

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

133rd General Assembly

**Regular Session
2019-2020**

S. B. No. 260

Senator Huffman, S.

**Cosponsors: Senators Lehner, Wilson, Schaffer, Huffman, M., Roegner, Burke,
Hackett, Johnson, Hoagland, Brenner, Gavarone, Obhof, Coley, McColley,
Blessing, Hottinger**

A BILL

To amend sections 109.572, 2919.123, 2953.25, 1
4729.291, 4731.22, and 4731.223 and to enact 2
section 2919.124 of the Revised Code regarding 3
abortion-inducing drugs. 4

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

Section 1. That sections 109.572, 2919.123, 2953.25, 5
4729.291, 4731.22, and 4731.223 be amended and section 2919.124 6
of the Revised Code be enacted to read as follows: 7

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 8
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 9
Code, a completed form prescribed pursuant to division (C) (1) of 10
this section, and a set of fingerprint impressions obtained in 11
the manner described in division (C) (2) of this section, the 12
superintendent of the bureau of criminal identification and 13
investigation shall conduct a criminal records check in the 14
manner described in division (B) of this section to determine 15
whether any information exists that indicates that the person 16

who is the subject of the request previously has been convicted 17
of or pleaded guilty to any of the following: 18

(a) A violation of section 2903.01, 2903.02, 2903.03, 19
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 20
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 21
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 22
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 23
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 24
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 25
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 26
sexual penetration in violation of former section 2907.12 of the 27
Revised Code, a violation of section 2905.04 of the Revised Code 28
as it existed prior to July 1, 1996, a violation of section 29
2919.23 of the Revised Code that would have been a violation of 30
section 2905.04 of the Revised Code as it existed prior to July 31
1, 1996, had the violation been committed prior to that date, or 32
a violation of section 2925.11 of the Revised Code that is not a 33
minor drug possession offense; 34

(b) A violation of an existing or former law of this 35
state, any other state, or the United States that is 36
substantially equivalent to any of the offenses listed in 37
division (A) (1) (a) of this section; 38

(c) If the request is made pursuant to section 3319.39 of 39
the Revised Code for an applicant who is a teacher, any offense 40
specified in section 3319.31 of the Revised Code. 41

(2) On receipt of a request pursuant to section 3712.09 or 42
3721.121 of the Revised Code, a completed form prescribed 43
pursuant to division (C) (1) of this section, and a set of 44
fingerprint impressions obtained in the manner described in 45
division (C) (2) of this section, the superintendent of the 46

bureau of criminal identification and investigation shall 47
conduct a criminal records check with respect to any person who 48
has applied for employment in a position for which a criminal 49
records check is required by those sections. The superintendent 50
shall conduct the criminal records check in the manner described 51
in division (B) of this section to determine whether any 52
information exists that indicates that the person who is the 53
subject of the request previously has been convicted of or 54
pleaded guilty to any of the following: 55

(a) A violation of section 2903.01, 2903.02, 2903.03, 56
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 57
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 58
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 59
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 60
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 61
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 62
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 63
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 64

(b) An existing or former law of this state, any other 65
state, or the United States that is substantially equivalent to 66
any of the offenses listed in division (A) (2) (a) of this 67
section. 68

(3) On receipt of a request pursuant to section 173.27, 69
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 70
5123.081, or 5123.169 of the Revised Code, a completed form 71
prescribed pursuant to division (C) (1) of this section, and a 72
set of fingerprint impressions obtained in the manner described 73
in division (C) (2) of this section, the superintendent of the 74
bureau of criminal identification and investigation shall 75
conduct a criminal records check of the person for whom the 76

request is made. The superintendent shall conduct the criminal 77
records check in the manner described in division (B) of this 78
section to determine whether any information exists that 79
indicates that the person who is the subject of the request 80
previously has been convicted of, has pleaded guilty to, or 81
(except in the case of a request pursuant to section 5164.34, 82
5164.341, or 5164.342 of the Revised Code) has been found 83
eligible for intervention in lieu of conviction for any of the 84
following, regardless of the date of the conviction, the date of 85
entry of the guilty plea, or (except in the case of a request 86
pursuant to section 5164.34, 5164.341, or 5164.342 of the 87
Revised Code) the date the person was found eligible for 88
intervention in lieu of conviction: 89

(a) A violation of section 959.13, 959.131, 2903.01, 90
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 91
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 92
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 93
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 94
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 95
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 96
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 97
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 98
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 99
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 100
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 101
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 102
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 103
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 104
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 105
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 106
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 107

2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	108
of the Revised Code;	109
(b) Felonious sexual penetration in violation of former	110
section 2907.12 of the Revised Code;	111
(c) A violation of section 2905.04 of the Revised Code as	112
it existed prior to July 1, 1996;	113
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	114
the Revised Code when the underlying offense that is the object	115
of the conspiracy, attempt, or complicity is one of the offenses	116
listed in divisions (A) (3) (a) to (c) of this section;	117
(e) A violation of an existing or former municipal	118
ordinance or law of this state, any other state, or the United	119
States that is substantially equivalent to any of the offenses	120
listed in divisions (A) (3) (a) to (d) of this section.	121
(4) On receipt of a request pursuant to section 2151.86 or	122
2151.904 of the Revised Code, a completed form prescribed	123
pursuant to division (C) (1) of this section, and a set of	124
fingerprint impressions obtained in the manner described in	125
division (C) (2) of this section, the superintendent of the	126
bureau of criminal identification and investigation shall	127
conduct a criminal records check in the manner described in	128
division (B) of this section to determine whether any	129
information exists that indicates that the person who is the	130
subject of the request previously has been convicted of or	131
pleaded guilty to any of the following:	132
(a) A violation of section 959.13, 2903.01, 2903.02,	133
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	134
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	135
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	136

2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 137
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 138
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 139
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 140
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 141
2927.12, or 3716.11 of the Revised Code, a violation of section 142
2905.04 of the Revised Code as it existed prior to July 1, 1996, 143
a violation of section 2919.23 of the Revised Code that would 144
have been a violation of section 2905.04 of the Revised Code as 145
it existed prior to July 1, 1996, had the violation been 146
committed prior to that date, a violation of section 2925.11 of 147
the Revised Code that is not a minor drug possession offense, 148
two or more OVI or OVUAC violations committed within the three 149
years immediately preceding the submission of the application or 150
petition that is the basis of the request, or felonious sexual 151
penetration in violation of former section 2907.12 of the 152
Revised Code; 153

(b) A violation of an existing or former law of this 154
state, any other state, or the United States that is 155
substantially equivalent to any of the offenses listed in 156
division (A)(4)(a) of this section. 157

(5) Upon receipt of a request pursuant to section 5104.013 158
of the Revised Code, a completed form prescribed pursuant to 159
division (C)(1) of this section, and a set of fingerprint 160
impressions obtained in the manner described in division (C)(2) 161
of this section, the superintendent of the bureau of criminal 162
identification and investigation shall conduct a criminal 163
records check in the manner described in division (B) of this 164
section to determine whether any information exists that 165
indicates that the person who is the subject of the request has 166
been convicted of or pleaded guilty to any of the following: 167

(a) A violation of section 2151.421, 2903.01, 2903.02, 168
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 169
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 170
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 171
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 172
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 173
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 174
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 175
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 176
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 177
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 178
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 179
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 180
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 181
3716.11 of the Revised Code, felonious sexual penetration in 182
violation of former section 2907.12 of the Revised Code, a 183
violation of section 2905.04 of the Revised Code as it existed 184
prior to July 1, 1996, a violation of section 2919.23 of the 185
Revised Code that would have been a violation of section 2905.04 186
of the Revised Code as it existed prior to July 1, 1996, had the 187
violation been committed prior to that date, a violation of 188
section 2925.11 of the Revised Code that is not a minor drug 189
possession offense, a violation of section 2923.02 or 2923.03 of 190
the Revised Code that relates to a crime specified in this 191
division, or a second violation of section 4511.19 of the 192
Revised Code within five years of the date of application for 193
licensure or certification. 194

(b) A violation of an existing or former law of this 195
state, any other state, or the United States that is 196
substantially equivalent to any of the offenses or violations 197
described in division (A) (5) (a) of this section. 198

(6) Upon receipt of a request pursuant to section 5153.111 199
of the Revised Code, a completed form prescribed pursuant to 200
division (C)(1) of this section, and a set of fingerprint 201
impressions obtained in the manner described in division (C)(2) 202
of this section, the superintendent of the bureau of criminal 203
identification and investigation shall conduct a criminal 204
records check in the manner described in division (B) of this 205
section to determine whether any information exists that 206
indicates that the person who is the subject of the request 207
previously has been convicted of or pleaded guilty to any of the 208
following: 209

(a) A violation of section 2903.01, 2903.02, 2903.03, 210
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 211
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 212
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 213
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 214
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 215
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 216
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 217
Code, felonious sexual penetration in violation of former 218
section 2907.12 of the Revised Code, a violation of section 219
2905.04 of the Revised Code as it existed prior to July 1, 1996, 220
a violation of section 2919.23 of the Revised Code that would 221
have been a violation of section 2905.04 of the Revised Code as 222
it existed prior to July 1, 1996, had the violation been 223
committed prior to that date, or a violation of section 2925.11 224
of the Revised Code that is not a minor drug possession offense; 225

(b) A violation of an existing or former law of this 226
state, any other state, or the United States that is 227
substantially equivalent to any of the offenses listed in 228
division (A)(6)(a) of this section. 229

(7) On receipt of a request for a criminal records check 230
from an individual pursuant to section 4749.03 or 4749.06 of the 231
Revised Code, accompanied by a completed copy of the form 232
prescribed in division (C)(1) of this section and a set of 233
fingerprint impressions obtained in a manner described in 234
division (C)(2) of this section, the superintendent of the 235
bureau of criminal identification and investigation shall 236
conduct a criminal records check in the manner described in 237
division (B) of this section to determine whether any 238
information exists indicating that the person who is the subject 239
of the request has been convicted of or pleaded guilty to a 240
felony in this state or in any other state. If the individual 241
indicates that a firearm will be carried in the course of 242
business, the superintendent shall require information from the 243
federal bureau of investigation as described in division (B)(2) 244
of this section. Subject to division (F) of this section, the 245
superintendent shall report the findings of the criminal records 246
check and any information the federal bureau of investigation 247
provides to the director of public safety. 248

(8) On receipt of a request pursuant to section 1321.37, 249
1321.53, or 4763.05 of the Revised Code, a completed form 250
prescribed pursuant to division (C)(1) of this section, and a 251
set of fingerprint impressions obtained in the manner described 252
in division (C)(2) of this section, the superintendent of the 253
bureau of criminal identification and investigation shall 254
conduct a criminal records check with respect to any person who 255
has applied for a license, permit, or certification from the 256
department of commerce or a division in the department. The 257
superintendent shall conduct the criminal records check in the 258
manner described in division (B) of this section to determine 259
whether any information exists that indicates that the person 260

who is the subject of the request previously has been convicted 261
of or pleaded guilty to any of the following: a violation of 262
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 263
Revised Code; any other criminal offense involving theft, 264
receiving stolen property, embezzlement, forgery, fraud, passing 265
bad checks, money laundering, or drug trafficking, or any 266
criminal offense involving money or securities, as set forth in 267
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 268
the Revised Code; or any existing or former law of this state, 269
any other state, or the United States that is substantially 270
equivalent to those offenses. 271

(9) On receipt of a request for a criminal records check 272
from the treasurer of state under section 113.041 of the Revised 273
Code or from an individual under section 928.03, 4701.08, 274
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 275
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 276
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 277
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 278
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 279
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 280
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 281
Code, accompanied by a completed form prescribed under division 282
(C) (1) of this section and a set of fingerprint impressions 283
obtained in the manner described in division (C) (2) of this 284
section, the superintendent of the bureau of criminal 285
identification and investigation shall conduct a criminal 286
records check in the manner described in division (B) of this 287
section to determine whether any information exists that 288
indicates that the person who is the subject of the request has 289
been convicted of or pleaded guilty to any criminal offense in 290
this state or any other state. Subject to division (F) of this 291

section, the superintendent shall send the results of a check 292
requested under section 113.041 of the Revised Code to the 293
treasurer of state and shall send the results of a check 294
requested under any of the other listed sections to the 295
licensing board specified by the individual in the request. 296

(10) On receipt of a request pursuant to section 124.74, 297
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 298
Code, a completed form prescribed pursuant to division (C) (1) of 299
this section, and a set of fingerprint impressions obtained in 300
the manner described in division (C) (2) of this section, the 301
superintendent of the bureau of criminal identification and 302
investigation shall conduct a criminal records check in the 303
manner described in division (B) of this section to determine 304
whether any information exists that indicates that the person 305
who is the subject of the request previously has been convicted 306
of or pleaded guilty to any criminal offense under any existing 307
or former law of this state, any other state, or the United 308
States. 309

(11) On receipt of a request for a criminal records check 310
from an appointing or licensing authority under section 3772.07 311
of the Revised Code, a completed form prescribed under division 312
(C) (1) of this section, and a set of fingerprint impressions 313
obtained in the manner prescribed in division (C) (2) of this 314
section, the superintendent of the bureau of criminal 315
identification and investigation shall conduct a criminal 316
records check in the manner described in division (B) of this 317
section to determine whether any information exists that 318
indicates that the person who is the subject of the request 319
previously has been convicted of or pleaded guilty or no contest 320
to any offense under any existing or former law of this state, 321
any other state, or the United States that is a disqualifying 322

offense as defined in section 3772.07 of the Revised Code or 323
substantially equivalent to such an offense. 324

(12) On receipt of a request pursuant to section 2151.33 325
or 2151.412 of the Revised Code, a completed form prescribed 326
pursuant to division (C)(1) of this section, and a set of 327
fingerprint impressions obtained in the manner described in 328
division (C)(2) of this section, the superintendent of the 329
bureau of criminal identification and investigation shall 330
conduct a criminal records check with respect to any person for 331
whom a criminal records check is required under that section. 332
The superintendent shall conduct the criminal records check in 333
the manner described in division (B) of this section to 334
determine whether any information exists that indicates that the 335
person who is the subject of the request previously has been 336
convicted of or pleaded guilty to any of the following: 337

(a) A violation of section 2903.01, 2903.02, 2903.03, 338
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 339
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 340
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 341
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 342
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 343
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 344
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 345
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 346

(b) An existing or former law of this state, any other 347
state, or the United States that is substantially equivalent to 348
any of the offenses listed in division (A)(12)(a) of this 349
section. 350

(13) On receipt of a request pursuant to section 3796.12 351
of the Revised Code, a completed form prescribed pursuant to 352

division (C) (1) of this section, and a set of fingerprint 353
impressions obtained in a manner described in division (C) (2) of 354
this section, the superintendent of the bureau of criminal 355
identification and investigation shall conduct a criminal 356
records check in the manner described in division (B) of this 357
section to determine whether any information exists that 358
indicates that the person who is the subject of the request 359
previously has been convicted of or pleaded guilty to the 360
following: 361

(a) A disqualifying offense as specified in rules adopted 362
under division (B) (2) (b) of section 3796.03 of the Revised Code 363
if the person who is the subject of the request is an 364
administrator or other person responsible for the daily 365
operation of, or an owner or prospective owner, officer or 366
prospective officer, or board member or prospective board member 367
of, an entity seeking a license from the department of commerce 368
under Chapter 3796. of the Revised Code; 369

(b) A disqualifying offense as specified in rules adopted 370
under division (B) (2) (b) of section 3796.04 of the Revised Code 371
if the person who is the subject of the request is an 372
administrator or other person responsible for the daily 373
operation of, or an owner or prospective owner, officer or 374
prospective officer, or board member or prospective board member 375
of, an entity seeking a license from the state board of pharmacy 376
under Chapter 3796. of the Revised Code. 377

(14) On receipt of a request required by section 3796.13 378
of the Revised Code, a completed form prescribed pursuant to 379
division (C) (1) of this section, and a set of fingerprint 380
impressions obtained in a manner described in division (C) (2) of 381
this section, the superintendent of the bureau of criminal 382

identification and investigation shall conduct a criminal 383
records check in the manner described in division (B) of this 384
section to determine whether any information exists that 385
indicates that the person who is the subject of the request 386
previously has been convicted of or pleaded guilty to the 387
following: 388

(a) A disqualifying offense as specified in rules adopted 389
under division (B) (8) (a) of section 3796.03 of the Revised Code 390
if the person who is the subject of the request is seeking 391
employment with an entity licensed by the department of commerce 392
under Chapter 3796. of the Revised Code; 393

(b) A disqualifying offense as specified in rules adopted 394
under division (B) (14) (a) of section 3796.04 of the Revised Code 395
if the person who is the subject of the request is seeking 396
employment with an entity licensed by the state board of 397
pharmacy under Chapter 3796. of the Revised Code. 398

(15) On receipt of a request pursuant to section 4768.06 399
of the Revised Code, a completed form prescribed under division 400
(C) (1) of this section, and a set of fingerprint impressions 401
obtained in the manner described in division (C) (2) of this 402
section, the superintendent of the bureau of criminal 403
identification and investigation shall conduct a criminal 404
records check in the manner described in division (B) of this 405
section to determine whether any information exists indicating 406
that the person who is the subject of the request has been 407
convicted of or pleaded guilty to a felony in this state or in 408
any other state. 409

(16) On receipt of a request pursuant to division (B) of 410
section 4764.07 or division (A) of section 4735.143 of the 411
Revised Code, a completed form prescribed under division (C) (1) 412

of this section, and a set of fingerprint impressions obtained 413
in the manner described in division (C) (2) of this section, the 414
superintendent of the bureau of criminal identification and 415
investigation shall conduct a criminal records check in the 416
manner described in division (B) of this section to determine 417
whether any information exists indicating that the person who is 418
the subject of the request has been convicted of or pleaded 419
guilty to any crime of moral turpitude, a felony, or an 420
equivalent offense in any other state or the United States. 421

(17) On receipt of a request for a criminal records check 422
under section 147.022 of the Revised Code, a completed form 423
prescribed under division (C) (1) of this section, and a set of 424
fingerprint impressions obtained in the manner prescribed in 425
division (C) (2) of this section, the superintendent of the 426
bureau of criminal identification and investigation shall 427
conduct a criminal records check in the manner described in 428
division (B) of this section to determine whether any 429
information exists that indicates that the person who is the 430
subject of the request previously has been convicted of or 431
pleaded guilty or no contest to any disqualifying offense, as 432
defined in section 147.011 of the Revised Code, or to any 433
offense under any existing or former law of this state, any 434
other state, or the United States that is substantially 435
equivalent to such a disqualifying offense. 436

(B) Subject to division (F) of this section, the 437
superintendent shall conduct any criminal records check to be 438
conducted under this section as follows: 439

(1) The superintendent shall review or cause to be 440
reviewed any relevant information gathered and compiled by the 441
bureau under division (A) of section 109.57 of the Revised Code 442

that relates to the person who is the subject of the criminal 443
records check, including, if the criminal records check was 444
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 445
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 446
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 447
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 448
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 449
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 450
5153.111 of the Revised Code, any relevant information contained 451
in records that have been sealed under section 2953.32 of the 452
Revised Code; 453

(2) If the request received by the superintendent asks for 454
information from the federal bureau of investigation, the 455
superintendent shall request from the federal bureau of 456
investigation any information it has with respect to the person 457
who is the subject of the criminal records check, including 458
fingerprint-based checks of national crime information databases 459
as described in 42 U.S.C. 671 if the request is made pursuant to 460
section 2151.86 or 5104.013 of the Revised Code or if any other 461
Revised Code section requires fingerprint-based checks of that 462
nature, and shall review or cause to be reviewed any information 463
the superintendent receives from that bureau. If a request under 464
section 3319.39 of the Revised Code asks only for information 465
from the federal bureau of investigation, the superintendent 466
shall not conduct the review prescribed by division (B)(1) of 467
this section. 468

(3) The superintendent or the superintendent's designee 469
may request criminal history records from other states or the 470
federal government pursuant to the national crime prevention and 471
privacy compact set forth in section 109.571 of the Revised 472
Code. 473

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C) (1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C) (2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A) (3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A) (3) of this section to conduct the criminal records check, sixty.

(C) (1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for

whom a criminal records check is to be conducted under this 503
section. Any person for whom a records check is to be conducted 504
under this section shall obtain the fingerprint impressions at a 505
county sheriff's office, municipal police department, or any 506
other entity with the ability to make fingerprint impressions on 507
the standard impression sheets prescribed by the superintendent. 508
The office, department, or entity may charge the person a 509
reasonable fee for making the impressions. The standard 510
impression sheets the superintendent prescribes pursuant to this 511
division may be in a tangible format, in an electronic format, 512
or in both tangible and electronic formats. 513

(3) Subject to division (D) of this section, the 514
superintendent shall prescribe and charge a reasonable fee for 515
providing a criminal records check under this section. The 516
person requesting the criminal records check shall pay the fee 517
prescribed pursuant to this division. In the case of a request 518
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 519
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 520
fee shall be paid in the manner specified in that section. 521

(4) The superintendent of the bureau of criminal 522
identification and investigation may prescribe methods of 523
forwarding fingerprint impressions and information necessary to 524
conduct a criminal records check, which methods shall include, 525
but not be limited to, an electronic method. 526

(D) The results of a criminal records check conducted 527
under this section, other than a criminal records check 528
specified in division (A) (7) of this section, are valid for the 529
person who is the subject of the criminal records check for a 530
period of one year from the date upon which the superintendent 531
completes the criminal records check. If during that period the 532

superintendent receives another request for a criminal records 533
check to be conducted under this section for that person, the 534
superintendent shall provide the results from the previous 535
criminal records check of the person at a lower fee than the fee 536
prescribed for the initial criminal records check. 537

(E) When the superintendent receives a request for 538
information from a registered private provider, the 539
superintendent shall proceed as if the request was received from 540
a school district board of education under section 3319.39 of 541
the Revised Code. The superintendent shall apply division (A) (1) 542
(c) of this section to any such request for an applicant who is 543
a teacher. 544

(F) (1) Subject to division (F) (2) of this section, all 545
information regarding the results of a criminal records check 546
conducted under this section that the superintendent reports or 547
sends under division (A) (7) or (9) of this section to the 548
director of public safety, the treasurer of state, or the 549
person, board, or entity that made the request for the criminal 550
records check shall relate to the conviction of the subject 551
person, or the subject person's plea of guilty to, a criminal 552
offense. 553

(2) Division (F) (1) of this section does not limit, 554
restrict, or preclude the superintendent's release of 555
information that relates to the arrest of a person who is 556
eighteen years of age or older, to an adjudication of a child as 557
a delinquent child, or to a criminal conviction of a person 558
under eighteen years of age in circumstances in which a release 559
of that nature is authorized under division (E) (2), (3), or (4) 560
of section 109.57 of the Revised Code pursuant to a rule adopted 561
under division (E) (1) of that section. 562

(G) As used in this section:	563
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	564 565 566 567
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	568 569
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	570 571 572 573 574
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	575 576 577 578 579 580
Sec. 2919.123. (A) No person shall knowingly give, sell, dispense, administer, <u>or</u> otherwise provide, or prescribe RU-486 (mifepristone) to another for the purpose of inducing an abortion in any person or enabling the other person to induce an abortion in any person, unless the person who gives, sells, dispenses, administers, or otherwise provides or prescribes the RU-486 (mifepristone) is a physician, the physician satisfies all the criteria established by federal law that a physician must satisfy in order to provide RU-486 (mifepristone) for inducing abortions, and the physician provides the RU-486 (mifepristone) to the other person for the purpose of inducing	581 582 583 584 585 586 587 588 589 590 591

an abortion in accordance with all provisions of federal law 592
that govern the use of RU-486 (mifepristone) for inducing 593
abortions. A person who gives, sells, dispenses, administers, or 594
otherwise provides, ~~or prescribes~~ RU-486 (mifepristone) to 595
another as described in division (A) of this section shall not 596
be prosecuted based on a violation of the criteria contained in 597
this division unless the person knows that the person is not a 598
physician, that the person did not satisfy all the specified 599
criteria established by federal law, or that the person did not 600
provide the RU-486 (mifepristone) in accordance with the 601
specified provisions of federal law, whichever is applicable. 602

(B) No physician who provides RU-486 (mifepristone) to 603
another for the purpose of inducing an abortion as authorized 604
under division (A) of this section shall knowingly fail to 605
comply with the applicable requirements of any federal law that 606
pertain to follow-up examinations or care for persons to whom or 607
for whom RU-486 (mifepristone) is provided for the purpose of 608
inducing an abortion. 609

(C) (1) If a physician provides RU-486 (mifepristone) to 610
another for the purpose of inducing an abortion as authorized 611
under division (A) of this section and if the physician knows 612
that the person who uses the RU-486 (mifepristone) for the 613
purpose of inducing an abortion experiences during or after the 614
use an incomplete abortion, severe bleeding, or an adverse 615
reaction to the RU-486 (mifepristone) or is hospitalized, 616
receives a transfusion, or experiences any other serious event, 617
the physician promptly must provide a written report of the 618
incomplete abortion, severe bleeding, adverse reaction, 619
hospitalization, transfusion, or serious event to the state 620
medical board. The board shall compile and retain all reports it 621
receives under this division. Except as otherwise provided in 622

this division, all reports the board receives under this 623
division are public records open to inspection under section 624
149.43 of the Revised Code. In no case shall the board release 625
to any person the name or any other personal identifying 626
information regarding a person who uses RU-486 (mifepristone) 627
for the purpose of inducing an abortion and who is the subject 628
of a report the board receives under this division. 629

(2) No physician who provides RU-486 (mifepristone) to 630
another for the purpose of inducing an abortion as authorized 631
under division (A) of this section shall knowingly fail to file 632
a report required under division (C)(1) of this section. 633

(D) Division (A) of this section does not apply to any of 634
the following: 635

(1) A pregnant woman who obtains or possesses RU-486 636
(mifepristone) for the purpose of inducing an abortion to 637
terminate her own pregnancy; 638

(2) The legal transport of RU-486 (mifepristone) by any 639
person or entity and the legal delivery of the RU-486 640
(mifepristone) by any person to the recipient, provided that 641
this division does not apply regarding any conduct related to 642
the RU-486 (mifepristone) other than its transport and delivery 643
to the recipient; 644

(3) The distribution, provision, or sale of RU-486 645
(mifepristone) by any legal manufacturer or distributor of RU- 646
486 (mifepristone), provided the manufacturer or distributor 647
made a good faith effort to comply with any applicable 648
requirements of federal law regarding the distribution, 649
provision, or sale. 650

(E) Whoever violates this section is guilty of unlawful 651

distribution of an abortion-inducing drug, a felony of the 652
fourth degree. If the offender previously has been convicted of 653
or pleaded guilty to a violation of this section or of section 654
2919.12, 2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2919.17, 655
or 2919.18 of the Revised Code, unlawful distribution of an 656
abortion-inducing drug is a felony of the third degree. 657

If the offender is a professionally licensed person, in 658
addition to any other sanction imposed by law for the offense, 659
the offender is subject to sanctioning as provided by law by the 660
regulatory or licensing board or agency that has the 661
administrative authority to suspend or revoke the offender's 662
professional license, including the sanctioning provided in 663
section 4731.22 of the Revised Code for offenders who have a 664
certificate to practice or certificate of registration issued 665
under that chapter. 666

(F) As used in this section: 667

(1) "Federal law" means any law, rule, or regulation of 668
the United States or any drug approval letter of the food and 669
drug administration of the United States that governs or 670
regulates the use of RU-486 (mifepristone) for the purpose of 671
inducing abortions. 672

(2) "Personal identifying information" has the same 673
meaning as in section 2913.49 of the Revised Code. 674

(3) "Physician" has the same meaning as in section 675
2305.113 of the Revised Code. 676

(4) "Professionally licensed person" has the same meaning 677
as in section 2925.01 of the Revised Code. 678

Sec. 2919.124. (A) As used in this section: 679

(1) "Abortion-inducing drug" means a drug or regimen of 680
drugs that causes the termination of a clinically diagnosable 681
pregnancy, including any drug identified in section 2919.123 of 682
the Revised Code. 683

(2) "Physician" has the same meaning as in section 684
2305.113 of the Revised Code. 685

(3) "Professionally licensed person" has the same meaning 686
as in section 2925.01 of the Revised Code. 687

(B) No physician shall personally furnish or otherwise 688
provide an abortion-inducing drug to a pregnant woman unless the 689
physician is physically present at the location where the 690
initial dose of the drug or regimen of drugs is consumed at the 691
time the initial dose is consumed. 692

(C) No physician who personally furnishes or otherwise 693
provides an abortion-inducing drug to another for the purpose of 694
inducing an abortion shall knowingly fail to comply with 695
division (B) of this section. 696

(D) Nothing in this section shall be construed as creating 697
or recognizing a right to abortion or affirming the lawfulness 698
of an abortion that would otherwise be unlawful. 699

(E) Whoever violates this section is guilty of unlawful 700
performance of a drug-induced abortion, a felony of the fourth 701
degree. If the offender previously has been convicted of or 702
pleaded guilty to a violation of this section or of section 703
2919.12, 2919.121, 2919.123, 2919.13, 2919.14, 2919.15, 704
2919.151, 2919.17, or 2919.18 of the Revised Code, unlawful 705
performance of a drug-induced abortion is a felony of the third 706
degree. 707

If the offender is a professionally licensed person, in 708

addition to any other sanction imposed by law for the offense, 709
the offender is subject to sanctioning as provided by law by the 710
regulatory or licensing board or agency that has the 711
administrative authority to suspend or revoke the offender's 712
professional license, including the sanctioning provided in 713
section 4731.22 of the Revised Code for offenders who have a 714
certificate to practice or certificate of registration issued 715
under that chapter. 716

Sec. 2953.25. (A) As used in this section: 717

(1) "Collateral sanction" means a penalty, disability, or 718
disadvantage that is related to employment or occupational 719
licensing, however denominated, as a result of the individual's 720
conviction of or plea of guilty to an offense and that applies 721
by operation of law in this state whether or not the penalty, 722
disability, or disadvantage is included in the sentence or 723
judgment imposed. 724

"Collateral sanction" does not include imprisonment, 725
probation, parole, supervised release, forfeiture, restitution, 726
fine, assessment, or costs of prosecution. 727

(2) "Decision-maker" includes, but is not limited to, the 728
state acting through a department, agency, board, commission, or 729
instrumentality established by the law of this state for the 730
exercise of any function of government, a political subdivision, 731
an educational institution, or a government contractor or 732
subcontractor made subject to this section by contract, law, or 733
ordinance. 734

(3) "Department-funded program" means a residential or 735
nonresidential program that is not a term in a state 736
correctional institution, that is funded in whole or part by the 737

department of rehabilitation and correction, and that is imposed 738
as a sanction for an offense, as part of a sanction that is 739
imposed for an offense, or as a term or condition of any 740
sanction that is imposed for an offense. 741

(4) "Designee" means the person designated by the deputy 742
director of the division of parole and community services to 743
perform the duties designated in division (B) of this section. 744

(5) "Division of parole and community services" means the 745
division of parole and community services of the department of 746
rehabilitation and correction. 747

(6) "Offense" means any felony or misdemeanor under the 748
laws of this state. 749

(7) "Political subdivision" has the same meaning as in 750
section 2969.21 of the Revised Code. 751

(8) "Discretionary civil impact," "licensing agency," and 752
"mandatory civil impact" have the same meanings as in section 753
2961.21 of the Revised Code. 754

(B) (1) An individual who is subject to one or more 755
collateral sanctions as a result of being convicted of or 756
pleading guilty to an offense and who either has served a term 757
in a state correctional institution for any offense or has spent 758
time in a department-funded program for any offense may file a 759
petition with the designee of the deputy director of the 760
division of parole and community services for a certificate of 761
qualification for employment. 762

(2) An individual who is subject to one or more collateral 763
sanctions as a result of being convicted of or pleading guilty 764
to an offense and who is not in a category described in division 765
(B) (1) of this section may file for a certificate of 766

qualification for employment by doing either of the following: 767

(a) In the case of an individual who resides in this 768
state, filing a petition with the court of common pleas of the 769
county in which the person resides or with the designee of the 770
deputy director of the division of parole and community 771
services; 772

(b) In the case of an individual who resides outside of 773
this state, filing a petition with the court of common pleas of 774
any county in which any conviction or plea of guilty from which 775
the individual seeks relief was entered or with the designee of 776
the deputy director of the division of parole and community 777
services. 778

(3) A petition under division (B) (1) or (2) of this 779
section shall be made on a copy of the form prescribed by the 780
division of parole and community services under division (J) of 781
this section, shall contain all of the information described in 782
division (F) of this section, and, except as provided in 783
division (B) (6) of this section, shall be accompanied by an 784
application fee of fifty dollars. 785

(4) (a) Except as provided in division (B) (4) (b) of this 786
section, an individual may file a petition under division (B) (1) 787
or (2) of this section at any time after the expiration of 788
whichever of the following is applicable: 789

(i) If the offense that resulted in the collateral 790
sanction from which the individual seeks relief is a felony, at 791
any time after the expiration of one year from the date of 792
release of the individual from any period of incarceration in a 793
state or local correctional facility that was imposed for that 794
offense and all periods of supervision imposed after release 795

from the period of incarceration or, if the individual was not 796
incarcerated for that offense, at any time after the expiration 797
of one year from the date of the individual's final release from 798
all other sanctions imposed for that offense. 799

(ii) If the offense that resulted in the collateral 800
sanction from which the individual seeks relief is a 801
misdemeanor, at any time after the expiration of six months from 802
the date of release of the individual from any period of 803
incarceration in a local correctional facility that was imposed 804
for that offense and all periods of supervision imposed after 805
release from the period of incarceration or, if the individual 806
was not incarcerated for that offense, at any time after the 807
expiration of six months from the date of the final release of 808
the individual from all sanctions imposed for that offense 809
including any period of supervision. 810

(b) The department of rehabilitation and correction may 811
establish criteria by rule adopted under Chapter 119. of the 812
Revised Code that, if satisfied by an individual, would allow 813
the individual to file a petition before the expiration of six 814
months or one year from the date of final release, whichever is 815
applicable under division (B) (4) (a) of this section. 816

(5) (a) A designee that receives a petition for a 817
certificate of qualification for employment from an individual 818
under division (B) (1) or (2) of this section shall review the 819
petition to determine whether it is complete. If the petition is 820
complete, the designee shall forward the petition, the 821
application fee, and any other information the designee 822
possesses that relates to the petition, to the court of common 823
pleas of the county in which the individual resides if the 824
individual submitting the petition resides in this state or, if 825

the individual resides outside of this state, to the court of 826
common pleas of the county in which the conviction or plea of 827
guilty from which the individual seeks relief was entered. 828

(b) A court of common pleas that receives a petition for a 829
certificate of qualification for employment from an individual 830
under division (B) (2) of this section, or that is forwarded a 831
petition for such a certificate under division (B) (5) (a) of this 832
section, shall attempt to determine all other courts in this 833
state in which the individual was convicted of or pleaded guilty 834
to an offense other than the offense from which the individual 835
is seeking relief. The court that receives or is forwarded the 836
petition shall notify all other courts in this state that it 837
determines under this division were courts in which the 838
individual was convicted of or pleaded guilty to an offense 839
other than the offense from which the individual is seeking 840
relief that the individual has filed the petition and that the 841
court may send comments regarding the possible issuance of the 842
certificate. 843

A court of common pleas that receives a petition for a 844
certificate of qualification for employment under division (B) 845
(2) of this section shall notify the county's prosecuting 846
attorney that the individual has filed the petition. 847

A court of common pleas that receives a petition for a 848
certificate of qualification for employment under division (B) 849
(2) of this section, or that is forwarded a petition for 850
qualification under division (B) (5) (a) of this section may 851
direct the clerk of court to process and record all notices 852
required in or under this section. Except as provided in 853
division (B) (6) of this section, the court shall pay thirty 854
dollars of the application fee into the state treasury and 855

twenty dollars of the application fee into the county general 856
revenue fund. 857

(6) Upon receiving a petition for a certificate of 858
qualification for employment filed by an individual under 859
division (B) (1) or (2) of this section, a court of common pleas 860
or the designee of the deputy director of the division of parole 861
and community services who receives the petition may waive all 862
or part of the fifty-dollar filing fee for an applicant who is 863
indigent. If an application fee is partially waived, the first 864
twenty dollars of the fee that is collected shall be paid into 865
the county general revenue fund. Any partial fee collected in 866
excess of twenty dollars shall be paid into the state treasury. 867

(C) (1) Upon receiving a petition for a certificate of 868
qualification for employment filed by an individual under 869
division (B) (2) of this section or being forwarded a petition 870
for such a certificate under division (B) (5) (a) of this section, 871
the court shall review the individual's petition, the 872
individual's criminal history, all filings submitted by the 873
prosecutor or by the victim in accordance with rules adopted by 874
the division of parole and community services, the applicant's 875
military service record, if applicable, and whether the 876
applicant has an emotional, mental, or physical condition that 877
is traceable to the applicant's military service in the armed 878
forces of the United States and that was a contributing factor 879
in the commission of the offense or offenses, and all other 880
relevant evidence. The court may order any report, 881
investigation, or disclosure by the individual that the court 882
believes is necessary for the court to reach a decision on 883
whether to approve the individual's petition for a certificate 884
of qualification for employment. 885

(2) Upon receiving a petition for a certificate of 886
qualification for employment filed by an individual under 887
division (B) (2) of this section or being forwarded a petition 888
for such a certificate under division (B) (5) (a) of this section, 889
except as otherwise provided in this division, the court shall 890
decide whether to issue the certificate within sixty days after 891
the court receives or is forwarded the completed petition and 892
all information requested for the court to make that decision. 893
Upon request of the individual who filed the petition, the court 894
may extend the sixty-day period specified in this division. 895

(3) Except as provided in division (C) (5) of this section 896
and subject to division (C) (7) of this section, a court that 897
receives an individual's petition for a certificate of 898
qualification for employment under division (B) (2) of this 899
section or that is forwarded a petition for such a certificate 900
under division (B) (5) (a) of this section may issue a certificate 901
of qualification for employment, at the court's discretion, if 902
the court finds that the individual has established all of the 903
following by a preponderance of the evidence: 904

(a) Granting the petition will materially assist the 905
individual in obtaining employment or occupational licensing. 906

(b) The individual has a substantial need for the relief 907
requested in order to live a law-abiding life. 908

(c) Granting the petition would not pose an unreasonable 909
risk to the safety of the public or any individual. 910

(4) The submission of an incomplete petition by an 911
individual shall not be grounds for the designee or court to 912
deny the petition. 913

(5) Subject to division (C) (6) of this section, an 914

individual is rebuttably presumed to be eligible for a 915
certificate of qualification for employment if the court that 916
receives the individual's petition under division (B) (2) of this 917
section or that is forwarded a petition under division (B) (5) (a) 918
of this section finds all of the following: 919

(a) The application was filed after the expiration of the 920
applicable waiting period prescribed in division (B) (4) of this 921
section; 922

(b) If the offense that resulted in the collateral 923
sanction from which the individual seeks relief is a felony, at 924
least three years have elapsed since the date of release of the 925
individual from any period of incarceration in a state or local 926
correctional facility that was imposed for that offense and all 927
periods of supervision imposed after release from the period of 928
incarceration or, if the individual was not incarcerated for 929
that offense, at least three years have elapsed since the date 930
of the individual's final release from all other sanctions 931
imposed for that offense; 932

(c) If the offense that resulted in the collateral 933
sanction from which the individual seeks relief is a 934
misdemeanor, at least one year has elapsed since the date of 935
release of the individual from any period of incarceration in a 936
local correctional facility that was imposed for that offense 937
and all periods of supervision imposed after release from the 938
period of incarceration or, if the individual was not 939
incarcerated for that offense, at least one year has elapsed 940
since the date of the final release of the individual from all 941
sanctions imposed for that offense including any period of 942
supervision. 943

(6) An application that meets all of the requirements for 944

the presumption under division (C) (5) of this section shall be 945
denied only if the court that receives the petition finds that 946
the evidence reviewed under division (C) (1) of this section 947
rebutts the presumption of eligibility for issuance by 948
establishing, by clear and convincing evidence, that the 949
applicant has not been rehabilitated. 950

(7) A certificate of qualification for employment shall 951
not create relief from any of the following collateral 952
sanctions: 953

(a) Requirements imposed by Chapter 2950. of the Revised 954
Code and rules adopted under sections 2950.13 and 2950.132 of 955
the Revised Code; 956

(b) A driver's license, commercial driver's license, or 957
probationary license suspension, cancellation, or revocation 958
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 959
the Revised Code if the relief sought is available pursuant to 960
section 4510.021 or division (B) of section 4510.13 of the 961
Revised Code; 962

(c) Restrictions on employment as a prosecutor or law 963
enforcement officer; 964

(d) The denial, ineligibility, or automatic suspension of 965
a license that is imposed upon an individual applying for or 966
holding a license as a health care professional under Title 967
XLVII of the Revised Code if the individual is convicted of, 968
pleads guilty to, is subject to a judicial finding of 969
eligibility for intervention in lieu of conviction in this state 970
under section 2951.041 of the Revised Code, or is subject to 971
treatment or intervention in lieu of conviction for a violation 972
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 973

2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123, <u>or</u>	974
<u>2919.124</u> of the Revised Code;	975
(e) The immediate suspension of a license, certificate, or	976
evidence of registration that is imposed upon an individual	977
holding a license as a health care professional under Title	978
XLVII of the Revised Code pursuant to division (C) of section	979
3719.121 of the Revised Code;	980
(f) The denial or ineligibility for employment in a pain	981
clinic under division (B) (4) of section 4729.552 of the Revised	982
Code;	983
(g) The mandatory suspension of a license that is imposed	984
on an individual applying for or holding a license as a health	985
care professional under Title XLVII of the Revised Code pursuant	986
to section 3123.43 of the Revised Code.	987
(8) If a court that receives an individual's petition for	988
a certificate of qualification for employment under division (B)	989
(2) of this section or that is forwarded a petition for such a	990
certificate under division (B) (5) (a) of this section denies the	991
petition, the court shall provide written notice to the	992
individual of the court's denial. The court may place conditions	993
on the individual regarding the individual's filing of any	994
subsequent petition for a certificate of qualification for	995
employment. The written notice must notify the individual of any	996
conditions placed on the individual's filing of a subsequent	997
petition for a certificate of qualification for employment.	998
If a court of common pleas that receives an individual's	999
petition for a certificate of qualification for employment under	1000
division (B) (2) of this section or that is forwarded a petition	1001
for such a certificate under division (B) (5) (a) of this section	1002

denies the petition, the individual may appeal the decision to 1003
the court of appeals only if the individual alleges that the 1004
denial was an abuse of discretion on the part of the court of 1005
common pleas. 1006

(D) (1) A certificate of qualification for employment 1007
issued to an individual lifts the automatic bar of a collateral 1008
sanction, and a decision-maker shall consider on a case-by-case 1009
basis whether to grant or deny the issuance or restoration of an 1010
occupational license or an employment opportunity, 1011
notwithstanding the individual's possession of the certificate, 1012
without, however, reconsidering or rejecting any finding made by 1013
a designee or court under division (C) (3) of this section. 1014

(2) The certificate constitutes a rebuttable presumption 1015
that the person's criminal convictions are insufficient evidence 1016
that the person is unfit for the license, employment 1017
opportunity, or certification in question. Notwithstanding the 1018
presumption established under this division, the agency may deny 1019
the license or certification for the person if it determines 1020
that the person is unfit for issuance of the license. 1021

(3) If an employer that has hired a person who has been 1022
issued a certificate of qualification for employment applies to 1023
a licensing agency for a license or certification and the person 1024
has a conviction or guilty plea that otherwise would bar the 1025
person's employment with the employer or licensure for the 1026
employer because of a mandatory civil impact, the agency shall 1027
give the person individualized consideration, notwithstanding 1028
the mandatory civil impact, the mandatory civil impact shall be 1029
considered for all purposes to be a discretionary civil impact, 1030
and the certificate constitutes a rebuttable presumption that 1031
the person's criminal convictions are insufficient evidence that 1032

the person is unfit for the employment, or that the employer is 1033
unfit for the license or certification, in question. 1034

(E) A certificate of qualification for employment does not 1035
grant the individual to whom the certificate was issued relief 1036
from the mandatory civil impacts identified in division (A) (1) 1037
of section 2961.01 or division (B) of section 2961.02 of the 1038
Revised Code. 1039

(F) A petition for a certificate of qualification for 1040
employment filed by an individual under division (B) (1) or (2) 1041
of this section shall include all of the following: 1042

(1) The individual's name, date of birth, and social 1043
security number; 1044

(2) All aliases of the individual and all social security 1045
numbers associated with those aliases; 1046

(3) The individual's residence address, including the 1047
city, county, and state of residence and zip code; 1048

(4) The length of time that the individual has resided in 1049
the individual's current state of residence, expressed in years 1050
and months of residence; 1051

(5) A general statement as to why the individual has filed 1052
the petition and how the certificate of qualification for 1053
employment would assist the individual; 1054

(6) A summary of the individual's criminal history with 1055
respect to each offense that is a disqualification from 1056
employment or licensing in an occupation or profession, 1057
including the years of each conviction or plea of guilty for 1058
each of those offenses; 1059

(7) A summary of the individual's employment history, 1060

specifying the name of, and dates of employment with, each employer;	1061 1062
(8) Verifiable references and endorsements;	1063
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	1064 1065 1066
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	1067 1068
(11) Any other information required by rule by the department of rehabilitation and correction.	1069 1070
(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.	1071 1072 1073 1074 1075 1076 1077 1078 1079 1080
(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.	1081 1082 1083 1084 1085
(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty	1086 1087 1088 1089

to a felony, and if the employer retains the individual as an 1090
employee after the demonstration of dangerousness or the 1091
conviction or guilty plea, the employer may be held liable in a 1092
civil action that is based on or relates to the retention of the 1093
individual as an employee only if it is proved by a 1094
preponderance of the evidence that the person having hiring and 1095
firing responsibility for the employer had actual knowledge that 1096
the employee was dangerous or had been convicted of or pleaded 1097
guilty to the felony and was willful in retaining the individual 1098
as an employee after the demonstration of dangerousness or the 1099
conviction or guilty plea of which the person has actual 1100
knowledge. 1101

(H) A certificate of qualification for employment issued 1102
under this section shall be revoked if the individual to whom 1103
the certificate of qualification for employment was issued is 1104
convicted of or pleads guilty to a felony offense committed 1105
subsequent to the issuance of the certificate of qualification 1106
for employment. The department of rehabilitation and correction 1107
shall periodically review the certificates listed in the 1108
database described in division (K) of this section to identify 1109
those that are subject to revocation under this division. Upon 1110
identifying a certificate of qualification for employment that 1111
is subject to revocation, the department shall note in the 1112
database that the certificate has been revoked, the reason for 1113
revocation, and the effective date of revocation, which shall be 1114
the date of the conviction or plea of guilty subsequent to the 1115
issuance of the certificate. 1116

(I) A designee's forwarding, or failure to forward, a 1117
petition for a certificate of qualification for employment to a 1118
court or a court's issuance, or failure to issue, a petition for 1119
a certificate of qualification for employment to an individual 1120

under division (B) of this section does not give rise to a claim 1121
for damages against the department of rehabilitation and 1122
correction or court. 1123

(J) The division of parole and community services shall 1124
adopt rules in accordance with Chapter 119. of the Revised Code 1125
for the implementation and administration of this section and 1126
shall prescribe the form for the petition to be used under 1127
division (B)(1) or (2) of this section. The form for the 1128
petition shall include places for all of the information 1129
specified in division (F) of this section. 1130

(K) The department of rehabilitation and correction shall 1131
maintain a database that identifies granted certificates and 1132
revoked certificates and tracks the number of certificates 1133
granted and revoked, the industries, occupations, and 1134
professions with respect to which the certificates have been 1135
most applicable, and the types of employers that have accepted 1136
the certificates. The department shall annually create a report 1137
that summarizes the information maintained in the database and 1138
shall make the report available to the public on its internet 1139
web site. 1140

Sec. 4729.291. (A) Except when provided under section 1141
4731.97 of the Revised Code, when a licensed health professional 1142
authorized to prescribe drugs personally furnishes drugs to a 1143
patient pursuant to division (B) of section 4729.29 of the 1144
Revised Code, the prescriber shall ensure that the drugs are 1145
labeled and packaged in accordance with state and federal drug 1146
laws and any rules and regulations adopted pursuant to those 1147
laws. Records of purchase and disposition of all drugs 1148
personally furnished to patients shall be maintained by the 1149
prescriber in accordance with state and federal drug statutes 1150

and any rules adopted pursuant to those statutes. 1151

(B) When personally furnishing to a patient RU-486 1152
(mifepristone), a prescriber is subject to ~~section~~ sections 1153
2919.123 and 2919.124 of the Revised Code. ~~A prescription for~~ 1154
~~RU-486 (mifepristone) shall be in writing and in accordance with~~ 1155
~~section 2919.123 of the Revised Code.~~ 1156

(C) (1) Except as provided in divisions (D) and (E) of this 1157
section, no prescriber shall do either of the following: 1158

(a) In any thirty-day period, personally furnish to or for 1159
patients, taken as a whole, controlled substances in an amount 1160
that exceeds a total of two thousand five hundred dosage units; 1161

(b) In any seventy-two-hour period, personally furnish to 1162
or for a patient an amount of a controlled substance that 1163
exceeds the amount necessary for the patient's use in a seventy- 1164
two-hour period. 1165

(2) The state board of pharmacy may impose a fine of not 1166
more than five thousand dollars on a prescriber who fails to 1167
comply with the limits established under division (C) (1) of this 1168
section. A separate fine may be imposed for each instance of 1169
failing to comply with the limits. In imposing the fine, the 1170
board's actions shall be taken in accordance with Chapter 119. 1171
of the Revised Code. 1172

(D) None of the following shall be counted in determining 1173
whether the amounts specified in division (C) (1) of this section 1174
have been exceeded: 1175

(1) Methadone personally furnished to patients for the 1176
purpose of treating drug dependence or addiction, if the 1177
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 1178

(2) Buprenorphine personally furnished to patients for the 1179
purpose of treating drug dependence or addiction as part of an 1180
opioid treatment program licensed under section 5119.37 of the 1181
Revised Code. 1182

(3) Controlled substances personally furnished to research 1183
subjects by a facility conducting clinical research in studies 1184
approved by a hospital-based institutional review board or an 1185
institutional review board accredited by the association for the 1186
accreditation of human research protection programs. 1187

(E) Division (C)(1) of this section does not apply to a 1188
prescriber who is a veterinarian. 1189

Sec. 4731.22. (A) The state medical board, by an 1190
affirmative vote of not fewer than six of its members, may 1191
limit, revoke, or suspend a license or certificate to practice 1192
or certificate to recommend, refuse to grant a license or 1193
certificate, refuse to renew a license or certificate, refuse to 1194
reinstate a license or certificate, or reprimand or place on 1195
probation the holder of a license or certificate if the 1196
individual applying for or holding the license or certificate is 1197
found by the board to have committed fraud during the 1198
administration of the examination for a license or certificate 1199
to practice or to have committed fraud, misrepresentation, or 1200
deception in applying for, renewing, or securing any license or 1201
certificate to practice or certificate to recommend issued by 1202
the board. 1203

(B) The board, by an affirmative vote of not fewer than 1204
six members, shall, to the extent permitted by law, limit, 1205
revoke, or suspend a license or certificate to practice or 1206
certificate to recommend, refuse to issue a license or 1207
certificate, refuse to renew a license or certificate, refuse to 1208

reinstate a license or certificate, or reprimand or place on 1209
probation the holder of a license or certificate for one or more 1210
of the following reasons: 1211

(1) Permitting one's name or one's license or certificate 1212
to practice to be used by a person, group, or corporation when 1213
the individual concerned is not actually directing the treatment 1214
given; 1215

(2) Failure to maintain minimal standards applicable to 1216
the selection or administration of drugs, or failure to employ 1217
acceptable scientific methods in the selection of drugs or other 1218
modalities for treatment of disease; 1219

(3) Except as provided in section 4731.97 of the Revised 1220
Code, selling, giving away, personally furnishing, prescribing, 1221
or administering drugs for other than legal and legitimate 1222
therapeutic purposes or a plea of guilty to, a judicial finding 1223
of guilt of, or a judicial finding of eligibility for 1224
intervention in lieu of conviction of, a violation of any 1225
federal or state law regulating the possession, distribution, or 1226
use of any drug; 1227

(4) Willfully betraying a professional confidence. 1228

For purposes of this division, "willfully betraying a 1229
professional confidence" does not include providing any 1230
information, documents, or reports under sections 307.621 to 1231
307.629 of the Revised Code to a child fatality review board; 1232
does not include providing any information, documents, or 1233
reports to the director of health pursuant to guidelines 1234
established under section 3701.70 of the Revised Code; does not 1235
include written notice to a mental health professional under 1236
section 4731.62 of the Revised Code; and does not include the 1237

making of a report of an employee's use of a drug of abuse, or a 1238
report of a condition of an employee other than one involving 1239
the use of a drug of abuse, to the employer of the employee as 1240
described in division (B) of section 2305.33 of the Revised 1241
Code. Nothing in this division affects the immunity from civil 1242
liability conferred by section 2305.33 or 4731.62 of the Revised 1243
Code upon a physician who makes a report in accordance with 1244
section 2305.33 or notifies a mental health professional in 1245
accordance with section 4731.62 of the Revised Code. As used in 1246
this division, "employee," "employer," and "physician" have the 1247
same meanings as in section 2305.33 of the Revised Code. 1248

(5) Making a false, fraudulent, deceptive, or misleading 1249
statement in the solicitation of or advertising for patients; in 1250
relation to the practice of medicine and surgery, osteopathic 1251
medicine and surgery, podiatric medicine and surgery, or a 1252
limited branch of medicine; or in securing or attempting to 1253
secure any license or certificate to practice issued by the 1254
board. 1255

As used in this division, "false, fraudulent, deceptive, 1256
or misleading statement" means a statement that includes a 1257
misrepresentation of fact, is likely to mislead or deceive 1258
because of a failure to disclose material facts, is intended or 1259
is likely to create false or unjustified expectations of 1260
favorable results, or includes representations or implications 1261
that in reasonable probability will cause an ordinarily prudent 1262
person to misunderstand or be deceived. 1263

(6) A departure from, or the failure to conform to, 1264
minimal standards of care of similar practitioners under the 1265
same or similar circumstances, whether or not actual injury to a 1266
patient is established; 1267

(7) Representing, with the purpose of obtaining	1268
compensation or other advantage as personal gain or for any	1269
other person, that an incurable disease or injury, or other	1270
incurable condition, can be permanently cured;	1271
(8) The obtaining of, or attempting to obtain, money or	1272
anything of value by fraudulent misrepresentations in the course	1273
of practice;	1274
(9) A plea of guilty to, a judicial finding of guilt of,	1275
or a judicial finding of eligibility for intervention in lieu of	1276
conviction for, a felony;	1277
(10) Commission of an act that constitutes a felony in	1278
this state, regardless of the jurisdiction in which the act was	1279
committed;	1280
(11) A plea of guilty to, a judicial finding of guilt of,	1281
or a judicial finding of eligibility for intervention in lieu of	1282
conviction for, a misdemeanor committed in the course of	1283
practice;	1284
(12) Commission of an act in the course of practice that	1285
constitutes a misdemeanor in this state, regardless of the	1286
jurisdiction in which the act was committed;	1287
(13) A plea of guilty to, a judicial finding of guilt of,	1288
or a judicial finding of eligibility for intervention in lieu of	1289
conviction for, a misdemeanor involving moral turpitude;	1290
(14) Commission of an act involving moral turpitude that	1291
constitutes a misdemeanor in this state, regardless of the	1292
jurisdiction in which the act was committed;	1293
(15) Violation of the conditions of limitation placed by	1294
the board upon a license or certificate to practice;	1295

(16) Failure to pay license renewal fees specified in this chapter;	1296 1297
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	1298 1299 1300 1301 1302
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	1303 1304 1305 1306 1307 1308 1309 1310 1311 1312 1313
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised	1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324 1325

Code. 1326

(19) Inability to practice according to acceptable and 1327
prevailing standards of care by reason of mental illness or 1328
physical illness, including, but not limited to, physical 1329
deterioration that adversely affects cognitive, motor, or 1330
perceptive skills. 1331

In enforcing this division, the board, upon a showing of a 1332
possible violation, may compel any individual authorized to 1333
practice by this chapter or who has submitted an application 1334
pursuant to this chapter to submit to a mental examination, 1335
physical examination, including an HIV test, or both a mental 1336
and a physical examination. The expense of the examination is 1337
the responsibility of the individual compelled to be examined. 1338
Failure to submit to a mental or physical examination or consent 1339
to an HIV test ordered by the board constitutes an admission of 1340
the allegations against the individual unless the failure is due 1341
to circumstances beyond the individual's control, and a default 1342
and final order may be entered without the taking of testimony 1343
or presentation of evidence. If the board finds an individual 1344
unable to practice because of the reasons set forth in this 1345
division, the board shall require the individual to submit to 1346
care, counseling, or treatment by physicians approved or 1347
designated by the board, as a condition for initial, continued, 1348
reinstated, or renewed authority to practice. An individual 1349
affected under this division shall be afforded an opportunity to 1350
demonstrate to the board the ability to resume practice in 1351
compliance with acceptable and prevailing standards under the 1352
provisions of the individual's license or certificate. For the 1353
purpose of this division, any individual who applies for or 1354
receives a license or certificate to practice under this chapter 1355
accepts the privilege of practicing in this state and, by so 1356

doing, shall be deemed to have given consent to submit to a 1357
mental or physical examination when directed to do so in writing 1358
by the board, and to have waived all objections to the 1359
admissibility of testimony or examination reports that 1360
constitute a privileged communication. 1361

(20) Except as provided in division (F)(1)(b) of section 1362
4731.282 of the Revised Code or when civil penalties are imposed 1363
under section 4731.225 of the Revised Code, and subject to 1364
section 4731.226 of the Revised Code, violating or attempting to 1365
violate, directly or indirectly, or assisting in or abetting the 1366
violation of, or conspiring to violate, any provisions of this 1367
chapter or any rule promulgated by the board. 1368

This division does not apply to a violation or attempted 1369
violation of, assisting in or abetting the violation of, or a 1370
conspiracy to violate, any provision of this chapter or any rule 1371
adopted by the board that would preclude the making of a report 1372
by a physician of an employee's use of a drug of abuse, or of a 1373
condition of an employee other than one involving the use of a 1374
drug of abuse, to the employer of the employee as described in 1375
division (B) of section 2305.33 of the Revised Code. Nothing in 1376
this division affects the immunity from civil liability 1377
conferred by that section upon a physician who makes either type 1378
of report in accordance with division (B) of that section. As 1379
used in this division, "employee," "employer," and "physician" 1380
have the same meanings as in section 2305.33 of the Revised 1381
Code. 1382

(21) The violation of section 3701.79 of the Revised Code 1383
or of any abortion rule adopted by the director of health 1384
pursuant to section 3701.341 of the Revised Code; 1385

(22) Any of the following actions taken by an agency 1386

responsible for authorizing, certifying, or regulating an 1387
individual to practice a health care occupation or provide 1388
health care services in this state or another jurisdiction, for 1389
any reason other than the nonpayment of fees: the limitation, 1390
revocation, or suspension of an individual's license to 1391
practice; acceptance of an individual's license surrender; 1392
denial of a license; refusal to renew or reinstate a license; 1393
imposition of probation; or issuance of an order of censure or 1394
other reprimand; 1395

(23) The violation of section 2919.12 of the Revised Code 1396
or the performance or inducement of an abortion upon a pregnant 1397
woman with actual knowledge that the conditions specified in 1398
division (B) of section 2317.56 of the Revised Code have not 1399
been satisfied or with a heedless indifference as to whether 1400
those conditions have been satisfied, unless an affirmative 1401
defense as specified in division (H) (2) of that section would 1402
apply in a civil action authorized by division (H) (1) of that 1403
section; 1404

(24) The revocation, suspension, restriction, reduction, 1405
or termination of clinical privileges by the United States 1406
department of defense or department of veterans affairs or the 1407
termination or suspension of a certificate of registration to 1408
prescribe drugs by the drug enforcement administration of the 1409
United States department of justice; 1410

(25) Termination or suspension from participation in the 1411
medicare or medicaid programs by the department of health and 1412
human services or other responsible agency; 1413

(26) Impairment of ability to practice according to 1414
acceptable and prevailing standards of care because of habitual 1415
or excessive use or abuse of drugs, alcohol, or other substances 1416

that impair ability to practice. 1417

For the purposes of this division, any individual 1418
authorized to practice by this chapter accepts the privilege of 1419
practicing in this state subject to supervision by the board. By 1420
filing an application for or holding a license or certificate to 1421
practice under this chapter, an individual shall be deemed to 1422
have given consent to submit to a mental or physical examination 1423
when ordered to do so by the board in writing, and to have 1424
waived all objections to the admissibility of testimony or 1425
examination reports that constitute privileged communications. 1426

If it has reason to believe that any individual authorized 1427
to practice by this chapter or any applicant for licensure or 1428
certification to practice suffers such impairment, the board may 1429
compel the individual to submit to a mental or physical 1430
examination, or both. The expense of the examination is the 1431
responsibility of the individual compelled to be examined. Any 1432
mental or physical examination required under this division 1433
shall be undertaken by a treatment provider or physician who is 1434
qualified to conduct the examination and who is chosen by the 1435
board. 1436

Failure to submit to a mental or physical examination 1437
ordered by the board constitutes an admission of the allegations 1438
against the individual unless the failure is due to 1439
circumstances beyond the individual's control, and a default and 1440
final order may be entered without the taking of testimony or 1441
presentation of evidence. If the board determines that the 1442
individual's ability to practice is impaired, the board shall 1443
suspend the individual's license or certificate or deny the 1444
individual's application and shall require the individual, as a 1445
condition for initial, continued, reinstated, or renewed 1446

licensure or certification to practice, to submit to treatment. 1447

Before being eligible to apply for reinstatement of a 1448
license or certificate suspended under this division, the 1449
impaired practitioner shall demonstrate to the board the ability 1450
to resume practice in compliance with acceptable and prevailing 1451
standards of care under the provisions of the practitioner's 1452
license or certificate. The demonstration shall include, but 1453
shall not be limited to, the following: 1454

(a) Certification from a treatment provider approved under 1455
section 4731.25 of the Revised Code that the individual has 1456
successfully completed any required inpatient treatment; 1457

(b) Evidence of continuing full compliance with an 1458
aftercare contract or consent agreement; 1459

(c) Two written reports indicating that the individual's 1460
ability to practice has been assessed and that the individual 1461
has been found capable of practicing according to acceptable and 1462
prevailing standards of care. The reports shall be made by 1463
individuals or providers approved by the board for making the 1464
assessments and shall describe the basis for their 1465
determination. 1466

The board may reinstate a license or certificate suspended 1467
under this division after that demonstration and after the 1468
individual has entered into a written consent agreement. 1469

When the impaired practitioner resumes practice, the board 1470
shall require continued monitoring of the individual. The 1471
monitoring shall include, but not be limited to, compliance with 1472
the written consent agreement entered into before reinstatement 1473
or with conditions imposed by board order after a hearing, and, 1474
upon termination of the consent agreement, submission to the 1475

board for at least two years of annual written progress reports	1476
made under penalty of perjury stating whether the individual has	1477
maintained sobriety.	1478
(27) A second or subsequent violation of section 4731.66	1479
or 4731.69 of the Revised Code;	1480
(28) Except as provided in division (N) of this section:	1481
(a) Waiving the payment of all or any part of a deductible	1482
or copayment that a patient, pursuant to a health insurance or	1483
health care policy, contract, or plan that covers the	1484
individual's services, otherwise would be required to pay if the	1485
waiver is used as an enticement to a patient or group of	1486
patients to receive health care services from that individual;	1487
(b) Advertising that the individual will waive the payment	1488
of all or any part of a deductible or copayment that a patient,	1489
pursuant to a health insurance or health care policy, contract,	1490
or plan that covers the individual's services, otherwise would	1491
be required to pay.	1492
(29) Failure to use universal blood and body fluid	1493
precautions established by rules adopted under section 4731.051	1494
of the Revised Code;	1495
(30) Failure to provide notice to, and receive	1496
acknowledgment of the notice from, a patient when required by	1497
section 4731.143 of the Revised Code prior to providing	1498
nonemergency professional services, or failure to maintain that	1499
notice in the patient's medical record;	1500
(31) Failure of a physician supervising a physician	1501
assistant to maintain supervision in accordance with the	1502
requirements of Chapter 4730. of the Revised Code and the rules	1503
adopted under that chapter;	1504

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

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

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

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

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

(37) Assisting suicide, as defined in section 3795.01 of

the Revised Code;	1534
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1535 1536
(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;	1537 1538 1539
(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;	1540 1541 1542 1543
(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;	1544 1545 1546 1547
(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;	1548 1549 1550 1551
(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;	1552 1553 1554 1555
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 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 or 2919.202 of the Revised Code;	1556 1557 1558 1559 1560
(45) Practicing at a facility that is subject to licensure	1561

as a category III terminal distributor of dangerous drugs with a 1562
pain management clinic classification unless the person 1563
operating the facility has obtained and maintains the license 1564
with the classification; 1565

(46) Owning a facility that is subject to licensure as a 1566
category III terminal distributor of dangerous drugs with a pain 1567
management clinic classification unless the facility is licensed 1568
with the classification; 1569

(47) Failure to comply with any of the requirements 1570
regarding making or maintaining medical records or documents 1571
described in division (A) of section 2919.192, division (C) of 1572
section 2919.193, division (B) of section 2919.195, or division 1573
(A) of section 2919.196 of the Revised Code; 1574

(48) Failure to comply with the requirements in section 1575
3719.061 of the Revised Code before issuing for a minor a 1576
prescription for an opioid analgesic, as defined in section 1577
3719.01 of the Revised Code; 1578

(49) Failure to comply with the requirements of section 1579
4731.30 of the Revised Code or rules adopted under section 1580
4731.301 of the Revised Code when recommending treatment with 1581
medical marijuana; 1582

(50) Practicing at a facility, clinic, or other location 1583
that is subject to licensure as a category III terminal 1584
distributor of dangerous drugs with an office-based opioid 1585
treatment classification unless the person operating that place 1586
has obtained and maintains the license with the classification; 1587

(51) Owning a facility, clinic, or other location that is 1588
subject to licensure as a category III terminal distributor of 1589
dangerous drugs with an office-based opioid treatment 1590

classification unless that place is licensed with the 1591
classification; 1592

(52) A pattern of continuous or repeated violations of 1593
division (E) (2) or (3) of section 3963.02 of the Revised Code. 1594

(C) Disciplinary actions taken by the board under 1595
divisions (A) and (B) of this section shall be taken pursuant to 1596
an adjudication under Chapter 119. of the Revised Code, except 1597
that in lieu of an adjudication, the board may enter into a 1598
consent agreement with an individual to resolve an allegation of 1599
a violation of this chapter or any rule adopted under it. A 1600
consent agreement, when ratified by an affirmative vote of not 1601
fewer than six members of the board, shall constitute the 1602
findings and order of the board with respect to the matter 1603
addressed in the agreement. If the board refuses to ratify a 1604
consent agreement, the admissions and findings contained in the 1605
consent agreement shall be of no force or effect. 1606

A telephone conference call may be utilized for 1607
ratification of a consent agreement that revokes or suspends an 1608
individual's license or certificate to practice or certificate 1609
to recommend. The telephone conference call shall be considered 1610
a special meeting under division (F) of section 121.22 of the 1611
Revised Code. 1612

If the board takes disciplinary action against an 1613
individual under division (B) of this section for a second or 1614
subsequent plea of guilty to, or judicial finding of guilt of, a 1615
violation of section 2919.123 or 2919.124 of the Revised Code, 1616
the disciplinary action shall consist of a suspension of the 1617
individual's license or certificate to practice for a period of 1618
at least one year or, if determined appropriate by the board, a 1619
more serious sanction involving the individual's license or 1620

certificate to practice. Any consent agreement entered into 1621
under this division with an individual that pertains to a second 1622
or subsequent plea of guilty to, or judicial finding of guilt 1623
of, a violation of that section shall provide for a suspension 1624
of the individual's license or certificate to practice for a 1625
period of at least one year or, if determined appropriate by the 1626
board, a more serious sanction involving the individual's 1627
license or certificate to practice. 1628

(D) For purposes of divisions (B) (10), (12), and (14) of 1629
this section, the commission of the act may be established by a 1630
finding by the board, pursuant to an adjudication under Chapter 1631
119. of the Revised Code, that the individual committed the act. 1632
The board does not have jurisdiction under those divisions if 1633
the trial court renders a final judgment in the individual's 1634
favor and that judgment is based upon an adjudication on the 1635
merits. The board has jurisdiction under those divisions if the 1636
trial court issues an order of dismissal upon technical or 1637
procedural grounds. 1638

(E) The sealing of conviction records by any court shall 1639
have no effect upon a prior board order entered under this 1640
section or upon the board's jurisdiction to take action under 1641
this section if, based upon a plea of guilty, a judicial finding 1642
of guilt, or a judicial finding of eligibility for intervention 1643
in lieu of conviction, the board issued a notice of opportunity 1644
for a hearing prior to the court's order to seal the records. 1645
The board shall not be required to seal, destroy, redact, or 1646
otherwise modify its records to reflect the court's sealing of 1647
conviction records. 1648

(F) (1) The board shall investigate evidence that appears 1649
to show that a person has violated any provision of this chapter 1650

or any rule adopted under it. Any person may report to the board 1651
in a signed writing any information that the person may have 1652
that appears to show a violation of any provision of this 1653
chapter or any rule adopted under it. In the absence of bad 1654
faith, any person who reports information of that nature or who 1655
testifies before the board in any adjudication conducted under 1656
Chapter 119. of the Revised Code shall not be liable in damages 1657
in a civil action as a result of the report or testimony. Each 1658
complaint or allegation of a violation received by the board 1659
shall be assigned a case number and shall be recorded by the 1660
board. 1661

(2) Investigations of alleged violations of this chapter 1662
or any rule adopted under it shall be supervised by the 1663
supervising member elected by the board in accordance with 1664
section 4731.02 of the Revised Code and by the secretary as 1665
provided in section 4731.39 of the Revised Code. The president 1666
may designate another member of the board to supervise the 1667
investigation in place of the supervising member. No member of 1668
the board who supervises the investigation of a case shall 1669
participate in further adjudication of the case. 1670

(3) In investigating a possible violation of this chapter 1671
or any rule adopted under this chapter, or in conducting an 1672
inspection under division (E) of section 4731.054 of the Revised 1673
Code, the board may question witnesses, conduct interviews, 1674
administer oaths, order the taking of depositions, inspect and 1675
copy any books, accounts, papers, records, or documents, issue 1676
subpoenas, and compel the attendance of witnesses and production 1677
of books, accounts, papers, records, documents, and testimony, 1678
except that a subpoena for patient record information shall not 1679
be issued without consultation with the attorney general's 1680
office and approval of the secretary and supervising member of 1681

the board. 1682

(a) Before issuance of a subpoena for patient record 1683
information, the secretary and supervising member shall 1684
determine whether there is probable cause to believe that the 1685
complaint filed alleges a violation of this chapter or any rule 1686
adopted under it and that the records sought are relevant to the 1687
alleged violation and material to the investigation. The 1688
subpoena may apply only to records that cover a reasonable 1689
period of time surrounding the alleged violation. 1690

(b) On failure to comply with any subpoena issued by the 1691
board and after reasonable notice to the person being 1692
subpoenaed, the board may move for an order compelling the 1693
production of persons or records pursuant to the Rules of Civil 1694
Procedure. 1695

(c) A subpoena issued by the board may be served by a 1696
sheriff, the sheriff's deputy, or a board employee or agent 1697
designated by the board. Service of a subpoena issued by the 1698
board may be made by delivering a copy of the subpoena to the 1699
person named therein, reading it to the person, or leaving it at 1700
the person's usual place of residence, usual place of business, 1701
or address on file with the board. When serving a subpoena to an 1702
applicant for or the holder of a license or certificate issued 1703
under this chapter, service of the subpoena may be made by 1704
certified mail, return receipt requested, and the subpoena shall 1705
be deemed served on the date delivery is made or the date the 1706
person refuses to accept delivery. If the person being served 1707
refuses to accept the subpoena or is not located, service may be 1708
made to an attorney who notifies the board that the attorney is 1709
representing the person. 1710

(d) A sheriff's deputy who serves a subpoena shall receive 1711

the same fees as a sheriff. Each witness who appears before the 1712
board in obedience to a subpoena shall receive the fees and 1713
mileage provided for under section 119.094 of the Revised Code. 1714

(4) All hearings, investigations, and inspections of the 1715
board shall be considered civil actions for the purposes of 1716
section 2305.252 of the Revised Code. 1717

(5) A report required to be submitted to the board under 1718
this chapter, a complaint, or information received by the board 1719
pursuant to an investigation or pursuant to an inspection under 1720
division (E) of section 4731.054 of the Revised Code is 1721
confidential and not subject to discovery in any civil action. 1722

The board shall conduct all investigations or inspections 1723
and proceedings in a manner that protects the confidentiality of 1724
patients and persons who file complaints with the board. The 1725
board shall not make public the names or any other identifying 1726
information about patients or complainants unless proper consent 1727
is given or, in the case of a patient, a waiver of the patient 1728
privilege exists under division (B) of section 2317.02 of the 1729
Revised Code, except that consent or a waiver of that nature is 1730
not required if the board possesses reliable and substantial 1731
evidence that no bona fide physician-patient relationship 1732
exists. 1733

The board may share any information it receives pursuant 1734
to an investigation or inspection, including patient records and 1735
patient record information, with law enforcement agencies, other 1736
licensing boards, and other governmental agencies that are 1737
prosecuting, adjudicating, or investigating alleged violations 1738
of statutes or administrative rules. An agency or board that 1739
receives the information shall comply with the same requirements 1740
regarding confidentiality as those with which the state medical 1741

board must comply, notwithstanding any conflicting provision of 1742
the Revised Code or procedure of the agency or board that 1743
applies when it is dealing with other information in its 1744
possession. In a judicial proceeding, the information may be 1745
admitted into evidence only in accordance with the Rules of 1746
Evidence, but the court shall require that appropriate measures 1747
are taken to ensure that confidentiality is maintained with 1748
respect to any part of the information that contains names or 1749
other identifying information about patients or complainants 1750
whose confidentiality was protected by the state medical board 1751
when the information was in the board's possession. Measures to 1752
ensure confidentiality that may be taken by the court include 1753
sealing its records or deleting specific information from its 1754
records. 1755

(6) On a quarterly basis, the board shall prepare a report 1756
that documents the disposition of all cases during the preceding 1757
three months. The report shall contain the following information 1758
for each case with which the board has completed its activities: 1759

(a) The case number assigned to the complaint or alleged 1760
violation; 1761

(b) The type of license or certificate to practice, if 1762
any, held by the individual against whom the complaint is 1763
directed; 1764

(c) A description of the allegations contained in the 1765
complaint; 1766

(d) The disposition of the case. 1767

The report shall state how many cases are still pending 1768
and shall be prepared in a manner that protects the identity of 1769
each person involved in each case. The report shall be a public 1770

record under section 149.43 of the Revised Code. 1771

(G) If the secretary and supervising member determine both 1772
of the following, they may recommend that the board suspend an 1773
individual's license or certificate to practice or certificate 1774
to recommend without a prior hearing: 1775

(1) That there is clear and convincing evidence that an 1776
individual has violated division (B) of this section; 1777

(2) That the individual's continued practice presents a 1778
danger of immediate and serious harm to the public. 1779

Written allegations shall be prepared for consideration by 1780
the board. The board, upon review of those allegations and by an 1781
affirmative vote of not fewer than six of its members, excluding 1782
the secretary and supervising member, may suspend a license or 1783
certificate without a prior hearing. A telephone conference call 1784
may be utilized for reviewing the allegations and taking the 1785
vote on the summary suspension. 1786

The board shall issue a written order of suspension by 1787
certified mail or in person in accordance with section 119.07 of 1788
the Revised Code. The order shall not be subject to suspension 1789
by the court during pendency of any appeal filed under section 1790
119.12 of the Revised Code. If the individual subject to the 1791
summary suspension requests an adjudicatory hearing by the 1792
board, the date set for the hearing shall be within fifteen 1793
days, but not earlier than seven days, after the individual 1794
requests the hearing, unless otherwise agreed to by both the 1795
board and the individual. 1796

Any summary suspension imposed under this division shall 1797
remain in effect, unless reversed on appeal, until a final 1798
adjudicative order issued by the board pursuant to this section 1799

and Chapter 119. of the Revised Code becomes effective. The 1800
board shall issue its final adjudicative order within seventy- 1801
five days after completion of its hearing. A failure to issue 1802
the order within seventy-five days shall result in dissolution 1803
of the summary suspension order but shall not invalidate any 1804
subsequent, final adjudicative order. 1805

(H) If the board takes action under division (B) (9), (11), 1806
or (13) of this section and the judicial finding of guilt, 1807
guilty plea, or judicial finding of eligibility for intervention 1808
in lieu of conviction is overturned on appeal, upon exhaustion 1809
of the criminal appeal, a petition for reconsideration of the 1810
order may be filed with the board along with appropriate court 1811
documents. Upon receipt of a petition of that nature and 1812
supporting court documents, the board shall reinstate the 1813
individual's license or certificate to practice. The board may 1814
then hold an adjudication under Chapter 119. of the Revised Code 1815
to determine whether the individual committed the act in 1816
question. Notice of an opportunity for a hearing shall be given 1817
in accordance with Chapter 119. of the Revised Code. If the 1818
board finds, pursuant to an adjudication held under this 1819
division, that the individual committed the act or if no hearing 1820
is requested, the board may order any of the sanctions 1821
identified under division (B) of this section. 1822

(I) The license or certificate to practice issued to an 1823
individual under this chapter and the individual's practice in 1824
this state are automatically suspended as of the date of the 1825
individual's second or subsequent plea of guilty to, or judicial 1826
finding of guilt of, a violation of section 2919.123 or 2919.124 1827
of the Revised Code. In addition, the license or certificate to 1828
practice or certificate to recommend issued to an individual 1829
under this chapter and the individual's practice in this state 1830

are automatically suspended as of the date the individual pleads 1831
guilty to, is found by a judge or jury to be guilty of, or is 1832
subject to a judicial finding of eligibility for intervention in 1833
lieu of conviction in this state or treatment or intervention in 1834
lieu of conviction in another jurisdiction for any of the 1835
following criminal offenses in this state or a substantially 1836
equivalent criminal offense in another jurisdiction: aggravated 1837
murder, murder, voluntary manslaughter, felonious assault, 1838
kidnapping, rape, sexual battery, gross sexual imposition, 1839
aggravated arson, aggravated robbery, or aggravated burglary. 1840
Continued practice after suspension shall be considered 1841
practicing without a license or certificate. 1842

The board shall notify the individual subject to the 1843
suspension by certified mail or in person in accordance with 1844
section 119.07 of the Revised Code. If an individual whose 1845
license or certificate is automatically suspended under this 1846
division fails to make a timely request for an adjudication 1847
under Chapter 119. of the Revised Code, the board shall do 1848
whichever of the following is applicable: 1849

(1) If the automatic suspension under this division is for 1850
a second or subsequent plea of guilty to, or judicial finding of 1851
guilt of, a violation of section 2919.123 or 2919.124 of the 1852
Revised Code, the board shall enter an order suspending the 1853
individual's license or certificate to practice for a period of 1854
at least one year or, if determined appropriate by the board, 1855
imposing a more serious sanction involving the individual's 1856
license or certificate to practice. 1857

(2) In all circumstances in which division (I)(1) of this 1858
section does not apply, enter a final order permanently revoking 1859
the individual's license or certificate to practice. 1860

(J) If the board is required by Chapter 119. of the 1861
Revised Code to give notice of an opportunity for a hearing and 1862
if the individual subject to the notice does not timely request 1863
a hearing in accordance with section 119.07 of the Revised Code, 1864
the board is not required to hold a hearing, but may adopt, by 1865
an affirmative vote of not fewer than six of its members, a 1866
final order that contains the board's findings. In that final 1867
order, the board may order any of the sanctions identified under 1868
division (A) or (B) of this section. 1869

(K) Any action taken by the board under division (B) of 1870
this section resulting in a suspension from practice shall be 1871
accompanied by a written statement of the conditions under which 1872
the individual's license or certificate to practice may be 1873
reinstated. The board shall adopt rules governing conditions to 1874
be imposed for reinstatement. Reinstatement of a license or 1875
certificate suspended pursuant to division (B) of this section 1876
requires an affirmative vote of not fewer than six members of 1877
the board. 1878

(L) When the board refuses to grant or issue a license or 1879
certificate to practice to an applicant, revokes an individual's 1880
license or certificate to practice, refuses to renew an 1881
individual's license or certificate to practice, or refuses to 1882
reinstatement an individual's license or certificate to practice, 1883
the board may specify that its action is permanent. An 1884
individual subject to a permanent action taken by the board is 1885
forever thereafter ineligible to hold a license or certificate 1886
to practice and the board shall not accept an application for 1887
reinstatement of the license or certificate or for issuance of a 1888
new license or certificate. 1889

(M) Notwithstanding any other provision of the Revised 1890

Code, all of the following apply: 1891

(1) The surrender of a license or certificate issued under 1892
this chapter shall not be effective unless or until accepted by 1893
the board. A telephone conference call may be utilized for 1894
acceptance of the surrender of an individual's license or 1895
certificate to practice. The telephone conference call shall be 1896
considered a special meeting under division (F) of section 1897
121.22 of the Revised Code. Reinstatement of a license or 1898
certificate surrendered to the board requires an affirmative 1899
vote of not fewer than six members of the board. 1900

(2) An application for a license or certificate made under 1901
the provisions of this chapter may not be withdrawn without 1902
approval of the board. 1903

(3) Failure by an individual to renew a license or 1904
certificate to practice in accordance with this chapter or a 1905
certificate to recommend in accordance with rules adopted under 1906
section 4731.301 of the Revised Code shall not remove or limit 1907
the board's jurisdiction to take any disciplinary action under 1908
this section against the individual. 1909

(4) At the request of the board, a license or certificate 1910
holder shall immediately surrender to the board a license or 1911
certificate that the board has suspended, revoked, or 1912
permanently revoked. 1913

(N) Sanctions shall not be imposed under division (B) (28) 1914
of this section against any person who waives deductibles and 1915
copayments as follows: 1916

(1) In compliance with the health benefit plan that 1917
expressly allows such a practice. Waiver of the deductibles or 1918
copayments shall be made only with the full knowledge and 1919

consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

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

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

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

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

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

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that

the board determines to be appropriate; 1949

(5) Adopt rules in accordance with Chapter 119. of the 1950
Revised Code to further implement the quality intervention 1951
program. 1952

An individual who participates in an individual 1953
educational program pursuant to this division shall pay the 1954
financial obligations arising from that educational program. 1955

Sec. 4731.223. (A) As used in this section, "prosecutor" 1956
has the same meaning as in section 2935.01 of the Revised Code. 1957

(B) Whenever any person holding a valid license or 1958
certificate issued pursuant to this chapter pleads guilty to, is 1959
subject to a judicial finding of guilt of, or is subject to a 1960
judicial finding of eligibility for intervention in lieu of 1961
conviction for a violation of Chapter 2907., 2925., or 3719. of 1962
the Revised Code or of any substantively comparable ordinance of 1963
a municipal corporation in connection with the person's 1964
practice, or for a second or subsequent time pleads guilty to, 1965
or is subject to a judicial finding of guilt of, a violation of 1966
section 2919.123 or 2919.124 of the Revised Code, the prosecutor 1967
in the case, on forms prescribed and provided by the state 1968
medical board, shall promptly notify the board of the conviction 1969
or guilty plea. Within thirty days of receipt of that 1970
information, the board shall initiate action in accordance with 1971
Chapter 119. of the Revised Code to determine whether to suspend 1972
or revoke the license or certificate under section 4731.22 of 1973
the Revised Code. 1974

(C) The prosecutor in any case against any person holding 1975
a valid license or certificate issued pursuant to this chapter, 1976
on forms prescribed and provided by the state medical board, 1977

shall notify the board of any of the following: 1978

(1) A plea of guilty to, a finding of guilt by a jury or 1979
court of, or judicial finding of eligibility for intervention in 1980
lieu of conviction for a felony, or a case in which the trial 1981
court issues an order of dismissal upon technical or procedural 1982
grounds of a felony charge; 1983

(2) A plea of guilty to, a finding of guilt by a jury or 1984
court of, or judicial finding of eligibility for intervention in 1985
lieu of conviction for a misdemeanor committed in the course of 1986
practice, or a case in which the trial court issues an order of 1987
dismissal upon technical or procedural grounds of a charge of a 1988
misdemeanor, if the alleged act was committed in the course of 1989
practice; 1990

(3) A plea of guilty to, a finding of guilt by a jury or 1991
court of, or judicial finding of eligibility for intervention in 1992
lieu of conviction for a misdemeanor involving moral turpitude, 1993
or a case in which the trial court issues an order of dismissal 1994
upon technical or procedural grounds of a charge of a 1995
misdemeanor involving moral turpitude. 1996

The report shall include the name and address of the 1997
license or certificate holder, the nature of the offense for 1998
which the action was taken, and the certified court documents 1999
recording the action. 2000

Section 2. That existing sections 109.572, 2919.123, 2001
2953.25, 4729.291, 4731.22, and 4731.223 of the Revised Code are 2002
hereby repealed. 2003

Section 3. Section 109.572 of the Revised Code is 2004
presented in this act as a composite of the section as amended 2005
by both H.B. 166 and S.B. 57 of the 133rd General Assembly. The 2006

General Assembly, applying the principle stated in division (B)	2007
of section 1.52 of the Revised Code that amendments are to be	2008
harmonized if reasonably capable of simultaneous operation,	2009
finds that the composite is the resulting version of the section	2010
in effect prior to the effective date of the section as	2011
presented in this act.	2012