

As Reported by the Senate Judiciary Committee

134th General Assembly

Regular Session

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Sub. H. B. No. 254

Representatives Boggs, Abrams

Cosponsors: Representatives Boyd, Lightbody, Brent, Galonski, Leland, Smith, K., Gross, Lepore-Hagan, Russo, Smith, M., Young, T., Sobacki, Carruthers, Miranda, Weinstein, Blackshear, Ray, Crossman, Miller, J., White, Crawley, Liston, Click, Ginter, West, Baldrige, Brown, Carfagna, Creech, Cross, Denson, Edwards, Fraizer, Ghanbari, Grendell, Hicks-Hudson, Howse, Humphrey, Ingram, Jarrells, John, Lanese, LaRe, Loychik, Manning, Miller, A., Miller, K., O'Brien, Oelslager, Pavliga, Plummer, Robinson, Schmidt, Stein, Stephens, Sweeney, Troy, Upchurch, Speaker Cupp

A BILL

To amend sections 121.22, 149.43, 307.629, 307.99, 1
and 4731.22 and to enact sections 307.651, 2
307.652, 307.653, 307.654, 307.655, 307.656, 3
307.657, 307.658, 307.659, and 3701.0412 of the 4
Revised Code to provide for the establishment of 5
domestic violence fatality review boards. 6

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

Section 1. That sections 121.22, 149.43, 307.629, 307.99, 7
and 4731.22 be amended and sections 307.651, 307.652, 307.653, 8
307.654, 307.655, 307.656, 307.657, 307.658, 307.659, and 9
3701.0412 of the Revised Code be enacted to read as follows: 10

Sec. 121.22. (A) This section shall be liberally construed 11
to require public officials to take official action and to 12
conduct all deliberations upon official business only in open 13

meetings unless the subject matter is specifically excepted by	14
law.	15
(B) As used in this section:	16
(1) "Public body" means any of the following:	17
(a) Any board, commission, committee, council, or similar	18
decision-making body of a state agency, institution, or	19
authority, and any legislative authority or board, commission,	20
committee, council, agency, authority, or similar decision-	21
making body of any county, township, municipal corporation,	22
school district, or other political subdivision or local public	23
institution;	24
(b) Any committee or subcommittee of a body described in	25
division (B) (1) (a) of this section;	26
(c) A court of jurisdiction of a sanitary district	27
organized wholly for the purpose of providing a water supply for	28
domestic, municipal, and public use when meeting for the purpose	29
of the appointment, removal, or reappointment of a member of the	30
board of directors of such a district pursuant to section	31
6115.10 of the Revised Code, if applicable, or for any other	32
matter related to such a district other than litigation	33
involving the district. As used in division (B) (1) (c) of this	34
section, "court of jurisdiction" has the same meaning as "court"	35
in section 6115.01 of the Revised Code.	36
(2) "Meeting" means any prearranged discussion of the	37
public business of the public body by a majority of its members.	38
(3) "Regulated individual" means either of the following:	39
(a) A student in a state or local public educational	40
institution;	41

(b) A person who is, voluntarily or involuntarily, an 42
inmate, patient, or resident of a state or local institution 43
because of criminal behavior, mental illness, an intellectual 44
disability, disease, disability, age, or other condition 45
requiring custodial care. 46

(4) "Public office" has the same meaning as in section 47
149.011 of the Revised Code. 48

(C) All meetings of any public body are declared to be 49
public meetings open to the public at all times. A member of a 50
public body shall be present in person at a meeting open to the 51
public to be considered present or to vote at the meeting and 52
for purposes of determining whether a quorum is present at the 53
meeting. 54

The minutes of a regular or special meeting of any public 55
body shall be promptly prepared, filed, and maintained and shall 56
be open to public inspection. The minutes need only reflect the 57
general subject matter of discussions in executive sessions 58
authorized under division (G) or (J) of this section. 59

(D) This section does not apply to any of the following: 60

(1) A grand jury; 61

(2) An audit conference conducted by the auditor of state 62
or independent certified public accountants with officials of 63
the public office that is the subject of the audit; 64

(3) The adult parole authority when its hearings are 65
conducted at a correctional institution for the sole purpose of 66
interviewing inmates to determine parole or pardon and the 67
department of rehabilitation and correction when its hearings 68
are conducted at a correctional institution for the sole purpose 69
of making determinations under section 2967.271 of the Revised 70

Code regarding the release or maintained incarceration of an offender to whom that section applies;	71 72
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	73 74
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	75 76 77 78 79 80
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	81 82 83 84
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	85 86 87 88
(8) The state board of pharmacy when determining whether to do either of the following:	89 90
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	91 92 93 94
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	95 96 97 98

(9) The state chiropractic board when determining whether	99
to suspend a license without a hearing pursuant to section	100
4734.37 of the Revised Code;	101
(10) The executive committee of the emergency response	102
commission when determining whether to issue an enforcement	103
order or request that a civil action, civil penalty action, or	104
criminal action be brought to enforce Chapter 3750. of the	105
Revised Code;	106
(11) The board of directors of the nonprofit corporation	107
formed under section 187.01 of the Revised Code or any committee	108
thereof, and the board of directors of any subsidiary of that	109
corporation or a committee thereof;	110
(12) An audit conference conducted by the audit staff of	111
the department of job and family services with officials of the	112
public office that is the subject of that audit under section	113
5101.37 of the Revised Code;	114
(13) The occupational therapy section of the occupational	115
therapy, physical therapy, and athletic trainers board when	116
determining whether to suspend a license without a hearing	117
pursuant to division (E) of section 4755.11 of the Revised Code;	118
(14) The physical therapy section of the occupational	119
therapy, physical therapy, and athletic trainers board when	120
determining whether to suspend a license without a hearing	121
pursuant to division (F) of section 4755.47 of the Revised Code;	122
(15) The athletic trainers section of the occupational	123
therapy, physical therapy, and athletic trainers board when	124
determining whether to suspend a license without a hearing	125
pursuant to division (E) of section 4755.64 of the Revised Code;	126
(16) Meetings of the pregnancy-associated mortality review	127

board established under section 3738.01 of the Revised Code;	128
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	129 130
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	131 132
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	133 134
<u>(20) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code.</u>	135 136
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	137 138 139 140 141 142 143 144 145
(1) Marketing plans;	146
(2) Specific business strategy;	147
(3) Production techniques and trade secrets;	148
(4) Financial projections;	149
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	150 151 152 153
The vote by the authority or board to accept or reject the	154

application, as well as all proceedings of the authority or 155
board not subject to this division, shall be open to the public 156
and governed by this section. 157

(F) Every public body, by rule, shall establish a 158
reasonable method whereby any person may determine the time and 159
place of all regularly scheduled meetings and the time, place, 160
and purpose of all special meetings. A public body shall not 161
hold a special meeting unless it gives at least twenty-four 162
hours' advance notice to the news media that have requested 163
notification, except in the event of an emergency requiring 164
immediate official action. In the event of an emergency, the 165
member or members calling the meeting shall notify the news 166
media that have requested notification immediately of the time, 167
place, and purpose of the meeting. 168

The rule shall provide that any person, upon request and 169
payment of a reasonable fee, may obtain reasonable advance 170
notification of all meetings at which any specific type of 171
public business is to be discussed. Provisions for advance 172
notification may include, but are not limited to, mailing the 173
agenda of meetings to all subscribers on a mailing list or 174
mailing notices in self-addressed, stamped envelopes provided by 175
the person. 176

(G) Except as provided in divisions (G)(8) and (J) of this 177
section, the members of a public body may hold an executive 178
session only after a majority of a quorum of the public body 179
determines, by a roll call vote, to hold an executive session 180
and only at a regular or special meeting for the sole purpose of 181
the consideration of any of the following matters: 182

(1) To consider the appointment, employment, dismissal, 183
discipline, promotion, demotion, or compensation of a public 184

employee or official, or the investigation of charges or 185
complaints against a public employee, official, licensee, or 186
regulated individual, unless the public employee, official, 187
licensee, or regulated individual requests a public hearing. 188
Except as otherwise provided by law, no public body shall hold 189
an executive session for the discipline of an elected official 190
for conduct related to the performance of the elected official's 191
official duties or for the elected official's removal from 192
office. If a public body holds an executive session pursuant to 193
division (G)(1) of this section, the motion and vote to hold 194
that executive session shall state which one or more of the 195
approved purposes listed in division (G)(1) of this section are 196
the purposes for which the executive session is to be held, but 197
need not include the name of any person to be considered at the 198
meeting. 199

(2) To consider the purchase of property for public 200
purposes, the sale of property at competitive bidding, or the 201
sale or other disposition of unneeded, obsolete, or unfit-for- 202
use property in accordance with section 505.10 of the Revised 203
Code, if premature disclosure of information would give an 204
unfair competitive or bargaining advantage to a person whose 205
personal, private interest is adverse to the general public 206
interest. No member of a public body shall use division (G)(2) 207
of this section as a subterfuge for providing covert information 208
to prospective buyers or sellers. A purchase or sale of public 209
property is void if the seller or buyer of the public property 210
has received covert information from a member of a public body 211
that has not been disclosed to the general public in sufficient 212
time for other prospective buyers and sellers to prepare and 213
submit offers. 214

If the minutes of the public body show that all meetings 215

and deliberations of the public body have been conducted in	216
compliance with this section, any instrument executed by the	217
public body purporting to convey, lease, or otherwise dispose of	218
any right, title, or interest in any public property shall be	219
conclusively presumed to have been executed in compliance with	220
this section insofar as title or other interest of any bona fide	221
purchasers, lessees, or transferees of the property is	222
concerned.	223
(3) Conferences with an attorney for the public body	224
concerning disputes involving the public body that are the	225
subject of pending or imminent court action;	226
(4) Preparing for, conducting, or reviewing negotiations	227
or bargaining sessions with public employees concerning their	228
compensation or other terms and conditions of their employment;	229
(5) Matters required to be kept confidential by federal	230
law or regulations or state statutes;	231
(6) Details relative to the security arrangements and	232
emergency response protocols for a public body or a public	233
office, if disclosure of the matters discussed could reasonably	234
be expected to jeopardize the security of the public body or	235
public office;	236
(7) In the case of a county hospital operated pursuant to	237
Chapter 339. of the Revised Code, a joint township hospital	238
operated pursuant to Chapter 513. of the Revised Code, or a	239
municipal hospital operated pursuant to Chapter 749. of the	240
Revised Code, to consider trade secrets, as defined in section	241
1333.61 of the Revised Code;	242
(8) To consider confidential information related to the	243
marketing plans, specific business strategy, production	244

techniques, trade secrets, or personal financial statements of 245
an applicant for economic development assistance, or to 246
negotiations with other political subdivisions respecting 247
requests for economic development assistance, provided that both 248
of the following conditions apply: 249

(a) The information is directly related to a request for 250
economic development assistance that is to be provided or 251
administered under any provision of Chapter 715., 725., 1724., 252
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 253
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 254
5709.81 of the Revised Code, or that involves public 255
infrastructure improvements or the extension of utility services 256
that are directly related to an economic development project. 257

(b) A unanimous quorum of the public body determines, by a 258
roll call vote, that the executive session is necessary to 259
protect the interests of the applicant or the possible 260
investment or expenditure of public funds to be made in 261
connection with the economic development project. 262

If a public body holds an executive session to consider 263
any of the matters listed in divisions (G) (2) to (8) of this 264
section, the motion and vote to hold that executive session 265
shall state which one or more of the approved matters listed in 266
those divisions are to be considered at the executive session. 267

A public body specified in division (B) (1) (c) of this 268
section shall not hold an executive session when meeting for the 269
purposes specified in that division. 270

(H) A resolution, rule, or formal action of any kind is 271
invalid unless adopted in an open meeting of the public body. A 272
resolution, rule, or formal action adopted in an open meeting 273

that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I) (1) Any person may bring an action to enforce this section. An action under division (I) (1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2) (a) If the court of common pleas issues an injunction pursuant to division (I) (1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I) (2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the

public body was not violating or threatening to violate this section; 304
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(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 306
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(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court. 311
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(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section. 318
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(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general. 322
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(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing: 327
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(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code; 331
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(b) Discussing applications, statements, and other 333
documents described in division (B) of section 5901.09 of the 334
Revised Code; 335

(c) Reviewing matters relating to an applicant's request 336
for financial assistance under sections 5901.01 to 5901.15 of 337
the Revised Code. 338

(2) A veterans service commission shall not exclude an 339
applicant for, recipient of, or former recipient of financial 340
assistance under sections 5901.01 to 5901.15 of the Revised 341
Code, and shall not exclude representatives selected by the 342
applicant, recipient, or former recipient, from a meeting that 343
the commission conducts as an executive session that pertains to 344
the applicant's, recipient's, or former recipient's application 345
for financial assistance. 346

(3) A veterans service commission shall vote on the grant 347
or denial of financial assistance under sections 5901.01 to 348
5901.15 of the Revised Code only in an open meeting of the 349
commission. The minutes of the meeting shall indicate the name, 350
address, and occupation of the applicant, whether the assistance 351
was granted or denied, the amount of the assistance if 352
assistance is granted, and the votes for and against the 353
granting of assistance. 354

Sec. 149.43. (A) As used in this section: 355

(1) "Public record" means records kept by any public 356
office, including, but not limited to, state, county, city, 357
village, township, and school district units, and records 358
pertaining to the delivery of educational services by an 359
alternative school in this state kept by the nonprofit or for- 360
profit entity operating the alternative school pursuant to 361

section 3313.533 of the Revised Code. "Public record" does not	362
mean any of the following:	363
(a) Medical records;	364
(b) Records pertaining to probation and parole	365
proceedings, to proceedings related to the imposition of	366
community control sanctions and post-release control sanctions,	367
or to proceedings related to determinations under section	368
2967.271 of the Revised Code regarding the release or maintained	369
incarceration of an offender to whom that section applies;	370
(c) Records pertaining to actions under section 2151.85	371
and division (C) of section 2919.121 of the Revised Code and to	372
appeals of actions arising under those sections;	373
(d) Records pertaining to adoption proceedings, including	374
the contents of an adoption file maintained by the department of	375
health under sections 3705.12 to 3705.124 of the Revised Code;	376
(e) Information in a record contained in the putative	377
father registry established by section 3107.062 of the Revised	378
Code, regardless of whether the information is held by the	379
department of job and family services or, pursuant to section	380
3111.69 of the Revised Code, the office of child support in the	381
department or a child support enforcement agency;	382
(f) Records specified in division (A) of section 3107.52	383
of the Revised Code;	384
(g) Trial preparation records;	385
(h) Confidential law enforcement investigatory records;	386
(i) Records containing information that is confidential	387
under section 2710.03 or 4112.05 of the Revised Code;	388

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	389 390
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	391 392 393 394
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	395 396 397 398
(m) Intellectual property records;	399
(n) Donor profile records;	400
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	401 402
(p) Designated public service worker residential and familial information;	403 404
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	405 406 407 408 409
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	410 411
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by	412 413 414 415 416

board members during meetings of the board or by persons 417
participating in the director's review, and all work products of 418
the board or director, and in the case of a child fatality 419
review board, child fatality review data submitted by the board 420
to the department of health or a national child death review 421
database, other than the report prepared pursuant to division 422
(A) of section 307.626 of the Revised Code; 423

(t) Records provided to and statements made by the 424
executive director of a public children services agency or a 425
prosecuting attorney acting pursuant to section 5153.171 of the 426
Revised Code other than the information released under that 427
section; 428

(u) Test materials, examinations, or evaluation tools used 429
in an examination for licensure as a nursing home administrator 430
that the board of executives of long-term services and supports 431
administers under section 4751.15 of the Revised Code or 432
contracts under that section with a private or government entity 433
to administer; 434

(v) Records the release of which is prohibited by state or 435
federal law; 436

(w) Proprietary information of or relating to any person 437
that is submitted to or compiled by the Ohio venture capital 438
authority created under section 150.01 of the Revised Code; 439

(x) Financial statements and data any person submits for 440
any purpose to the Ohio housing finance agency or the 441
controlling board in connection with applying for, receiving, or 442
accounting for financial assistance from the agency, and 443
information that identifies any individual who benefits directly 444
or indirectly from financial assistance from the agency; 445

(y) Records listed in section 5101.29 of the Revised Code;	446
(z) Discharges recorded with a county recorder under	447
section 317.24 of the Revised Code, as specified in division (B)	448
(2) of that section;	449
(aa) Usage information including names and addresses of	450
specific residential and commercial customers of a municipally	451
owned or operated public utility;	452
(bb) Records described in division (C) of section 187.04	453
of the Revised Code that are not designated to be made available	454
to the public as provided in that division;	455
(cc) Information and records that are made confidential,	456
privileged, and not subject to disclosure under divisions (B)	457
and (C) of section 2949.221 of the Revised Code;	458
(dd) Personal information, as defined in section 149.45 of	459
the Revised Code;	460
(ee) The confidential name, address, and other personally	461
identifiable information of a program participant in the address	462
confidentiality program established under sections 111.41 to	463
111.47 of the Revised Code, including the contents of any	464
application for absent voter's ballots, absent voter's ballot	465
identification envelope statement of voter, or provisional	466
ballot affirmation completed by a program participant who has a	467
confidential voter registration record; records or portions of	468
records pertaining to that program that identify the number of	469
program participants that reside within a precinct, ward,	470
township, municipal corporation, county, or any other geographic	471
area smaller than the state; and any real property	472
confidentiality notice filed under section 111.431 of the	473
Revised Code and the information described in division (C) of	474

that section. As used in this division, "confidential address" 475
and "program participant" have the meaning defined in section 476
111.41 of the Revised Code. 477

(ff) Orders for active military service of an individual 478
serving or with previous service in the armed forces of the 479
United States, including a reserve component, or the Ohio 480
organized militia, except that, such order becomes a public 481
record on the day that is fifteen years after the published date 482
or effective date of the call to order; 483

(gg) The name, address, contact information, or other 484
personal information of an individual who is less than eighteen 485
years of age that is included in any record related to a traffic 486
accident involving a school vehicle in which the individual was 487
an occupant at the time of the accident; 488

(hh) Protected health information, as defined in 45 C.F.R. 489
160.103, that is in a claim for payment for a health care 490
product, service, or procedure, as well as any other health 491
claims data in another document that reveals the identity of an 492
individual who is the subject of the data or could be used to 493
reveal that individual's identity; 494

(ii) Any depiction by photograph, film, videotape, or 495
printed or digital image under either of the following 496
circumstances: 497

(i) The depiction is that of a victim of an offense the 498
release of which would be, to a reasonable person of ordinary 499
sensibilities, an offensive and objectionable intrusion into the 500
victim's expectation of bodily privacy and integrity. 501

(ii) The depiction captures or depicts the victim of a 502
sexually oriented offense, as defined in section 2950.01 of the 503

Revised Code, at the actual occurrence of that offense.	504
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	505 506
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	507 508 509 510 511 512 513 514 515
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	516 517 518 519 520 521 522
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	523 524 525 526
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section	527 528 529 530 531 532

4717.41 of the Revised Code.	533
(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.	534 535 536 537 538 539 540
(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;	541 542 543 544 545 546 547
<u>(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code.</u>	548 549 550 551 552 553 554
A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form	555 556 557 558 559 560 561 562

filed pursuant to section 3107.46 of the Revised Code, or any 563
record that is exempt from release or disclosure under section 564
149.433 of the Revised Code. If the record is a birth 565
certificate and a biological parent's name redaction request 566
form has been accepted under section 3107.391 of the Revised 567
Code, the name of that parent shall be redacted from the birth 568
certificate before it is released under this paragraph. If any 569
other section of the Revised Code establishes a time period for 570
disclosure of a record that conflicts with the time period 571
specified in this section, the time period in the other section 572
prevails. 573

(2) "Confidential law enforcement investigatory record" 574
means any record that pertains to a law enforcement matter of a 575
criminal, quasi-criminal, civil, or administrative nature, but 576
only to the extent that the release of the record would create a 577
high probability of disclosure of any of the following: 578

(a) The identity of a suspect who has not been charged 579
with the offense to which the record pertains, or of an 580
information source or witness to whom confidentiality has been 581
reasonably promised; 582

(b) Information provided by an information source or 583
witness to whom confidentiality has been reasonably promised, 584
which information would reasonably tend to disclose the source's 585
or witness's identity; 586

(c) Specific confidential investigatory techniques or 587
procedures or specific investigatory work product; 588

(d) Information that would endanger the life or physical 589
safety of law enforcement personnel, a crime victim, a witness, 590
or a confidential information source. 591

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee,

firefighter, EMT, medical director or member of a cooperating 622
physician advisory board of an emergency medical service 623
organization, state board of pharmacy employee, investigator of 624
the bureau of criminal identification and investigation, 625
emergency service telecommunicator, forensic mental health 626
provider, mental health evaluation provider, regional 627
psychiatric hospital employee, judge, magistrate, or federal law 628
enforcement officer. 629

(8) "Designated public service worker residential and 630
familial information" means any information that discloses any 631
of the following about a designated public service worker: 632

(a) The address of the actual personal residence of a 633
designated public service worker, except for the following 634
information: 635

(i) The address of the actual personal residence of a 636
prosecuting attorney or judge; and 637

(ii) The state or political subdivision in which a 638
designated public service worker resides. 639

(b) Information compiled from referral to or participation 640
in an employee assistance program; 641

(c) The social security number, the residential telephone 642
number, any bank account, debit card, charge card, or credit 643
card number, or the emergency telephone number of, or any 644
medical information pertaining to, a designated public service 645
worker; 646

(d) The name of any beneficiary of employment benefits, 647
including, but not limited to, life insurance benefits, provided 648
to a designated public service worker by the designated public 649
service worker's employer; 650

(e) The identity and amount of any charitable or 651
employment benefit deduction made by the designated public 652
service worker's employer from the designated public service 653
worker's compensation, unless the amount of the deduction is 654
required by state or federal law; 655

(f) The name, the residential address, the name of the 656
employer, the address of the employer, the social security 657
number, the residential telephone number, any bank account, 658
debit card, charge card, or credit card number, or the emergency 659
telephone number of the spouse, a former spouse, or any child of 660
a designated public service worker; 661

(g) A photograph of a peace officer who holds a position 662
or has an assignment that may include undercover or plain 663
clothes positions or assignments as determined by the peace 664
officer's appointing authority. 665

(9) As used in divisions (A) (7) and (15) to (17) of this 666
section: 667

"Peace officer" has the meaning defined in section 109.71 668
of the Revised Code and also includes the superintendent and 669
troopers of the state highway patrol; it does not include the 670
sheriff of a county or a supervisory employee who, in the 671
absence of the sheriff, is authorized to stand in for, exercise 672
the authority of, and perform the duties of the sheriff. 673

"Correctional employee" means any employee of the 674
department of rehabilitation and correction who in the course of 675
performing the employee's job duties has or has had contact with 676
inmates and persons under supervision. 677

"County or multicounty corrections officer" means any 678
corrections officer employed by any county or multicounty 679

correctional facility. 680

"Designated Ohio national guard member" means a member of 681
the Ohio national guard who is participating in duties related 682
to remotely piloted aircraft, including, but not limited to, 683
pilots, sensor operators, and mission intelligence personnel, 684
duties related to special forces operations, or duties related 685
to cybersecurity, and is designated by the adjutant general as a 686
designated public service worker for those purposes. 687

"Protective services worker" means any employee of a 688
county agency who is responsible for child protective services, 689
child support services, or adult protective services. 690

"Youth services employee" means any employee of the 691
department of youth services who in the course of performing the 692
employee's job duties has or has had contact with children 693
committed to the custody of the department of youth services. 694

"Firefighter" means any regular, paid or volunteer, member 695
of a lawfully constituted fire department of a municipal 696
corporation, township, fire district, or village. 697

"EMT" means EMTs-basic, EMTs-I, and paramedics that 698
provide emergency medical services for a public emergency 699
medical service organization. "Emergency medical service 700
organization," "EMT-basic," "EMT-I," and "paramedic" have the 701
meanings defined in section 4765.01 of the Revised Code. 702

"Investigator of the bureau of criminal identification and 703
investigation" has the meaning defined in section 2903.11 of the 704
Revised Code. 705

"Emergency service telecommunicator" has the meaning 706
defined in section 4742.01 of the Revised Code. 707

"Forensic mental health provider" means any employee of a 708
community mental health service provider or local alcohol, drug 709
addiction, and mental health services board who, in the course 710
of the employee's duties, has contact with persons committed to 711
a local alcohol, drug addiction, and mental health services 712
board by a court order pursuant to section 2945.38, 2945.39, 713
2945.40, or 2945.402 of the Revised Code. 714

"Mental health evaluation provider" means an individual 715
who, under Chapter 5122. of the Revised Code, examines a 716
respondent who is alleged to be a mentally ill person subject to 717
court order, as defined in section 5122.01 of the Revised Code, 718
and reports to the probate court the respondent's mental 719
condition. 720

"Regional psychiatric hospital employee" means any 721
employee of the department of mental health and addiction 722
services who, in the course of performing the employee's duties, 723
has contact with patients committed to the department of mental 724
health and addiction services by a court order pursuant to 725
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 726
Code. 727

"Federal law enforcement officer" has the meaning defined 728
in section 9.88 of the Revised Code. 729

(10) "Information pertaining to the recreational 730
activities of a person under the age of eighteen" means 731
information that is kept in the ordinary course of business by a 732
public office, that pertains to the recreational activities of a 733
person under the age of eighteen years, and that discloses any 734
of the following: 735

(a) The address or telephone number of a person under the 736

age of eighteen or the address or telephone number of that 737
person's parent, guardian, custodian, or emergency contact 738
person; 739

(b) The social security number, birth date, or 740
photographic image of a person under the age of eighteen; 741

(c) Any medical record, history, or information pertaining 742
to a person under the age of eighteen; 743

(d) Any additional information sought or required about a 744
person under the age of eighteen for the purpose of allowing 745
that person to participate in any recreational activity 746
conducted or sponsored by a public office or to use or obtain 747
admission privileges to any recreational facility owned or 748
operated by a public office. 749

(11) "Community control sanction" has the meaning defined 750
in section 2929.01 of the Revised Code. 751

(12) "Post-release control sanction" has the meaning 752
defined in section 2967.01 of the Revised Code. 753

(13) "Redaction" means obscuring or deleting any 754
information that is exempt from the duty to permit public 755
inspection or copying from an item that otherwise meets the 756
definition of a "record" in section 149.011 of the Revised Code. 757

(14) "Designee," "elected official," and "future official" 758
have the meanings defined in section 109.43 of the Revised Code. 759

(15) "Body-worn camera" means a visual and audio recording 760
device worn on the person of a peace officer while the peace 761
officer is engaged in the performance of the peace officer's 762
duties. 763

(16) "Dashboard camera" means a visual and audio recording 764

device mounted on a peace officer's vehicle or vessel that is 765
used while the peace officer is engaged in the performance of 766
the peace officer's duties. 767

(17) "Restricted portions of a body-worn camera or 768
dashboard camera recording" means any visual or audio portion of 769
a body-worn camera or dashboard camera recording that shows, 770
communicates, or discloses any of the following: 771

(a) The image or identity of a child or information that 772
could lead to the identification of a child who is a primary 773
subject of the recording when the law enforcement agency knows 774
or has reason to know the person is a child based on the law 775
enforcement agency's records or the content of the recording; 776

(b) The death of a person or a deceased person's body, 777
unless the death was caused by a peace officer or, subject to 778
division (H) (1) of this section, the consent of the decedent's 779
executor or administrator has been obtained; 780

(c) The death of a peace officer, firefighter, paramedic, 781
or other first responder, occurring while the decedent was 782
engaged in the performance of official duties, unless, subject 783
to division (H) (1) of this section, the consent of the 784
decedent's executor or administrator has been obtained; 785

(d) Grievous bodily harm, unless the injury was effected 786
by a peace officer or, subject to division (H) (1) of this 787
section, the consent of the injured person or the injured 788
person's guardian has been obtained; 789

(e) An act of severe violence against a person that 790
results in serious physical harm to the person, unless the act 791
and injury was effected by a peace officer or, subject to 792
division (H) (1) of this section, the consent of the injured 793

person or the injured person's guardian has been obtained;	794
(f) Grievous bodily harm to a peace officer, firefighter,	795
paramedic, or other first responder, occurring while the injured	796
person was engaged in the performance of official duties,	797
unless, subject to division (H) (1) of this section, the consent	798
of the injured person or the injured person's guardian has been	799
obtained;	800
(g) An act of severe violence resulting in serious	801
physical harm against a peace officer, firefighter, paramedic,	802
or other first responder, occurring while the injured person was	803
engaged in the performance of official duties, unless, subject	804
to division (H) (1) of this section, the consent of the injured	805
person or the injured person's guardian has been obtained;	806
(h) A person's nude body, unless, subject to division (H)	807
(1) of this section, the person's consent has been obtained;	808
(i) Protected health information, the identity of a person	809
in a health care facility who is not the subject of a law	810
enforcement encounter, or any other information in a health care	811
facility that could identify a person who is not the subject of	812
a law enforcement encounter;	813
(j) Information that could identify the alleged victim of	814
a sex offense, menacing by stalking, or domestic violence;	815
(k) Information, that does not constitute a confidential	816
law enforcement investigatory record, that could identify a	817
person who provides sensitive or confidential information to a	818
law enforcement agency when the disclosure of the person's	819
identity or the information provided could reasonably be	820
expected to threaten or endanger the safety or property of the	821
person or another person;	822

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	823 824
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	825 826 827
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	828 829 830
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	831 832
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	833 834 835
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	836 837 838
As used in division (A) (17) of this section:	839
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	840 841
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	842 843
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	844 845
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	846 847
"Personal information" means any government-issued identification number, date of birth, address, financial	848 849

information, or criminal justice information from the law 850
enforcement automated data system or similar databases. 851

"Sex offense" has the same meaning as in section 2907.10 852
of the Revised Code. 853

"Firefighter," "paramedic," and "first responder" have the 854
same meanings as in section 4765.01 of the Revised Code. 855

(B) (1) Upon request by any person and subject to division 856
(B) (8) of this section, all public records responsive to the 857
request shall be promptly prepared and made available for 858
inspection to the requester at all reasonable times during 859
regular business hours. Subject to division (B) (8) of this 860
section, upon request by any person, a public office or person 861
responsible for public records shall make copies of the 862
requested public record available to the requester at cost and 863
within a reasonable period of time. If a public record contains 864
information that is exempt from the duty to permit public 865
inspection or to copy the public record, the public office or 866
the person responsible for the public record shall make 867
available all of the information within the public record that 868
is not exempt. When making that public record available for 869
public inspection or copying that public record, the public 870
office or the person responsible for the public record shall 871
notify the requester of any redaction or make the redaction 872
plainly visible. A redaction shall be deemed a denial of a 873
request to inspect or copy the redacted information, except if 874
federal or state law authorizes or requires a public office to 875
make the redaction. 876

(2) To facilitate broader access to public records, a 877
public office or the person responsible for public records shall 878
organize and maintain public records in a manner that they can 879

be made available for inspection or copying in accordance with 880
division (B) of this section. A public office also shall have 881
available a copy of its current records retention schedule at a 882
location readily available to the public. If a requester makes 883
an ambiguous or overly broad request or has difficulty in making 884
a request for copies or inspection of public records under this 885
section such that the public office or the person responsible 886
for the requested public record cannot reasonably identify what 887
public records are being requested, the public office or the 888
person responsible for the requested public record may deny the 889
request but shall provide the requester with an opportunity to 890
revise the request by informing the requester of the manner in 891
which records are maintained by the public office and accessed 892
in the ordinary course of the public office's or person's 893
duties. 894

(3) If a request is ultimately denied, in part or in 895
whole, the public office or the person responsible for the 896
requested public record shall provide the requester with an 897
explanation, including legal authority, setting forth why the 898
request was denied. If the initial request was provided in 899
writing, the explanation also shall be provided to the requester 900
in writing. The explanation shall not preclude the public office 901
or the person responsible for the requested public record from 902
relying upon additional reasons or legal authority in defending 903
an action commenced under division (C) of this section. 904

(4) Unless specifically required or authorized by state or 905
federal law or in accordance with division (B) of this section, 906
no public office or person responsible for public records may 907
limit or condition the availability of public records by 908
requiring disclosure of the requester's identity or the intended 909
use of the requested public record. Any requirement that the 910

requester disclose the requester's identity or the intended use 911
of the requested public record constitutes a denial of the 912
request. 913

(5) A public office or person responsible for public 914
records may ask a requester to make the request in writing, may 915
ask for the requester's identity, and may inquire about the 916
intended use of the information requested, but may do so only 917
after disclosing to the requester that a written request is not 918
mandatory, that the requester may decline to reveal the 919
requester's identity or the intended use, and when a written 920
request or disclosure of the identity or intended use would 921
benefit the requester by enhancing the ability of the public 922
office or person responsible for public records to identify, 923
locate, or deliver the public records sought by the requester. 924

(6) If any person requests a copy of a public record in 925
accordance with division (B) of this section, the public office 926
or person responsible for the public record may require the 927
requester to pay in advance the cost involved in providing the 928
copy of the public record in accordance with the choice made by 929
the requester under this division. The public office or the 930
person responsible for the public record shall permit the 931
requester to choose to have the public record duplicated upon 932
paper, upon the same medium upon which the public office or 933
person responsible for the public record keeps it, or upon any 934
other medium upon which the public office or person responsible 935
for the public record determines that it reasonably can be 936
duplicated as an integral part of the normal operations of the 937
public office or person responsible for the public record. When 938
the requester makes a choice under this division, the public 939
office or person responsible for the public record shall provide 940
a copy of it in accordance with the choice made by the 941

requester. Nothing in this section requires a public office or 942
person responsible for the public record to allow the requester 943
of a copy of the public record to make the copies of the public 944
record. 945

(7) (a) Upon a request made in accordance with division (B) 946
of this section and subject to division (B) (6) of this section, 947
a public office or person responsible for public records shall 948
transmit a copy of a public record to any person by United 949
States mail or by any other means of delivery or transmission 950
within a reasonable period of time after receiving the request 951
for the copy. The public office or person responsible for the 952
public record may require the person making the request to pay 953
in advance the cost of postage if the copy is transmitted by 954
United States mail or the cost of delivery if the copy is 955
transmitted other than by United States mail, and to pay in 956
advance the costs incurred for other supplies used in the 957
mailing, delivery, or transmission. 958

(b) Any public office may adopt a policy and procedures 959
that it will follow in transmitting, within a reasonable period 960
of time after receiving a request, copies of public records by 961
United States mail or by any other means of delivery or 962
transmission pursuant to division (B) (7) of this section. A 963
public office that adopts a policy and procedures under division 964
(B) (7) of this section shall comply with them in performing its 965
duties under that division. 966

(c) In any policy and procedures adopted under division 967
(B) (7) of this section: 968

(i) A public office may limit the number of records 969
requested by a person that the office will physically deliver by 970
United States mail or by another delivery service to ten per 971

month, unless the person certifies to the office in writing that 972
the person does not intend to use or forward the requested 973
records, or the information contained in them, for commercial 974
purposes; 975

(ii) A public office that chooses to provide some or all 976
of its public records on a web site that is fully accessible to 977
and searchable by members of the public at all times, other than 978
during acts of God outside the public office's control or 979
maintenance, and that charges no fee to search, access, 980
download, or otherwise receive records provided on the web site, 981
may limit to ten per month the number of records requested by a 982
person that the office will deliver in a digital format, unless 983
the requested records are not provided on the web site and 984
unless the person certifies to the office in writing that the 985
person does not intend to use or forward the requested records, 986
or the information contained in them, for commercial purposes. 987

(iii) For purposes of division (B) (7) of this section, 988
"commercial" shall be narrowly construed and does not include 989
reporting or gathering news, reporting or gathering information 990
to assist citizen oversight or understanding of the operation or 991
activities of government, or nonprofit educational research. 992

(8) A public office or person responsible for public 993
records is not required to permit a person who is incarcerated 994
pursuant to a criminal conviction or a juvenile adjudication to 995
inspect or to obtain a copy of any public record concerning a 996
criminal investigation or prosecution or concerning what would 997
be a criminal investigation or prosecution if the subject of the 998
investigation or prosecution were an adult, unless the request 999
to inspect or to obtain a copy of the record is for the purpose 1000
of acquiring information that is subject to release as a public 1001

record under this section and the judge who imposed the sentence 1002
or made the adjudication with respect to the person, or the 1003
judge's successor in office, finds that the information sought 1004
in the public record is necessary to support what appears to be 1005
a justiciable claim of the person. 1006

(9) (a) Upon written request made and signed by a 1007
journalist, a public office, or person responsible for public 1008
records, having custody of the records of the agency employing a 1009
specified designated public service worker shall disclose to the 1010
journalist the address of the actual personal residence of the 1011
designated public service worker and, if the designated public 1012
service worker's spouse, former spouse, or child is employed by 1013
a public office, the name and address of the employer of the 1014
designated public service worker's spouse, former spouse, or 1015
child. The request shall include the journalist's name and title 1016
and the name and address of the journalist's employer and shall 1017
state that disclosure of the information sought would be in the 1018
public interest. 1019

(b) Division (B) (9) (a) of this section also applies to 1020
journalist requests for: 1021

(i) Customer information maintained by a municipally owned 1022
or operated public utility, other than social security numbers 1023
and any private financial information such as credit reports, 1024
payment methods, credit card numbers, and bank account 1025
information; 1026

(ii) Information about minors involved in a school vehicle 1027
accident as provided in division (A) (1) (gg) of this section, 1028
other than personal information as defined in section 149.45 of 1029
the Revised Code. 1030

(c) As used in division (B) (9) of this section, 1031
"journalist" means a person engaged in, connected with, or 1032
employed by any news medium, including a newspaper, magazine, 1033
press association, news agency, or wire service, a radio or 1034
television station, or a similar medium, for the purpose of 1035
gathering, processing, transmitting, compiling, editing, or 1036
disseminating information for the general public. 1037

(10) Upon a request made by a victim, victim's attorney, 1038
or victim's representative, as that term is used in section 1039
2930.02 of the Revised Code, a public office or person 1040
responsible for public records shall transmit a copy of a 1041
depiction of the victim as described in division (A) (1) (ii) of 1042
this section to the victim, victim's attorney, or victim's 1043
representative. 1044

(C) (1) If a person allegedly is aggrieved by the failure 1045
of a public office or the person responsible for public records 1046
to promptly prepare a public record and to make it available to 1047
the person for inspection in accordance with division (B) of 1048
this section or by any other failure of a public office or the 1049
person responsible for public records to comply with an 1050
obligation in accordance with division (B) of this section, the 1051
person allegedly aggrieved may do only one of the following, and 1052
not both: 1053

(a) File a complaint with the clerk of the court of claims 1054
or the clerk of the court of common pleas under section 2743.75 1055
of the Revised Code; 1056

(b) Commence a mandamus action to obtain a judgment that 1057
orders the public office or the person responsible for the 1058
public record to comply with division (B) of this section, that 1059
awards court costs and reasonable attorney's fees to the person 1060

that instituted the mandamus action, and, if applicable, that 1061
includes an order fixing statutory damages under division (C) (2) 1062
of this section. The mandamus action may be commenced in the 1063
court of common pleas of the county in which division (B) of 1064
this section allegedly was not complied with, in the supreme 1065
court pursuant to its original jurisdiction under Section 2 of 1066
Article IV, Ohio Constitution, or in the court of appeals for 1067
the appellate district in which division (B) of this section 1068
allegedly was not complied with pursuant to its original 1069
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1070

(2) If a requester transmits a written request by hand 1071
delivery, electronic submission, or certified mail to inspect or 1072
receive copies of any public record in a manner that fairly 1073
describes the public record or class of public records to the 1074
public office or person responsible for the requested public 1075
records, except as otherwise provided in this section, the 1076
requester shall be entitled to recover the amount of statutory 1077
damages set forth in this division if a court determines that 1078
the public office or the person responsible for public records 1079
failed to comply with an obligation in accordance with division 1080
(B) of this section. 1081

The amount of statutory damages shall be fixed at one 1082
hundred dollars for each business day during which the public 1083
office or person responsible for the requested public records 1084
failed to comply with an obligation in accordance with division 1085
(B) of this section, beginning with the day on which the 1086
requester files a mandamus action to recover statutory damages, 1087
up to a maximum of one thousand dollars. The award of statutory 1088
damages shall not be construed as a penalty, but as compensation 1089
for injury arising from lost use of the requested information. 1090
The existence of this injury shall be conclusively presumed. The 1091

award of statutory damages shall be in addition to all other 1092
remedies authorized by this section. 1093

The court may reduce an award of statutory damages or not 1094
award statutory damages if the court determines both of the 1095
following: 1096

(a) That, based on the ordinary application of statutory 1097
law and case law as it existed at the time of the conduct or 1098
threatened conduct of the public office or person responsible 1099
for the requested public records that allegedly constitutes a 1100
failure to comply with an obligation in accordance with division 1101
(B) of this section and that was the basis of the mandamus 1102
action, a well-informed public office or person responsible for 1103
the requested public records reasonably would believe that the 1104
conduct or threatened conduct of the public office or person 1105
responsible for the requested public records did not constitute 1106
a failure to comply with an obligation in accordance with 1107
division (B) of this section; 1108

(b) That a well-informed public office or person 1109
responsible for the requested public records reasonably would 1110
believe that the conduct or threatened conduct of the public 1111
office or person responsible for the requested public records 1112
would serve the public policy that underlies the authority that 1113
is asserted as permitting that conduct or threatened conduct. 1114

(3) In a mandamus action filed under division (C) (1) of 1115
this section, the following apply: 1116

(a) (i) If the court orders the public office or the person 1117
responsible for the public record to comply with division (B) of 1118
this section, the court shall determine and award to the relator 1119
all court costs, which shall be construed as remedial and not 1120

punitive. 1121

(ii) If the court makes a determination described in 1122
division (C) (3) (b) (iii) of this section, the court shall 1123
determine and award to the relator all court costs, which shall 1124
be construed as remedial and not punitive. 1125

(b) If the court renders a judgment that orders the public 1126
office or the person responsible for the public record to comply 1127
with division (B) of this section or if the court determines any 1128
of the following, the court may award reasonable attorney's fees 1129
to the relator, subject to division (C) (4) of this section: 1130

(i) The public office or the person responsible for the 1131
public records failed to respond affirmatively or negatively to 1132
the public records request in accordance with the time allowed 1133
under division (B) of this section. 1134

(ii) The public office or the person responsible for the 1135
public records promised to permit the relator to inspect or 1136
receive copies of the public records requested within a 1137
specified period of time but failed to fulfill that promise 1138
within that specified period of time. 1139

(iii) The public office or the person responsible for the 1140
public records acted in bad faith when the office or person 1141
voluntarily made the public records available to the relator for 1142
the first time after the relator commenced the mandamus action, 1143
but before the court issued any order concluding whether or not 1144
the public office or person was required to comply with division 1145
(B) of this section. No discovery may be conducted on the issue 1146
of the alleged bad faith of the public office or person 1147
responsible for the public records. This division shall not be 1148
construed as creating a presumption that the public office or 1149

the person responsible for the public records acted in bad faith 1150
when the office or person voluntarily made the public records 1151
available to the relator for the first time after the relator 1152
commenced the mandamus action, but before the court issued any 1153
order described in this division. 1154

(c) The court shall not award attorney's fees to the 1155
relator if the court determines both of the following: 1156

(i) That, based on the ordinary application of statutory 1157
law and case law as it existed at the time of the conduct or 1158
threatened conduct of the public office or person responsible 1159
for the requested public records that allegedly constitutes a 1160
failure to comply with an obligation in accordance with division 1161
(B) of this section and that was the basis of the mandamus 1162
action, a well-informed public office or person responsible for 1163
the requested public records reasonably would believe that the 1164
conduct or threatened conduct of the public office or person 1165
responsible for the requested public records did not constitute 1166
a failure to comply with an obligation in accordance with 1167
division (B) of this section; 1168

(ii) That a well-informed public office or person 1169
responsible for the requested public records reasonably would 1170
believe that the conduct or threatened conduct of the public 1171
office or person responsible for the requested public records 1172
would serve the public policy that underlies the authority that 1173
is asserted as permitting that conduct or threatened conduct. 1174

(4) All of the following apply to any award of reasonable 1175
attorney's fees awarded under division (C) (3) (b) of this 1176
section: 1177

(a) The fees shall be construed as remedial and not 1178

punitive. 1179

(b) The fees awarded shall not exceed the total of the 1180
reasonable attorney's fees incurred before the public record was 1181
made available to the relator and the fees described in division 1182
(C) (4) (c) of this section. 1183

(c) Reasonable attorney's fees shall include reasonable 1184
fees incurred to produce proof of the reasonableness and amount 1185
of the fees and to otherwise litigate entitlement to the fees. 1186

(d) The court may reduce the amount of fees awarded if the 1187
court determines that, given the factual circumstances involved 1188
with the specific public records request, an alternative means 1189
should have been pursued to more effectively and efficiently 1190
resolve the dispute that was subject to the mandamus action 1191
filed under division (C) (1) of this section. 1192

(5) If the court does not issue a writ of mandamus under 1193
division (C) of this section and the court determines at that 1194
time that the bringing of the mandamus action was frivolous 1195
conduct as defined in division (A) of section 2323.51 of the 1196
Revised Code, the court may award to the public office all court 1197
costs, expenses, and reasonable attorney's fees, as determined 1198
by the court. 1199

(D) Chapter 1347. of the Revised Code does not limit the 1200
provisions of this section. 1201

(E) (1) To ensure that all employees of public offices are 1202
appropriately educated about a public office's obligations under 1203
division (B) of this section, all elected officials or their 1204
appropriate designees shall attend training approved by the 1205
attorney general as provided in section 109.43 of the Revised 1206
Code. A future official may satisfy the requirements of this 1207

division by attending the training before taking office, 1208
provided that the future official may not send a designee in the 1209
future official's place. 1210

(2) All public offices shall adopt a public records policy 1211
in compliance with this section for responding to public records 1212
requests. In adopting a public records policy under this 1213
division, a public office may obtain guidance from the model 1214
public records policy developed and provided to the public 1215
office by the attorney general under section 109.43 of the 1216
Revised Code. Except as otherwise provided in this section, the 1217
policy may not limit the number of public records that the 1218
public office will make available to a single person, may not 1219
limit the number of public records that it will make available 1220
during a fixed period of time, and may not establish a fixed 1221
period of time before it will respond to a request for 1222
inspection or copying of public records, unless that period is 1223
less than eight hours. 1224

The public office shall distribute the public records 1225
policy adopted by the public office under this division to the 1226
employee of the public office who is the records custodian or 1227
records manager or otherwise has custody of the records of that 1228
office. The public office shall require that employee to 1229
acknowledge receipt of the copy of the public records policy. 1230
The public office shall create a poster that describes its 1231
public records policy and shall post the poster in a conspicuous 1232
place in the public office and in all locations where the public 1233
office has branch offices. The public office may post its public 1234
records policy on the internet web site of the public office if 1235
the public office maintains an internet web site. A public 1236
office that has established a manual or handbook of its general 1237
policies and procedures for all employees of the public office 1238

shall include the public records policy of the public office in 1239
the manual or handbook. 1240

(F) (1) The bureau of motor vehicles may adopt rules 1241
pursuant to Chapter 119. of the Revised Code to reasonably limit 1242
the number of bulk commercial special extraction requests made 1243
by a person for the same records or for updated records during a 1244
calendar year. The rules may include provisions for charges to 1245
be made for bulk commercial special extraction requests for the 1246
actual cost of the bureau, plus special extraction costs, plus 1247
ten per cent. The bureau may charge for expenses for redacting 1248
information, the release of which is prohibited by law. 1249

(2) As used in division (F) (1) of this section: 1250

(a) "Actual cost" means the cost of depleted supplies, 1251
records storage media costs, actual mailing and alternative 1252
delivery costs, or other transmitting costs, and any direct 1253
equipment operating and maintenance costs, including actual 1254
costs paid to private contractors for copying services. 1255

(b) "Bulk commercial special extraction request" means a 1256
request for copies of a record for information in a format other 1257
than the format already available, or information that cannot be 1258
extracted without examination of all items in a records series, 1259
class of records, or database by a person who intends to use or 1260
forward the copies for surveys, marketing, solicitation, or 1261
resale for commercial purposes. "Bulk commercial special 1262
extraction request" does not include a request by a person who 1263
gives assurance to the bureau that the person making the request 1264
does not intend to use or forward the requested copies for 1265
surveys, marketing, solicitation, or resale for commercial 1266
purposes. 1267

(c) "Commercial" means profit-seeking production, buying, 1268
or selling of any good, service, or other product. 1269

(d) "Special extraction costs" means the cost of the time 1270
spent by the lowest paid employee competent to perform the task, 1271
the actual amount paid to outside private contractors employed 1272
by the bureau, or the actual cost incurred to create computer 1273
programs to make the special extraction. "Special extraction 1274
costs" include any charges paid to a public agency for computer 1275
or records services. 1276

(3) For purposes of divisions (F) (1) and (2) of this 1277
section, "surveys, marketing, solicitation, or resale for 1278
commercial purposes" shall be narrowly construed and does not 1279
include reporting or gathering news, reporting or gathering 1280
information to assist citizen oversight or understanding of the 1281
operation or activities of government, or nonprofit educational 1282
research. 1283

(G) A request by a defendant, counsel of a defendant, or 1284
any agent of a defendant in a criminal action that public 1285
records related to that action be made available under this 1286
section shall be considered a demand for discovery pursuant to 1287
the Criminal Rules, except to the extent that the Criminal Rules 1288
plainly indicate a contrary intent. The defendant, counsel of 1289
the defendant, or agent of the defendant making a request under 1290
this division shall serve a copy of the request on the 1291
prosecuting attorney, director of law, or other chief legal 1292
officer responsible for prosecuting the action. 1293

(H) (1) Any portion of a body-worn camera or dashboard 1294
camera recording described in divisions (A) (17) (b) to (h) of 1295
this section may be released by consent of the subject of the 1296
recording or a representative of that person, as specified in 1297

those divisions, only if either of the following applies: 1298

(a) The recording will not be used in connection with any 1299
probable or pending criminal proceedings; 1300

(b) The recording has been used in connection with a 1301
criminal proceeding that was dismissed or for which a judgment 1302
has been entered pursuant to Rule 32 of the Rules of Criminal 1303
Procedure, and will not be used again in connection with any 1304
probable or pending criminal proceedings. 1305

(2) If a public office denies a request to release a 1306
restricted portion of a body-worn camera or dashboard camera 1307
recording, as defined in division (A) (17) of this section, any 1308
person may file a mandamus action pursuant to this section or a 1309
complaint with the clerk of the court of claims pursuant to 1310
section 2743.75 of the Revised Code, requesting the court to 1311
order the release of all or portions of the recording. If the 1312
court considering the request determines that the filing 1313
articulates by clear and convincing evidence that the public 1314
interest in the recording substantially outweighs privacy 1315
interests and other interests asserted to deny release, the 1316
court shall order the public office to release the recording. 1317

Sec. 307.629. (A) Except as provided in ~~division~~ divisions 1318
(B) and (C) of this section and sections 5153.171 to 5153.173 of 1319
the Revised Code, any information, document, or report presented 1320
to a child fatality review board, all statements made by review 1321
board members during meetings of the review board, all work 1322
products of the review board, and child fatality review data 1323
submitted by the child fatality review board to the department 1324
of health or a national child death review database, other than 1325
the report prepared pursuant to division (A) of section 307.626 1326
of the Revised Code, are confidential and shall be used by the 1327

review board, its members, and the department of health only in 1328
the exercise of the proper functions of the review board and the 1329
department. 1330

(B) A review board may disclose the confidential 1331
information described in division (A) of this section to a fetal 1332
and infant mortality review team. 1333

(C) A review board may disclose the confidential 1334
information described in division (A) of this section to a 1335
domestic violence fatality review board established under 1336
section 307.651 of the Revised Code in the same county or 1337
region, and otherwise collaborate with a domestic violence 1338
fatality review board, if the child whose death is being 1339
reviewed died as a result of domestic violence. 1340

(D) No person shall permit or encourage the unauthorized 1341
dissemination of the confidential information described in 1342
division (A) of this section. 1343

~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section 1344
is guilty of a misdemeanor of the second degree. 1345

Sec. 307.651. (A) A board of county commissioners may 1346
appoint a health commissioner of the board of health of a city 1347
or general health district that is entirely or partially located 1348
in the county in which the board of county commissioners is 1349
located to establish a domestic violence fatality review board 1350
to review the deaths of individuals over eighteen years of age 1351
by domestic violence that occurred in the county. 1352

(B) The boards of county commissioners of two or more 1353
counties may, by adopting a joint resolution passed by a 1354
majority of the members of each participating board of county 1355
commissioners, create a regional domestic violence fatality 1356

review board to review the deaths of individuals over eighteen 1357
years of age by domestic violence that occurred in the 1358
participating counties. The joint resolution shall appoint, for 1359
each county participating as part of the regional review board, 1360
one health commissioner from a board of health of a city or 1361
general health district located at least in part in that county. 1362
The health commissioners appointed shall select one of their 1363
number as the health commissioner to establish the regional 1364
review board. 1365

(C) In any county that, on the effective date of this 1366
section, has a body that is acting as a domestic violence 1367
fatality review board and is comprised of the members described 1368
in division (A) (1) of section 307.652 of the Revised Code, 1369
including a public health official or designee, the board of 1370
county commissioners of that county, in lieu of having a health 1371
commissioner establish a domestic violence fatality review 1372
board, may appoint that body to function as the domestic 1373
violence fatality review board for the county. The body shall 1374
have the same duties, obligations, and protections as a domestic 1375
violence fatality review board appointed by a health 1376
commissioner. 1377

Sec. 307.652. (A) (1) If a health commissioner establishes 1378
a domestic violence fatality review board as described in 1379
division (A) of section 307.651 of the Revised Code, the 1380
commissioner shall select the following to serve on the review 1381
board: 1382

(a) The county coroner or designee; 1383

(b) The chief of police of a police department in the 1384
county or the county sheriff or a designee of the chief or 1385
sheriff; 1386

<u>(c) A public health official or designee;</u>	1387
<u>(d) The county prosecutor or designee;</u>	1388
<u>(e) The executive director of a public children services agency or designee;</u>	1389 1390
<u>(f) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery with expertise in domestic violence;</u>	1391 1392 1393
<u>(g) An individual representing a domestic violence shelter or with expertise advocating for domestic violence victims;</u>	1394 1395
<u>(h) An individual representing a domestic violence perpetrator treatment program;</u>	1396 1397
<u>(i) A county corrections official or designee;</u>	1398
<u>(j) An individual representing school teachers, guidance counselors, or student health services staff;</u>	1399 1400
<u>(k) An individual representing judges or court administrators.</u>	1401 1402
<u>(2) If a health commissioner establishes a domestic violence fatality review board as described in division (B) of section 307.651 of the Revised Code, the commissioner shall select the following to serve on the review board:</u>	1403 1404 1405 1406
<u>(a) A county coroner or designee;</u>	1407
<u>(b) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;</u>	1408 1409
<u>(c) A public health official or designee;</u>	1410
<u>(d) A county prosecutor or designee;</u>	1411
<u>(e) The executive director of a public children services</u>	1412

<u>agency or designee;</u>	1413
<u>(f) A physician authorized under Chapter 4731. of the</u>	1414
<u>Revised Code to practice medicine and surgery or osteopathic</u>	1415
<u>medicine and surgery with expertise in domestic violence;</u>	1416
<u>(g) An individual representing a domestic violence shelter</u>	1417
<u>or with experience advocating for domestic violence victims;</u>	1418
<u>(h) An individual representing a domestic violence</u>	1419
<u>perpetrator treatment program;</u>	1420
<u>(i) A county corrections official or designee;</u>	1421
<u>(j) An individual representing school teachers, guidance</u>	1422
<u>counselors, or student health services staff;</u>	1423
<u>(k) An individual representing judges or court</u>	1424
<u>administrators.</u>	1425
<u>The members described in divisions (A) (2) (a), (b), (c),</u>	1426
<u>(d), (i), and (k) of this section shall be representatives from</u>	1427
<u>the most populous county served by the board.</u>	1428
<u>(B) The majority of the members of a review board may</u>	1429
<u>invite additional members to serve on the board. The additional</u>	1430
<u>members invited under this division shall serve for a period of</u>	1431
<u>time determined by a majority of the members described in</u>	1432
<u>division (A) of this section. Each additional member shall have</u>	1433
<u>the same authority, duties, and responsibilities as members</u>	1434
<u>described in division (A) of this section.</u>	1435
<u>(C) If a member of a review board has a conflict of</u>	1436
<u>interest regarding a specific domestic violence fatality, the</u>	1437
<u>chairperson of the review board selected pursuant to section</u>	1438
<u>307.653 of the Revised Code may select a substitute member to</u>	1439
<u>serve only during the review of that fatality. While serving,</u>	1440

the substitute member shall have the same authority, duties, and 1441
responsibilities as members described in division (A) of this 1442
section. 1443

(D) A vacancy in a domestic violence review board shall be 1444
filled in the same manner as the original appointment. If the 1445
health commissioner who made the original appointment as 1446
described in division (A) of this section is no longer serving 1447
in that capacity, a successor of the commissioner shall fill the 1448
vacancy. 1449

(E) A domestic violence fatality review board member shall 1450
not receive any compensation for, and shall not be paid for any 1451
expenses incurred pursuant to, fulfilling the member's duties on 1452
the board unless compensation for, or payment for expenses 1453
incurred pursuant to, those duties is received pursuant to a 1454
member's regular employment. 1455

(F) No person shall serve as a member of a domestic 1456
violence fatality review board without signing a statement 1457
acknowledging the provisions of section 307.659 of the Revised 1458
Code. 1459

Sec. 307.653. (A) If a domestic violence fatality review 1460
board is established under section 307.651 of the Revised Code, 1461
the board members shall select, by majority vote, a member of 1462
the board to serve as the chairperson of the review board. 1463

(B) The chairperson of the review board shall be 1464
responsible for all of the following: 1465

(1) Convening board meetings; 1466

(2) Notifying members of board meetings; 1467

(3) Providing members with a list of fatalities to be 1468

reviewed during a board meeting; 1469

(4) Ensuring that the review board complies with the 1470
procedure for conducting reviews of deaths established in rules 1471
adopted under section 3701.0412 of the Revised Code. 1472

Sec. 307.654. The purpose of a domestic violence fatality 1473
review board established under section 307.651 of the Revised 1474
Code is to decrease the incidence of deaths occurring as a 1475
result of domestic violence by doing all of the following: 1476

(A) Promoting cooperation, collaboration, and 1477
communication between all groups, professions, agencies, or 1478
entities engaged in the prevention of, and education about, 1479
domestic violence; 1480

(B) Maintaining a comprehensive database of all deaths by 1481
domestic violence that occur in the county or region served by 1482
the review board in order to develop an understanding of the 1483
causes and incidence of those deaths; 1484

(C) Recommending and developing plans for implementing 1485
local service and program changes and changes to the groups, 1486
professions, agencies, or entities that serve local residents 1487
that might prevent deaths by domestic violence; 1488

(D) Providing the department of health with aggregate 1489
data, trends, and patterns concerning deaths by domestic 1490
violence. 1491

Sec. 307.655. A domestic violence fatality review board 1492
may not conduct a review of a death while an investigation of 1493
the death or prosecution of a person for causing the death is 1494
pending unless the prosecuting attorney agrees to allow the 1495
review. The law enforcement agency conducting the criminal 1496
investigation, on the conclusion of the investigation, and the 1497

prosecuting attorney prosecuting the case, on the conclusion of 1498
the prosecution, shall notify the chairperson of the review 1499
board of the conclusion. 1500

Sec. 307.656. (A) A domestic violence fatality review 1501
board shall establish a system for collecting and maintaining 1502
information necessary for the review of deaths by domestic 1503
violence in the county or region. In an effort to ensure 1504
confidentiality, each board shall do all of the following: 1505

(1) Maintain all records in a secure location; 1506

(2) Develop security measures to prevent unauthorized 1507
access to records containing information that could reasonably 1508
identify any person; 1509

(3) Develop a system for storing, processing, indexing, 1510
retrieving, and destroying information obtained in the course of 1511
reviewing a death. 1512

(B) For each death reviewed by a board, the board shall 1513
collect all of the following: 1514

(1) Demographic information of the deceased and 1515
perpetrator, including age, sex, race, and ethnicity; 1516

(2) The year in which the death occurred; 1517

(3) The geographic location of the death; 1518

(4) The cause of death; 1519

(5) Any factors contributing to the death; 1520

(6) Any other information the board considers relevant. 1521

(C) By the first day of April of each year, the person 1522
convening a domestic violence fatality review board shall 1523
prepare and submit to the department of health in the manner and 1524

format prescribed by the department a report that includes all 1525
of the following information for the previous calendar year: 1526

(1) The total number of deaths by domestic violence in the 1527
county or region; 1528

(2) The total number of deaths by domestic violence 1529
reviewed by the board; 1530

(3) A summary of demographic information for the deaths 1531
reviewed, including age, sex, race, and ethnicity of both 1532
deceased and perpetrators; 1533

(4) A summary of any trends or patterns identified by the 1534
board. 1535

The report shall specify the number of deaths by domestic 1536
violence that were not reviewed during the previous calendar 1537
year. 1538

The report shall include recommendations for actions that 1539
might prevent other deaths, as well as any other information the 1540
review board determines should be included. 1541

(D) Reports prepared under division (C) of this section 1542
shall be considered public records under section 149.43 of the 1543
Revised Code. 1544

Sec. 307.657. (A) (1) Notwithstanding section 3701.17 and 1545
any other section of the Revised Code pertaining to 1546
confidentiality, on the request of the domestic violence 1547
fatality review board, any individual, law enforcement agency, 1548
or other public or private entity that provided services to any 1549
of the following shall submit to the review board a summary 1550
sheet of information: 1551

(a) A person whose death is being reviewed by a domestic 1552

violence fatality review board; 1553

(b) A person who caused the death of a person whose death 1554
is being reviewed by a domestic violence fatality review board; 1555

(c) A child of a person whose death is being reviewed by a 1556
domestic violence fatality review board. 1557

(2) With respect to a request made to a health care 1558
entity, the summary sheet shall contain only information 1559
available and reasonably drawn from the person's or child's 1560
medical record created by the health care entity. 1561

(3) With respect to a request made to any other individual 1562
or entity, the summary sheet shall contain only information 1563
available and reasonably drawn from any record involving the 1564
person or child to which the individual or entity has access. 1565

(4) On the request of the review board, an individual or 1566
entity may, at the individual or entity's discretion, make any 1567
additional information, documents, or reports available to the 1568
review board. 1569

(B) Notwithstanding division (A) of this section, no 1570
person, entity, law enforcement agency, or prosecuting attorney 1571
shall provide any information to a domestic violence fatality 1572
review board while an investigation of the death or prosecution 1573
of a person for causing the death is pending unless the 1574
prosecuting attorney has agreed pursuant to section 307.655 of 1575
the Revised Code to allow review of the death. 1576

Sec. 307.658. (A) Except as provided in division (B) of 1577
this section, members of a domestic violence fatality review 1578
board and their agents or employees, if any, are immune from 1579
claims and are not subject to any suits, liability, damages, or 1580
any other recourse, civil or criminal, arising from any act, 1581

proceeding, decision, or determination undertaken or performed 1582
or recommendation made by the review board. 1583

No organization, institution, or person furnishing 1584
information, data, testimony, reports, or records to the 1585
domestic violence fatality review board is civilly or criminally 1586
liable or subject to any other recourse for providing the 1587
information. 1588

(B) The immunity from criminal liability granted by this 1589
section does not extend to violations of division (F) of section 1590
307.652 of the Revised Code or division (B) of section 307.659 1591
of the Revised Code. 1592

Sec. 307.659. (A) Any information, document, or report 1593
presented to a domestic violence fatality review board, all 1594
statements made by review board members during meetings of the 1595
review board, all work products of the review board, and data 1596
submitted by the review board to the department of health, other 1597
than the report prepared pursuant to section 307.656 of the 1598
Revised Code, are confidential, are not public records open to 1599
public inspection and copying under section 149.43 of the 1600
Revised Code, and shall be used by the review board, its 1601
members, and the department of health only in the exercise of 1602
the proper functions of the review board and the department. 1603

(B) No member of a domestic violence fatality review board 1604
shall disclose any of the following, except in the exercise of 1605
the proper functions of the review board: 1606

(1) Information, documents, or reports presented to the 1607
board; 1608

(2) Work products of the review board or data submitted to 1609
the department of health other than reports prepared pursuant to 1610

division (C) of section 307.656 of the Revised Code. 1611

(C) A review board may disclose the confidential 1612
information described in division (A) of this section to a child 1613
fatality review board established under section 307.621 of the 1614
Revised Code in the same county or region, and otherwise 1615
collaborate with a child fatality review board, if the person 1616
whose death is being reviewed as a domestic violence fatality 1617
was a child. 1618

Sec. 307.99. (A) Whoever violates section 307.42 of the 1619
Revised Code shall be fined not less than twenty-five nor more 1620
than one hundred dollars for each offense. 1621

(B) Whoever violates section 307.43 of the Revised Code 1622
shall be fined not less than twenty-five nor more than two 1623
hundred dollars, and imprisoned not less than ten nor more than 1624
sixty days. 1625

(C) Whoever violates section 307.37 of the Revised Code, 1626
shall be fined not more than three hundred dollars. 1627

(D) Whoever violates division (C) (5) of section 307.97 of 1628
the Revised Code shall be fined not less than one hundred nor 1629
more than five hundred dollars. 1630

(E) Whoever violates any other subdivision of division (C) 1631
of section 307.97 of the Revised Code shall be imprisoned not 1632
more than six months or fined not more than one thousand 1633
dollars, or both. 1634

(F) Whoever violates division (F) of section 307.652 of 1635
the Revised Code or division (B) of section 307.659 of the 1636
Revised Code is guilty of a misdemeanor of the first degree. 1637

Sec. 3701.0412. (A) The department of health shall adopt 1638

rules in accordance with Chapter 119. of the Revised Code 1639
establishing a procedure for county or regional domestic 1640
violence fatality review boards to follow in conducting a review 1641
of a death by domestic violence. The rules shall do all of the 1642
following: 1643

(1) Establish the format for the annual reports required 1644
by section 307.656 of the Revised Code; 1645

(2) Establish guidelines for a county or regional review 1646
board to follow in compiling statistics for annual reports so 1647
that the reports do not contain any information that would 1648
permit any person's identity to be ascertained from a report; 1649

(3) Establish guidelines for a county or regional review 1650
board to follow in creating and maintaining the comprehensive 1651
database of deaths by domestic violence that is required by 1652
section 307.654 of the Revised Code, including provisions 1653
establishing uniform record-keeping procedures; 1654

(4) Establish guidelines for reporting domestic violence 1655
fatality review data to the department of health, which must 1656
maintain the confidentiality of information that would permit a 1657
person's identity to be ascertained; 1658

(5) Establish guidelines, materials, and training to help 1659
educate members of county or regional review boards about the 1660
purpose of the review process and the confidentiality of the 1661
information described in section 307.659 of the Revised Code. 1662

(B) Notwithstanding any provision of section 121.95 of the 1663
Revised Code to the contrary, a regulatory restriction contained 1664
in a rule adopted under this section is not subject to sections 1665
121.95 to 121.953 of the Revised Code. 1666

Sec. 4731.22. (A) The state medical board, by an 1667

affirmative vote of not fewer than six of its members, may 1668
limit, revoke, or suspend a license or certificate to practice 1669
or certificate to recommend, refuse to grant a license or 1670
certificate, refuse to renew a license or certificate, refuse to 1671
reinstate a license or certificate, or reprimand or place on 1672
probation the holder of a license or certificate if the 1673
individual applying for or holding the license or certificate is 1674
found by the board to have committed fraud during the 1675
administration of the examination for a license or certificate 1676
to practice or to have committed fraud, misrepresentation, or 1677
deception in applying for, renewing, or securing any license or 1678
certificate to practice or certificate to recommend issued by 1679
the board. 1680

(B) Except as provided in division (P) of this section, 1681
the board, by an affirmative vote of not fewer than six members, 1682
shall, to the extent permitted by law, limit, revoke, or suspend 1683
a license or certificate to practice or certificate to 1684
recommend, refuse to issue a license or certificate, refuse to 1685
renew a license or certificate, refuse to reinstate a license or 1686
certificate, or reprimand or place on probation the holder of a 1687
license or certificate for one or more of the following reasons: 1688

(1) Permitting one's name or one's license or certificate 1689
to practice to be used by a person, group, or corporation when 1690
the individual concerned is not actually directing the treatment 1691
given; 1692

(2) Failure to maintain minimal standards applicable to 1693
the selection or administration of drugs, or failure to employ 1694
acceptable scientific methods in the selection of drugs or other 1695
modalities for treatment of disease; 1696

(3) Except as provided in section 4731.97 of the Revised 1697

Code, selling, giving away, personally furnishing, prescribing, 1698
or administering drugs for other than legal and legitimate 1699
therapeutic purposes or a plea of guilty to, a judicial finding 1700
of guilt of, or a judicial finding of eligibility for 1701
intervention in lieu of conviction of, a violation of any 1702
federal or state law regulating the possession, distribution, or 1703
use of any drug; 1704

(4) Willfully betraying a professional confidence. 1705

For purposes of this division, "willfully betraying a 1706
professional confidence" does not include providing any 1707
information, documents, or reports under sections 307.621 to 1708
307.629 of the Revised Code to a child fatality review board; 1709
does not include providing any information, documents, or 1710
reports under sections 307.631 to 307.6410 of the Revised Code 1711
to a drug overdose fatality review committee, a suicide fatality 1712
review committee, or hybrid drug overdose fatality and suicide 1713
fatality review committee; does not include providing any 1714
information, documents, or reports under sections 307.651 to 1715
307.659 of the Revised Code to a domestic violence fatality 1716
review board; does not include providing any information, 1717
documents, or reports to the director of health pursuant to 1718
guidelines established under section 3701.70 of the Revised 1719
Code; does not include written notice to a mental health 1720
professional under section 4731.62 of the Revised Code; and does 1721
not include the making of a report of an employee's use of a 1722
drug of abuse, or a report of a condition of an employee other 1723
than one involving the use of a drug of abuse, to the employer 1724
of the employee as described in division (B) of section 2305.33 1725
of the Revised Code. Nothing in this division affects the 1726
immunity from civil liability conferred by section 2305.33 or 1727
4731.62 of the Revised Code upon a physician who makes a report 1728

in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

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

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

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

(8) The obtaining of, or attempting to obtain, money or

anything of value by fraudulent misrepresentations in the course	1758
of practice;	1759
(9) A plea of guilty to, a judicial finding of guilt of,	1760
or a judicial finding of eligibility for intervention in lieu of	1761
conviction for, a felony;	1762
(10) Commission of an act that constitutes a felony in	1763
this state, regardless of the jurisdiction in which the act was	1764
committed;	1765
(11) A plea of guilty to, a judicial finding of guilt of,	1766
or a judicial finding of eligibility for intervention in lieu of	1767
conviction for, a misdemeanor committed in the course of	1768
practice;	1769
(12) Commission of an act in the course of practice that	1770
constitutes a misdemeanor in this state, regardless of the	1771
jurisdiction in which the act was committed;	1772
(13) A plea of guilty to, a judicial finding of guilt of,	1773
or a judicial finding of eligibility for intervention in lieu of	1774
conviction for, a misdemeanor involving moral turpitude;	1775
(14) Commission of an act involving moral turpitude that	1776
constitutes a misdemeanor in this state, regardless of the	1777
jurisdiction in which the act was committed;	1778
(15) Violation of the conditions of limitation placed by	1779
the board upon a license or certificate to practice;	1780
(16) Failure to pay license renewal fees specified in this	1781
chapter;	1782
(17) Except as authorized in section 4731.31 of the	1783
Revised Code, engaging in the division of fees for referral of	1784
patients, or the receiving of a thing of value in return for a	1785

specific referral of a patient to utilize a particular service 1786
or business; 1787

(18) Subject to section 4731.226 of the Revised Code, 1788
violation of any provision of a code of ethics of the American 1789
medical association, the American osteopathic association, the 1790
American podiatric medical association, or any other national 1791
professional organizations that the board specifies by rule. The 1792
state medical board shall obtain and keep on file current copies 1793
of the codes of ethics of the various national professional 1794
organizations. The individual whose license or certificate is 1795
being suspended or revoked shall not be found to have violated 1796
any provision of a code of ethics of an organization not 1797
appropriate to the individual's profession. 1798

For purposes of this division, a "provision of a code of 1799
ethics of a national professional organization" does not include 1800
any provision that would preclude the making of a report by a 1801
physician of an employee's use of a drug of abuse, or of a 1802
condition of an employee other than one involving the use of a 1803
drug of abuse, to the employer of the employee as described in 1804
division (B) of section 2305.33 of the Revised Code. Nothing in 1805
this division affects the immunity from civil liability 1806
conferred by that section upon a physician who makes either type 1807
of report in accordance with division (B) of that section. As 1808
used in this division, "employee," "employer," and "physician" 1809
have the same meanings as in section 2305.33 of the Revised 1810
Code. 1811

(19) Inability to practice according to acceptable and 1812
prevailing standards of care by reason of mental illness or 1813
physical illness, including, but not limited to, physical 1814
deterioration that adversely affects cognitive, motor, or 1815

perceptive skills. 1816

In enforcing this division, the board, upon a showing of a 1817
possible violation, may compel any individual authorized to 1818
practice by this chapter or who has submitted an application 1819
pursuant to this chapter to submit to a mental examination, 1820
physical examination, including an HIV test, or both a mental 1821
and a physical examination. The expense of the examination is 1822
the responsibility of the individual compelled to be examined. 1823
Failure to submit to a mental or physical examination or consent 1824
to an HIV test ordered by the board constitutes an admission of 1825
the allegations against the individual unless the failure is due 1826
to circumstances beyond the individual's control, and a default 1827
and final order may be entered without the taking of testimony 1828
or presentation of evidence. If the board finds an individual 1829
unable to practice because of the reasons set forth in this 1830
division, the board shall require the individual to submit to 1831
care, counseling, or treatment by physicians approved or 1832
designated by the board, as a condition for initial, continued, 1833
reinstated, or renewed authority to practice. An individual 1834
affected under this division shall be afforded an opportunity to 1835
demonstrate to the board the ability to resume practice in 1836
compliance with acceptable and prevailing standards under the 1837
provisions of the individual's license or certificate. For the 1838
purpose of this division, any individual who applies for or 1839
receives a license or certificate to practice under this chapter 1840
accepts the privilege of practicing in this state and, by so 1841
doing, shall be deemed to have given consent to submit to a 1842
mental or physical examination when directed to do so in writing 1843
by the board, and to have waived all objections to the 1844
admissibility of testimony or examination reports that 1845
constitute a privileged communication. 1846

(20) Except as provided in division (F) (1) (b) of section 1847
4731.282 of the Revised Code or when civil penalties are imposed 1848
under section 4731.225 of the Revised Code, and subject to 1849
section 4731.226 of the Revised Code, violating or attempting to 1850
violate, directly or indirectly, or assisting in or abetting the 1851
violation of, or conspiring to violate, any provisions of this 1852
chapter or any rule promulgated by the board. 1853

This division does not apply to a violation or attempted 1854
violation of, assisting in or abetting the violation of, or a 1855
conspiracy to violate, any provision of this chapter or any rule 1856
adopted by the board that would preclude the making of a report 1857
by a physician of an employee's use of a drug of abuse, or of a 1858
condition of an employee other than one involving the use of a 1859
drug of abuse, to the employer of the employee as described in 1860
division (B) of section 2305.33 of the Revised Code. Nothing in 1861
this division affects the immunity from civil liability 1862
conferred by that section upon a physician who makes either type 1863
of report in accordance with division (B) of that section. As 1864
used in this division, "employee," "employer," and "physician" 1865
have the same meanings as in section 2305.33 of the Revised 1866
Code. 1867

(21) The violation of section 3701.79 of the Revised Code 1868
or of any abortion rule adopted by the director of health 1869
pursuant to section 3701.341 of the Revised Code; 1870

(22) Any of the following actions taken by an agency 1871
responsible for authorizing, certifying, or regulating an 1872
individual to practice a health care occupation or provide 1873
health care services in this state or another jurisdiction, for 1874
any reason other than the nonpayment of fees: the limitation, 1875
revocation, or suspension of an individual's license to 1876

practice; acceptance of an individual's license surrender; 1877
denial of a license; refusal to renew or reinstate a license; 1878
imposition of probation; or issuance of an order of censure or 1879
other reprimand; 1880

(23) The violation of section 2919.12 of the Revised Code 1881
or the performance or inducement of an abortion upon a pregnant 1882
woman with actual knowledge that the conditions specified in 1883
division (B) of section 2317.56 of the Revised Code have not 1884
been satisfied or with a heedless indifference as to whether 1885
those conditions have been satisfied, unless an affirmative 1886
defense as specified in division (H) (2) of that section would 1887
apply in a civil action authorized by division (H) (1) of that 1888
section; 1889

(24) The revocation, suspension, restriction, reduction, 1890
or termination of clinical privileges by the United States 1891
department of defense or department of veterans affairs or the 1892
termination or suspension of a certificate of registration to 1893
prescribe drugs by the drug enforcement administration of the 1894
United States department of justice; 1895

(25) Termination or suspension from participation in the 1896
medicare or medicaid programs by the department of health and 1897
human services or other responsible agency; 1898

(26) Impairment of ability to practice according to 1899
acceptable and prevailing standards of care because of habitual 1900
or excessive use or abuse of drugs, alcohol, or other substances 1901
that impair ability to practice. 1902

For the purposes of this division, any individual 1903
authorized to practice by this chapter accepts the privilege of 1904
practicing in this state subject to supervision by the board. By 1905

filing an application for or holding a license or certificate to 1906
practice under this chapter, an individual shall be deemed to 1907
have given consent to submit to a mental or physical examination 1908
when ordered to do so by the board in writing, and to have 1909
waived all objections to the admissibility of testimony or 1910
examination reports that constitute privileged communications. 1911

If it has reason to believe that any individual authorized 1912
to practice by this chapter or any applicant for licensure or 1913
certification to practice suffers such impairment, the board may 1914
compel the individual to submit to a mental or physical 1915
examination, or both. The expense of the examination is the 1916
responsibility of the individual compelled to be examined. Any 1917
mental or physical examination required under this division 1918
shall be undertaken by a treatment provider or physician who is 1919
qualified to conduct the examination and who is chosen by the 1920
board. 1921

Failure to submit to a mental or physical examination 1922
ordered by the board constitutes an admission of the allegations 1923
against the individual unless the failure is due to 1924
circumstances beyond the individual's control, and a default and 1925
final order may be entered without the taking of testimony or 1926
presentation of evidence. If the board determines that the 1927
individual's ability to practice is impaired, the board shall 1928
suspend the individual's license or certificate or deny the 1929
individual's application and shall require the individual, as a 1930
condition for initial, continued, reinstated, or renewed 1931
licensure or certification to practice, to submit to treatment. 1932

Before being eligible to apply for reinstatement of a 1933
license or certificate suspended under this division, the 1934
impaired practitioner shall demonstrate to the board the ability 1935

to resume practice in compliance with acceptable and prevailing 1936
standards of care under the provisions of the practitioner's 1937
license or certificate. The demonstration shall include, but 1938
shall not be limited to, the following: 1939

(a) Certification from a treatment provider approved under 1940
section 4731.25 of the Revised Code that the individual has 1941
successfully completed any required inpatient treatment; 1942

(b) Evidence of continuing full compliance with an 1943
aftercare contract or consent agreement; 1944

(c) Two written reports indicating that the individual's 1945
ability to practice has been assessed and that the individual 1946
has been found capable of practicing according to acceptable and 1947
prevailing standards of care. The reports shall be made by 1948
individuals or providers approved by the board for making the 1949
assessments and shall describe the basis for their 1950
determination. 1951

The board may reinstate a license or certificate suspended 1952
under this division after that demonstration and after the 1953
individual has entered into a written consent agreement. 1954

When the impaired practitioner resumes practice, the board 1955
shall require continued monitoring of the individual. The 1956
monitoring shall include, but not be limited to, compliance with 1957
the written consent agreement entered into before reinstatement 1958
or with conditions imposed by board order after a hearing, and, 1959
upon termination of the consent agreement, submission to the 1960
board for at least two years of annual written progress reports 1961
made under penalty of perjury stating whether the individual has 1962
maintained sobriety. 1963

(27) A second or subsequent violation of section 4731.66 1964

or 4731.69 of the Revised Code;	1965
(28) Except as provided in division (N) of this section:	1966
(a) Waiving the payment of all or any part of a deductible	1967
or copayment that a patient, pursuant to a health insurance or	1968
health care policy, contract, or plan that covers the	1969
individual's services, otherwise would be required to pay if the	1970
waiver is used as an enticement to a patient or group of	1971
patients to receive health care services from that individual;	1972
(b) Advertising that the individual will waive the payment	1973
of all or any part of a deductible or copayment that a patient,	1974
pursuant to a health insurance or health care policy, contract,	1975
or plan that covers the individual's services, otherwise would	1976
be required to pay.	1977
(29) Failure to use universal blood and body fluid	1978
precautions established by rules adopted under section 4731.051	1979
of the Revised Code;	1980
(30) Failure to provide notice to, and receive	1981
acknowledgment of the notice from, a patient when required by	1982
section 4731.143 of the Revised Code prior to providing	1983
nonemergency professional services, or failure to maintain that	1984
notice in the patient's medical record;	1985
(31) Failure of a physician supervising a physician	1986
assistant to maintain supervision in accordance with the	1987
requirements of Chapter 4730. of the Revised Code and the rules	1988
adopted under that chapter;	1989
(32) Failure of a physician or podiatrist to enter into a	1990
standard care arrangement with a clinical nurse specialist,	1991
certified nurse-midwife, or certified nurse practitioner with	1992
whom the physician or podiatrist is in collaboration pursuant to	1993

section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	1994
	1995
	1996
(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;	1997
	1998
	1999
(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;	2000
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(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	2011
	2012
	2013
(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;	2014
	2015
	2016
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	2017
	2018
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2019
	2020
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the	2021
	2022

board's rules for supervision of radiologist assistants;	2023
(40) Performing or inducing an abortion at an office or	2024
facility with knowledge that the office or facility fails to	2025
post the notice required under section 3701.791 of the Revised	2026
Code;	2027
(41) Failure to comply with the standards and procedures	2028
established in rules under section 4731.054 of the Revised Code	2029
for the operation of or the provision of care at a pain	2030
management clinic;	2031
(42) Failure to comply with the standards and procedures	2032
established in rules under section 4731.054 of the Revised Code	2033
for providing supervision, direction, and control of individuals	2034
at a pain management clinic;	2035
(43) Failure to comply with the requirements of section	2036
4729.79 or 4731.055 of the Revised Code, unless the state board	2037
of pharmacy no longer maintains a drug database pursuant to	2038
section 4729.75 of the Revised Code;	2039
(44) Failure to comply with the requirements of section	2040
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	2041
to submit to the department of health in accordance with a court	2042
order a complete report as described in section 2919.171 or	2043
2919.202 of the Revised Code;	2044
(45) Practicing at a facility that is subject to licensure	2045
as a category III terminal distributor of dangerous drugs with a	2046
pain management clinic classification unless the person	2047
operating the facility has obtained and maintains the license	2048
with the classification;	2049
(46) Owning a facility that is subject to licensure as a	2050
category III terminal distributor of dangerous drugs with a pain	2051

management clinic classification unless the facility is licensed	2052
with the classification;	2053
(47) Failure to comply with any of the requirements	2054
regarding making or maintaining medical records or documents	2055
described in division (A) of section 2919.192, division (C) of	2056
section 2919.193, division (B) of section 2919.195, or division	2057
(A) of section 2919.196 of the Revised Code;	2058
(48) Failure to comply with the requirements in section	2059
3719.061 of the Revised Code before issuing for a minor a	2060
prescription for an opioid analgesic, as defined in section	2061
3719.01 of the Revised Code;	2062
(49) Failure to comply with the requirements of section	2063
4731.30 of the Revised Code or rules adopted under section	2064
4731.301 of the Revised Code when recommending treatment with	2065
medical marijuana;	2066
(50) Practicing at a facility, clinic, or other location	2067
that is subject to licensure as a category III terminal	2068
distributor of dangerous drugs with an office-based opioid	2069
treatment classification unless the person operating that place	2070
has obtained and maintains the license with the classification;	2071
(51) Owning a facility, clinic, or other location that is	2072
subject to licensure as a category III terminal distributor of	2073
dangerous drugs with an office-based opioid treatment	2074
classification unless that place is licensed with the	2075
classification;	2076
(52) A pattern of continuous or repeated violations of	2077
division (E) (2) or (3) of section 3963.02 of the Revised Code;	2078
(53) Failure to fulfill the responsibilities of a	2079
collaboration agreement entered into with an athletic trainer as	2080

described in section 4755.621 of the Revised Code; 2081

(54) Failure to take the steps specified in section 2082
4731.911 of the Revised Code following an abortion or attempted 2083
abortion in an ambulatory surgical facility or other location 2084
that is not a hospital when a child is born alive. 2085

(C) Disciplinary actions taken by the board under 2086
divisions (A) and (B) of this section shall be taken pursuant to 2087
an adjudication under Chapter 119. of the Revised Code, except 2088
that in lieu of an adjudication, the board may enter into a 2089
consent agreement with an individual to resolve an allegation of 2090
a violation of this chapter or any rule adopted under it. A 2091
consent agreement, when ratified by an affirmative vote of not 2092
fewer than six members of the board, shall constitute the 2093
findings and order of the board with respect to the matter 2094
addressed in the agreement. If the board refuses to ratify a 2095
consent agreement, the admissions and findings contained in the 2096
consent agreement shall be of no force or effect. 2097

A telephone conference call may be utilized for 2098
ratification of a consent agreement that revokes or suspends an 2099
individual's license or certificate to practice or certificate 2100
to recommend. The telephone conference call shall be considered 2101
a special meeting under division (F) of section 121.22 of the 2102
Revised Code. 2103

If the board takes disciplinary action against an 2104
individual under division (B) of this section for a second or 2105
subsequent plea of guilty to, or judicial finding of guilt of, a 2106
violation of section 2919.123 or 2919.124 of the Revised Code, 2107
the disciplinary action shall consist of a suspension of the 2108
individual's license or certificate to practice for a period of 2109
at least one year or, if determined appropriate by the board, a 2110

more serious sanction involving the individual's license or 2111
certificate to practice. Any consent agreement entered into 2112
under this division with an individual that pertains to a second 2113
or subsequent plea of guilty to, or judicial finding of guilt 2114
of, a violation of that section shall provide for a suspension 2115
of the individual's license or certificate to practice for a 2116
period of at least one year or, if determined appropriate by the 2117
board, a more serious sanction involving the individual's 2118
license or certificate to practice. 2119

(D) For purposes of divisions (B) (10), (12), and (14) of 2120
this section, the commission of the act may be established by a 2121
finding by the board, pursuant to an adjudication under Chapter 2122
119. of the Revised Code, that the individual committed the act. 2123
The board does not have jurisdiction under those divisions if 2124
the trial court renders a final judgment in the individual's 2125
favor and that judgment is based upon an adjudication on the 2126
merits. The board has jurisdiction under those divisions if the 2127
trial court issues an order of dismissal upon technical or 2128
procedural grounds. 2129

(E) The sealing of conviction records by any court shall 2130
have no effect upon a prior board order entered under this 2131
section or upon the board's jurisdiction to take action under 2132
this section if, based upon a plea of guilty, a judicial finding 2133
of guilt, or a judicial finding of eligibility for intervention 2134
in lieu of conviction, the board issued a notice of opportunity 2135
for a hearing prior to the court's order to seal the records. 2136
The board shall not be required to seal, destroy, redact, or 2137
otherwise modify its records to reflect the court's sealing of 2138
conviction records. 2139

(F) (1) The board shall investigate evidence that appears 2140

to show that a person has violated any provision of this chapter 2141
or any rule adopted under it. Any person may report to the board 2142
in a signed writing any information that the person may have 2143
that appears to show a violation of any provision of this 2144
chapter or any rule adopted under it. In the absence of bad 2145
faith, any person who reports information of that nature or who 2146
testifies before the board in any adjudication conducted under 2147
Chapter 119. of the Revised Code shall not be liable in damages 2148
in a civil action as a result of the report or testimony. Each 2149
complaint or allegation of a violation received by the board 2150
shall be assigned a case number and shall be recorded by the 2151
board. 2152

(2) Investigations of alleged violations of this chapter 2153
or any rule adopted under it shall be supervised by the 2154
supervising member elected by the board in accordance with 2155
section 4731.02 of the Revised Code and by the secretary as 2156
provided in section 4731.39 of the Revised Code. The president 2157
may designate another member of the board to supervise the 2158
investigation in place of the supervising member. No member of 2159
the board who supervises the investigation of a case shall 2160
participate in further adjudication of the case. 2161

(3) In investigating a possible violation of this chapter 2162
or any rule adopted under this chapter, or in conducting an 2163
inspection under division (E) of section 4731.054 of the Revised 2164
Code, the board may question witnesses, conduct interviews, 2165
administer oaths, order the taking of depositions, inspect and 2166
copy any books, accounts, papers, records, or documents, issue 2167
subpoenas, and compel the attendance of witnesses and production 2168
of books, accounts, papers, records, documents, and testimony, 2169
except that a subpoena for patient record information shall not 2170
be issued without consultation with the attorney general's 2171

office and approval of the secretary and supervising member of 2172
the board. 2173

(a) Before issuance of a subpoena for patient record 2174
information, the secretary and supervising member shall 2175
determine whether there is probable cause to believe that the 2176
complaint filed alleges a violation of this chapter or any rule 2177
adopted under it and that the records sought are relevant to the 2178
alleged violation and material to the investigation. The 2179
subpoena may apply only to records that cover a reasonable 2180
period of time surrounding the alleged violation. 2181

(b) On failure to comply with any subpoena issued by the 2182
board and after reasonable notice to the person being 2183
subpoenaed, the board may move for an order compelling the 2184
production of persons or records pursuant to the Rules of Civil 2185
Procedure. 2186

(c) A subpoena issued by the board may be served by a 2187
sheriff, the sheriff's deputy, or a board employee or agent 2188
designated by the board. Service of a subpoena issued by the 2189
board may be made by delivering a copy of the subpoena to the 2190
person named therein, reading it to the person, or leaving it at 2191
the person's usual place of residence, usual place of business, 2192
or address on file with the board. When serving a subpoena to an 2193
applicant for or the holder of a license or certificate issued 2194
under this chapter, service of the subpoena may be made by 2195
certified mail, return receipt requested, and the subpoena shall 2196
be deemed served on the date delivery is made or the date the 2197
person refuses to accept delivery. If the person being served 2198
refuses to accept the subpoena or is not located, service may be 2199
made to an attorney who notifies the board that the attorney is 2200
representing the person. 2201

(d) A sheriff's deputy who serves a subpoena shall receive 2202
the same fees as a sheriff. Each witness who appears before the 2203
board in obedience to a subpoena shall receive the fees and 2204
mileage provided for under section 119.094 of the Revised Code. 2205

(4) All hearings, investigations, and inspections of the 2206
board shall be considered civil actions for the purposes of 2207
section 2305.252 of the Revised Code. 2208

(5) A report required to be submitted to the board under 2209
this chapter, a complaint, or information received by the board 2210
pursuant to an investigation or pursuant to an inspection under 2211
division (E) of section 4731.054 of the Revised Code is 2212
confidential and not subject to discovery in any civil action. 2213

The board shall conduct all investigations or inspections 2214
and proceedings in a manner that protects the confidentiality of 2215
patients and persons who file complaints with the board. The 2216
board shall not make public the names or any other identifying 2217
information about patients or complainants unless proper consent 2218
is given or, in the case of a patient, a waiver of the patient 2219
privilege exists under division (B) of section 2317.02 of the 2220
Revised Code, except that consent or a waiver of that nature is 2221
not required if the board possesses reliable and substantial 2222
evidence that no bona fide physician-patient relationship 2223
exists. 2224

The board may share any information it receives pursuant 2225
to an investigation or inspection, including patient records and 2226
patient record information, with law enforcement agencies, other 2227
licensing boards, and other governmental agencies that are 2228
prosecuting, adjudicating, or investigating alleged violations 2229
of statutes or administrative rules. An agency or board that 2230
receives the information shall comply with the same requirements 2231

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

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

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

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

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

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of

each person involved in each case. The report shall be a public 2261
record under section 149.43 of the Revised Code. 2262

(G) If the secretary and supervising member determine both 2263
of the following, they may recommend that the board suspend an 2264
individual's license or certificate to practice or certificate 2265
to recommend without a prior hearing: 2266

(1) That there is clear and convincing evidence that an 2267
individual has violated division (B) of this section; 2268

(2) That the individual's continued practice presents a 2269
danger of immediate and serious harm to the public. 2270

Written allegations shall be prepared for consideration by 2271
the board. The board, upon review of those allegations and by an 2272
affirmative vote of not fewer than six of its members, excluding 2273
the secretary and supervising member, may suspend a license or 2274
certificate without a prior hearing. A telephone conference call 2275
may be utilized for reviewing the allegations and taking the 2276
vote on the summary suspension. 2277

The board shall issue a written order of suspension by 2278
certified mail or in person in accordance with section 119.07 of 2279
the Revised Code. The order shall not be subject to suspension 2280
by the court during pendency of any appeal filed under section 2281
119.12 of the Revised Code. If the individual subject to the 2282
summary suspension requests an adjudicatory hearing by the 2283
board, the date set for the hearing shall be within fifteen 2284
days, but not earlier than seven days, after the individual 2285
requests the hearing, unless otherwise agreed to by both the 2286
board and the individual. 2287

Any summary suspension imposed under this division shall 2288
remain in effect, unless reversed on appeal, until a final 2289

adjudicative order issued by the board pursuant to this section 2290
and Chapter 119. of the Revised Code becomes effective. The 2291
board shall issue its final adjudicative order within seventy- 2292
five days after completion of its hearing. A failure to issue 2293
the order within seventy-five days shall result in dissolution 2294
of the summary suspension order but shall not invalidate any 2295
subsequent, final adjudicative order. 2296

(H) If the board takes action under division (B) (9), (11), 2297
or (13) of this section and the judicial finding of guilt, 2298
guilty plea, or judicial finding of eligibility for intervention 2299
in lieu of conviction is overturned on appeal, upon exhaustion 2300
of the criminal appeal, a petition for reconsideration of the 2301
order may be filed with the board along with appropriate court 2302
documents. Upon receipt of a petition of that nature and 2303
supporting court documents, the board shall reinstate the 2304
individual's license or certificate to practice. The board may 2305
then hold an adjudication under Chapter 119. of the Revised Code 2306
to determine whether the individual committed the act in 2307
question. Notice of an opportunity for a hearing shall be given 2308
in accordance with Chapter 119. of the Revised Code. If the 2309
board finds, pursuant to an adjudication held under this 2310
division, that the individual committed the act or if no hearing 2311
is requested, the board may order any of the sanctions 2312
identified under division (B) of this section. 2313

(I) The license or certificate to practice issued to an 2314
individual under this chapter and the individual's practice in 2315
this state are automatically suspended as of the date of the 2316
individual's second or subsequent plea of guilty to, or judicial 2317
finding of guilt of, a violation of section 2919.123 or 2919.124 2318
of the Revised Code. In addition, the license or certificate to 2319
practice or certificate to recommend issued to an individual 2320

under this chapter and the individual's practice in this state 2321
are automatically suspended as of the date the individual pleads 2322
guilty to, is found by a judge or jury to be guilty of, or is 2323
subject to a judicial finding of eligibility for intervention in 2324
lieu of conviction in this state or treatment or intervention in 2325
lieu of conviction in another jurisdiction for any of the 2326
following criminal offenses in this state or a substantially 2327
equivalent criminal offense in another jurisdiction: aggravated 2328
murder, murder, voluntary manslaughter, felonious assault, 2329
kidnapping, rape, sexual battery, gross sexual imposition, 2330
aggravated arson, aggravated robbery, or aggravated burglary. 2331
Continued practice after suspension shall be considered 2332
practicing without a license or certificate. 2333

The board shall notify the individual subject to the 2334
suspension by certified mail or in person in accordance with 2335
section 119.07 of the Revised Code. If an individual whose 2336
license or certificate is automatically suspended under this 2337
division fails to make a timely request for an adjudication 2338
under Chapter 119. of the Revised Code, the board shall do 2339
whichever of the following is applicable: 2340

(1) If the automatic suspension under this division is for 2341
a second or subsequent plea of guilty to, or judicial finding of 2342
guilt of, a violation of section 2919.123 or 2919.124 of the 2343
Revised Code, the board shall enter an order suspending the 2344
individual's license or certificate to practice for a period of 2345
at least one year or, if determined appropriate by the board, 2346
imposing a more serious sanction involving the individual's 2347
license or certificate to practice. 2348

(2) In all circumstances in which division (I)(1) of this 2349
section does not apply, enter a final order permanently revoking 2350

the individual's license or certificate to practice. 2351

(J) If the board is required by Chapter 119. of the 2352
Revised Code to give notice of an opportunity for a hearing and 2353
if the individual subject to the notice does not timely request 2354
a hearing in accordance with section 119.07 of the Revised Code, 2355
the board is not required to hold a hearing, but may adopt, by 2356
an affirmative vote of not fewer than six of its members, a 2357
final order that contains the board's findings. In that final 2358
order, the board may order any of the sanctions identified under 2359
division (A) or (B) of this section. 2360

(K) Any action taken by the board under division (B) of 2361
this section resulting in a suspension from practice shall be 2362
accompanied by a written statement of the conditions under which 2363
the individual's license or certificate to practice may be 2364
reinstated. The board shall adopt rules governing conditions to 2365
be imposed for reinstatement. Reinstatement of a license or 2366
certificate suspended pursuant to division (B) of this section 2367
requires an affirmative vote of not fewer than six members of 2368
the board. 2369

(L) When the board refuses to grant or issue a license or 2370
certificate to practice to an applicant, revokes an individual's 2371
license or certificate to practice, refuses to renew an 2372
individual's license or certificate to practice, or refuses to 2373
reinstate an individual's license or certificate to practice, 2374
the board may specify that its action is permanent. An 2375
individual subject to a permanent action taken by the board is 2376
forever thereafter ineligible to hold a license or certificate 2377
to practice and the board shall not accept an application for 2378
reinstatement of the license or certificate or for issuance of a 2379
new license or certificate. 2380

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:	2381 2382
(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.	2383 2384 2385 2386 2387 2388 2389 2390 2391
(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.	2392 2393 2394
(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.	2395 2396 2397 2398 2399 2400
(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.	2401 2402 2403 2404
(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:	2405 2406 2407
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or	2408 2409

copayments shall be made only with the full knowledge and 2410
consent of the plan purchaser, payer, and third-party 2411
administrator. Documentation of the consent shall be made 2412
available to the board upon request. 2413

(2) For professional services rendered to any other person 2414
authorized to practice pursuant to this chapter, to the extent 2415
allowed by this chapter and rules adopted by the board. 2416

(O) Under the board's investigative duties described in 2417
this section and subject to division (F) of this section, the 2418
board shall develop and implement a quality intervention program 2419
designed to improve through remedial education the clinical and 2420
communication skills of individuals authorized under this 2421
chapter to practice medicine and surgery, osteopathic medicine 2422
and surgery, and podiatric medicine and surgery. In developing 2423
and implementing the quality intervention program, the board may 2424
do all of the following: 2425

(1) Offer in appropriate cases as determined by the board 2426
an educational and assessment program pursuant to an 2427
investigation the board conducts under this section; 2428

(2) Select providers of educational and assessment 2429
services, including a quality intervention program panel of case 2430
reviewers; 2431

(3) Make referrals to educational and assessment service 2432
providers and approve individual educational programs 2433
recommended by those providers. The board shall monitor the 2434
progress of each individual undertaking a recommended individual 2435
educational program. 2436

(4) Determine what constitutes successful completion of an 2437
individual educational program and require further monitoring of 2438

the individual who completed the program or other action that 2439
the board determines to be appropriate; 2440

(5) Adopt rules in accordance with Chapter 119. of the 2441
Revised Code to further implement the quality intervention 2442
program. 2443

An individual who participates in an individual 2444
educational program pursuant to this division shall pay the 2445
financial obligations arising from that educational program. 2446

(P) The board shall not refuse to issue a license to an 2447
applicant because of a conviction, plea of guilty, judicial 2448
finding of guilt, judicial finding of eligibility for 2449
intervention in lieu of conviction, or the commission of an act 2450
that constitutes a criminal offense, unless the refusal is in 2451
accordance with section 9.79 of the Revised Code. 2452

Section 2. That existing sections 121.22, 149.43, 307.629, 2453
307.99, and 4731.22 of the Revised Code are hereby repealed. 2454