

I\_135\_1095-2

135th General Assembly  
Regular Session  
2023-2024

Sub. H. B. No. 356

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**A BILL**

To amend sections 3313.5310, 3707.58, 3707.59, 1  
4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 2  
4730.99, 4731.22, 4731.281, and 4731.99 and to 3  
enact sections 3707.591, 4723.484, 4730.46, 4  
4731.89, and 5164.21 of the Revised Code 5  
regarding cardiac monitoring for youth and to 6  
name the act the Healthy Cardiac Monitoring Act. 7

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

**Section 1.** That sections 3313.5310, 3707.58, 3707.59, 8  
4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 4730.99, 4731.22, 9  
4731.281, and 4731.99 be amended and sections 3707.591, 10  
4723.484, 4730.46, 4731.89, and 5164.21 of the Revised Code be 11  
enacted to read as follows: 12

**Sec. 3313.5310.** (A) (1) This section applies to both of the 13  
following: 14

(a) Any school operated by a school district board of 15  
education; 16

(b) Any chartered or nonchartered nonpublic school that is 17



subject to the rules of an interscholastic conference or an 18  
organization that regulates interscholastic conferences or 19  
events. 20

(2) As used in this section, ~~"athletic":~~ 21

(a) "Advanced practice registered nurse" means an 22  
individual who holds a current, valid license issued under 23  
Chapter 4723. of the Revised Code that authorizes the practice 24  
of nursing as an advanced practice registered nurse and is 25  
designated as a clinical nurse specialist or certified nurse 26  
practitioner. 27

(b) "Athletic activity" means all of the following: 28

~~(a) (i)~~ Interscholastic athletics; 29

~~(b) (ii)~~ An athletic contest or competition that is 30  
sponsored by or associated with a school that is subject to this 31  
section, including cheerleading, club-sponsored sports 32  
activities, and sports activities sponsored by school-affiliated 33  
organizations; 34

~~(c) (iii)~~ Noncompetitive cheerleading that is sponsored by 35  
school-affiliated organizations; 36

~~(d) (iv)~~ Practices, interschool practices, and scrimmages 37  
for all of the activities described in divisions ~~(A) (2) (a), (b),~~ 38  
and ~~(c) (A) (2) (b) (i), (ii), and (iii)~~ of this section. 39

(c) "Physician" means an individual authorized under 40  
Chapter 4731. of the Revised Code to practice medicine and 41  
surgery or osteopathic medicine and surgery. 42

(d) "Physician assistant" means an individual who is 43  
licensed to practice as a physician assistant under Chapter 44  
4730. of the Revised Code. 45

(B) Prior to the start of each athletic season, a school 46  
that is subject to this section ~~may~~shall hold an informational 47  
meeting for students, parents, guardians, other persons having 48  
care or charge of a student, physicians, pediatric 49  
cardiologists, athletic trainers, and any other persons 50  
regarding the symptoms and warning signs of sudden cardiac 51  
arrest for all ages of students. 52

(C) No student shall participate in an athletic activity 53  
until the student has submitted to a designated school official 54  
a form signed by the student and the parent, guardian, or other 55  
person having care or charge of the student stating that the 56  
student and the parent, guardian, or other person having care or 57  
charge of the student have received and reviewed a copy of the 58  
information jointly developed by the department of health and 59  
the department of education and workforce and posted on their 60  
respective web sites, and a copy of the pamphlet, as required by 61  
section 3707.59 of the Revised Code. A completed form shall be 62  
submitted each school year, as defined in section 3313.62 of the 63  
Revised Code, in which the student participates in an athletic 64  
activity. 65

(D) No individual shall coach an athletic activity unless 66  
the individual has completed the sudden cardiac arrest training 67  
course approved by the department of health under division (C) 68  
of section 3707.59 of the Revised Code in accordance with 69  
section 3319.303 of the Revised Code. 70

~~(E)(1)~~(E) A student shall not be allowed to participate 71  
in an athletic activity unless the student has a physical 72  
examination performed by an advanced practice registered nurse, 73  
physician, or physician assistant, and the provider of the 74  
examination fills out the preparticipation physical evaluation 75

form created by an interscholastic conference or an organization 76  
that regulates interscholastic conferences or events, or created 77  
by the department of health pursuant to division (D) of section 78  
3707.59 of the Revised Code. The preparticipation physical 79  
examination shall be conducted once each calendar year that the 80  
student participates in one or more athletic activities during 81  
that calendar year. Each school subject to this section shall 82  
retain all original, signed preparticipation physical evaluation 83  
forms for at least the duration of the student's enrollment in 84  
the school. 85

(F) (1) A student shall not be allowed to participate in an 86  
athletic activity if ~~either of the following is the case:~~ 87

~~(a) The student's biological parent, biological sibling,~~ 88  
~~or biological child has previously experienced sudden cardiac~~ 89  
~~arrest, and the student has not been evaluated and cleared for~~ 90  
~~participation in an athletic activity by a physician authorized~~ 91  
~~under Chapter 4731. of the Revised Code to practice medicine and~~ 92  
~~surgery or osteopathic medicine and surgery.~~ 93

~~(b) The the student is known to have exhibited syncope or~~ 94  
~~fainting at any time prior to or following an athletic activity~~ 95  
~~and has not been evaluated and cleared for return under division~~ 96  
~~(E) (3) (E) or (F) (3) of this section after exhibiting syncope or~~ 97  
~~fainting.~~ 98

(2) A student shall be removed by the student's coach from 99  
participation in an athletic activity if the student exhibits 100  
syncope or, fainting, difficulty breathing, chest pains, 101  
dizziness, or an abnormal racing heart rate. 102

(3) If a student is not allowed to participate in or is 103  
removed from participation in an athletic activity under 104

division ~~(E) (1)~~ (F) (1) or (2) of this section, the student shall 105  
not be allowed to return to participation until the student is 106  
evaluated and cleared for return in writing by any of the 107  
following: 108

(a) A physician ~~authorized under Chapter 4731. of the~~ 109  
~~Revised Code to practice medicine and surgery or osteopathic~~ 110  
~~medicine and surgery,~~ including a physician who specializes in 111  
cardiology; 112

(b) ~~A certified nurse practitioner, clinical nurse~~ 113  
~~specialist, or certified nurse-midwife who holds a certificate~~ 114  
~~of authority issued under Chapter 4723. of the Revised Code~~ An 115  
advanced practice registered nurse; 116

(c) A physician assistant ~~licensed under Chapter 4730. of~~ 117  
~~the Revised Code;~~ 118

(d) An athletic trainer licensed under Chapter 4755. of 119  
the Revised Code. 120

The licensed health care providers specified in divisions 121  
~~(E) (3) (a)~~ (F) (3) (a) to (d) of this section may consult with any 122  
other licensed or certified health care providers in order to 123  
determine whether a student is ready to return to participation. 124

~~(F)~~ (G) A school that is subject to this section shall 125  
establish penalties for a coach who violates the provisions of 126  
division ~~(E)~~ (F) of this section. 127

~~(G)~~ (H) Nothing in this section shall be construed to 128  
abridge or limit any rights provided under a collective 129  
bargaining agreement entered into under Chapter 4117. of the 130  
Revised Code prior to March 14, 2017. 131

~~(H) (1)~~ (I) (1) A school district, member of a school 132

district board of education, or school district employee or 133  
volunteer, including a coach, is not liable in damages in a 134  
civil action for injury, death, or loss to person or property 135  
allegedly arising from providing services or performing duties 136  
under this section, unless the act or omission constitutes 137  
willful or wanton misconduct. 138

This section does not eliminate, limit, or reduce any 139  
other immunity or defense that a school district, member of a 140  
school district board of education, or school district employee 141  
or volunteer, including a coach, may be entitled to under 142  
Chapter 2744. or any other provision of the Revised Code or 143  
under the common law of this state. 144

(2) A chartered or nonchartered nonpublic school or any 145  
officer, director, employee, or volunteer of the school, 146  
including a coach, is not liable in damages in a civil action 147  
for injury, death, or loss to person or property allegedly 148  
arising from providing services or performing duties under this 149  
section, unless the act or omission constitutes willful or 150  
wanton misconduct. 151

**Sec. 3707.58.** (A) As used in this section: 152

(1) "Advanced practice registered nurse" means an 153  
individual who holds a current, valid license issued under 154  
Chapter 4723. of the Revised Code that authorizes the practice 155  
of nursing as an advanced practice registered nurse and is 156  
designated as a clinical nurse specialist or certified nurse 157  
practitioner. 158

(2) "Physician" means an individual authorized under 159  
Chapter 4731. of the Revised Code to practice medicine and 160  
surgery or osteopathic medicine and surgery. 161

(3) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 4730. of the Revised Code. 162  
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(4) "Youth athlete" means an individual who wishes to practice for or compete in athletic activities organized by a youth sports organization; 165  
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~~(2)~~ (5) "Youth sports organization" has the same meaning as in section 3707.51 of the Revised Code. 168  
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(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section ~~may shall~~ hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes. 170  
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(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the department of health and the department of education and workforce and posted on their respective internet web sites, and a copy of the pamphlet, as required by section 3707.59 of the Revised Code. A completed form shall be submitted each calendar year to each youth sports organization that organizes an athletic activity in which the youth athlete participates. 177  
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(D) No individual shall coach an athletic activity 192  
organized by a youth sports organization unless the individual 193  
has completed, on an annual basis, the sudden cardiac arrest 194  
training course approved by the department of health under 195  
division (C) of section 3707.59 of the Revised Code. 196

~~(E) (1)~~ (E) A youth athlete shall not be allowed to 197  
participate in an athletic activity organized by a youth sports 198  
organization unless the athlete has a physical examination 199  
performed by an advanced practice registered nurse, physician, 200  
or physician assistant, and the provider of the examination 201  
fills out the preparticipation physical evaluation form created 202  
by the department of health pursuant to division (D) of section 203  
3707.59 of the Revised Code. The preparticipation physical 204  
examination shall be conducted once each calendar year that the 205  
youth athlete participates in one or more athletic activities 206  
during that calendar year. Youth sports organizations shall 207  
retain all original, signed preparticipation physical evaluation 208  
forms for at least the calendar year for which the form applies. 209

(F) (1) A youth athlete shall not be allowed to participate 210  
in an athletic activity organized by a youth sports organization 211  
~~if either of the following is the case:—~~ 212

~~(a) The youth athlete's biological parent, biological~~ 213  
~~sibling, or biological child has previously experienced sudden~~ 214  
~~cardiac arrest, and the youth athlete has not been evaluated and~~ 215  
~~cleared for participation in an athletic activity organized by a~~ 216  
~~youth sports organization by a physician authorized under~~ 217  
~~Chapter 4731. of the Revised Code to practice medicine and~~ 218  
~~surgery or osteopathic medicine and surgery.—~~ 219

~~(b) The~~ the youth athlete is known to have exhibited 220  
syncope or fainting at any time prior to or following an 221



athletic activity and has not been evaluated and cleared for 222  
return under division ~~(E) (3)~~ (E) or (F) (3) of this section after 223  
exhibiting syncope or fainting. 224

(2) A youth athlete shall be removed by the youth 225  
athlete's coach from participation in an athletic activity 226  
organized by a youth sports organization if the youth athlete 227  
exhibits syncope ~~or~~ , fainting, difficulty breathing, chest 228  
pains, dizziness, or an abnormal racing heart rate. 229

(3) If a youth athlete is not allowed to participate in or 230  
is removed from participation in an athletic activity organized 231  
by a youth sports organization under division ~~(E) (1)~~ (F) (1) or 232  
(2) of this section, the youth athlete shall not be allowed to 233  
return to participation until the youth athlete is evaluated and 234  
cleared for return in writing by any of the following: 235

(a) A physician ~~authorized under Chapter 4731. of the~~ 236  
~~Revised Code to practice medicine and surgery or osteopathic~~ 237  
~~medicine and surgery~~, including a physician who specializes in 238  
cardiology; 239

(b) ~~A certified nurse practitioner, clinical nurse~~ 240  
~~specialist, or certified nurse-midwife who holds a certificate~~ 241  
~~of authority issued under Chapter 4723. of the Revised Code~~ An 242  
advanced practice registered nurse; 243

(c) A physician assistant. 244

The licensed health care providers specified in divisions 245  
~~(E) (3) (a) and (F) (3) (a), (b), and (c)~~ of this section may 246  
consult with any other licensed or certified health care 247  
providers in order to determine whether a youth athlete is ready 248  
to return to participation. 249

~~(F)~~ (G) A youth sports organization that is subject to 250

this section shall establish penalties for a coach who violates 251  
the provisions of division ~~(E)~~ (F) of this section. 252

~~(G)(1)~~ (H)(1) A youth sports organization or official, 253  
employee, or volunteer of a youth sports organization, including 254  
a coach, is not liable in damages in a civil action for injury, 255  
death, or loss to person or property allegedly arising from 256  
providing services or performing duties under this section, 257  
unless the act or omission constitutes willful or wanton 258  
misconduct. 259

(2) This section does not eliminate, limit, or reduce any 260  
other immunity or defense that a public entity, public official, 261  
or public employee may be entitled to under Chapter 2744. or any 262  
other provision of the Revised Code or under the common law of 263  
this state. 264

**Sec. 3707.59.** (A) As used in this section: 265

(1) "Athletic activity" means both of the following: 266

(a) An athletic activity, as defined in section 3313.5310 267  
of the Revised Code; 268

(b) An athletic activity organized by a youth sports 269  
organization. 270

(2) "Youth athlete" and "youth sports organization" have 271  
the same meanings as in section 3707.58 of the Revised Code. 272

(B) The department of health and the department of 273  
education and workforce jointly shall ~~develop~~ do both of the  
following: 274  
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(1) Develop and ~~shall~~ post on their respective internet 276  
web sites guidelines and other relevant materials to inform and 277  
educate students and youth athletes participating in or desiring 278

to participate in an athletic activity, their parents, and their 279  
coaches about the nature and warning signs of sudden cardiac 280  
arrest. These guidelines and materials shall address the risks 281  
associated with continuing to participate in an athletic 282  
activity after experiencing one or more symptoms of sudden 283  
cardiac arrest, such as fainting, difficulty breathing, chest 284  
pains, dizziness, and an abnormal racing heart rate. In 285  
developing guidelines and other relevant materials under this 286  
division, the department of health and the department of 287  
education and workforce shall consult with the Ohio chapter of 288  
the American college of cardiology and with an interscholastic 289  
conference or an organization that regulates interscholastic 290  
athletic competition and conducts interscholastic athletic 291  
events. 292

In developing guidelines and materials under this 293  
division, the departments may utilize existing materials 294  
developed by the parent heart watch organization, the sudden 295  
arrhythmia death syndromes foundation, the hypertrophic 296  
cardiomyopathy association, and any other organizations deemed 297  
appropriate by the departments. 298

(2) (a) Not later than one year after the effective date of 299  
this amendment, develop a pamphlet that provides information 300  
about sudden cardiac arrest in children and adults. The pamphlet 301  
shall include an explanation of sudden cardiac arrest, its 302  
incidence, early warning signs, and an overview of the options 303  
that are available to screen for cardiac conditions that may 304  
lead to sudden cardiac arrest, including a statement about the 305  
limitations of those options. The pamphlet may include any of 306  
the information from the guidelines developed under division (B) 307  
(1) of this section. The pamphlet shall be updated as the 308  
departments determine appropriate. 309

In developing the pamphlet under this division, the 310  
department of health and the department of education and 311  
workforce shall consult with the American academy of pediatrics 312  
and the American heart association. 313

(b) The department of education and workforce shall 314  
distribute the pamphlet free of charge to all school districts 315  
in Ohio. The department shall distribute copies to any other 316  
school on request. 317

(C) For purposes of the training required for a coach of 318  
an athletic activity under division (D) of section 3313.5310 or 319  
division (D) of section 3707.58 of the Revised Code, the 320  
department of health shall approve a sudden cardiac arrest 321  
training course offered by an outside entity. 322

(D) Not later than one year after the effective date of 323  
this amendment, the department of health shall create a 324  
preparticipation physical evaluation form to be used for 325  
purposes of sections 4723.484, 4730.46, and 4731.89 of the 326  
Revised Code. The form shall be based on a form developed by the 327  
American academy of family physicians, American academy of 328  
pediatrics, American college of sports medicine, American 329  
medical society for sports medicine, American orthopaedic 330  
society for sports medicine, and American osteopathic academy of 331  
sports medicine, and be based on the American heart 332  
association's fourteen-point screening for heart disease in the 333  
young. The form created by the department shall contain all of 334  
the following: 335

(1) A patient history component, including questions 336  
regarding the biologic heart health of the individual and the 337  
individual's biologic parents, including a sperm or egg donor, 338  
if applicable. The patient history component must include all of 339

the following questions: 340

(a) Have you ever fainted, passed out, or had an 341  
unexplained seizure suddenly and without warning, especially 342  
during exercise or in response to sudden loud noises, such as 343  
doorbells, alarm clocks, and ringing telephones? 344

(b) Have you ever had exercise-related chest pain or 345  
shortness of breath? 346

(c) Has anyone in your immediate family (parents, 347  
grandparents, siblings) or other more distant relatives (aunts, 348  
uncles, cousins) died of heart problems or had an unexpected 349  
sudden death before age fifty, including any unexpected 350  
drownings, unexplained automobile crashes in which the relative 351  
was driving, or sudden unexplained infant death? 352

(d) Are you related to anyone with hypertrophic 353  
cardiomyopathy or hypertrophic obstructive cardiomyopathy, 354  
marfan syndrome, arrhythmogenic cardiomyopathy, long QT 355  
syndrome, short QT syndrome, brugada syndrome, or 356  
catecholaminergic polymorphic ventricular tachycardia, 357  
wolffparkinson-white syndrome, or anyone younger than fifty 358  
years with a pacemaker or implantable defibrillator? 359

(2) A physical examination component; 360

(3) A certification to be signed by the health care 361  
professional who performs the physical examination, certifying 362  
that the health professional has complied with the following: 363

(a) For a physician, divisions (B) (2) and (3) of section 364  
4731.89 of the Revised Code; 365

(b) For a physician assistant, divisions (A) (2) and (3) of 366  
section 4730.46 of the Revised Code; 367

(c) For a clinical nurse specialist or certified nurse practitioner, divisions (A) (2) and (3) of section 4723.484 of the Revised Code. 368  
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**Sec. 3707.591.** (A) Not later than one year after the effective date of this section, the director of health, in consultation with the department of education and workforce, shall establish a childhood cardiac screening professional development module to increase the assessment skills of health care professionals who perform annual physical examinations and screenings for children. As part of establishing the module, the director may develop a module that meets the requirements of division (B) of this section or may adopt the student-athlete cardiac assessment professional development module created by the New Jersey commissioners of education and health. 371  
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(B) If the director of health, in consultation with the department of education and workforce, develops a module as described in division (A) of this section, the director and the department of education and workforce shall do both of the following: 382  
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(1) Consult with the academy of family physicians, the American heart association, and the Ohio chapter of the American college of cardiology in developing the module; 387  
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(2) Include all of the following in the module: 390

(a) How to complete and review a detailed medical history with an emphasis on cardiovascular family history and personal reports of symptoms; 391  
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(b) Identification of symptoms of sudden cardiac arrest that may require follow up with a cardiologist; 394  
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(c) Recognition of normal structural changes of the 396

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| <u>athletic heart;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 397 |
| <u>(d) Recognition of prodromal symptoms that precede sudden cardiac arrest;</u>                                                                                                                                                                                                                                                                                                                                                                                                                   | 398 |
| <u>(e) Performance of the cardiovascular physical examination;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                 | 399 |
| <u>(f) Review of the major etiologies of sudden unexplained cardiac death with an emphasis on structural abnormalities and acquired conditions;</u>                                                                                                                                                                                                                                                                                                                                                | 400 |
| <u>(g) When to refer a patient to a cardiologist for further assessment.</u>                                                                                                                                                                                                                                                                                                                                                                                                                       | 401 |
| <u>(C) The department of health and the department of education and workforce shall post the module established pursuant to this section on their internet web sites. The department of health shall make internet links to the module available to the American academy of pediatrics, Ohio academy of family physicians, American heart association, American college of cardiology, athletic trainers' society, state medical board, board of nursing, and society of physician assistants.</u> | 402 |
| <u>(D) The department of health shall facilitate the database storage of information related to all health care professionals who complete the course as required by sections 4723.484, 4730.46, and 4731.89 of the Revised Code. The department may coordinate with health care professional licensing boards to store the information on behalf of the department, as the department considers appropriate. The records shall be kept for ten years.</u>                                         | 403 |
| <u>(E) The department of health shall complete an annual report on outcomes related to the module and health care professional reports under sections 4723.484, 4730.46, and</u>                                                                                                                                                                                                                                                                                                                   | 404 |
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4731.89 of the Revised Code. The department shall post the 426  
report on its internet web site and provide a copy to any member 427  
of the public on request. 428

**Sec. 4723.24.** (A) (1) Except as otherwise provided in this 429  
chapter, all of the following apply with respect to the 430  
schedules for renewal of licenses and certificates issued by the 431  
board of nursing: 432

(a) An active license to practice nursing as a registered 433  
nurse is subject to renewal in odd-numbered years. An 434  
application for renewal of the license is due on the fifteenth 435  
day of September of the renewal year. A late application may be 436  
submitted before the license lapses. If a license is not renewed 437  
or classified as inactive, the license lapses on the first day 438  
of November of the renewal year. 439

(b) An active license to practice nursing as a licensed 440  
practical nurse is subject to renewal in even-numbered years. An 441  
application for renewal of the license is due on the fifteenth 442  
day of September of the renewal year. A late application may be 443  
submitted before the license lapses. If a license is not renewed 444  
or classified as inactive, the license lapses on the first day 445  
of November of the renewal year. 446

(c) An active license to practice nursing as an advanced 447  
practice registered nurse is subject to renewal in odd-numbered 448  
years. An application for renewal of the license is due on the 449  
fifteenth day of September of the renewal year. A late 450  
application may be submitted before the license lapses. If a 451  
license is not renewed or classified as inactive, the license 452  
lapses on the first day of November of the renewal year. 453

(d) All other active licenses and certificates issued 454



under this chapter are subject to renewal according to a 455  
schedule established by the board in rules adopted under section 456  
4723.07 of the Revised Code. 457

(2) The board shall provide an application for renewal to 458  
every holder of an active license or certificate, except when 459  
the board is aware that an individual is ineligible for license 460  
or certificate renewal for any reason, including pending 461  
criminal charges in this state or another jurisdiction, failure 462  
to comply with a disciplinary order from the board or the terms 463  
of a consent agreement entered into with the board, failure to 464  
pay fines or fees owed to the board, or failure to provide on 465  
the board's request documentation of having completed the 466  
continuing nursing education requirements specified in division 467  
(C) of this section. 468

If the board provides a renewal application by mail, the 469  
application shall be addressed to the last known post-office 470  
address of the license or certificate holder and mailed before 471  
the date the application is due. Failure of the license or 472  
certificate holder to receive an application for renewal from 473  
the board shall not excuse the holder from the requirements 474  
contained in this section, except as provided in section 5903.10 475  
of the Revised Code. 476

As applicable, the renewal application shall include a 477  
check box for an advanced practice registered nurse who is 478  
subject to section 4723.484 of the Revised Code to certify 479  
compliance with divisions (A) (2) and (3) of that section. 480

(3) A license or certificate holder seeking renewal of the 481  
license or certificate shall complete the renewal application 482  
and submit it to the board with the renewal fee established 483  
under section 4723.08 of the Revised Code. If a renewal 484

application is submitted after the date the application is due, 485  
but before the date the license or certificate lapses, the 486  
applicant shall include with the application the fee established 487  
under section 4723.08 of the Revised Code for processing a late 488  
application for renewal. 489

With the renewal application, the applicant shall report 490  
any conviction, plea, or judicial finding regarding a criminal 491  
offense that constitutes grounds for the board to impose 492  
sanctions under section 4723.28 of the Revised Code since the 493  
applicant last submitted an application to the board. 494

(4) On receipt of the renewal application, the board shall 495  
verify whether the applicant meets the renewal requirements. If 496  
the applicant meets the requirements, the board shall renew the 497  
license or certificate. 498

(B) Every license or certificate holder shall give written 499  
notice to the board of any change of name or address within 500  
thirty days of the change. The board shall require the holder to 501  
document a change of name in a manner acceptable to the board. 502

(C) (1) Except in the case of a first renewal after 503  
licensure by examination, to be eligible for renewal of an 504  
active license to practice nursing as a registered nurse or 505  
licensed practical nurse, each individual who holds an active 506  
license shall, in each two-year period specified by the board, 507  
complete continuing nursing education as follows: 508

(a) For renewal of a license that was issued for a two- 509  
year renewal period, twenty-four hours of continuing nursing 510  
education; 511

(b) For renewal of a license that was issued for less than 512  
a two-year renewal period, the number of hours of continuing 513

nursing education specified by the board in rules adopted in 514  
accordance with Chapter 119. of the Revised Code; 515

(c) Of the hours of continuing nursing education completed 516  
in any renewal period, at least one hour of the education must 517  
be directly related to the statutes and rules pertaining to the 518  
practice of nursing in this state. 519

(2) To be eligible for renewal of an active license to 520  
practice nursing as an advanced practice registered nurse, each 521  
individual who holds an active license shall, in each two-year 522  
period specified by the board, complete continuing education as 523  
follows: 524

(a) For renewal of a license that was issued for a two- 525  
year renewal period, twenty-four hours of continuing nursing 526  
education; 527

(b) For renewal of a license that was issued for less than 528  
a two-year renewal period, the number of hours of continuing 529  
nursing education specified by the board in rules adopted in 530  
accordance with Chapter 119. of the Revised Code, including the 531  
number of hours of continuing education in advanced 532  
pharmacology; 533

(c) In the case of an advanced practice registered nurse 534  
who is designated as a clinical nurse specialist, certified 535  
nurse-midwife, or certified nurse practitioner, of the hours of 536  
continuing nursing education completed in any renewal period, at 537  
least twelve hours of the education must be in advanced 538  
pharmacology and be received from an accredited institution 539  
recognized by the board. 540

(d) The continuing education required by division (C) (2) 541  
(a) or (b) of this section is in addition to the continuing 542

education required by division (C) (1) (a) or (b) of this section. 543

(3) The board shall adopt rules establishing the procedure 544  
for a license holder to certify to the board completion of the 545  
required continuing nursing education. The board may conduct a 546  
random sample of license holders and require that the license 547  
holders included in the sample submit satisfactory documentation 548  
of having completed the requirements for continuing nursing 549  
education. On the board's request, a license holder included in 550  
the sample shall submit the required documentation. 551

(4) An educational activity may be applied toward meeting 552  
the continuing nursing education requirement only if it is 553  
obtained through a program or course approved by the board or a 554  
person the board has authorized to approve continuing nursing 555  
education programs and courses. 556

(5) The continuing education required of a certified 557  
registered nurse anesthetist, clinical nurse specialist, 558  
certified nurse-midwife, or certified nurse practitioner to 559  
maintain certification by a national certifying organization 560  
shall be applied toward the continuing education requirements 561  
for renewal of the following if the continuing education is 562  
obtained through a program or course approved by the board or a 563  
person the board has authorized to approve continuing nursing 564  
education programs and courses: 565

(a) A license to practice nursing as a registered nurse; 566

(b) A license to practice nursing as an advanced practice 567  
registered nurse. 568

(D) Except as otherwise provided in section 4723.28 of the 569  
Revised Code, an individual who holds an active license to 570  
practice nursing as a registered nurse or licensed practical 571

nurse and who does not intend to practice in Ohio may send to 572  
the board written notice to that effect on or before the date 573  
the license lapses, and the board shall classify the license as 574  
inactive. During the period that the license is classified as 575  
inactive, the holder may not engage in the practice of nursing 576  
as a registered nurse or licensed practical nurse in Ohio and is 577  
not required to pay the renewal fee. 578

The holder of an inactive license to practice nursing as a 579  
registered nurse or licensed practical nurse or an individual 580  
who has failed to renew the individual's license to practice 581  
nursing as a registered nurse or licensed practical nurse may 582  
have the license reactivated or reinstated upon doing the 583  
following, as applicable to the holder or individual: 584

(1) Applying to the board for license reactivation or 585  
reinstatement on forms provided by the board; 586

(2) Meeting the requirements for reactivating or 587  
reinstating licenses established in rules adopted under section 588  
4723.07 of the Revised Code or, if the individual did not renew 589  
because of service in the armed forces of the United States or a 590  
reserve component of the armed forces of the United States, 591  
including the Ohio national guard or the national guard of any 592  
other state, as provided in section 5903.10 of the Revised Code; 593

(3) If the license has been inactive for at least five 594  
years from the date of application for reactivation or has 595  
lapsed for at least five years from the date of application for 596  
reinstatement, submitting a request to the bureau of criminal 597  
identification and investigation for a criminal records check 598  
and check of federal bureau of investigation records pursuant to 599  
section 4723.091 of the Revised Code. 600

(E) Except as otherwise provided in section 4723.28 of the Revised Code, an individual who holds an active license to practice nursing as an advanced practice registered nurse and does not intend to practice in Ohio as an advanced practice registered nurse may send to the board written notice to that effect on or before the renewal date, and the board shall classify the license as inactive. During the period that the license is classified as inactive, the holder may not engage in the practice of nursing as an advanced practice registered nurse in Ohio and is not required to pay the renewal fee.

The holder of an inactive license to practice nursing as an advanced practice registered nurse or an individual who has failed to renew the individual's license to practice nursing as an advanced practice registered nurse may have the license reactivated or reinstated upon doing the following, as applicable to the holder or individual:

(1) Applying to the board for license reactivation or reinstatement on forms provided by the board;

(2) Meeting the requirements for reactivating or reinstating licenses established in rules adopted under section 4723.07 of the Revised Code or, if the individual did not renew because of service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, as provided in section 5903.10 of the Revised Code.

**Sec. 4723.28.** (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud,

misrepresentation, or deception in applying for or securing any 631  
nursing license or dialysis technician certificate issued by the 632  
board: deny, revoke, suspend, or place restrictions on any 633  
nursing license or dialysis technician certificate issued by the 634  
board; reprimand or otherwise discipline a holder of a nursing 635  
license or dialysis technician certificate; or impose a fine of 636  
not more than five hundred dollars per violation. 637

(B) Except as provided in section 4723.092 of the Revised 638  
Code, the board of nursing, by a vote of a quorum, may impose 639  
one or more of the following sanctions: deny, revoke, suspend, 640  
or place restrictions on any nursing license or dialysis 641  
technician certificate issued by the board; reprimand or 642  
otherwise discipline a holder of a nursing license or dialysis 643  
technician certificate; or impose a fine of not more than five 644  
hundred dollars per violation. The sanctions may be imposed for 645  
any of the following: 646

(1) Denial, revocation, suspension, or restriction of 647  
authority to engage in a licensed profession or practice a 648  
health care occupation, including nursing or practice as a 649  
dialysis technician, for any reason other than a failure to 650  
renew, in Ohio or another state or jurisdiction; 651

(2) Engaging in the practice of nursing or engaging in 652  
practice as a dialysis technician, having failed to renew a 653  
nursing license or dialysis technician certificate issued under 654  
this chapter, or while a nursing license or dialysis technician 655  
certificate is under suspension; 656

(3) Conviction of, a plea of guilty to, a judicial finding 657  
of guilt of, a judicial finding of guilt resulting from a plea 658  
of no contest to, or a judicial finding of eligibility for a 659  
pretrial diversion or similar program or for intervention in 660

lieu of conviction for, a misdemeanor committed in the course of 661  
practice; 662

(4) Conviction of, a plea of guilty to, a judicial finding 663  
of guilt of, a judicial finding of guilt resulting from a plea 664  
of no contest to, or a judicial finding of eligibility for a 665  
pretrial diversion or similar program or for intervention in 666  
lieu of conviction for, any felony or of any crime involving 667  
gross immorality or moral turpitude; 668

(5) Selling, giving away, or administering drugs or 669  
therapeutic devices for other than legal and legitimate 670  
therapeutic purposes; or conviction of, a plea of guilty to, a 671  
judicial finding of guilt of, a judicial finding of guilt 672  
resulting from a plea of no contest to, or a judicial finding of 673  
eligibility for a pretrial diversion or similar program or for 674  
intervention in lieu of conviction for, violating any municipal, 675  
state, county, or federal drug law; 676

(6) Conviction of, a plea of guilty to, a judicial finding 677  
of guilt of, a judicial finding of guilt resulting from a plea 678  
of no contest to, or a judicial finding of eligibility for a 679  
pretrial diversion or similar program or for intervention in 680  
lieu of conviction for, an act in another jurisdiction that 681  
would constitute a felony or a crime of moral turpitude in Ohio; 682

(7) Conviction of, a plea of guilty to, a judicial finding 683  
of guilt of, a judicial finding of guilt resulting from a plea 684  
of no contest to, or a judicial finding of eligibility for a 685  
pretrial diversion or similar program or for intervention in 686  
lieu of conviction for, an act in the course of practice in 687  
another jurisdiction that would constitute a misdemeanor in 688  
Ohio; 689



(8) Self-administering or otherwise taking into the body 690  
any dangerous drug, as defined in section 4729.01 of the Revised 691  
Code, in any way that is not in accordance with a legal, valid 692  
prescription issued for that individual, or self-administering 693  
or otherwise taking into the body any drug that is a schedule I 694  
controlled substance; 695

(9) Habitual or excessive use of controlled substances, 696  
other habit-forming drugs, or alcohol or other chemical 697  
substances to an extent that impairs the individual's ability to 698  
provide safe nursing care or safe dialysis care; 699

(10) Impairment of the ability to practice according to 700  
acceptable and prevailing standards of safe nursing care or safe 701  
dialysis care because of the use of drugs, alcohol, or other 702  
chemical substances; 703

(11) Impairment of the ability to practice according to 704  
acceptable and prevailing standards of safe nursing care or safe 705  
dialysis care because of a physical or mental disability; 706

(12) Assaulting or causing harm to a patient or depriving 707  
a patient of the means to summon assistance; 708

(13) Misappropriation or attempted misappropriation of 709  
money or anything of value in the course of practice; 710

(14) Adjudication by a probate court of being mentally ill 711  
or mentally incompetent. The board may reinstate the person's 712  
nursing license or dialysis technician certificate upon 713  
adjudication by a probate court of the person's restoration to 714  
competency or upon submission to the board of other proof of 715  
competency. 716

(15) The suspension or termination of employment by the 717  
United States department of defense or department of veterans 718

|                                                                                                                                                                                |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| affairs for any act that violates or would violate this chapter;                                                                                                               | 719               |
| (16) Violation of this chapter or any rules adopted under it;                                                                                                                  | 720<br>721        |
| (17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;                                                                | 722<br>723        |
| (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;                                                 | 724<br>725<br>726 |
| (19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;                                                    | 727<br>728        |
| (20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;                                                      | 729<br>730<br>731 |
| (21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;                                      | 732<br>733<br>734 |
| (22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;                                       | 735<br>736<br>737 |
| (23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; | 738<br>739<br>740 |
| (24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:                                        | 741<br>742<br>743 |
| (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or                                                      | 744<br>745        |

health care policy, contract, or plan that covers such nursing 746  
services, would otherwise be required to pay if the waiver is 747  
used as an enticement to a patient or group of patients to 748  
receive health care services from that provider; 749

(b) Advertising that the nurse will waive the payment of 750  
all or any part of a deductible or copayment that a patient, 751  
pursuant to a health insurance or health care policy, contract, 752  
or plan that covers such nursing services, would otherwise be 753  
required to pay. 754

(25) Failure to comply with the terms and conditions of 755  
participation in the substance use disorder monitoring program 756  
established under section 4723.35 of the Revised Code; 757

(26) Failure to comply with the terms and conditions 758  
required under the practice intervention and improvement program 759  
established under section 4723.282 of the Revised Code; 760

(27) In the case of an advanced practice registered nurse: 761

(a) Engaging in activities that exceed those permitted for 762  
the nurse's nursing specialty under section 4723.43 of the 763  
Revised Code; 764

(b) Failure to meet the quality assurance standards 765  
established under section 4723.07 of the Revised Code. 766

(28) In the case of an advanced practice registered nurse 767  
other than a certified registered nurse anesthetist, failure to 768  
maintain a standard care arrangement in accordance with section 769  
4723.431 of the Revised Code or to practice in accordance with 770  
the standard care arrangement; 771

(29) In the case of an advanced practice registered nurse 772  
who is designated as a clinical nurse specialist, certified 773

nurse-midwife, or certified nurse practitioner, failure to 774  
prescribe drugs and therapeutic devices in accordance with 775  
section 4723.481 of the Revised Code; 776

(30) Prescribing any drug or device to perform or induce 777  
an abortion, or otherwise performing or inducing an abortion; 778

(31) Failure to establish and maintain professional 779  
boundaries with a patient, as specified in rules adopted under 780  
section 4723.07 of the Revised Code; 781

(32) Regardless of whether the contact or verbal behavior 782  
is consensual, engaging with a patient other than the spouse of 783  
the registered nurse, licensed practical nurse, or dialysis 784  
technician in any of the following: 785

(a) Sexual contact, as defined in section 2907.01 of the 786  
Revised Code; 787

(b) Verbal behavior that is sexually demeaning to the 788  
patient or may be reasonably interpreted by the patient as 789  
sexually demeaning. 790

(33) Assisting suicide, as defined in section 3795.01 of 791  
the Revised Code; 792

(34) Failure to comply with the requirements in section 793  
3719.061 of the Revised Code before issuing for a minor a 794  
prescription for an opioid analgesic, as defined in section 795  
3719.01 of the Revised Code; 796

(35) Failure to comply with section 4723.487 of the 797  
Revised Code, unless the state board of pharmacy no longer 798  
maintains a drug database pursuant to section 4729.75 of the 799  
Revised Code; 800

(36) The revocation, suspension, restriction, reduction, 801

or termination of clinical privileges by the United States 802  
department of defense or department of veterans affairs or the 803  
termination or suspension of a certificate of registration to 804  
prescribe drugs by the drug enforcement administration of the 805  
United States department of justice; 806

(37) In the case of an advanced practice registered nurse 807  
who is designated as a clinical nurse specialist, certified 808  
nurse-midwife, or certified nurse practitioner, failure to 809  
comply with the terms of a consult agreement entered into with a 810  
pharmacist pursuant to section 4729.39 of the Revised Code; 811

(38) In the case of an advanced practice registered nurse 812  
who is designated as a clinical nurse specialist or certified 813  
nurse practitioner, failure to comply with division (A) (2) or 814  
(3) of section 4723.484 of the Revised Code. 815

(C) Disciplinary actions taken by the board under 816  
divisions (A) and (B) of this section shall be taken pursuant to 817  
an adjudication conducted under Chapter 119. of the Revised 818  
Code, except that in lieu of a hearing, the board may enter into 819  
a consent agreement with an individual to resolve an allegation 820  
of a violation of this chapter or any rule adopted under it. A 821  
consent agreement, when ratified by a vote of a quorum, shall 822  
constitute the findings and order of the board with respect to 823  
the matter addressed in the agreement. If the board refuses to 824  
ratify a consent agreement, the admissions and findings 825  
contained in the agreement shall be of no effect. 826

(D) The hearings of the board shall be conducted in 827  
accordance with Chapter 119. of the Revised Code, the board may 828  
appoint a hearing examiner, as provided in section 119.09 of the 829  
Revised Code, to conduct any hearing the board is authorized to 830  
hold under Chapter 119. of the Revised Code. 831

In any instance in which the board is required under 832  
Chapter 119. of the Revised Code to give notice of an 833  
opportunity for a hearing and the applicant, licensee, or 834  
certificate holder does not make a timely request for a hearing 835  
in accordance with section 119.07 of the Revised Code, the board 836  
is not required to hold a hearing, but may adopt, by a vote of a 837  
quorum, a final order that contains the board's findings. In the 838  
final order, the board may order any of the sanctions listed in 839  
division (A) or (B) of this section. 840

(E) If a criminal action is brought against a registered 841  
nurse, licensed practical nurse, or dialysis technician for an 842  
act or crime described in divisions (B)(3) to (7) of this 843  
section and the action is dismissed by the trial court other 844  
than on the merits, the board shall conduct an adjudication to 845  
determine whether the registered nurse, licensed practical 846  
nurse, or dialysis technician committed the act on which the 847  
action was based. If the board determines on the basis of the 848  
adjudication that the registered nurse, licensed practical 849  
nurse, or dialysis technician committed the act, or if the 850  
registered nurse, licensed practical nurse, or dialysis 851  
technician fails to participate in the adjudication, the board 852  
may take action as though the registered nurse, licensed 853  
practical nurse, or dialysis technician had been convicted of 854  
the act. 855

If the board takes action on the basis of a conviction, 856  
plea, or a judicial finding as described in divisions (B)(3) to 857  
(7) of this section that is overturned on appeal, the registered 858  
nurse, licensed practical nurse, or dialysis technician may, on 859  
exhaustion of the appeal process, petition the board for 860  
reconsideration of its action. On receipt of the petition and 861  
supporting court documents, the board shall temporarily rescind 862

its action. If the board determines that the decision on appeal 863  
was a decision on the merits, it shall permanently rescind its 864  
action. If the board determines that the decision on appeal was 865  
not a decision on the merits, it shall conduct an adjudication 866  
to determine whether the registered nurse, licensed practical 867  
nurse, or dialysis technician committed the act on which the 868  
original conviction, plea, or judicial finding was based. If the 869  
board determines on the basis of the adjudication that the 870  
registered nurse, licensed practical nurse, or dialysis 871  
technician committed such act, or if the registered nurse, 872  
licensed practical nurse, or dialysis technician does not 873  
request an adjudication, the board shall reinstate its action; 874  
otherwise, the board shall permanently rescind its action. 875

Notwithstanding the provision of division (D) (2) of 876  
section 2953.32 or division (F) (1) of section 2953.39 of the 877  
Revised Code specifying that if records pertaining to a criminal 878  
case are sealed or expunged under that section the proceedings 879  
in the case shall be deemed not to have occurred, sealing or 880  
expungement of the following records on which the board has 881  
based an action under this section shall have no effect on the 882  
board's action or any sanction imposed by the board under this 883  
section: records of any conviction, guilty plea, judicial 884  
finding of guilt resulting from a plea of no contest, or a 885  
judicial finding of eligibility for a pretrial diversion program 886  
or intervention in lieu of conviction. 887

The board shall not be required to seal, destroy, redact, 888  
or otherwise modify its records to reflect the court's sealing 889  
or expungement of conviction records. 890

(F) The board may investigate an individual's criminal 891  
background in performing its duties under this section. As part 892

of such investigation, the board may order the individual to 893  
submit, at the individual's expense, a request to the bureau of 894  
criminal identification and investigation for a criminal records 895  
check and check of federal bureau of investigation records in 896  
accordance with the procedure described in section 4723.091 of 897  
the Revised Code. 898

(G) During the course of an investigation conducted under 899  
this section, the board may compel any registered nurse, 900  
licensed practical nurse, or dialysis technician or applicant 901  
under this chapter to submit to a mental or physical 902  
examination, or both, as required by the board and at the 903  
expense of the individual, if the board finds reason to believe 904  
that the individual under investigation may have a physical or 905  
mental impairment that may affect the individual's ability to 906  
provide safe nursing care. Failure of any individual to submit 907  
to a mental or physical examination when directed constitutes an 908  
admission of the allegations, unless the failure is due to 909  
circumstances beyond the individual's control, and a default and 910  
final order may be entered without the taking of testimony or 911  
presentation of evidence. 912

If the board finds that an individual is impaired, the 913  
board shall require the individual to submit to care, 914  
counseling, or treatment approved or designated by the board, as 915  
a condition for initial, continued, reinstated, or renewed 916  
authority to practice. The individual shall be afforded an 917  
opportunity to demonstrate to the board that the individual can 918  
begin or resume the individual's occupation in compliance with 919  
acceptable and prevailing standards of care under the provisions 920  
of the individual's authority to practice. 921

For purposes of this division, any registered nurse, 922



licensed practical nurse, or dialysis technician or applicant 923  
under this chapter shall be deemed to have given consent to 924  
submit to a mental or physical examination when directed to do 925  
so in writing by the board, and to have waived all objections to 926  
the admissibility of testimony or examination reports that 927  
constitute a privileged communication. 928

(H) The board shall investigate evidence that appears to 929  
show that any person has violated any provision of this chapter 930  
or any rule of the board. Any person may report to the board any 931  
information the person may have that appears to show a violation 932  
of any provision of this chapter or rule of the board. In the 933  
absence of bad faith, any person who reports such information or 934  
who testifies before the board in any adjudication conducted 935  
under Chapter 119. of the Revised Code shall not be liable for 936  
civil damages as a result of the report or testimony. 937

(I) All of the following apply under this chapter with 938  
respect to the confidentiality of information: 939

(1) Information received by the board pursuant to a 940  
complaint or an investigation is confidential and not subject to 941  
discovery in any civil action, except that the board may 942  
disclose information to law enforcement officers and government 943  
entities for purposes of an investigation of either a licensed 944  
health care professional, including a registered nurse, licensed 945  
practical nurse, or dialysis technician, or a person who may 946  
have engaged in the unauthorized practice of nursing or dialysis 947  
care. No law enforcement officer or government entity with 948  
knowledge of any information disclosed by the board pursuant to 949  
this division shall divulge the information to any other person 950  
or government entity except for the purpose of a government 951  
investigation, a prosecution, or an adjudication by a court or 952

government entity. 953

(2) If an investigation requires a review of patient 954  
records, the investigation and proceeding shall be conducted in 955  
such a manner as to protect patient confidentiality. 956

(3) All adjudications and investigations of the board 957  
shall be considered civil actions for the purposes of section 958  
2305.252 of the Revised Code. 959

(4) Any board activity that involves continued monitoring 960  
of an individual as part of or following any disciplinary action 961  
taken under this section shall be conducted in a manner that 962  
maintains the individual's confidentiality. Information received 963  
or maintained by the board with respect to the board's 964  
monitoring activities is not subject to discovery in any civil 965  
action and is confidential, except that the board may disclose 966  
information to law enforcement officers and government entities 967  
for purposes of an investigation of a licensee or certificate 968  
holder. 969

(J) Any action taken by the board under this section 970  
resulting in a suspension from practice shall be accompanied by 971  
a written statement of the conditions under which the person may 972  
be reinstated to practice. 973

(K) When the board refuses to grant a license or 974  
certificate to an applicant, revokes a license or certificate, 975  
or refuses to reinstate a license or certificate, the board may 976  
specify that its action is permanent. An individual subject to 977  
permanent action taken by the board is forever ineligible to 978  
hold a license or certificate of the type that was refused or 979  
revoked and the board shall not accept from the individual an 980  
application for reinstatement of the license or certificate or 981

for a new license or certificate. 982

(L) No unilateral surrender of a nursing license or 983  
dialysis technician certificate issued under this chapter shall 984  
be effective unless accepted by majority vote of the board. No 985  
application for a nursing license or dialysis technician 986  
certificate issued under this chapter may be withdrawn without a 987  
majority vote of the board. The board's jurisdiction to take 988  
disciplinary action under this section is not removed or limited 989  
when an individual has a license or certificate classified as 990  
inactive or fails to renew a license or certificate. 991

(M) Sanctions shall not be imposed under division (B) (24) 992  
of this section against any licensee who waives deductibles and 993  
copayments as follows: 994

(1) In compliance with the health benefit plan that 995  
expressly allows such a practice. Waiver of the deductibles or 996  
copayments shall be made only with the full knowledge and 997  
consent of the plan purchaser, payer, and third-party 998  
administrator. Documentation of the consent shall be made 999  
available to the board upon request. 1000

(2) For professional services rendered to any other person 1001  
licensed pursuant to this chapter to the extent allowed by this 1002  
chapter and the rules of the board. 1003

Sec. 4723.484. Beginning one year after the effective date 1004  
of this section, all of the following apply: 1005

(A) A certified nurse practitioner or clinical nurse 1006  
specialist who performs annual physical examinations on 1007  
individuals who are nineteen years of age or younger, or who 1008  
performs examinations for purposes of section 3313.5310 or 1009  
3707.58 of the Revised Code, shall do all of the following: 1010

(1) For each such examination, complete the 1011  
preparticipation physical evaluation form created pursuant to 1012  
division (D) of section 3707.59 of the Revised Code; 1013

(2) At least once every four years, complete the childhood 1014  
cardiac screening professional development module established 1015  
under section 3707.591 of the Revised Code. The certified nurse 1016  
practitioner or clinical nurse specialist shall retain on file 1017  
at the nurse's primary place of practice a hard copy of the 1018  
certificate of completion, and shall make it available to the 1019  
board of nursing on request. 1020

(3) At least once every four years, read the pamphlet 1021  
developed under division (B) (2) (a) of section 3707.59 of the 1022  
Revised Code; 1023

(4) Annually report to the department of health the total 1024  
number of examinations for which the preparticipation physical 1025  
evaluation form was completed and the total number of cardiology 1026  
referrals resulting from those examinations. 1027

(B) The board may fine a certified nurse practitioner or 1028  
clinical nurse specialist who fails, on request, to produce a 1029  
copy of the certificate of completion of the childhood cardiac 1030  
screening professional development module. The fine may be up to 1031  
five thousand dollars, plus an additional one thousand dollars 1032  
for each individual the nurse is found to have examined without 1033  
having completed the module as required under this section. 1034

(C) No certified nurse practitioner or clinical nurse 1035  
specialist shall knowingly falsely certify as to the completion 1036  
of the requirements set forth in division (A) (2) or (3) of this 1037  
section. 1038

**Sec. 4723.99.** (A) Except as provided in division (B) of 1039

this section, whoever violates section 4723.03, 4723.44, 1040  
4723.653, or 4723.73 of the Revised Code is guilty of a felony 1041  
of the fifth degree on a first offense and a felony of the 1042  
fourth degree on each subsequent offense. 1043

(B) Each of the following is guilty of a minor 1044  
misdemeanor: 1045

(1) A registered nurse, advanced practice registered 1046  
nurse, or licensed practical nurse who violates division (A), 1047  
(B), (C), or (D) of section 4723.03 of the Revised Code by 1048  
reason of a license to practice nursing that has lapsed for 1049  
failure to renew or by practicing nursing after a license has 1050  
been classified as inactive; 1051

(2) A medication aide who violates section 4723.653 of the 1052  
Revised Code by reason of a medication aide certificate that has 1053  
lapsed for failure to renew or by administering medication as a 1054  
medication aide after a certificate has been classified as 1055  
inactive. 1056

(C) Whoever violates division (A) (2) or (3) of section 1057  
4723.484 of the Revised Code is guilty of a misdemeanor of the 1058  
first degree. 1059

**Sec. 4730.14.** (A) A license to practice as a physician 1060  
assistant shall be valid for a two-year period unless revoked or 1061  
suspended, shall expire on the date that is two years after the 1062  
date of issuance, and may be renewed for additional two-year 1063  
periods in accordance with this section. A person seeking to 1064  
renew a license shall apply to the state medical board for 1065  
renewal prior to the license's expiration date. The board shall 1066  
provide renewal notices to license holders at least one month 1067  
prior to the expiration date. 1068

Applications shall be submitted to the board in a manner 1069  
prescribed by the board. Each renewal application shall include 1070  
a check box for a physician assistant who is subject to section 1071  
4730.46 of the Revised Code to certify compliance with divisions 1072  
(A) (2) and (3) of that section. Each application shall be 1073  
accompanied by a biennial renewal fee of two hundred dollars. 1074  
The board shall deposit the fees in accordance with section 1075  
4731.24 of the Revised Code. 1076

The applicant shall report any criminal offense that 1077  
constitutes grounds for refusing to issue a license to practice 1078  
under section 4730.25 of the Revised Code to which the applicant 1079  
has pleaded guilty, of which the applicant has been found 1080  
guilty, or for which the applicant has been found eligible for 1081  
intervention in lieu of conviction, since last signing an 1082  
application for a license to practice as a physician assistant. 1083

(B) To be eligible for renewal of a license, an applicant 1084  
is subject to all of the following: 1085

(1) The applicant must certify to the board that the 1086  
applicant has maintained certification by the national 1087  
commission on certification of physician assistants or a 1088  
successor organization that is recognized by the board by 1089  
meeting the standards to hold current certification from the 1090  
commission or its successor, including passing periodic 1091  
recertification examinations; 1092

(2) Except as provided in section 5903.12 of the Revised 1093  
Code, the applicant must certify to the board that the applicant 1094  
is in compliance with the continuing medical education 1095  
requirements necessary to hold current certification from the 1096  
commission or its successor. 1097

(3) The applicant must comply with the renewal eligibility requirements established under section 4730.49 of the Revised Code that pertain to the applicant.

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

(D) The board may require a random sample of physician assistants to submit materials documenting both of the following:

(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board;

(2) Completion of the continuing medical education required to hold current certification from the commission or its successor.

Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code.

(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.

(F) If a license has been suspended pursuant to division (E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.

If a license has been suspended pursuant to division (E) 1127  
of this section for more than two years, it may be restored. In 1128  
accordance with section 4730.28 of the Revised Code, the board 1129  
may restore a license suspended for failure to renew upon an 1130  
applicant's submission of a restoration application, the 1131  
biennial renewal fee, and any applicable monetary penalty and 1132  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1133  
The board shall not restore to an applicant a license to 1134  
practice as a physician assistant unless the board, in its 1135  
discretion, decides that the results of the criminal records 1136  
check do not make the applicant ineligible for a license issued 1137  
pursuant to section 4730.12 of the Revised Code. 1138

The penalty for reinstatement shall be fifty dollars and 1139  
the penalty for restoration shall be one hundred dollars. The 1140  
board shall deposit penalties in accordance with section 4731.24 1141  
of the Revised Code. 1142

(G) (1) If, through a random sample conducted under 1143  
division (D) of this section or through any other means, the 1144  
board finds that an individual who certified completion of the 1145  
continuing medical education required to renew, reinstate, 1146  
restore, or reactivate a license to practice did not complete 1147  
the requisite continuing medical education, the board may do 1148  
either of the following: 1149

(a) Take disciplinary action against the individual under 1150  
section 4730.25 of the Revised Code, impose a civil penalty, or 1151  
both; 1152

(b) Permit the individual to agree in writing to complete 1153  
the continuing medical education and pay a civil penalty. 1154

(2) The board's finding in any disciplinary action taken 1155



under division (G)(1)(a) of this section shall be made pursuant 1156  
to an adjudication under Chapter 119. of the Revised Code and by 1157  
an affirmative vote of not fewer than six of its members. 1158

(3) A civil penalty imposed under division (G)(1)(a) of 1159  
this section or paid under division (G)(1)(b) of this section 1160  
shall be in an amount specified by the board of not more than 1161  
five thousand dollars. The board shall deposit civil penalties 1162  
in accordance with section 4731.24 of the Revised Code. 1163

**Sec. 4730.25.** (A) The state medical board, by an 1164  
affirmative vote of not fewer than six members, may refuse to 1165  
grant a license to practice as a physician assistant to, or may 1166  
revoke the license held by, an individual found by the board to 1167  
have committed fraud, misrepresentation, or deception in 1168  
applying for or securing the license. 1169

(B) Except as provided in division (N) of this section, 1170  
the board, by an affirmative vote of not fewer than six members, 1171  
shall, to the extent permitted by law, limit, revoke, or suspend 1172  
an individual's license to practice as a physician assistant or 1173  
prescriber number, refuse to issue a license to an applicant, 1174  
refuse to renew a license, refuse to reinstate a license, or 1175  
reprimand or place on probation the holder of a license for any 1176  
of the following reasons: 1177

(1) Failure to practice in accordance with the supervising 1178  
physician's supervision agreement with the physician assistant, 1179  
including, if applicable, the policies of the health care 1180  
facility in which the supervising physician and physician 1181  
assistant are practicing; 1182

(2) Failure to comply with the requirements of this 1183  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1184

by the board; 1185

(3) Violating or attempting to violate, directly or 1186  
indirectly, or assisting in or abetting the violation of, or 1187  
conspiring to violate, any provision of this chapter, Chapter 1188  
4731. of the Revised Code, or the rules adopted by the board; 1189

(4) Inability to practice according to acceptable and 1190  
prevailing standards of care by reason of mental illness or 1191  
physical illness, including physical deterioration that 1192  
adversely affects cognitive, motor, or perceptive skills; 1193

(5) Impairment of ability to practice according to 1194  
acceptable and prevailing standards of care because of substance 1195  
use disorder or excessive use or abuse of drugs, alcohol, or 1196  
other substances that may impair ability to practice; 1197

(6) Administering drugs for purposes other than those 1198  
authorized under this chapter; 1199

(7) Willfully betraying a professional confidence; 1200

(8) Making a false, fraudulent, deceptive, or misleading 1201  
statement in soliciting or advertising for employment as a 1202  
physician assistant; in connection with any solicitation or 1203  
advertisement for patients; in relation to the practice of 1204  
medicine as it pertains to physician assistants; or in securing 1205  
or attempting to secure a license to practice as a physician 1206  
assistant. 1207

As used in this division, "false, fraudulent, deceptive, 1208  
or misleading statement" means a statement that includes a 1209  
misrepresentation of fact, is likely to mislead or deceive 1210  
because of a failure to disclose material facts, is intended or 1211  
is likely to create false or unjustified expectations of 1212  
favorable results, or includes representations or implications 1213

that in reasonable probability will cause an ordinarily prudent 1214  
person to misunderstand or be deceived. 1215

(9) Representing, with the purpose of obtaining 1216  
compensation or other advantage personally or for any other 1217  
person, that an incurable disease or injury, or other incurable 1218  
condition, can be permanently cured; 1219

(10) The obtaining of, or attempting to obtain, money or 1220  
anything of value by fraudulent misrepresentations in the course 1221  
of practice; 1222

(11) A plea of guilty to, a judicial finding of guilt of, 1223  
or a judicial finding of eligibility for intervention in lieu of 1224  
conviction for, a felony; 1225

(12) Commission of an act that constitutes a felony in 1226  
this state, regardless of the jurisdiction in which the act was 1227  
committed; 1228

(13) A plea of guilty to, a judicial finding of guilt of, 1229  
or a judicial finding of eligibility for intervention in lieu of 1230  
conviction for, a misdemeanor committed in the course of 1231  
practice; 1232

(14) A plea of guilty to, a judicial finding of guilt of, 1233  
or a judicial finding of eligibility for intervention in lieu of 1234  
conviction for, a misdemeanor involving moral turpitude; 1235

(15) Commission of an act in the course of practice that 1236  
constitutes a misdemeanor in this state, regardless of the 1237  
jurisdiction in which the act was committed; 1238

(16) Commission of an act involving moral turpitude that 1239  
constitutes a misdemeanor in this state, regardless of the 1240  
jurisdiction in which the act was committed; 1241

(17) A plea of guilty to, a judicial finding of guilt of, 1242  
or a judicial finding of eligibility for intervention in lieu of 1243  
conviction for violating any state or federal law regulating the 1244  
possession, distribution, or use of any drug, including 1245  
trafficking in drugs; 1246

(18) Any of the following actions taken by the state 1247  
agency responsible for regulating the practice of physician 1248  
assistants in another state, for any reason other than the 1249  
nonpayment of fees: the limitation, revocation, or suspension of 1250  
an individual's license to practice; acceptance of an 1251  
individual's license surrender; denial of a license; refusal to 1252  
renew or reinstate a license; imposition of probation; or 1253  
issuance of an order of censure or other reprimand; 1254

(19) A departure from, or failure to conform to, minimal 1255  
standards of care of similar physician assistants under the same 1256  
or similar circumstances, regardless of whether actual injury to 1257  
a patient is established; 1258

(20) Violation of the conditions placed by the board on a 1259  
license to practice as a physician assistant; 1260

(21) Failure to use universal blood and body fluid 1261  
precautions established by rules adopted under section 4731.051 1262  
of the Revised Code; 1263

(22) Failure to cooperate in an investigation conducted by 1264  
the board under section 4730.26 of the Revised Code, including 1265  
failure to comply with a subpoena or order issued by the board 1266  
or failure to answer truthfully a question presented by the 1267  
board at a deposition or in written interrogatories, except that 1268  
failure to cooperate with an investigation shall not constitute 1269  
grounds for discipline under this section if a court of 1270

competent jurisdiction has issued an order that either quashes a 1271  
subpoena or permits the individual to withhold the testimony or 1272  
evidence in issue; 1273

(23) Assisting suicide, as defined in section 3795.01 of 1274  
the Revised Code; 1275

(24) Prescribing any drug or device to perform or induce 1276  
an abortion, or otherwise performing or inducing an abortion; 1277

(25) Failure to comply with section 4730.53 of the Revised 1278  
Code, unless the board no longer maintains a drug database 1279  
pursuant to section 4729.75 of the Revised Code; 1280

(26) Failure to comply with the requirements in section 1281  
3719.061 of the Revised Code before issuing for a minor a 1282  
prescription for an opioid analgesic, as defined in section 1283  
3719.01 of the Revised Code; 1284

(27) Having certification by the national commission on 1285  
certification of physician assistants or a successor 1286  
organization expire, lapse, or be suspended or revoked; 1287

(28) The revocation, suspension, restriction, reduction, 1288  
or termination of clinical privileges by the United States 1289  
department of defense or department of veterans affairs or the 1290  
termination or suspension of a certificate of registration to 1291  
prescribe drugs by the drug enforcement administration of the 1292  
United States department of justice; 1293

(29) Failure to comply with terms of a consult agreement 1294  
entered into with a pharmacist pursuant to section 4729.39 of 1295  
the Revised Code; 1296

(30) Failure to comply with division (A) (2) or (3) of 1297  
section 4730.46 of the Revised Code. 1298

(C) Disciplinary actions taken by the board under 1299  
divisions (A) and (B) of this section shall be taken pursuant to 1300  
an adjudication under Chapter 119. of the Revised Code, except 1301  
that in lieu of an adjudication, the board may enter into a 1302  
consent agreement with a physician assistant or applicant to 1303  
resolve an allegation of a violation of this chapter or any rule 1304  
adopted under it. A consent agreement, when ratified by an 1305  
affirmative vote of not fewer than six members of the board, 1306  
shall constitute the findings and order of the board with 1307  
respect to the matter addressed in the agreement. If the board 1308  
refuses to ratify a consent agreement, the admissions and 1309  
findings contained in the consent agreement shall be of no force 1310  
or effect. 1311

(D) For purposes of divisions (B) (12), (15), and (16) of 1312  
this section, the commission of the act may be established by a 1313  
finding by the board, pursuant to an adjudication under Chapter 1314  
119. of the Revised Code, that the applicant or license holder 1315  
committed the act in question. The board shall have no 1316  
jurisdiction under these divisions in cases where the trial 1317  
court renders a final judgment in the license holder's favor and 1318  
that judgment is based upon an adjudication on the merits. The 1319  
board shall have jurisdiction under these divisions in cases 1320  
where the trial court issues an order of dismissal upon 1321  
technical or procedural grounds. 1322

(E) The sealing or expungement of conviction records by 1323  
any court shall have no effect upon a prior board order entered 1324  
under the provisions of this section or upon the board's 1325  
jurisdiction to take action under the provisions of this section 1326  
if, based upon a plea of guilty, a judicial finding of guilt, or 1327  
a judicial finding of eligibility for intervention in lieu of 1328  
conviction, the board issued a notice of opportunity for a 1329

hearing prior to the court's order to seal or expunge the 1330  
records. The board shall not be required to seal, destroy, 1331  
redact, or otherwise modify its records to reflect the court's 1332  
sealing or expungement of conviction records. 1333

(F) For purposes of this division, any individual who 1334  
holds a license issued under this chapter, or applies for a 1335  
license issued under this chapter, shall be deemed to have given 1336  
consent to submit to a mental or physical examination when 1337  
directed to do so in writing by the board and to have waived all 1338  
objections to the admissibility of testimony or examination 1339  
reports that constitute a privileged communication. 1340

(1) In enforcing division (B)(4) of this section, the 1341  
board, upon a showing of a possible violation, shall refer any 1342  
individual who holds, or has applied for, a license issued under 1343  
this chapter to the monitoring organization that conducts the 1344  
confidential monitoring program established under section 1345  
4731.25 of the Revised Code. The board also may compel the 1346  
individual to submit to a mental examination, physical 1347  
examination, including an HIV test, or both a mental and 1348  
physical examination. The expense of the examination is the 1349  
responsibility of the individual compelled to be examined. 1350  
Failure to submit to a mental or physical examination or consent 1351  
to an HIV test ordered by the board constitutes an admission of 1352  
the allegations against the individual unless the failure is due 1353  
to circumstances beyond the individual's control, and a default 1354  
and final order may be entered without the taking of testimony 1355  
or presentation of evidence. If the board finds a physician 1356  
assistant unable to practice because of the reasons set forth in 1357  
division (B)(4) of this section, the board shall require the 1358  
physician assistant to submit to care, counseling, or treatment 1359  
by physicians approved or designated by the board, as a 1360

condition for an initial, continued, reinstated, or renewed 1361  
license. An individual affected under this division shall be 1362  
afforded an opportunity to demonstrate to the board the ability 1363  
to resume practicing in compliance with acceptable and 1364  
prevailing standards of care. 1365

(2) For purposes of division (B)(5) of this section, if 1366  
the board has reason to believe that any individual who holds a 1367  
license issued under this chapter or any applicant for a license 1368  
suffers such impairment, the board shall refer the individual to 1369  
the monitoring organization that conducts the confidential 1370  
monitoring program established under section 4731.25 of the 1371  
Revised Code. The board also may compel the individual to submit 1372  
to a mental or physical examination, or both. The expense of the 1373  
examination is the responsibility of the individual compelled to 1374  
be examined. Any mental or physical examination required under 1375  
this division shall be undertaken by a treatment provider or 1376  
physician qualified to conduct such examination and approved 1377  
under section 4731.251 of the Revised Code. 1378

Failure to submit to a mental or physical examination 1379  
ordered by the board constitutes an admission of the allegations 1380  
against the individual unless the failure is due to 1381  
circumstances beyond the individual's control, and a default and 1382  
final order may be entered without the taking of testimony or 1383  
presentation of evidence. If the board determines that the 1384  
individual's ability to practice is impaired, the board shall 1385  
suspend the individual's license or deny the individual's 1386  
application and shall require the individual, as a condition for 1387  
initial, continued, reinstated, or renewed licensure, to submit 1388  
to treatment. 1389

Before being eligible to apply for reinstatement of a 1390



license suspended under this division, the physician assistant 1391  
shall demonstrate to the board the ability to resume practice or 1392  
prescribing in compliance with acceptable and prevailing 1393  
standards of care. The demonstration shall include the 1394  
following: 1395

(a) Certification from a treatment provider approved under 1396  
section 4731.251 of the Revised Code that the individual has 1397  
successfully completed any required inpatient treatment; 1398

(b) Evidence of continuing full compliance with an 1399  
aftercare contract or consent agreement; 1400

(c) Two written reports indicating that the individual's 1401  
ability to practice has been assessed and that the individual 1402  
has been found capable of practicing according to acceptable and 1403  
prevailing standards of care. The reports shall be made by 1404  
individuals or providers approved by the board for making such 1405  
assessments and shall describe the basis for their 1406  
determination. 1407

The board may reinstate a license suspended under this 1408  
division after such demonstration and after the individual has 1409  
entered into a written consent agreement. 1410

When the impaired physician assistant resumes practice or 1411  
prescribing, the board shall require continued monitoring of the 1412  
physician assistant. The monitoring shall include compliance 1413  
with the written consent agreement entered into before 1414  
reinstatement or with conditions imposed by board order after a 1415  
hearing, and, upon termination of the consent agreement, 1416  
submission to the board for at least two years of annual written 1417  
progress reports made under penalty of falsification stating 1418  
whether the physician assistant has maintained sobriety. 1419

(G) If the secretary and supervising member determine that 1420  
there is clear and convincing evidence that a physician 1421  
assistant has violated division (B) of this section and that the 1422  
individual's continued practice or prescribing presents a danger 1423  
of immediate and serious harm to the public, they may recommend 1424  
that the board suspend the individual's license without a prior 1425  
hearing. Written allegations shall be prepared for consideration 1426  
by the board. 1427

The board, upon review of those allegations and by an 1428  
affirmative vote of not fewer than six of its members, excluding 1429  
the secretary and supervising member, may suspend a license 1430  
without a prior hearing. A telephone conference call may be 1431  
utilized for reviewing the allegations and taking the vote on 1432  
the summary suspension. 1433

The board shall serve a written order of suspension in 1434  
accordance with sections 119.05 and 119.07 of the Revised Code. 1435  
The order shall not be subject to suspension by the court during 1436  
pendency of any appeal filed under section 119.12 of the Revised 1437  
Code. If the physician assistant requests an adjudicatory 1438  
hearing by the board, the date set for the hearing shall be 1439  
within fifteen days, but not earlier than seven days, after the 1440  
physician assistant requests the hearing, unless otherwise 1441  
agreed to by both the board and the license holder. 1442

A summary suspension imposed under this division shall 1443  
remain in effect, unless reversed on appeal, until a final 1444  
adjudicative order issued by the board pursuant to this section 1445  
and Chapter 119. of the Revised Code becomes effective. The 1446  
board shall issue its final adjudicative order within seventy- 1447  
five days after completion of its hearing. Failure to issue the 1448  
order within seventy-five days shall result in dissolution of 1449

the summary suspension order, but shall not invalidate any 1450  
subsequent, final adjudicative order. 1451

(H) If the board takes action under division (B) (11), 1452  
(13), or (14) of this section, and the judicial finding of 1453  
guilt, guilty plea, or judicial finding of eligibility for 1454  
intervention in lieu of conviction is overturned on appeal, upon 1455  
exhaustion of the criminal appeal, a petition for 1456  
reconsideration of the order may be filed with the board along 1457  
with appropriate court documents. Upon receipt of a petition and 1458  
supporting court documents, the board shall reinstate the 1459  
individual's license. The board may then hold an adjudication 1460  
under Chapter 119. of the Revised Code to determine whether the 1461  
individual committed the act in question. Notice of opportunity 1462  
for hearing shall be given in accordance with Chapter 119. of 1463  
the Revised Code. If the board finds, pursuant to an 1464  
adjudication held under this division, that the individual 1465  
committed the act, or if no hearing is requested, it may order 1466  
any of the sanctions identified under division (B) of this 1467  
section. 1468

(I) The license to practice issued to a physician 1469  
assistant and the physician assistant's practice in this state 1470  
are automatically suspended as of the date the physician 1471  
assistant pleads guilty to, is found by a judge or jury to be 1472  
guilty of, or is subject to a judicial finding of eligibility 1473  
for intervention in lieu of conviction in this state or 1474  
treatment or intervention in lieu of conviction in another state 1475  
for any of the following criminal offenses in this state or a 1476  
substantially equivalent criminal offense in another 1477  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1478  
felonious assault, kidnapping, rape, sexual battery, gross 1479  
sexual imposition, aggravated arson, aggravated robbery, or 1480

aggravated burglary. Continued practice after the suspension 1481  
shall be considered practicing without a license. 1482

The board shall notify the individual subject to the 1483  
suspension in accordance with sections 119.05 and 119.07 of the 1484  
Revised Code. If an individual whose license is suspended under 1485  
this division fails to make a timely request for an adjudication 1486  
under Chapter 119. of the Revised Code, the board shall enter a 1487  
final order permanently revoking the individual's license to 1488  
practice. 1489

(J) In any instance in which the board is required by 1490  
Chapter 119. of the Revised Code to give notice of opportunity 1491  
for hearing and the individual subject to the notice does not 1492  
timely request a hearing in accordance with section 119.07 of 1493  
the Revised Code, the board is not required to hold a hearing, 1494  
but may adopt, by an affirmative vote of not fewer than six of 1495  
its members, a final order that contains the board's findings. 1496  
In that final order, the board may order any of the sanctions 1497  
identified under division (A) or (B) of this section. 1498

(K) Any action taken by the board under division (B) of 1499  
this section resulting in a suspension shall be accompanied by a 1500  
written statement of the conditions under which the physician 1501  
assistant's license may be reinstated. The board shall adopt 1502  
rules in accordance with Chapter 119. of the Revised Code 1503  
governing conditions to be imposed for reinstatement. 1504  
Reinstatement of a license suspended pursuant to division (B) of 1505  
this section requires an affirmative vote of not fewer than six 1506  
members of the board. 1507

(L) When the board refuses to grant or issue to an 1508  
applicant a license to practice as a physician assistant, 1509  
revokes an individual's license, refuses to renew an 1510

individual's license, or refuses to reinstate an individual's 1511  
license, the board may specify that its action is permanent. An 1512  
individual subject to a permanent action taken by the board is 1513  
forever thereafter ineligible to hold the license and the board 1514  
shall not accept an application for reinstatement of the license 1515  
or for issuance of a new license. 1516

(M) Notwithstanding any other provision of the Revised 1517  
Code, all of the following apply: 1518

(1) The surrender of a license issued under this chapter 1519  
is not effective unless or until accepted by the board. 1520  
Reinstatement of a license surrendered to the board requires an 1521  
affirmative vote of not fewer than six members of the board. 1522

(2) An application made under this chapter for a license 1523  
may not be withdrawn without approval of the board. 1524

(3) Failure by an individual to renew a license in 1525  
accordance with section 4730.14 of the Revised Code does not 1526  
remove or limit the board's jurisdiction to take disciplinary 1527  
action under this section against the individual. 1528

(4) The placement of an individual's license on retired 1529  
status, as described in section 4730.141 of the Revised Code, 1530  
does not remove or limit the board's jurisdiction to take any 1531  
disciplinary action against the individual with regard to the 1532  
license as it existed before being placed on retired status. 1533

(N) The board shall not refuse to issue a license to an 1534  
applicant because of a conviction, plea of guilty, judicial 1535  
finding of guilt, judicial finding of eligibility for 1536  
intervention in lieu of conviction, or the commission of an act 1537  
that constitutes a criminal offense, unless the refusal is in 1538  
accordance with section 9.79 of the Revised Code. 1539

Sec. 4730.46. Beginning one year after the effective date 1540  
of this section, all of the following apply: 1541

(A) A physician assistant who performs annual physical 1542  
examinations on individuals who are nineteen years of age or 1543  
younger, or who performs examinations for purposes of section 1544  
3313.5310 or 3707.58 of the Revised Code, shall do all of the 1545  
following: 1546

(1) For each such examination, complete the 1547  
preparticipation physical evaluation form created pursuant to 1548  
division (D) of section 3707.59 of the Revised Code; 1549

(2) At least once every four years, complete the childhood 1550  
cardiac screening professional development module established 1551  
under section 3707.591 of the Revised Code. The physician 1552  
assistant shall retain on file at the physician assistant's 1553  
primary place of practice a hard copy of the certificate of 1554  
completion, and shall make it available to the state medical 1555  
board on request. 1556

(3) At least once every four years, read the pamphlet 1557  
developed under division (B)(2)(a) of section 3707.59 of the 1558  
Revised Code; 1559

(4) Annually report to the department of health the total 1560  
number of examinations for which the preparticipation physical 1561  
evaluation form was completed and the total number of cardiology 1562  
referrals resulting from those examinations. 1563

(B) The board may fine a physician assistant who fails, on 1564  
request, to produce a copy of the certificate of completion of 1565  
the childhood cardiac screening professional development module. 1566  
The fine may be up to five thousand dollars, plus an additional 1567  
one thousand dollars for each individual the physician assistant 1568

is found to have examined without having completed the module as 1569  
required under this section. 1570

(C) No physician assistant shall knowingly falsely certify 1571  
as to the completion of the requirements set forth in division 1572  
(A) (2) or (3) of this section. 1573

**Sec. 4730.99.** (A) Whoever violates section 4730.02 of the 1574  
Revised Code is guilty of a misdemeanor of the first degree on a 1575  
first offense; on each subsequent offense, the person is guilty 1576  
of a felony of the fourth degree. 1577

(B) Whoever violates division (A), (B), (C), or (D) of 1578  
section 4730.32 of the Revised Code is guilty of a minor 1579  
misdemeanor on a first offense; on each subsequent offense the 1580  
person is guilty of a misdemeanor of the fourth degree, except 1581  
that an individual guilty of a subsequent offense shall not be 1582  
subject to imprisonment, but to a fine alone of up to one 1583  
thousand dollars for each offense. 1584

(C) Whoever violates division (A) (2) or (3) of section 1585  
4730.46 of the Revised Code is guilty of a misdemeanor of the 1586  
first degree. 1587

**Sec. 4731.22.** (A) The state medical board, by an 1588  
affirmative vote of not fewer than six of its members, may 1589  
limit, revoke, or suspend a license or certificate to practice 1590  
or certificate to recommend, refuse to grant a license or 1591  
certificate, refuse to renew a license or certificate, refuse to 1592  
reinstate a license or certificate, or reprimand or place on 1593  
probation the holder of a license or certificate if the 1594  
individual applying for or holding the license or certificate is 1595  
found by the board to have committed fraud during the 1596  
administration of the examination for a license or certificate 1597

to practice or to have committed fraud, misrepresentation, or 1598  
deception in applying for, renewing, or securing any license or 1599  
certificate to practice or certificate to recommend issued by 1600  
the board. 1601

(B) Except as provided in division (P) of this section, 1602  
the board, by an affirmative vote of not fewer than six members, 1603  
shall, to the extent permitted by law, limit, revoke, or suspend 1604  
a license or certificate to practice or certificate to 1605  
recommend, refuse to issue a license or certificate, refuse to 1606  
renew a license or certificate, refuse to reinstate a license or 1607  
certificate, or reprimand or place on probation the holder of a 1608  
license or certificate for one or more of the following reasons: 1609

(1) Permitting one's name or one's license or certificate 1610  
to practice to be used by a person, group, or corporation when 1611  
the individual concerned is not actually directing the treatment 1612  
given; 1613

(2) Failure to maintain minimal standards applicable to 1614  
the selection or administration of drugs, or failure to employ 1615  
acceptable scientific methods in the selection of drugs or other 1616  
modalities for treatment of disease; 1617

(3) Except as provided in section 4731.97 of the Revised 1618  
Code, selling, giving away, personally furnishing, prescribing, 1619  
or administering drugs for other than legal and legitimate 1620  
therapeutic purposes or a plea of guilty to, a judicial finding 1621  
of guilt of, or a judicial finding of eligibility for 1622  
intervention in lieu of conviction of, a violation of any 1623  
federal or state law regulating the possession, distribution, or 1624  
use of any drug; 1625

(4) Willfully betraying a professional confidence. 1626



For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports under sections 307.651 to 307.659 of the Revised Code to a domestic violence fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report 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 1658  
limited branch of medicine; or in securing or attempting to 1659  
secure any license or certificate to practice issued by the 1660  
board. 1661

As used in this division, "false, fraudulent, deceptive, 1662  
or misleading statement" means a statement that includes a 1663  
misrepresentation of fact, is likely to mislead or deceive 1664  
because of a failure to disclose material facts, is intended or 1665  
is likely to create false or unjustified expectations of 1666  
favorable results, or includes representations or implications 1667  
that in reasonable probability will cause an ordinarily prudent 1668  
person to misunderstand or be deceived. 1669

(6) A departure from, or the failure to conform to, 1670  
minimal standards of care of similar practitioners under the 1671  
same or similar circumstances, whether or not actual injury to a 1672  
patient is established; 1673

(7) Representing, with the purpose of obtaining 1674  
compensation or other advantage as personal gain or for any 1675  
other person, that an incurable disease or injury, or other 1676  
incurable condition, can be permanently cured; 1677

(8) The obtaining of, or attempting to obtain, money or 1678  
anything of value by fraudulent misrepresentations in the course 1679  
of practice; 1680

(9) A plea of guilty to, a judicial finding of guilt of, 1681  
or a judicial finding of eligibility for intervention in lieu of 1682  
conviction for, a felony; 1683

(10) Commission of an act that constitutes a felony in 1684  
this state, regardless of the jurisdiction in which the act was 1685  
committed; 1686

(11) A plea of guilty to, a judicial finding of guilt of, 1687  
or a judicial finding of eligibility for intervention in lieu of 1688  
conviction for, a misdemeanor committed in the course of 1689  
practice; 1690

(12) Commission of an act in the course of practice that 1691  
constitutes a misdemeanor in this state, regardless of the 1692  
jurisdiction in which the act was committed; 1693

(13) A plea of guilty to, a judicial finding of guilt of, 1694  
or a judicial finding of eligibility for intervention in lieu of 1695  
conviction for, a misdemeanor involving moral turpitude; 1696

(14) Commission of an act involving moral turpitude that 1697  
constitutes a misdemeanor in this state, regardless of the 1698  
jurisdiction in which the act was committed; 1699

(15) Violation of the conditions of limitation placed by 1700  
the board upon a license or certificate to practice; 1701

(16) Failure to pay license renewal fees specified in this 1702  
chapter; 1703

(17) Except as authorized in section 4731.31 of the 1704  
Revised Code, engaging in the division of fees for referral of 1705  
patients, or the receiving of a thing of value in return for a 1706  
specific referral of a patient to utilize a particular service 1707  
or business; 1708

(18) Subject to section 4731.226 of the Revised Code, 1709  
violation of any provision of a code of ethics of the American 1710  
medical association, the American osteopathic association, the 1711  
American podiatric medical association, or any other national 1712  
professional organizations that the board specifies by rule. The 1713  
state medical board shall obtain and keep on file current copies 1714  
of the codes of ethics of the various national professional 1715

organizations. The individual whose license or certificate is 1716  
being suspended or revoked shall not be found to have violated 1717  
any provision of a code of ethics of an organization not 1718  
appropriate to the individual's profession. 1719

For purposes of this division, a "provision of a code of 1720  
ethics of a national professional organization" does not include 1721  
any provision that would preclude the making of a report by a 1722  
physician of an employee's use of a drug of abuse, or of a 1723  
condition of an employee other than one involving the use of a 1724  
drug of abuse, to the employer of the employee as described in 1725  
division (B) of section 2305.33 of the Revised Code. Nothing in 1726  
this division affects the immunity from civil liability 1727  
conferred by that section upon a physician who makes either type 1728  
of report in accordance with division (B) of that section. As 1729  
used in this division, "employee," "employer," and "physician" 1730  
have the same meanings as in section 2305.33 of the Revised 1731  
Code. 1732

(19) Inability to practice according to acceptable and 1733  
prevailing standards of care by reason of mental illness or 1734  
physical illness, including, but not limited to, physical 1735  
deterioration that adversely affects cognitive, motor, or 1736  
perceptive skills. 1737

In enforcing this division, the board, upon a showing of a 1738  
possible violation, shall refer any individual who is authorized 1739  
to practice by this chapter or who has submitted an application 1740  
pursuant to this chapter to the monitoring organization that 1741  
conducts the confidential monitoring program established under 1742  
section 4731.25 of the Revised Code. The board also may compel 1743  
the individual to submit to a mental examination, physical 1744  
examination, including an HIV test, or both a mental and a 1745

physical examination. The expense of the examination is the 1746  
responsibility of the individual compelled to be examined. 1747  
Failure to submit to a mental or physical examination or consent 1748  
to an HIV test ordered by the board constitutes an admission of 1749  
the allegations against the individual unless the failure is due 1750  
to circumstances beyond the individual's control, and a default 1751  
and final order may be entered without the taking of testimony 1752  
or presentation of evidence. If the board finds an individual 1753  
unable to practice because of the reasons set forth in this 1754  
division, the board shall require the individual to submit to 1755  
care, counseling, or treatment by physicians approved or 1756  
designated by the board, as a condition for initial, continued, 1757  
reinstated, or renewed authority to practice. An individual 1758  
affected under this division shall be afforded an opportunity to 1759  
demonstrate to the board the ability to resume practice in 1760  
compliance with acceptable and prevailing standards under the 1761  
provisions of the individual's license or certificate. For the 1762  
purpose of this division, any individual who applies for or 1763  
receives a license or certificate to practice under this chapter 1764  
accepts the privilege of practicing in this state and, by so 1765  
doing, shall be deemed to have given consent to submit to a 1766  
mental or physical examination when directed to do so in writing 1767  
by the board, and to have waived all objections to the 1768  
admissibility of testimony or examination reports that 1769  
constitute a privileged communication. 1770

(20) Except as provided in division (F) (1) (b) of section 1771  
4731.282 of the Revised Code or when civil penalties are imposed 1772  
under section 4731.225 of the Revised Code, and subject to 1773  
section 4731.226 of the Revised Code, violating or attempting to 1774  
violate, directly or indirectly, or assisting in or abetting the 1775  
violation of, or conspiring to violate, any provisions of this 1776

chapter or any rule promulgated by the board. 1777

This division does not apply to a violation or attempted 1778  
violation of, assisting in or abetting the violation of, or a 1779  
conspiracy to violate, any provision of this chapter or any rule 1780  
adopted by the board that would preclude the making of a report 1781  
by a physician of an employee's use of a drug of abuse, or of a 1782  
condition of an employee other than one involving the use of a 1783  
drug of abuse, to the employer of the employee as described in 1784  
division (B) of section 2305.33 of the Revised Code. Nothing in 1785  
this division affects the immunity from civil liability 1786  
conferred by that section upon a physician who makes either type 1787  
of report in accordance with division (B) of that section. As 1788  
used in this division, "employee," "employer," and "physician" 1789  
have the same meanings as in section 2305.33 of the Revised 1790  
Code. 1791

(21) The violation of section 3701.79 of the Revised Code 1792  
or of any abortion rule adopted by the director of health 1793  
pursuant to section 3701.341 of the Revised Code; 1794

(22) Any of the following actions taken by an agency 1795  
responsible for authorizing, certifying, or regulating an 1796  
individual to practice a health care occupation or provide 1797  
health care services in this state or another jurisdiction, for 1798  
any reason other than the nonpayment of fees: the limitation, 1799  
revocation, or suspension of an individual's license to 1800  
practice; acceptance of an individual's license surrender; 1801  
denial of a license; refusal to renew or reinstate a license; 1802  
imposition of probation; or issuance of an order of censure or 1803  
other reprimand; 1804

(23) The violation of section 2919.12 of the Revised Code 1805  
or the performance or inducement of an abortion upon a pregnant 1806

woman with actual knowledge that the conditions specified in 1807  
division (B) of section 2317.56 of the Revised Code have not 1808  
been satisfied or with a heedless indifference as to whether 1809  
those conditions have been satisfied, unless an affirmative 1810  
defense as specified in division (H) (2) of that section would 1811  
apply in a civil action authorized by division (H) (1) of that 1812  
section; 1813

(24) The revocation, suspension, restriction, reduction, 1814  
or termination of clinical privileges by the United States 1815  
department of defense or department of veterans affairs or the 1816  
termination or suspension of a certificate of registration to 1817  
prescribe drugs by the drug enforcement administration of the 1818  
United States department of justice; 1819

(25) Termination or suspension from participation in the 1820  
medicare or medicaid programs by the department of health and 1821  
human services or other responsible agency; 1822

(26) Impairment of ability to practice according to 1823  
acceptable and prevailing standards of care because of substance 1824  
use disorder or excessive use or abuse of drugs, alcohol, or 1825  
other substances that may impair ability to practice. 1826

For the purposes of this division, any individual 1827  
authorized to practice by this chapter accepts the privilege of 1828  
practicing in this state subject to supervision by the board. By 1829  
filing an application for or holding a license or certificate to 1830  
practice under this chapter, an individual shall be deemed to 1831  
have given consent to submit to a mental or physical examination 1832  
when ordered to do so by the board in writing, and to have 1833  
waived all objections to the admissibility of testimony or 1834  
examination reports that constitute privileged communications. 1835

If it has reason to believe that any individual authorized 1836  
to practice by this chapter or any applicant for licensure or 1837  
certification to practice suffers such impairment, the board 1838  
shall refer the individual to the monitoring organization that 1839  
conducts the confidential monitoring program established under 1840  
section 4731.25 of the Revised Code. The board also may compel 1841  
the individual to submit to a mental or physical examination, or 1842  
both. The expense of the examination is the responsibility of 1843  
the individual compelled to be examined. Any mental or physical 1844  
examination required under this division shall be undertaken by 1845  
a treatment provider or physician who is qualified to conduct 1846  
the examination and who is approved under section 4731.251 of 1847  
the Revised Code. 1848

Failure to submit to a mental or physical examination 1849  
ordered by the board constitutes an admission of the allegations 1850  
against the individual unless the failure is due to 1851  
circumstances beyond the individual's control, and a default and 1852  
final order may be entered without the taking of testimony or 1853  
presentation of evidence. If the board determines that the 1854  
individual's ability to practice is impaired, the board shall 1855  
suspend the individual's license or certificate or deny the 1856  
individual's application and shall require the individual, as a 1857  
condition for initial, continued, reinstated, or renewed 1858  
licensure or certification to practice, to submit to treatment. 1859

Before being eligible to apply for reinstatement of a 1860  
license or certificate suspended under this division, the 1861  
impaired practitioner shall demonstrate to the board the ability 1862  
to resume practice in compliance with acceptable and prevailing 1863  
standards of care under the provisions of the practitioner's 1864  
license or certificate. The demonstration shall include, but 1865  
shall not be limited to, the following: 1866



(a) Certification from a treatment provider approved under 1867  
section 4731.251 of the Revised Code that the individual has 1868  
successfully completed any required inpatient treatment; 1869

(b) Evidence of continuing full compliance with an 1870  
aftercare contract or consent agreement; 1871

(c) Two written reports indicating that the individual's 1872  
ability to practice has been assessed and that the individual 1873  
has been found capable of practicing according to acceptable and 1874  
prevailing standards of care. The reports shall be made by 1875  
individuals or providers approved by the board for making the 1876  
assessments and shall describe the basis for their 1877  
determination. 1878

The board may reinstate a license or certificate suspended 1879  
under this division after that demonstration and after the 1880  
individual has entered into a written consent agreement. 1881

When the impaired practitioner resumes practice, the board 1882  
shall require continued monitoring of the individual. The 1883  
monitoring shall include, but not be limited to, compliance with 1884  
the written consent agreement entered into before reinstatement 1885  
or with conditions imposed by board order after a hearing, and, 1886  
upon termination of the consent agreement, submission to the 1887  
board for at least two years of annual written progress reports 1888  
made under penalty of perjury stating whether the individual has 1889  
maintained sobriety. 1890

(27) A second or subsequent violation of section 4731.66 1891  
or 4731.69 of the Revised Code; 1892

(28) Except as provided in division (N) of this section: 1893

(a) Waiving the payment of all or any part of a deductible 1894  
or copayment that a patient, pursuant to a health insurance or 1895

health care policy, contract, or plan that covers the 1896  
individual's services, otherwise would be required to pay if the 1897  
waiver is used as an enticement to a patient or group of 1898  
patients to receive health care services from that individual; 1899

(b) Advertising that the individual will waive the payment 1900  
of all or any part of a deductible or copayment that a patient, 1901  
pursuant to a health insurance or health care policy, contract, 1902  
or plan that covers the individual's services, otherwise would 1903  
be required to pay. 1904

(29) Failure to use universal blood and body fluid 1905  
precautions established by rules adopted under section 4731.051 1906  
of the Revised Code; 1907

(30) Failure to provide notice to, and receive 1908  
acknowledgment of the notice from, a patient when required by 1909  
section 4731.143 of the Revised Code prior to providing 1910  
nonemergency professional services, or failure to maintain that 1911  
notice in the patient's medical record; 1912

(31) Failure of a physician supervising a physician 1913  
assistant to maintain supervision in accordance with the 1914  
requirements of Chapter 4730. of the Revised Code and the rules 1915  
adopted under that chapter; 1916

(32) Failure of a physician or podiatrist to enter into a 1917  
standard care arrangement with a clinical nurse specialist, 1918  
certified nurse-midwife, or certified nurse practitioner with 1919  
whom the physician or podiatrist is in collaboration pursuant to 1920  
section 4731.27 of the Revised Code or failure to fulfill the 1921  
responsibilities of collaboration after entering into a standard 1922  
care arrangement; 1923

(33) Failure to comply with the terms of a consult 1924

|                                                                  |      |
|------------------------------------------------------------------|------|
| agreement entered into with a pharmacist pursuant to section     | 1925 |
| 4729.39 of the Revised Code;                                     | 1926 |
| (34) Failure to cooperate in an investigation conducted by       | 1927 |
| the board under division (F) of this section, including failure  | 1928 |
| to comply with a subpoena or order issued by the board or        | 1929 |
| failure to answer truthfully a question presented by the board   | 1930 |
| in an investigative interview, an investigative office           | 1931 |
| conference, at a deposition, or in written interrogatories,      | 1932 |
| except that failure to cooperate with an investigation shall not | 1933 |
| constitute grounds for discipline under this section if a court  | 1934 |
| of competent jurisdiction has issued an order that either        | 1935 |
| quashes a subpoena or permits the individual to withhold the     | 1936 |
| testimony or evidence in issue;                                  | 1937 |
| (35) Failure to supervise an anesthesiologist assistant in       | 1938 |
| accordance with Chapter 4760. of the Revised Code and the        | 1939 |
| board's rules for supervision of an anesthesiologist assistant;  | 1940 |
| (36) Assisting suicide, as defined in section 3795.01 of         | 1941 |
| the Revised Code;                                                | 1942 |
| (37) Failure to comply with the requirements of section          | 1943 |
| 2317.561 of the Revised Code;                                    | 1944 |
| (38) Failure to supervise a radiologist assistant in             | 1945 |
| accordance with Chapter 4774. of the Revised Code and the        | 1946 |
| board's rules for supervision of radiologist assistants;         | 1947 |
| (39) Performing or inducing an abortion at an office or          | 1948 |
| facility with knowledge that the office or facility fails to     | 1949 |
| post the notice required under section 3701.791 of the Revised   | 1950 |
| Code;                                                            | 1951 |
| (40) Failure to comply with the standards and procedures         | 1952 |
| established in rules under section 4731.054 of the Revised Code  | 1953 |

for the operation of or the provision of care at a pain management clinic; 1954  
1955

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; 1956  
1957  
1958  
1959

(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 1960  
1961  
1962  
1963

(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code; 1964  
1965  
1966  
1967  
1968

(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification; 1969  
1970  
1971  
1972  
1973

(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification; 1974  
1975  
1976  
1977

(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code; 1978  
1979  
1980  
1981  
1982

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                  | 1983<br>1984<br>1985<br>1986                                                 |
| (48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;                                                                                                                                                                                                                                                                                                                                                                                                                         | 1987<br>1988<br>1989<br>1990                                                 |
| (49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1991<br>1992                                                                 |
| (50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1993<br>1994<br>1995                                                         |
| (51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;                                                                                                                                                                                                                                                                                                                                                                                        | 1996<br>1997<br>1998<br>1999                                                 |
| <u>(52) Failure to comply with division (B) (2) or (3) of section 4731.89 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2000<br>2001                                                                 |
| (C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a | 2002<br>2003<br>2004<br>2005<br>2006<br>2007<br>2008<br>2009<br>2010<br>2011 |

consent agreement, the admissions and findings contained in the 2012  
consent agreement shall be of no force or effect. 2013

A telephone conference call may be utilized for 2014  
ratification of a consent agreement that revokes or suspends an 2015  
individual's license or certificate to practice or certificate 2016  
to recommend. The telephone conference call shall be considered 2017  
a special meeting under division (F) of section 121.22 of the 2018  
Revised Code. 2019

If the board takes disciplinary action against an 2020  
individual under division (B) of this section for a second or 2021  
subsequent plea of guilty to, or judicial finding of guilt of, a 2022  
violation of section 2919.123 or 2919.124 of the Revised Code, 2023  
the disciplinary action shall consist of a suspension of the 2024  
individual's license or certificate to practice for a period of 2025  
at least one year or, if determined appropriate by the board, a 2026  
more serious sanction involving the individual's license or 2027  
certificate to practice. Any consent agreement entered into 2028  
under this division with an individual that pertains to a second 2029  
or subsequent plea of guilty to, or judicial finding of guilt 2030  
of, a violation of that section shall provide for a suspension 2031  
of the individual's license or certificate to practice for a 2032  
period of at least one year or, if determined appropriate by the 2033  
board, a more serious sanction involving the individual's 2034  
license or certificate to practice. 2035

(D) For purposes of divisions (B)(10), (12), and (14) of 2036  
this section, the commission of the act may be established by a 2037  
finding by the board, pursuant to an adjudication under Chapter 2038  
119. of the Revised Code, that the individual committed the act. 2039  
The board does not have jurisdiction under those divisions if 2040  
the trial court renders a final judgment in the individual's 2041

favor and that judgment is based upon an adjudication on the 2042  
merits. The board has jurisdiction under those divisions if the 2043  
trial court issues an order of dismissal upon technical or 2044  
procedural grounds. 2045

(E) The sealing or expungement of conviction records by 2046  
any court shall have no effect upon a prior board order entered 2047  
under this section or upon the board's jurisdiction to take 2048  
action under this section if, based upon a plea of guilty, a 2049  
judicial finding of guilt, or a judicial finding of eligibility 2050  
for intervention in lieu of conviction, the board issued a 2051  
notice of opportunity for a hearing prior to the court's order 2052  
to seal or expunge the records. The board shall not be required 2053  
to seal, expunge, destroy, redact, or otherwise modify its 2054  
records to reflect the court's sealing of conviction records. 2055

(F) (1) The board shall investigate evidence that appears 2056  
to show that a person has violated any provision of this chapter 2057  
or any rule adopted under it. Any person may report to the board 2058  
in a signed writing any information that the person may have 2059  
that appears to show a violation of any provision of this 2060  
chapter or any rule adopted under it. In the absence of bad 2061  
faith, any person who reports information of that nature or who 2062  
testifies before the board in any adjudication conducted under 2063  
Chapter 119. of the Revised Code shall not be liable in damages 2064  
in a civil action as a result of the report or testimony. Each 2065  
complaint or allegation of a violation received by the board 2066  
shall be assigned a case number and shall be recorded by the 2067  
board. 2068

(2) Investigations of alleged violations of this chapter 2069  
or any rule adopted under it shall be supervised by the 2070  
supervising member elected by the board in accordance with 2071

section 4731.02 of the Revised Code and by the secretary as 2072  
provided in section 4731.39 of the Revised Code. The president 2073  
may designate another member of the board to supervise the 2074  
investigation in place of the supervising member. No member of 2075  
the board who supervises the investigation of a case shall 2076  
participate in further adjudication of the case. 2077

(3) In investigating a possible violation of this chapter 2078  
or any rule adopted under this chapter, or in conducting an 2079  
inspection under division (E) of section 4731.054 of the Revised 2080  
Code, the board may question witnesses, conduct interviews, 2081  
administer oaths, order the taking of depositions, inspect and 2082  
copy any books, accounts, papers, records, or documents, issue 2083  
subpoenas, and compel the attendance of witnesses and production 2084  
of books, accounts, papers, records, documents, and testimony, 2085  
except that a subpoena for patient record information shall not 2086  
be issued without consultation with the attorney general's 2087  
office and approval of the secretary of the board. 2088

(a) Before issuance of a subpoena for patient record 2089  
information, the secretary shall determine whether there is 2090  
probable cause to believe that the complaint filed alleges a 2091  
violation of this chapter or any rule adopted under it and that 2092  
the records sought are relevant to the alleged violation and 2093  
material to the investigation. The subpoena may apply only to 2094  
records that cover a reasonable period of time surrounding the 2095  
alleged violation. 2096

(b) On failure to comply with any subpoena issued by the 2097  
board and after reasonable notice to the person being 2098  
subpoenaed, the board may move for an order compelling the 2099  
production of persons or records pursuant to the Rules of Civil 2100  
Procedure. 2101



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

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

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

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

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 2132  
information about patients or complainants unless proper consent 2133  
is given or, in the case of a patient, a waiver of the patient 2134  
privilege exists under division (B) of section 2317.02 of the 2135  
Revised Code, except that consent or a waiver of that nature is 2136  
not required if the board possesses reliable and substantial 2137  
evidence that no bona fide physician-patient relationship 2138  
exists. 2139

The board may share any information it receives pursuant 2140  
to an investigation or inspection, including patient records and 2141  
patient record information, with law enforcement agencies, other 2142  
licensing boards, and other governmental agencies that are 2143  
prosecuting, adjudicating, or investigating alleged violations 2144  
of statutes or administrative rules. An agency or board that 2145  
receives the information shall comply with the same requirements 2146  
regarding confidentiality as those with which the state medical 2147  
board must comply, notwithstanding any conflicting provision of 2148  
the Revised Code or procedure of the agency or board that 2149  
applies when it is dealing with other information in its 2150  
possession. In a judicial proceeding, the information may be 2151  
admitted into evidence only in accordance with the Rules of 2152  
Evidence, but the court shall require that appropriate measures 2153  
are taken to ensure that confidentiality is maintained with 2154  
respect to any part of the information that contains names or 2155  
other identifying information about patients or complainants 2156  
whose confidentiality was protected by the state medical board 2157  
when the information was in the board's possession. Measures to 2158  
ensure confidentiality that may be taken by the court include 2159  
sealing its records or deleting specific information from its 2160  
records. 2161

(6) On a quarterly basis, the board shall prepare a report 2162

that documents the disposition of all cases during the preceding 2163  
three months. The report shall contain the following information 2164  
for each case with which the board has completed its activities: 2165

(a) The case number assigned to the complaint or alleged 2166  
violation; 2167

(b) The type of license or certificate to practice, if 2168  
any, held by the individual against whom the complaint is 2169  
directed; 2170

(c) A description of the allegations contained in the 2171  
complaint; 2172

(d) The disposition of the case. 2173

The report shall state how many cases are still pending 2174  
and shall be prepared in a manner that protects the identity of 2175  
each person involved in each case. The report shall be a public 2176  
record under section 149.43 of the Revised Code. 2177

(G) If the secretary and supervising member determine both 2178  
of the following, they may recommend that the board suspend an 2179  
individual's license or certificate to practice or certificate 2180  
to recommend without a prior hearing: 2181

(1) That there is clear and convincing evidence that an 2182  
individual has violated division (B) of this section; 2183

(2) That the individual's continued practice presents a 2184  
danger of immediate and serious harm to the public. 2185

Written allegations shall be prepared for consideration by 2186  
the board. The board, upon review of those allegations and by an 2187  
affirmative vote of not fewer than six of its members, excluding 2188  
the secretary and supervising member, may suspend a license or 2189  
certificate without a prior hearing. A telephone conference call 2190

may be utilized for reviewing the allegations and taking the 2191  
vote on the summary suspension. 2192

The board shall serve a written order of suspension in 2193  
accordance with sections 119.05 and 119.07 of the Revised Code. 2194  
The order shall not be subject to suspension by the court during 2195  
pendency of any appeal filed under section 119.12 of the Revised 2196  
Code. If the individual subject to the summary suspension 2197  
requests an adjudicatory hearing by the board, the date set for 2198  
the hearing shall be within fifteen days, but not earlier than 2199  
seven days, after the individual requests the hearing, unless 2200  
otherwise agreed to by both the board and the individual. 2201

Any summary suspension imposed under this division shall 2202  
remain in effect, unless reversed on appeal, until a final 2203  
adjudicative order issued by the board pursuant to this section 2204  
and Chapter 119. of the Revised Code becomes effective. The 2205  
board shall issue its final adjudicative order within seventy- 2206  
five days after completion of its hearing. A failure to issue 2207  
the order within seventy-five days shall result in dissolution 2208  
of the summary suspension order but shall not invalidate any 2209  
subsequent, final adjudicative order. 2210

(H) If the board takes action under division (B) (9), (11), 2211  
or (13) of this section and the judicial finding of guilt, 2212  
guilty plea, or judicial finding of eligibility for intervention 2213  
in lieu of conviction is overturned on appeal, upon exhaustion 2214  
of the criminal appeal, a petition for reconsideration of the 2215  
order may be filed with the board along with appropriate court 2216  
documents. Upon receipt of a petition of that nature and 2217  
supporting court documents, the board shall reinstate the 2218  
individual's license or certificate to practice. The board may 2219  
then hold an adjudication under Chapter 119. of the Revised Code 2220

to determine whether the individual committed the act in 2221  
question. Notice of an opportunity for a hearing shall be given 2222  
in accordance with Chapter 119. of the Revised Code. If the 2223  
board finds, pursuant to an adjudication held under this 2224  
division, that the individual committed the act or if no hearing 2225  
is requested, the board may order any of the sanctions 2226  
identified under division (B) of this section. 2227

(I) The license or certificate to practice issued to an 2228  
individual under this chapter and the individual's practice in 2229  
this state are automatically suspended as of the date of the 2230  
individual's second or subsequent plea of guilty to, or judicial 2231  
finding of guilt of, a violation of section 2919.123 or 2919.124 2232  
of the Revised Code. In addition, the license or certificate to 2233  
practice or certificate to recommend issued to an individual 2234  
under this chapter and the individual's practice in this state 2235  
are automatically suspended as of the date the individual pleads 2236  
guilty to, is found by a judge or jury to be guilty of, or is 2237  
subject to a judicial finding of eligibility for intervention in 2238  
lieu of conviction in this state or treatment or intervention in 2239  
lieu of conviction in another jurisdiction for any of the 2240  
following criminal offenses in this state or a substantially 2241  
equivalent criminal offense in another jurisdiction: aggravated 2242  
murder, murder, voluntary manslaughter, felonious assault, 2243  
kidnapping, rape, sexual battery, gross sexual imposition, 2244  
aggravated arson, aggravated robbery, or aggravated burglary. 2245  
Continued practice after suspension shall be considered 2246  
practicing without a license or certificate. 2247

The board shall notify the individual subject to the 2248  
suspension in accordance with sections 119.05 and 119.07 of the 2249  
Revised Code. If an individual whose license or certificate is 2250  
automatically suspended under this division fails to make a 2251

timely request for an adjudication under Chapter 119. of the 2252  
Revised Code, the board shall do whichever of the following is 2253  
applicable: 2254

(1) If the automatic suspension under this division is for 2255  
a second or subsequent plea of guilty to, or judicial finding of 2256  
guilt of, a violation of section 2919.123 or 2919.124 of the 2257  
Revised Code, the board shall enter an order suspending the 2258  
individual's license or certificate to practice for a period of 2259  
at least one year or, if determined appropriate by the board, 2260  
imposing a more serious sanction involving the individual's 2261  
license or certificate to practice. 2262

(2) In all circumstances in which division (I)(1) of this 2263  
section does not apply, enter a final order permanently revoking 2264  
the individual's license or certificate to practice. 2265

(J) If the board is required by Chapter 119. of the 2266  
Revised Code to give notice of an opportunity for a hearing and 2267  
if the individual subject to the notice does not timely request 2268  
a hearing in accordance with section 119.07 of the Revised Code, 2269  
the board is not required to hold a hearing, but may adopt, by 2270  
an affirmative vote of not fewer than six of its members, a 2271  
final order that contains the board's findings. In that final 2272  
order, the board may order any of the sanctions identified under 2273  
division (A) or (B) of this section. 2274

(K) Any action taken by the board under division (B) of 2275  
this section resulting in a suspension from practice shall be 2276  
accompanied by a written statement of the conditions under which 2277  
the individual's license or certificate to practice may be 2278  
reinstated. The board shall adopt rules governing conditions to 2279  
be imposed for reinstatement. Reinstatement of a license or 2280  
certificate suspended pursuant to division (B) of this section 2281

requires an affirmative vote of not fewer than six members of 2282  
the board. 2283

(L) When the board refuses to grant or issue a license or 2284  
certificate to practice to an applicant, revokes an individual's 2285  
license or certificate to practice, refuses to renew an 2286  
individual's license or certificate to practice, or refuses to 2287  
reinstate an individual's license or certificate to practice, 2288  
the board may specify that its action is permanent. An 2289  
individual subject to a permanent action taken by the board is 2290  
forever thereafter ineligible to hold a license or certificate 2291  
to practice and the board shall not accept an application for 2292  
reinstatement of the license or certificate or for issuance of a 2293  
new license or certificate. 2294

(M) Notwithstanding any other provision of the Revised 2295  
Code, all of the following apply: 2296

(1) The surrender of a license or certificate issued under 2297  
this chapter shall not be effective unless or until accepted by 2298  
the board. A telephone conference call may be utilized for 2299  
acceptance of the surrender of an individual's license or 2300  
certificate to practice. The telephone conference call shall be 2301  
considered a special meeting under division (F) of section 2302  
121.22 of the Revised Code. Reinstatement of a license or 2303  
certificate surrendered to the board requires an affirmative 2304  
vote of not fewer than six members of the board. 2305

(2) An application for a license or certificate made under 2306  
the provisions of this chapter may not be withdrawn without 2307  
approval of the board. 2308

(3) Failure by an individual to renew a license or 2309  
certificate to practice in accordance with this chapter or a 2310

certificate to recommend in accordance with rules adopted under 2311  
section 4731.301 of the Revised Code does not remove or limit 2312  
the board's jurisdiction to take any disciplinary action under 2313  
this section against the individual. 2314

(4) The placement of an individual's license on retired 2315  
status, as described in section 4731.283 of the Revised Code, 2316  
does not remove or limit the board's jurisdiction to take any 2317  
disciplinary action against the individual with regard to the 2318  
license as it existed before being placed on retired status. 2319

(5) At the request of the board, a license or certificate 2320  
holder shall immediately surrender to the board a license or 2321  
certificate that the board has suspended, revoked, or 2322  
permanently revoked. 2323

(N) Sanctions shall not be imposed under division (B) (28) 2324  
of this section against any person who waives deductibles and 2325  
copayments as follows: 2326

(1) In compliance with the health benefit plan that 2327  
expressly allows such a practice. Waiver of the deductibles or 2328  
copayments shall be made only with the full knowledge and 2329  
consent of the plan purchaser, payer, and third-party 2330  
administrator. Documentation of the consent shall be made 2331  
available to the board upon request. 2332

(2) For professional services rendered to any other person 2333  
authorized to practice pursuant to this chapter, to the extent 2334  
allowed by this chapter and rules adopted by the board. 2335

(O) Under the board's investigative duties described in 2336  
this section and subject to division (F) of this section, the 2337  
board shall develop and implement a quality intervention program 2338  
designed to improve through remedial education the clinical and 2339



communication skills of individuals authorized under this 2340  
chapter to practice medicine and surgery, osteopathic medicine 2341  
and surgery, and podiatric medicine and surgery. In developing 2342  
and implementing the quality intervention program, the board may 2343  
do all of the following: 2344

(1) Offer in appropriate cases as determined by the board 2345  
an educational and assessment program pursuant to an 2346  
investigation the board conducts under this section; 2347

(2) Select providers of educational and assessment 2348  
services, including a quality intervention program panel of case 2349  
reviewers; 2350

(3) Make referrals to educational and assessment service 2351  
providers and approve individual educational programs 2352  
recommended by those providers. The board shall monitor the 2353  
progress of each individual undertaking a recommended individual 2354  
educational program. 2355

(4) Determine what constitutes successful completion of an 2356  
individual educational program and require further monitoring of 2357  
the individual who completed the program or other action that 2358  
the board determines to be appropriate; 2359

(5) Adopt rules in accordance with Chapter 119. of the 2360  
Revised Code to further implement the quality intervention 2361  
program. 2362

An individual who participates in an individual 2363  
educational program pursuant to this division shall pay the 2364  
financial obligations arising from that educational program. 2365

(P) The board shall not refuse to issue a license to an 2366  
applicant because of a conviction, plea of guilty, judicial 2367  
finding of guilt, judicial finding of eligibility for 2368

intervention in lieu of conviction, or the commission of an act 2369  
that constitutes a criminal offense, unless the refusal is in 2370  
accordance with section 9.79 of the Revised Code. 2371

**Sec. 4731.281.** (A) (1) A license issued under this chapter 2372  
to practice medicine and surgery, osteopathic medicine and 2373  
surgery, or podiatric medicine and surgery shall be valid for a 2374  
two-year period unless revoked or suspended. A license shall 2375  
expire on the date that is two years from the date of issuance 2376  
and may be renewed for additional two-year periods. Applications 2377  
for renewal shall be submitted to the state medical board in a 2378  
manner prescribed by the board. Each renewal application shall 2379  
include a check box for a physician who is subject to section 2380  
4731.89 of the Revised Code to certify compliance with the 2381  
requirements of that section. 2382

Each application shall be accompanied by a biennial 2383  
renewal fee of three hundred five dollars. 2384

The board shall deposit the fee in accordance with section 2385  
4731.24 of the Revised Code, except that the board shall deposit 2386  
twenty dollars of the fee into the state treasury to the credit 2387  
of the physician loan repayment fund created by section 3702.78 2388  
of the Revised Code. 2389

(2) The board shall provide a renewal notice to every 2390  
person holding a license to practice medicine and surgery, 2391  
osteopathic medicine and surgery, or podiatric medicine and 2392  
surgery, a renewal notice. The board may provide the notice to 2393  
the person through the secretary of any recognized medical, 2394  
osteopathic, or podiatric society. The notice shall be provided 2395  
to the person at least one month prior to the date on which the 2396  
person's license expires. 2397

(3) Failure of any person to receive a notice of renewal 2398  
from the board shall not excuse the person from the requirements 2399  
contained in this section. 2400

(4) The board's notice shall inform the applicant of the 2401  
renewal procedure. The board shall provide the application for 2402  
renewal in a form determined by the board. 2403

(5) The applicant shall provide in the application the 2404  
applicant's full name; the applicant's residence address, 2405  
business address, and electronic mail address; the number of the 2406  
applicant's license to practice; and any other information 2407  
required by the board. 2408

(6) (a) Except as provided in division (A) (6) (b) of this 2409  
section, in the case of an applicant who prescribes or 2410  
personally furnishes opioid analgesics or benzodiazepines, as 2411  
defined in section 3719.01 of the Revised Code, the applicant 2412  
shall certify to the board whether the applicant has been 2413  
granted access to the drug database established and maintained 2414  
by the state board of pharmacy pursuant to section 4729.75 of 2415  
the Revised Code. 2416

(b) The requirement described in division (A) (6) (a) of 2417  
this section does not apply if any of the following is the case: 2418

(i) The state board of pharmacy notifies the state medical 2419  
board pursuant to section 4729.861 of the Revised Code that the 2420  
applicant has been restricted from obtaining further information 2421  
from the drug database. 2422

(ii) The state board of pharmacy no longer maintains the 2423  
drug database. 2424

(iii) The applicant does not practice medicine and 2425  
surgery, osteopathic medicine and surgery, or podiatric medicine 2426

and surgery in this state. 2427

(c) If an applicant certifies to the state medical board 2428  
that the applicant has been granted access to the drug database 2429  
and the board finds through an audit or other means that the 2430  
applicant has not been granted access, the board may take action 2431  
under section 4731.22 of the Revised Code. 2432

(7) The applicant shall indicate whether the applicant 2433  
currently collaborates, as that term is defined in section 2434  
4723.01 of the Revised Code, with any clinical nurse 2435  
specialists, certified nurse-midwives, or certified nurse 2436  
practitioners. 2437

(8) The applicant shall report any criminal offense to 2438  
which the applicant has pleaded guilty, of which the applicant 2439  
has been found guilty, or for which the applicant has been found 2440  
eligible for intervention in lieu of conviction, since last 2441  
submitting an application for a license to practice or renewal 2442  
of a license. 2443

(9) The applicant shall execute and deliver the 2444  
application to the board in a manner prescribed by the board. 2445

(B) The board shall renew a license under this chapter to 2446  
practice medicine and surgery, osteopathic medicine and surgery, 2447  
or podiatric medicine and surgery upon application and 2448  
qualification therefor in accordance with this section. A 2449  
renewal shall be valid for a two-year period. 2450

(C) Failure of any license holder to renew and comply with 2451  
this section shall operate automatically to suspend the holder's 2452  
license to practice and if applicable, the holder's certificate 2453  
to recommend issued under section 4731.30 of the Revised Code. 2454  
Continued practice after the suspension shall be considered as 2455

practicing in violation of section 4731.41, 4731.43, or 4731.60 2456  
of the Revised Code. 2457

If the license has been suspended pursuant to this 2458  
division for two years or less, it may be reinstated. The board 2459  
shall reinstate a license to practice suspended for failure to 2460  
renew upon an applicant's submission of a renewal application 2461  
and payment of a reinstatement fee of four hundred five dollars. 2462

If the license has been suspended pursuant to this 2463  
division for more than two years, it may be restored. Subject to 2464  
section 4731.222 of the Revised Code, the board may restore a 2465  
license to practice suspended for failure to renew upon an 2466  
applicant's submission of a restoration application, payment of 2467  
a restoration fee of five hundred five dollars, and compliance 2468  
with sections 4776.01 to 4776.04 of the Revised Code. The board 2469  
shall not restore to an applicant a license unless the board, in 2470  
its discretion, decides that the results of the criminal records 2471  
check do not make the applicant ineligible for a license issued 2472  
pursuant to section 4731.14 or 4731.56 of the Revised Code. 2473

Any reinstatement or restoration of a license to practice 2474  
under this section shall operate automatically to renew the 2475  
holder's certificate to recommend. 2476

(D) The state medical board may obtain information not 2477  
protected by statutory or common law privilege from courts and 2478  
other sources concerning malpractice claims against any person 2479  
holding a license to practice under this chapter or practicing 2480  
as provided in section 4731.36 of the Revised Code. 2481

(E) Each renewal notice provided by the board under 2482  
division (A) (2) of this section to a person holding a license to 2483  
practice medicine and surgery or osteopathic medicine and 2484

surgery shall inform the applicant of the reporting requirement 2485  
established by division (H) of section 3701.79 of the Revised 2486  
Code. At the discretion of the board, the information may be 2487  
included on the application for renewal or on an accompanying 2488  
page. 2489

(F) Each person holding a license to practice medicine and 2490  
surgery, osteopathic medicine and surgery, or podiatric medicine 2491  
and surgery shall give notice to the board of a change in the 2492  
license holder's residence address, business address, or 2493  
electronic mail address not later than thirty days after the 2494  
change occurs. 2495

Sec. 4731.89. Beginning one year after the effective date 2496  
of this section, all of the following apply: 2497

(A) As used in this section, "physician" means an 2498  
individual authorized under this chapter to practice medicine 2499  
and surgery or osteopathic medicine and surgery. 2500

(B) A physician who performs annual physical examinations 2501  
on individuals who are nineteen years of age or younger, or who 2502  
performs examinations for purposes of section 3313.5310 or 2503  
3707.58 of the Revised Code, shall do all of the following: 2504

(1) For each such examination, complete the 2505  
preparticipation physical evaluation form created pursuant to 2506  
division (D) of section 3707.59 of the Revised Code; 2507

(2) At least once every four years, complete the childhood 2508  
cardiac screening professional development module established 2509  
under section 3707.591 of the Revised Code. The physician shall 2510  
retain on file at the physician's primary place of practice a 2511  
hard copy of the certificate of completion, and shall make it 2512  
available to the state medical board on request. 2513

(3) At least once every four years, read the pamphlet 2514  
developed under division (B) (2) (a) of section 3707.59 of the 2515  
Revised Code; 2516

(4) Annually report to the department of health the total 2517  
number of examinations for which the preparticipation physical 2518  
evaluation form was completed and the total number of cardiology 2519  
referrals resulting from those examinations. 2520

(C) The board may fine a physician who fails, on request, 2521  
to produce a copy of the certificate of completion of the 2522  
childhood cardiac screening professional development module. The 2523  
fine may be up to five thousand dollars, plus an additional one 2524  
thousand dollars for each individual the physician is found to 2525  
have examined without having completed the module as required 2526  
under this section. 2527

(D) No physician shall knowingly falsely certify as to the 2528  
completion of the requirements set forth in division (B) (2) or 2529  
(3) of this section. 2530

**Sec. 4731.99.** (A) Whoever violates section 4731.41, 2531  
4731.43, or 4731.60 of the Revised Code is guilty of a felony of 2532  
the fifth degree on a first offense and a felony of the fourth 2533  
degree on each subsequent offense. 2534

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 2535  
of the Revised Code is guilty of a misdemeanor of the fourth 2536  
degree on a first offense and a misdemeanor of the first degree 2537  
on each subsequent offense. 2538

(C) Whoever violates section 4731.46 or 4731.47 of the 2539  
Revised Code is guilty of a felony of the fifth degree. 2540

(D) Whoever violates section 4731.48 of the Revised Code 2541  
is guilty of a misdemeanor of the fourth degree. 2542

(E) Whoever violates division (A), (B), (C), or (D) of 2543  
section 4731.224 of the Revised Code is guilty of a minor 2544  
misdemeanor on a first offense and a misdemeanor of the fourth 2545  
degree on each subsequent offense, except that an individual 2546  
guilty of a subsequent offense shall not be subject to 2547  
imprisonment, but to a fine alone of up to one thousand dollars 2548  
for each offense. 2549

(F) Whoever violates section 4731.481 of the Revised Code 2550  
is guilty of a misdemeanor of the first degree. 2551

(G) Whoever violates division (B) (2) or (3) of section 2552  
4731.89 of the Revised Code is guilty of a misdemeanor of the 2553  
first degree. 2554

**Sec. 5164.21.** (A) A medicaid provider who is a physician 2555  
to which section 4731.89 of the Revised Code applies, and who 2556  
fails to comply with division (B) (2) or (3) of that section, 2557  
shall not seek payment from the medicaid program for any 2558  
examination to which the failure applies. Any such physician 2559  
shall not collect from or bill a medicaid recipient for any 2560  
examination for which this division prohibits the physician from 2561  
seeking payment from the medicaid program. 2562

(B) A medicaid provider who is an advanced practice 2563  
registered nurse to which section 4723.484 of the Revised Code 2564  
applies, and who fails to comply with division (A) (2) or (3) of 2565  
that section, shall not seek payment from the medicaid program 2566  
for any examination to which the failure applies. Any such 2567  
advanced practice registered nurse shall not collect from or 2568  
bill a medicaid recipient for any examination for which this 2569  
division prohibits the physician from seeking payment from the 2570  
medicaid program. 2571



(C) A medicaid provider who is a physician assistant to 2572  
which section 4730.46 of the Revised Code applies, and who fails 2573  
to comply with division (A)(2) or (3) of that section, shall not 2574  
seek payment from the medicaid program for any examination to 2575  
which the failure applies. Any such physician assistant shall 2576  
not collect from or bill a medicaid recipient for any 2577  
examination for which this division prohibits the physician from 2578  
seeking payment from the medicaid program. 2579

**Section 2.** That existing sections 3313.5310, 3707.58, 2580  
3707.59, 4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 4730.99, 2581  
4731.22, 4731.281, and 4731.99 of the Revised Code are hereby 2582  
repealed. 2583

**Section 3.** This act shall be known as the Healthy Cardiac 2584  
Monitoring Act. 2585