (2) of this section,~~ 374  
~~division~~ Division (A) (1) of this section does not apply to a 375  
person who holds a current, unrestricted license to practice 376  
chiropractic in another state when the person, pursuant to a 377  
written agreement with an athletic team located in the state in 378  
which the person holds the license, provides chiropractic 379  
services to any of the following while the team is traveling to 380  
or from or participating in a sporting event in this state: 381

(a) A member of the athletic team; 382

(b) A member of the athletic team's coaching, 383  
communications, equipment, or sports medicine staff; 384

(c) A member of a band or cheerleading squad accompanying 385  
the athletic team; 386

(d) The athletic team's mascot. 387

~~(2)~~ In providing chiropractic services pursuant to 388  
division (B) (1) of this section, the person shall not provide 389  
chiropractic services at a health care facility. 390

(2) Division (A) (1) of this section does not apply to a 391  
person who meets both of the following conditions: 392

<u>(a) The person holds a current, unrestricted license to</u>	393
<u>practice chiropractic in another state.</u>	394
<u>(b) The person is practicing as a volunteer without</u>	395
<u>remuneration during a charitable event that lasts not more than</u>	396
<u>seven days.</u>	397
<u>When a person meets the conditions of division (B) (2) of</u>	398
<u>this section, the person shall be deemed to hold, for the course</u>	399
<u>of the charitable event, a license to practice chiropractic from</u>	400
<u>the state chiropractic board and shall be subject to the</u>	401
<u>provisions of this chapter authorizing the board to take</u>	402
<u>disciplinary action against a license holder. During the course</u>	403
<u>of the charitable event, the person's scope of practice is</u>	404
<u>limited to the procedures that a chiropractor licensed under</u>	405
<u>this chapter is authorized to perform.</u>	406
(C) A person who has retired from the practice of	407
chiropractic in good standing and does not maintain a current,	408
valid license from the board may continue to claim to be a	409
chiropractor, doctor of chiropractic, or chiropractic physician,	410
or use the initials "D.C." in connection with the person's name,	411
if the person does not engage in the practice of chiropractic or	412
otherwise violate this chapter or the rules adopted under it.	413
A person whose license has been classified as inactive	414
pursuant to section 4734.26 of the Revised Code may continue to	415
claim to be a chiropractor, doctor of chiropractic, or	416
chiropractic physician, or use the initials "D.C." in connection	417
with the person's name, if the person does not engage in the	418
practice of chiropractic or otherwise violate this chapter or	419
the rules adopted under it.	420
(D) In any proceeding for a violation of this section	421

brought against a person who is not licensed under this chapter 422  
but is a graduate of a chiropractic college approved under 423  
section 4734.21 of the Revised Code, it shall be an affirmative 424  
defense that the person is permitted to use the term "doctor" or 425  
the initials "D.C." in connection with the person's name, but 426  
only to the extent that the person does not indicate or act in a 427  
manner implying that the person is licensed under this chapter 428  
or otherwise violate this chapter or the rules adopted under it. 429

(E) A document that is signed by the president or 430  
executive director of the board and that has affixed the 431  
official seal of the board to the effect that it appears from 432  
the records of the board that a license to practice chiropractic 433  
in this state has not been issued to a particular person, or 434  
that a license, if issued, has been revoked or suspended, shall 435  
be received as prima-facie evidence of the record of the board 436  
in any court or before any officer of the state. 437

**Section 2.** That existing sections 4715.09, 4715.20, 438  
4725.26, 4730.02, 4731.41, 4731.43, 4731.60, and 4734.14 of the 439  
Revised Code are hereby repealed. 440