

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 423

Representative Deeter

To amend sections 109.572, 4731.051, 4731.07,
4731.071, 4731.224, 4731.2210, 4731.24, 4731.25,
4731.251, 4776.01, and 4776.20 and to enact
sections 3702.3013, 3727.26, 4787.01, 4787.02,
4787.03, 4787.04, 4787.05, 4787.06, 4787.07,
4787.08, 4787.09, 4787.10, 4787.11, 4787.12,
4787.13, 4787.14, 4787.15, 4787.16, 4787.17,
4787.18, 4787.19, 4787.20, 4787.21, 4787.22, and
4787.99 of the Revised Code to regulate the
practice of surgical assistants and surgical
technologists.

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

Section 1. That sections 109.572, 4731.051, 4731.07,
4731.071, 4731.224, 4731.2210, 4731.24, 4731.25, 4731.251,
4776.01, and 4776.20 be amended and sections 3702.3013, 3727.26,
4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 4787.06, 4787.07,
4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 4787.13, 4787.14,
4787.15, 4787.16, 4787.17, 4787.18, 4787.19, 4787.20, 4787.21,
4787.22, and 4787.99 of the Revised Code be enacted to read as
follows:

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised

Code, a completed form prescribed pursuant to division (C) (1) of 22
this section, and a set of fingerprint impressions obtained in 23
the manner described in division (C) (2) of this section, the 24
superintendent of the bureau of criminal identification and 25
investigation shall conduct a criminal records check in the 26
manner described in division (B) of this section to determine 27
whether any information exists that indicates that the person 28
who is the subject of the request previously has been convicted 29
of or pleaded guilty to any of the following: 30

(a) A violation of section 2903.01, 2903.02, 2903.03, 31
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 32
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 33
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 34
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 35
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 36
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 37
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 38
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 39
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 40
of the Revised Code, felonious sexual penetration in violation 41
of former section 2907.12 of the Revised Code, a violation of 42
section 2905.04 of the Revised Code as it existed prior to July 43
1, 1996, a violation of section 2919.23 of the Revised Code that 44
would have been a violation of section 2905.04 of the Revised 45
Code as it existed prior to July 1, 1996, had the violation been 46
committed prior to that date, or a violation of section 2925.11 47
of the Revised Code that is not a minor drug possession offense; 48

(b) A violation of an existing or former law of this 49
state, any other state, or the United States that is 50
substantially equivalent to any of the offenses listed in 51
division (A) (1) (a) of this section; 52

(c) If the request is made pursuant to section 3319.39 of 53
the Revised Code for an applicant who is a teacher, any offense 54
specified under section 9.79 of the Revised Code or in section 55
3319.31 of the Revised Code. 56

(2) On receipt of a request pursuant to section 3712.09 or 57
3721.121 of the Revised Code, a completed form prescribed 58
pursuant to division (C)(1) of this section, and a set of 59
fingerprint impressions obtained in the manner described in 60
division (C)(2) of this section, the superintendent of the 61
bureau of criminal identification and investigation shall 62
conduct a criminal records check with respect to any person who 63
has applied for employment in a position for which a criminal 64
records check is required by those sections. The superintendent 65
shall conduct the criminal records check in the manner described 66
in division (B) of this section to determine whether any 67
information exists that indicates that the person who is the 68
subject of the request previously has been convicted of or 69
pleaded guilty to any of the following: 70

(a) A violation of section 2903.01, 2903.02, 2903.03, 71
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 73
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 75
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 76
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 77
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 78
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 79

(b) An existing or former law of this state, any other 80
state, or the United States that is substantially equivalent to 81
any of the offenses listed in division (A)(2)(a) of this 82

section. 83

(3) On receipt of a request pursuant to section 173.27, 84
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 85
5123.081, or 5123.169 of the Revised Code, a completed form 86
prescribed pursuant to division (C)(1) of this section, and a 87
set of fingerprint impressions obtained in the manner described 88
in division (C)(2) of this section, the superintendent of the 89
bureau of criminal identification and investigation shall 90
conduct a criminal records check of the person for whom the 91
request is made. The superintendent shall conduct the criminal 92
records check in the manner described in division (B) of this 93
section to determine whether any information exists that 94
indicates that the person who is the subject of the request 95
previously has been convicted of, has pleaded guilty to, or 96
(except in the case of a request pursuant to section 5164.34, 97
5164.341, or 5164.342 of the Revised Code) has been found 98
eligible for intervention in lieu of conviction for any of the 99
following, regardless of the date of the conviction, the date of 100
entry of the guilty plea, or (except in the case of a request 101
pursuant to section 5164.34, 5164.341, or 5164.342 of the 102
Revised Code) the date the person was found eligible for 103
intervention in lieu of conviction: 104

(a) A violation of section 959.13, 959.131, 2903.01, 105
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 106
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 107
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 108
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 109
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 110
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 111
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 112
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 113

2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 114
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 115
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 116
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 117
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 118
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 119
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 120
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 121
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 122
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 123
Revised Code; 124

(b) Felonious sexual penetration in violation of former 125
section 2907.12 of the Revised Code; 126

(c) A violation of section 2905.04 of the Revised Code as 127
it existed prior to July 1, 1996; 128

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 129
the Revised Code when the underlying offense that is the object 130
of the conspiracy, attempt, or complicity is one of the offenses 131
listed in divisions (A) (3) (a) to (c) of this section; 132

(e) A violation of an existing or former municipal 133
ordinance or law of this state, any other state, or the United 134
States that is substantially equivalent to any of the offenses 135
listed in divisions (A) (3) (a) to (d) of this section. 136

(4) On receipt of a request pursuant to section 2151.86, 137
2151.904, or 5103.053 of the Revised Code, a completed form 138
prescribed pursuant to division (C) (1) of this section, and a 139
set of fingerprint impressions obtained in the manner described 140
in division (C) (2) of this section, the superintendent of the 141
bureau of criminal identification and investigation shall 142

conduct a criminal records check in the manner described in 143
division (B) of this section to determine whether any 144
information exists that indicates that the person who is the 145
subject of the request previously has been convicted of or 146
pleaded guilty to any of the following: 147

(a) A violation of section 959.13, 2151.421, 2903.01, 148
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 149
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 150
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 151
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 152
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 153
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 154
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 155
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 156
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 157
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 158
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 159
Revised Code, a violation of section 2905.04 of the Revised Code 160
as it existed prior to July 1, 1996, a violation of section 161
2919.23 of the Revised Code that would have been a violation of 162
section 2905.04 of the Revised Code as it existed prior to July 163
1, 1996, had the violation been committed prior to that date, a 164
violation of section 2925.11 of the Revised Code that is not a 165
minor drug possession offense, two or more OVI or OVUAC 166
violations committed within the three years immediately 167
preceding the submission of the application or petition that is 168
the basis of the request, or felonious sexual penetration in 169
violation of former section 2907.12 of the Revised Code, or a 170
violation of Chapter 2919. of the Revised Code that is a felony; 171

(b) A violation of an existing or former law of this 172
state, any other state, or the United States that is 173

substantially equivalent to any of the offenses listed in 174
division (A) (4) (a) of this section. 175

(5) Upon receipt of a request pursuant to section 5104.013 176
of the Revised Code, a completed form prescribed pursuant to 177
division (C) (1) of this section, and a set of fingerprint 178
impressions obtained in the manner described in division (C) (2) 179
of this section, the superintendent of the bureau of criminal 180
identification and investigation shall conduct a criminal 181
records check in the manner described in division (B) of this 182
section to determine whether any information exists that 183
indicates that the person who is the subject of the request has 184
been convicted of or pleaded guilty to any of the following: 185

(a) A violation of section 2151.421, 2903.01, 2903.02, 186
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 187
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 188
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 189
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 190
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 191
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 192
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 193
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 194
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 195
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 196
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 197
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 198
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 199
3716.11 of the Revised Code, felonious sexual penetration in 200
violation of former section 2907.12 of the Revised Code, a 201
violation of section 2905.04 of the Revised Code as it existed 202
prior to July 1, 1996, a violation of section 2919.23 of the 203
Revised Code that would have been a violation of section 2905.04 204

of the Revised Code as it existed prior to July 1, 1996, had the 205
violation been committed prior to that date, a violation of 206
section 2925.11 of the Revised Code that is not a minor drug 207
possession offense, a violation of section 2923.02 or 2923.03 of 208
the Revised Code that relates to a crime specified in this 209
division, or a second violation of section 4511.19 of the 210
Revised Code within five years of the date of application for 211
licensure or certification. 212

(b) A violation of an existing or former law of this 213
state, any other state, or the United States that is 214
substantially equivalent to any of the offenses or violations 215
described in division (A) (5) (a) of this section. 216

(6) Upon receipt of a request pursuant to section 5153.111 217
of the Revised Code, a completed form prescribed pursuant to 218
division (C) (1) of this section, and a set of fingerprint 219
impressions obtained in the manner described in division (C) (2) 220
of this section, the superintendent of the bureau of criminal 221
identification and investigation shall conduct a criminal 222
records check in the manner described in division (B) of this 223
section to determine whether any information exists that 224
indicates that the person who is the subject of the request 225
previously has been convicted of or pleaded guilty to any of the 226
following: 227

(a) A violation of section 2903.01, 2903.02, 2903.03, 228
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 229
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 230
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 231
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 232
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 233
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 234

2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 235
Code, felonious sexual penetration in violation of former 236
section 2907.12 of the Revised Code, a violation of section 237
2905.04 of the Revised Code as it existed prior to July 1, 1996, 238
a violation of section 2919.23 of the Revised Code that would 239
have been a violation of section 2905.04 of the Revised Code as 240
it existed prior to July 1, 1996, had the violation been 241
committed prior to that date, or a violation of section 2925.11 242
of the Revised Code that is not a minor drug possession offense; 243

(b) A violation of an existing or former law of this 244
state, any other state, or the United States that is 245
substantially equivalent to any of the offenses listed in 246
division (A)(6)(a) of this section. 247

(7) On receipt of a request for a criminal records check 248
from an individual pursuant to section 4749.03 or 4749.06 of the 249
Revised Code, accompanied by a completed copy of the form 250
prescribed in division (C)(1) of this section and a set of 251
fingerprint impressions obtained in a manner described in 252
division (C)(2) of this section, the superintendent of the 253
bureau of criminal identification and investigation shall 254
conduct a criminal records check in the manner described in 255
division (B) of this section to determine whether any 256
information exists indicating that the person who is the subject 257
of the request has been convicted of or pleaded guilty to any 258
criminal offense in this state or in any other state. If the 259
individual indicates that a firearm will be carried in the 260
course of business, the superintendent shall require information 261
from the federal bureau of investigation as described in 262
division (B)(2) of this section. Subject to division (F) of this 263
section, the superintendent shall report the findings of the 264
criminal records check and any information the federal bureau of 265

investigation provides to the director of public safety. 266

(8) On receipt of a request pursuant to section 1321.37, 267
1321.53, or 4763.05 of the Revised Code, a completed form 268
prescribed pursuant to division (C)(1) of this section, and a 269
set of fingerprint impressions obtained in the manner described 270
in division (C)(2) of this section, the superintendent of the 271
bureau of criminal identification and investigation shall 272
conduct a criminal records check with respect to any person who 273
has applied for a license, permit, or certification from the 274
department of commerce or a division in the department. The 275
superintendent shall conduct the criminal records check in the 276
manner described in division (B) of this section to determine 277
whether any information exists that indicates that the person 278
who is the subject of the request previously has been convicted 279
of or pleaded guilty to any criminal offense in this state, any 280
other state, or the United States. 281

(9) On receipt of a request for a criminal records check 282
from the treasurer of state under section 113.041 of the Revised 283
Code or from an individual under section 928.03, 4701.08, 284
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 285
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 286
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 287
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 288
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 289
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 290
4778.04, 4778.07, 4779.091, ~~or 4783.04~~, 4787.05, or 4787.15 of 291
the Revised Code, accompanied by a completed form prescribed 292
under division (C)(1) of this section and a set of fingerprint 293
impressions obtained in the manner described in division (C)(2) 294
of this section, the superintendent of the bureau of criminal 295
identification and investigation shall conduct a criminal 296

records check in the manner described in division (B) of this 297
section to determine whether any information exists that 298
indicates that the person who is the subject of the request has 299
been convicted of or pleaded guilty to any criminal offense in 300
this state or any other state. Subject to division (F) of this 301
section, the superintendent shall send the results of a check 302
requested under section 113.041 of the Revised Code to the 303
treasurer of state and shall send the results of a check 304
requested under any of the other listed sections to the 305
licensing board specified by the individual in the request. 306

(10) On receipt of a request pursuant to section 124.74, 307
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 308
Code, a completed form prescribed pursuant to division (C)(1) of 309
this section, and a set of fingerprint impressions obtained in 310
the manner described in division (C)(2) of this section, the 311
superintendent of the bureau of criminal identification and 312
investigation shall conduct a criminal records check in the 313
manner described in division (B) of this section to determine 314
whether any information exists that indicates that the person 315
who is the subject of the request previously has been convicted 316
of or pleaded guilty to any criminal offense under any existing 317
or former law of this state, any other state, or the United 318
States. 319

(11) On receipt of a request for a criminal records check 320
from an appointing or licensing authority under section 3772.07 321
of the Revised Code, a completed form prescribed under division 322
(C)(1) of this section, and a set of fingerprint impressions 323
obtained in the manner prescribed in division (C)(2) of this 324
section, the superintendent of the bureau of criminal 325
identification and investigation shall conduct a criminal 326
records check in the manner described in division (B) of this 327

section to determine whether any information exists that 328
indicates that the person who is the subject of the request 329
previously has been convicted of or pleaded guilty or no contest 330
to any offense under any existing or former law of this state, 331
any other state, or the United States that makes the person 332
ineligible for appointment or retention under section 3772.07 of 333
the Revised Code or that is a disqualifying offense as defined 334
in that section or substantially equivalent to a disqualifying 335
offense, as applicable. 336

(12) On receipt of a request pursuant to section 2151.33 337
or 2151.412 of the Revised Code, a completed form prescribed 338
pursuant to division (C)(1) of this section, and a set of 339
fingerprint impressions obtained in the manner described in 340
division (C)(2) of this section, the superintendent of the 341
bureau of criminal identification and investigation shall 342
conduct a criminal records check with respect to any person for 343
whom a criminal records check is required under that section. 344
The superintendent shall conduct the criminal records check in 345
the manner described in division (B) of this section to 346
determine whether any information exists that indicates that the 347
person who is the subject of the request previously has been 348
convicted of or pleaded guilty to any of the following: 349

(a) A violation of section 2903.01, 2903.02, 2903.03, 350
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 351
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 352
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 353
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 354
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 355
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 356
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 357
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 358

(b) An existing or former law of this state, any other 359
state, or the United States that is substantially equivalent to 360
any of the offenses listed in division (A) (12) (a) of this 361
section. 362

(13) On receipt of a request pursuant to section 3796.12 363
of the Revised Code, a completed form prescribed pursuant to 364
division (C) (1) of this section, and a set of fingerprint 365
impressions obtained in a manner described in division (C) (2) of 366
this section, the superintendent of the bureau of criminal 367
identification and investigation shall conduct a criminal 368
records check in the manner described in division (B) of this 369
section to determine whether any information exists that 370
indicates that the person who is the subject of the request 371
previously has been convicted of or pleaded guilty to a 372
disqualifying offense as specified in rules adopted under 373
section 9.79 and division (B) (2) (b) of section 3796.03 of the 374
Revised Code if the person who is the subject of the request is 375
an administrator or other person responsible for the daily 376
operation of, or an owner or prospective owner, officer or 377
prospective officer, or board member or prospective board member 378
of, an entity seeking a license from the department of commerce 379
under Chapter 3796. of the Revised Code. 380

(14) On receipt of a request required by section 3796.13 381
of the Revised Code, a completed form prescribed pursuant to 382
division (C) (1) of this section, and a set of fingerprint 383
impressions obtained in a manner described in division (C) (2) of 384
this section, the superintendent of the bureau of criminal 385
identification and investigation shall conduct a criminal 386
records check in the manner described in division (B) of this 387
section to determine whether any information exists that 388
indicates that the person who is the subject of the request 389

previously has been convicted of or pleaded guilty to a 390
disqualifying offense as specified in rules adopted under 391
division (B) (14) (a) of section 3796.03 of the Revised Code if 392
the person who is the subject of the request is seeking 393
employment with an entity licensed by the department of commerce 394
under Chapter 3796. of the Revised Code. 395

(15) On receipt of a request pursuant to section 4768.06 396
of the Revised Code, a completed form prescribed under division 397
(C) (1) of this section, and a set of fingerprint impressions 398
obtained in the manner described in division (C) (2) of this 399
section, the superintendent of the bureau of criminal 400
identification and investigation shall conduct a criminal 401
records check in the manner described in division (B) of this 402
section to determine whether any information exists indicating 403
that the person who is the subject of the request has been 404
convicted of or pleaded guilty to any criminal offense in this 405
state or in any other state. 406

(16) On receipt of a request pursuant to division (B) of 407
section 4764.07 or division (A) of section 4735.143 of the 408
Revised Code, a completed form prescribed under division (C) (1) 409
of this section, and a set of fingerprint impressions obtained 410
in the manner described in division (C) (2) of this section, the 411
superintendent of the bureau of criminal identification and 412
investigation shall conduct a criminal records check in the 413
manner described in division (B) of this section to determine 414
whether any information exists indicating that the person who is 415
the subject of the request has been convicted of or pleaded 416
guilty to any criminal offense in any state or the United 417
States. 418

(17) On receipt of a request for a criminal records check 419

under section 147.022 of the Revised Code, a completed form 420
prescribed under division (C) (1) of this section, and a set of 421
fingerprint impressions obtained in the manner prescribed in 422
division (C) (2) of this section, the superintendent of the 423
bureau of criminal identification and investigation shall 424
conduct a criminal records check in the manner described in 425
division (B) of this section to determine whether any 426
information exists that indicates that the person who is the 427
subject of the request previously has been convicted of or 428
pleaded guilty or no contest to any criminal offense under any 429
existing or former law of this state, any other state, or the 430
United States. 431

(18) Upon receipt of a request pursuant to division (F) of 432
section 2915.081 or division (E) of section 2915.082 of the 433
Revised Code, a completed form prescribed under division (C) (1) 434
of this section, and a set of fingerprint impressions obtained 435
in the manner described in division (C) (2) of this section, the 436
superintendent of the bureau of criminal identification and 437
investigation shall conduct a criminal records check in the 438
manner described in division (B) of this section to determine 439
whether any information exists indicating that the person who is 440
the subject of the request has been convicted of or pleaded 441
guilty or no contest to any offense that is a violation of 442
Chapter 2915. of the Revised Code or to any offense under any 443
existing or former law of this state, any other state, or the 444
United States that is substantially equivalent to such an 445
offense. 446

(19) On receipt of a request pursuant to section 3775.03 447
of the Revised Code, a completed form prescribed under division 448
(C) (1) of this section, and a set of fingerprint impressions 449
obtained in the manner described in division (C) (2) of this 450

section, the superintendent of the bureau of criminal 451
identification and investigation shall conduct a criminal 452
records check in the manner described in division (B) of this 453
section and shall request information from the federal bureau of 454
investigation to determine whether any information exists 455
indicating that the person who is the subject of the request has 456
been convicted of any offense under any existing or former law 457
of this state, any other state, or the United States that is a 458
disqualifying offense as defined in section 3772.07 of the 459
Revised Code. 460

(B) Subject to division (F) of this section, the 461
superintendent shall conduct any criminal records check to be 462
conducted under this section as follows: 463

(1) The superintendent shall review or cause to be 464
reviewed any relevant information gathered and compiled by the 465
bureau under division (A) of section 109.57 of the Revised Code 466
that relates to the person who is the subject of the criminal 467
records check, including, if the criminal records check was 468
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 469
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 470
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 471
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 472
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 473
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 474
5123.081, 5123.169, or 5153.111 of the Revised Code, any 475
relevant information contained in records that have been sealed 476
under section 2953.32 of the Revised Code; 477

(2) If the request received by the superintendent asks for 478
information from the federal bureau of investigation, the 479
superintendent shall request from the federal bureau of 480

investigation any information it has with respect to the person 481
who is the subject of the criminal records check, including 482
fingerprint-based checks of national crime information databases 483
as described in 42 U.S.C. 671 if the request is made pursuant to 484
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 485
any other Revised Code section requires fingerprint-based checks 486
of that nature, and shall review or cause to be reviewed any 487
information the superintendent receives from that bureau. If a 488
request under section 3319.39 of the Revised Code asks only for 489
information from the federal bureau of investigation, the 490
superintendent shall not conduct the review prescribed by 491
division (B) (1) of this section. 492

(3) The superintendent or the superintendent's designee 493
may request criminal history records from other states or the 494
federal government pursuant to the national crime prevention and 495
privacy compact set forth in section 109.571 of the Revised 496
Code. 497

(4) The superintendent shall include in the results of the 498
criminal records check a list or description of the offenses 499
listed or described in the relevant provision of division (A) of 500
this section. The superintendent shall exclude from the results 501
any information the dissemination of which is prohibited by 502
federal law. 503

(5) The superintendent shall send the results of the 504
criminal records check to the person to whom it is to be sent 505
not later than the following number of days after the date the 506
superintendent receives the request for the criminal records 507
check, the completed form prescribed under division (C) (1) of 508
this section, and the set of fingerprint impressions obtained in 509
the manner described in division (C) (2) of this section: 510

(a) If the superintendent is required by division (A) of 511
this section (other than division (A)(3) of this section) to 512
conduct the criminal records check, thirty; 513

(b) If the superintendent is required by division (A)(3) 514
of this section to conduct the criminal records check, sixty. 515

(C)(1) The superintendent shall prescribe a form to obtain 516
the information necessary to conduct a criminal records check 517
from any person for whom a criminal records check is to be 518
conducted under this section. The form that the superintendent 519
prescribes pursuant to this division may be in a tangible 520
format, in an electronic format, or in both tangible and 521
electronic formats. 522

(2) The superintendent shall prescribe standard impression 523
sheets to obtain the fingerprint impressions of any person for 524
whom a criminal records check is to be conducted under this 525
section. Any person for whom a records check is to be conducted 526
under this section shall obtain the fingerprint impressions at a 527
county sheriff's office, municipal police department, or any 528
other entity with the ability to make fingerprint impressions on 529
the standard impression sheets prescribed by the superintendent. 530
The office, department, or entity may charge the person a 531
reasonable fee for making the impressions. The standard 532
impression sheets the superintendent prescribes pursuant to this 533
division may be in a tangible format, in an electronic format, 534
or in both tangible and electronic formats. 535

(3) Subject to division (D) of this section, the 536
superintendent shall prescribe and charge a reasonable fee for 537
providing a criminal records check under this section. The 538
person requesting the criminal records check shall pay the fee 539
prescribed pursuant to this division. In the case of a request 540

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 541
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 542
fee shall be paid in the manner specified in that section. 543

(4) The superintendent of the bureau of criminal 544
identification and investigation may prescribe methods of 545
forwarding fingerprint impressions and information necessary to 546
conduct a criminal records check, which methods shall include, 547
but not be limited to, an electronic method. 548

(D) The results of a criminal records check conducted 549
under this section, other than a criminal records check 550
specified in division (A) (7) of this section, are valid for the 551
person who is the subject of the criminal records check for a 552
period of one year from the date upon which the superintendent 553
completes the criminal records check. If during that period the 554
superintendent receives another request for a criminal records 555
check to be conducted under this section for that person, the 556
superintendent shall provide the results from the previous 557
criminal records check of the person at a lower fee than the fee 558
prescribed for the initial criminal records check. 559

(E) When the superintendent receives a request for 560
information from a registered private provider, the 561
superintendent shall proceed as if the request was received from 562
a school district board of education under section 3319.39 of 563
the Revised Code. The superintendent shall apply division (A) (1) 564
(c) of this section to any such request for an applicant who is 565
a teacher. 566

(F) (1) Subject to division (F) (2) of this section, all 567
information regarding the results of a criminal records check 568
conducted under this section that the superintendent reports or 569
sends under division (A) (7) or (9) of this section to the 570

director of public safety, the treasurer of state, or the 571
person, board, or entity that made the request for the criminal 572
records check shall relate to the conviction of the subject 573
person, or the subject person's plea of guilty to, a criminal 574
offense. 575

(2) Division (F)(1) of this section does not limit, 576
restrict, or preclude the superintendent's release of 577
information that relates to the arrest of a person who is 578
eighteen years of age or older, to an adjudication of a child as 579
a delinquent child, or to a criminal conviction of a person 580
under eighteen years of age in circumstances in which a release 581
of that nature is authorized under division (E)(2), (3), or (4) 582
of section 109.57 of the Revised Code pursuant to a rule adopted 583
under division (E)(1) of that section. 584

(G) As used in this section: 585

(1) "Criminal records check" means any criminal records 586
check conducted by the superintendent of the bureau of criminal 587
identification and investigation in accordance with division (B) 588
of this section. 589

(2) "Minor drug possession offense" has the same meaning 590
as in section 2925.01 of the Revised Code. 591

(3) "OVI or OVUAC violation" means a violation of section 592
4511.19 of the Revised Code or a violation of an existing or 593
former law of this state, any other state, or the United States 594
that is substantially equivalent to section 4511.19 of the 595
Revised Code. 596

(4) "Registered private provider" means a nonpublic school 597
or entity registered with the department of education and 598
workforce under section 3310.41 of the Revised Code to 599

participate in the autism scholarship program or section 3310.58
of the Revised Code to participate in the Jon Peterson special
needs scholarship program.

Sec. 3702.3013. (A) As used in this section:

(1) "National board of surgical technology and surgical
assisting" means the organization known by that name or its
successor organization.

(2) "National center for competency testing" means the
organization known by that name or its successor organization.

(B) An ambulatory surgical facility shall not employ, or
continue to employ, an individual as a surgical technologist
unless the individual demonstrates to the facility that the
individual is certified, or has maintained certification, as a
surgical technologist by the national board of surgical
technology and surgical assisting or national center for
competency testing.

(C) If the director of health finds that an ambulatory
surgical facility has violated division (B) of this section, the
director may take any action against the facility as described
in division (D) of section 3702.32 of the Revised Code.

(D) The director may adopt any rules the director
considers necessary to implement this section. The rules shall
be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3727.26. (A) As used in this section:

(1) "National board of surgical technology and surgical
assisting" means the organization known by that name or its
successor organization.

(2) "National center for competency testing" means the

organization known by that name or its successor organization. 628

(B) A hospital that offers surgical services shall not 629
employ, or continue to employ, an individual as a surgical 630
technologist unless the individual demonstrates to the hospital 631
that the individual is certified, or has maintained 632
certification, as a surgical technologist by the national board 633
of surgical technology and surgical assisting or national center 634
for competency testing. 635

(C) If the director of health finds that a hospital has 636
violated division (B) of this section, the director may take any 637
action against the hospital as described in division (B) of 638
section 3722.07 of the Revised Code. 639

(D) The director may adopt any rules the director 640
considers necessary to implement this section. The rules shall 641
be adopted in accordance with Chapter 119. of the Revised Code. 642

Sec. 4731.051. The state medical board shall adopt rules 643
in accordance with Chapter 119. of the Revised Code establishing 644
universal blood and body fluid precautions that shall be used by 645
each person who performs exposure prone invasive procedures and 646
is authorized to practice by this chapter or Chapter 4730., 647
4759., 4760., 4761., 4762., 4772., ~~or~~ 4774., or 4787. of the 648
Revised Code. The rules shall define and establish requirements 649
for universal blood and body fluid precautions that include the 650
following: 651

- (A) Appropriate use of hand washing; 652
- (B) Disinfection and sterilization of equipment; 653
- (C) Handling and disposal of needles and other sharp 654
instruments; 655

(D) Wearing and disposal of gloves and other protective 656
garments and devices. 657

Sec. 4731.07. (A) The state medical board shall keep a 658
record of its proceedings. The minutes of a meeting of the board 659
shall, on approval by the board, constitute an official record 660
of its proceedings. 661

(B) The board shall keep a register of applicants for 662
licenses and certificates issued under this chapter; licenses 663
issued under Chapters 4730., 4760., 4762., 4772., 4774., ~~and~~ 664
4778., and 4787.; and licenses and limited permits issued under 665
Chapters 4759. and 4761. of the Revised Code. The register shall 666
show the name of the applicant and whether the applicant was 667
granted or refused the license, certificate, or limited permit 668
being sought. 669

With respect to applicants to practice medicine and 670
surgery or osteopathic medicine and surgery, the register shall 671
show the name of the institution that granted the applicant the 672
degree of doctor of medicine or osteopathic medicine. With 673
respect to applicants to practice respiratory care, the register 674
shall show the ~~addresses~~ address of the person's last known 675
place of business, the effective date and identification number 676
of the license or limited permit, and, if applicable, the name 677
and location of the institution that granted the person's degree 678
or certificate of completion of respiratory care educational 679
requirements and the date the degree or certificate of 680
completion was issued. 681

(C) The books and records of the board shall be prima- 682
facie evidence of matters therein contained. 683

Sec. 4731.071. The state medical board shall develop and 684

publish on its internet web site a directory containing the 685
names of, and business address for, all persons who hold 686
current, valid certificates or licenses issued by the board 687
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 688
4772., 4774., ~~or 4778.~~, or 4787. of the Revised Code. Except as 689
provided in section 4731.10 of the Revised Code, the directory 690
shall be the sole source for verifying that a person holds a 691
current, valid certificate or license issued by the board. 692

Sec. 4731.224. (A) As used in this section: 693

(1) "Criminal conduct" means any conduct that would 694
constitute a felony, a misdemeanor committed in the course of 695
medical practice, an offense of violence, or a sexually oriented 696
offense, as defined in section 2950.01 of the Revised Code, 697
regardless of whether a criminal charge has been filed or the 698
location in this state where the conduct occurred. 699

(2) "Sexual misconduct" means conduct that exploits the 700
licensee-patient relationship in a sexual way, whether verbal or 701
physical, and may include the expression of thoughts, feelings, 702
or gestures that are sexual or that reasonably may be construed 703
by a patient as sexual. Sexual misconduct includes sexual 704
impropriety, sexual contact, and sexual interaction as defined 705
by the state medical board in rules adopted in accordance with 706
Chapter 119. of the Revised Code. 707

(B) (1) Within thirty days after the imposition of any 708
formal disciplinary action taken by any health care facility, 709
including a hospital, health care facility operated by a health 710
insuring corporation, ambulatory surgical center, or similar 711
facility, against any individual holding a valid license or 712
certificate to practice issued pursuant to this chapter, the 713
chief administrator or executive officer of the facility shall 714

report to the state medical board the name of the individual, 715
the action taken by the facility, and a summary of the 716
underlying facts leading to the action taken. Upon request, the 717
board shall be provided certified copies of the patient records 718
that were the basis for the facility's action. Prior to release 719
to the board, the summary shall be approved by the peer review 720
committee that reviewed the case or by the governing board of 721
the facility. As used in this division, "formal disciplinary 722
action" means any action resulting in the revocation, 723
restriction, reduction, or termination of clinical privileges 724
for violations of professional ethics, or for reasons of medical 725
incompetence or medical malpractice. "Formal disciplinary 726
action" includes a summary action, an action that takes effect 727
notwithstanding any appeal rights that may exist, and an action 728
that results in an individual surrendering clinical privileges 729
while under investigation and during proceedings regarding the 730
action being taken or in return for not being investigated or 731
having proceedings held. "Formal disciplinary action" does not 732
include any action taken for the sole reason of failure to 733
maintain records on a timely basis or failure to attend staff or 734
section meetings. 735

The filing or nonfiling of a report with the board, 736
investigation by the board, or any disciplinary action taken by 737
the board, shall not preclude any action by a health care 738
facility to suspend, restrict, or revoke the individual's 739
clinical privileges. 740

In the absence of fraud or bad faith, no individual or 741
entity that provides patient records to the board shall be 742
liable in damages to any person as a result of providing the 743
records. 744

(2) Within thirty days after commencing an investigation 745
regarding criminal conduct or sexual misconduct against any 746
individual holding a valid license or certificate to practice 747
issued pursuant to this chapter, a health care facility, 748
including a hospital, health care facility operated by a health 749
insuring corporation, ambulatory surgical center, or similar 750
facility, shall report to the board the name of the individual 751
and a summary of the underlying facts related to the 752
investigation being commenced. 753

(C) (1) Except as provided in division (C) (2) of this 754
section and subject to division (C) (3) of this section, if any 755
individual authorized to practice under this chapter or any 756
professional association or society of such individuals believes 757
that a violation of any provision of this chapter, Chapter 758
4730., 4759., 4760., 4761., 4762., 4772., 4774., ~~or 4778.~~, or 759
4787. of the Revised Code, or any rule of the board has 760
occurred, the individual, association, or society shall report 761
to the board the information upon which the belief is based. 762

(2) If any individual authorized to practice under this 763
chapter or any professional association or society of such 764
individuals believes that a violation of division (B) (19) or 765
(26) of section 4731.22 of the Revised Code has occurred, the 766
individual, association, or society shall report the information 767
upon which the belief is based to the monitoring organization 768
conducting the ~~confidential monitoring~~ program established by 769
the board under section 4731.25 of the Revised Code. If any such 770
report is made to the board, it shall be referred to the 771
monitoring organization unless the board is aware that the 772
individual who is the subject of the report does not meet the 773
program eligibility requirements of section 4731.252 of the 774
Revised Code. 775

(3) If any individual authorized to practice under this 776
chapter or any professional association or society of such 777
individuals knows or has reasonable cause to suspect based on 778
facts that would cause a reasonable person in a similar position 779
to suspect that an individual authorized to practice under this 780
chapter has committed or participated in criminal conduct or 781
sexual misconduct, the information upon which the belief is 782
based shall be reported to the board within thirty days. 783

This division does not apply to a professional association 784
or society whose staff interacts with members of the association 785
or society only in advocacy, governance, or educational 786
capacities and whose staff does not regularly interact with 787
members in practice settings. 788

(4) In addition to the self-reporting of criminal offenses 789
that is required for license renewal, an individual authorized 790
to practice under this chapter shall report to the board 791
criminal charges regarding criminal conduct, sexual misconduct, 792
or any conduct involving the use of a motor vehicle while under 793
the influence of alcohol or drugs, including offenses that are 794
equivalent offenses under division (A) of section 4511.181 of 795
the Revised Code, violations of division (D) of section 4511.194 796
of the Revised Code, and violations of division (C) of section 797
4511.79 of the Revised Code. Reports under this division shall 798
be made within thirty days of the criminal charge being filed. 799

(D) Any professional association or society composed 800
primarily of doctors of medicine and surgery, doctors of 801
osteopathic medicine and surgery, doctors of podiatric medicine 802
and surgery, or practitioners of limited branches of medicine 803
that suspends or revokes an individual's membership for 804
violations of professional ethics, or for reasons of 805

professional incompetence or professional malpractice, within 806
thirty days after a final decision shall report to the board, on 807
forms prescribed and provided by the board, the name of the 808
individual, the action taken by the professional organization, 809
and a summary of the underlying facts leading to the action 810
taken. 811

The filing of a report with the board or decision not to 812
file a report, investigation by the board, or any disciplinary 813
action taken by the board, does not preclude a professional 814
organization from taking disciplinary action against an 815
individual. 816

(E) Any insurer providing professional liability insurance 817
to an individual authorized to practice under this chapter, or 818
any other entity that seeks to indemnify the professional 819
liability of such an individual, shall notify the board within 820
thirty days after the final disposition of any written claim for 821
damages where such disposition results in a payment exceeding 822
twenty-five thousand dollars. The notice shall contain the 823
following information: 824

(1) The name and address of the person submitting the 825
notification; 826

(2) The name and address of the insured who is the subject 827
of the claim; 828

(3) The name of the person filing the written claim; 829

(4) The date of final disposition; 830

(5) If applicable, the identity of the court in which the 831
final disposition of the claim took place. 832

(F) The board may investigate possible violations of this 833

chapter or the rules adopted under it that are brought to its 834
attention as a result of the reporting requirements of this 835
section, except that the board shall conduct an investigation if 836
a possible violation involves repeated malpractice. As used in 837
this division, "repeated malpractice" means three or more claims 838
for medical malpractice within the previous five-year period, 839
each resulting in a judgment or settlement in excess of twenty- 840
five thousand dollars in favor of the claimant, and each 841
involving negligent conduct by the practicing individual. 842

(G) All summaries, reports, and records received and 843
maintained by the board pursuant to this section shall be 844
confidential pursuant to division (F) (5) of section 4731.22 of 845
the Revised Code. 846

(H) Except for reports filed by an individual pursuant to 847
division (B) (2) or (C) of this section, the board shall send a 848
copy of any reports or summaries it receives pursuant to this 849
section to the individual who is the subject of the reports or 850
summaries. The individual shall have the right to file a 851
statement with the board concerning the correctness or relevance 852
of the information. The statement shall at all times accompany 853
that part of the record in contention. 854

(I) An individual or entity that, pursuant to this 855
section, reports to the board, reports to the monitoring 856
organization described in section 4731.25 of the Revised Code, 857
or refers an impaired practitioner to a treatment provider 858
~~approved by the board~~ under section 4731.251 of the Revised Code 859
shall not be subject to suit for civil damages as a result of 860
the report, referral, or provision of the information. 861

(J) In the absence of fraud or bad faith, no professional 862
association or society of individuals authorized to practice 863

under this chapter that sponsors a committee or program to 864
provide peer assistance to practitioners with substance abuse 865
problems, no representative or agent of such a committee or 866
program, no representative or agent of the monitoring 867
organization described in section 4731.25 of the Revised Code, 868
and no member of the state medical board shall be held liable in 869
damages to any person by reason of actions taken to refer a 870
practitioner to a treatment provider approved under section 871
4731.251 of the Revised Code for examination or treatment. 872

Sec. 4731.2210. (A) As used in this section: 873

(1) "Key third party" means an individual closely involved 874
in a patient's decision-making regarding health care services, 875
including a patient's spouse or partner, parents, children, 876
siblings, or guardians. An individual's status as a key third 877
party ceases upon termination of a practitioner-patient 878
relationship or termination of the relationship between a 879
patient and the individual. 880

(2) "Practitioner" means any of the following: 881

(a) An individual authorized under this chapter to 882
practice medicine and surgery, osteopathic medicine and surgery, 883
podiatric medicine and surgery, or a limited branch of medicine; 884

(b) An individual licensed under Chapter 4730. of the 885
Revised Code to practice as a physician assistant; 886

(c) An individual authorized under Chapter 4759. of the 887
Revised Code to practice as a dietitian; 888

(d) An individual authorized under Chapter 4760. of the 889
Revised Code to practice as an anesthesiologist assistant; 890

(e) An individual authorized under Chapter 4761. of the 891

Revised Code to practice respiratory care; 892

(f) An individual authorized under Chapter 4762. of the 893
Revised Code to practice as an acupuncturist; 894

(g) An individual authorized under Chapter 4772. of the 895
Revised Code to practice as a certified mental health assistant; 896

(h) An individual authorized under Chapter 4774. of the 897
Revised Code to practice as a radiologist assistant; 898

(i) An individual licensed under Chapter 4778. of the 899
Revised Code to practice as a genetic counselor; 900

(j) An individual licensed under Chapter 4787. of the 901
Revised Code to practice as a surgical assistant. 902

(3) "Sexual misconduct" has the same meaning as in section 903
4731.224 of the Revised Code. 904

(B) Except as provided in division (D) of this section, 905
the state medical board may require a practitioner that is 906
subject to a probationary order of the board that involves a 907
circumstance described in division (C) of this section, to 908
provide to each patient, or to the patient's guardian or a key 909
third party, a written disclosure signed by the practitioner 910
that includes all of the following: 911

(1) The practitioner's probation status; 912

(2) The total length of the probation; 913

(3) The probation end date; 914

(4) Practice restrictions placed on the practitioner by 915
the board; 916

(5) The board's telephone number; 917

(6) An explanation of how the patient can find additional 918
information regarding the probation on the practitioner's 919
profile page on the board's internet web site. 920

The written disclosure, if required by the board, shall be 921
provided before the patient's first visit following the 922
probationary order of the board. The practitioner shall obtain a 923
copy of the disclosure signed by the patient, or the patient's 924
guardian or a key third party, and maintain the signed copy in 925
the patient's medical record. The signed copy shall be made 926
available to the board immediately upon request. 927

(C) The written disclosure described in division (B) of 928
this section applies in both of the following circumstances: 929

(1) Issuance by the board of a final order, final 930
adjudicative order under Chapter 119. of the Revised Code, or a 931
consent agreement that is ratified by an affirmative vote of not 932
fewer than six members of the board establishing any of the 933
following: 934

(a) Commission of any act of sexual misconduct with a 935
patient or key third party; 936

(b) Drug or alcohol abuse directly resulting in patient 937
harm, or that impairs the ability of the practitioner to 938
practice safely; 939

(c) Criminal conviction directly resulting in harm to 940
patient health; 941

(d) Inappropriate prescribing directly resulting in 942
patient harm. 943

(2) A statement of issues alleged that the practitioner 944
committed any of the acts described in divisions (C) (1) (a) 945

through (d) and, notwithstanding a lack of admission of guilt, a consent agreement ratified by an affirmative vote of not fewer than six members of the board includes express acknowledgement that the disclosure requirements of this section would serve to protect the public interest.

(D) Written disclosure as described in this section is not required in the following circumstances:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign it, and a guardian or a key third party is unavailable to comprehend and sign it;

(2) The direct patient interaction occurs in an emergency department or otherwise occurs as an immediate result of a medical emergency;

(3) The practitioner does not have a direct treatment relationship with the patient and does not have direct contact or direct communication with the patient.

(E) The board shall provide the following information regarding practitioners on probation and those practicing under probationary status, in plain view on a practitioner's profile page on the board's internet web site:

(1) Formal action documents detailing the citation, reports and recommendations, board order, and consent agreement;

(2) The length of the probation and the end date;

(3) Practice restrictions placed on the practitioner by the board.

(F) The board shall provide a sample probation disclosure letter on its internet web site to be used by practitioners to comply with this section.

Sec. 4731.24. Except as provided in sections 4731.281 and 974
4731.40 of the Revised Code, all receipts of the state medical 975
board, from any source, shall be deposited in the state 976
treasury. The funds shall be deposited to the credit of the 977
state medical board operating fund, which is hereby created. 978
Except as provided in sections 4730.252, 4731.225, 979
~~4731.24~~4731.241, 4759.071, 4760.133, 4761.091, 4762.133, 980
4772.203, 4774.133, ~~and 4778.141~~, and 4787.11 of the Revised 981
Code, all funds deposited into the state treasury under this 982
section shall be used solely for the administration and 983
enforcement of this chapter and Chapters 4730., 4759., 4760., 984
4761., 4762., 4772., 4774., ~~and 4778.~~, and 4787. of the Revised 985
Code by the board. 986

Sec. 4731.25. (A) As used in this section and in sections 987
4731.251 to 4731.255 of the Revised Code: 988

(1) "Applicant" means an individual who has applied under 989
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 990
~~or 4778.~~, or 4787. of the Revised Code for a license, training 991
or other certificate, limited permit, or other authority to 992
practice as any one of the following practitioners: a physician 993
assistant, physician, podiatrist, limited branch of medicine 994
practitioner, dietitian, anesthesiologist assistant, respiratory 995
care professional, acupuncturist, certified mental health 996
assistant, radiologist assistant, ~~or~~ genetic counselor, or 997
surgical assistant. "Applicant" may include an individual who 998
has been granted authority by the state medical board to 999
practice as one type of practitioner, but has applied for 1000
authority to practice as another type of practitioner. 1001

(2) "Impaired" or "impairment" means either or both of the 1002
following: 1003

(a) Impairment of ability to practice as described in 1004
division (B) (5) of section 4730.25, division (B) (26) of section 1005
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 1006
section 4760.13, division (A) (18) of section 4761.09, division 1007
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 1008
division (B) (6) of section 4774.13, ~~or~~ division (B) (6) of 1009
section 4778.14, or division (B) (6) of section 4787.10 of the 1010
Revised Code; 1011

(b) Inability to practice as described in division (B) (4) 1012
of section 4730.25, division (B) (19) of section 4731.22, 1013
division (A) (14) of section 4759.07, division (B) (5) of section 1014
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 1015
section 4762.13, division (B) (5) of section 4774.13, ~~or~~ division 1016
(B) (5) of section 4778.14, or division (B) (5) of section 4787.10 1017
of the Revised Code. 1018

(3) "Practitioner" means any of the following: 1019

(a) An individual authorized under this chapter to 1020
practice medicine and surgery, osteopathic medicine and surgery, 1021
podiatric medicine and surgery, or a limited branch of medicine; 1022

(b) An individual licensed under Chapter 4730. of the 1023
Revised Code to practice as a physician assistant; 1024

(c) An individual authorized under Chapter 4759. of the 1025
Revised Code to practice as a dietitian; 1026

(d) An individual authorized under Chapter 4760. of the 1027
Revised Code to practice as an anesthesiologist assistant; 1028

(e) An individual authorized under Chapter 4761. of the 1029
Revised Code to practice respiratory care; 1030

(f) An individual licensed under Chapter 4762. of the 1031

Revised Code to practice as an acupuncturist; 1032

(g) An individual licensed under Chapter 4772. of the 1033
Revised Code to practice as a certified mental health assistant; 1034

(h) An individual licensed under Chapter 4774. of the 1035
Revised Code to practice as a radiologist assistant; 1036

(i) An individual licensed under Chapter 4778. of the 1037
Revised Code to practice as a genetic counselor; 1038

(j) An individual licensed under Chapter 4787. of the 1039
Revised Code to practice as a surgical assistant. 1040

(B) The state medical board shall establish a 1041
confidential, nondisciplinary program for the evaluation and 1042
treatment of practitioners and applicants who are, or may be, 1043
impaired and also meet the eligibility conditions described in 1044
section 4731.252 or 4731.253 of the Revised Code. The program 1045
shall be known as the confidential monitoring program. 1046

The board shall contract with a monitoring organization to 1047
conduct the program and perform monitoring services. To be 1048
qualified to contract with the board, an organization shall meet 1049
all of the following requirements: 1050

(1) Be a professionals health program sponsored by one or 1051
more professional associations or societies of practitioners; 1052

(2) Be organized as a not-for-profit entity and exempt 1053
from federal income taxation under subsection 501(c)(3) of the 1054
Internal Revenue Code; 1055

(3) Contract with or employ a medical director who is 1056
authorized under this chapter to practice medicine and surgery 1057
or osteopathic medicine and surgery and specializes or has 1058
training and expertise in addiction medicine; 1059

(4) Contract with or employ licensed health care professionals necessary for the organization's operation. 1060
1061

(C) The monitoring organization shall do all of the following pursuant to the contract: 1062
1063

(1) Receive from the board a referral regarding an applicant or receive any report of suspected practitioner impairment from any source, including from the board; 1064
1065
1066

(2) Notify a practitioner who is the subject of a report received under division (C) (1) of this section that the report has been made and that the practitioner may be eligible to participate in the program conducted under this section; 1067
1068
1069
1070

(3) Provide a practitioner who is the subject of a report received under division (C) (1) of this section with the list of approved evaluators and treatment providers prepared and updated as described in section 4731.251 of the Revised Code; 1071
1072
1073
1074

(4) Determine whether a practitioner reported or applicant referred to the monitoring organization is eligible to participate in the program, which in the case of an applicant may include evaluating records as described in division (E) (1) (d) of this section, and notify the practitioner or applicant of the determination; 1075
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1079
1080

(5) In the case of a practitioner reported by a treatment provider, notify the treatment provider of the eligibility determination; 1081
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1083

(6) Report to the board any practitioner or applicant who is determined ineligible to participate in the program; 1084
1085

(7) Refer an eligible practitioner who chooses to participate in the program for evaluation by an evaluator 1086
1087

approved by the monitoring organization, unless the report 1088
received by the monitoring organization was made by an approved 1089
evaluator and the practitioner has already been evaluated; 1090

(8) Monitor the evaluation of an eligible practitioner; 1091

(9) Refer an eligible practitioner who chooses to 1092
participate in the program to a treatment provider approved by 1093
the monitoring organization; 1094

(10) Establish, in consultation with the treatment 1095
provider to which a practitioner is referred, the terms and 1096
conditions with which the practitioner must comply for continued 1097
participation in and successful completion of the program; 1098

(11) Report to the board any practitioner who does not 1099
complete evaluation or treatment or does not comply with any of 1100
the terms and conditions established by the monitoring 1101
organization and the treatment provider; 1102

(12) Perform any other activities specified in the 1103
contract with the board or that the monitoring organization 1104
considers necessary to comply with this section and sections 1105
4731.251 to 4731.255 of the Revised Code. 1106

(D) The monitoring organization shall not disclose to the 1107
board the name of a practitioner or applicant or any records 1108
relating to a practitioner or applicant, unless any of the 1109
following occurs: 1110

(1) The practitioner or applicant is determined to be 1111
ineligible to participate in the program. 1112

(2) The practitioner or applicant requests the disclosure. 1113

(3) The practitioner or applicant is unwilling or unable 1114
to complete or comply with any part of the program, including 1115

evaluation, treatment, or monitoring. 1116

(4) The practitioner or applicant presents an imminent 1117
danger to oneself or the public, as a result of the 1118
practitioner's or applicant's impairment. 1119

(5) The practitioner's impairment has not been 1120
substantially alleviated by participation in the program. 1121

(E) (1) The monitoring organization shall develop 1122
procedures governing each of the following: 1123

(a) Receiving reports of practitioner impairment; 1124

(b) Notifying practitioners of reports and eligibility 1125
determinations; 1126

(c) Receiving applicant referrals as described in section 1127
4731.253 of the Revised Code; 1128

(d) Evaluating records of referred applicants, in 1129
particular records from other jurisdictions regarding prior 1130
treatment for impairment or current or continued monitoring; 1131

(e) Notifying applicants of eligibility determinations; 1132

(f) Referring eligible practitioners for evaluation or 1133
treatment; 1134

(g) Establishing individualized treatment plans for 1135
eligible practitioners, as recommended by treatment providers; 1136

(h) Establishing individualized terms and conditions with 1137
which eligible practitioners or applicants must comply for 1138
continued participation in and successful completion of the 1139
program. 1140

(2) The monitoring organization, in consultation with the 1141
board, shall develop procedures governing each of the following: 1142

(a) Providing reports to the board on a periodic basis on 1143
the total number of practitioners or applicants participating in 1144
the program, without disclosing the names or records of any 1145
program participants other than those about whom reports are 1146
required by this section; 1147

(b) Reporting to the board any practitioner or applicant 1148
who due to impairment presents an imminent danger to oneself or 1149
the public; 1150

(c) Reporting to the board any practitioner or applicant 1151
who is unwilling or unable to complete or comply with any part 1152
of the program, including evaluation, treatment, or monitoring; 1153

(d) Reporting to the board any practitioner or applicant 1154
whose impairment was not substantially alleviated by 1155
participation in the program. 1156

Sec. 4731.251. (A) In addition to the duties described in 1157
section 4731.25 of the Revised Code, the monitoring organization 1158
shall conduct a review of individuals and entities providing 1159
impairment evaluation and treatment services to determine which 1160
should be approved as evaluators and treatment providers by the 1161
organization. The individuals and entities may include those 1162
with experience providing evaluation and treatment services as 1163
part of a professionals health program sponsored by one or more 1164
professional associations or societies of practitioners. The 1165
monitoring organization shall conduct its review in accordance 1166
with criteria developed under this section. 1167

Following its review, the monitoring organization shall 1168
grant or deny approval to evaluators and treatment providers, 1169
which may include physicians and facilities. The monitoring 1170
organization shall prepare a list of evaluators approved to 1171

serve under the program and a list of treatment providers 1172
approved to serve under the program or as described in division 1173
(B) (5) of section 4730.25, division (B) (26) of section 4731.22, 1174
division (A) (18) of section 4759.07, division (B) (6) of section 1175
4760.13, division (A) (18) of section 4761.09, division (B) (6) of 1176
section 4762.13, division (B) (6) of section 4772.20, division 1177
(B) (6) of section 4774.13, ~~or~~ division (B) (6) of section 1178
4778.14, or division (B) (6) of section 4787.10 of the Revised 1179
Code. 1180

In accordance with criteria developed under this section, 1181
the monitoring organization shall periodically review and update 1182
the list of approved evaluators and treatment providers, 1183
including by examining evaluator and treatment provider outcomes 1184
and operations. As part of its periodic review, the organization 1185
may approve additional evaluators or treatment providers and add 1186
them to the list. The organization also may withdraw approval 1187
for evaluators and treatment providers. Such additions and 1188
withdrawals shall be reflected in the list. 1189

(B) The monitoring organization and state medical board 1190
together shall develop criteria and procedures for the review 1191
and approval of impairment evaluators and treatment providers. 1192
The criteria and procedures shall address reviews conducted on a 1193
periodic basis, including the examination of approved evaluator 1194
and treatment provider outcomes and operations. 1195

(C) Separate from the confidential monitoring program 1196
established under section 4731.25 of the Revised Code, the board 1197
may contract with the monitoring organization to assist the 1198
board in monitoring impaired practitioners who are subject to 1199
formal disciplinary action by the board. 1200

(D) Any practitioner who is evaluated or treated as part 1201

of the confidential monitoring program, who enters into a 1202
participation agreement with the monitoring organization, or who 1203
is treated by an approved treatment provider shall be deemed to 1204
have waived any confidentiality requirements that would 1205
otherwise prevent the monitoring organization or treatment 1206
provider from making reports required under sections 4731.25 to 1207
4731.255 of the Revised Code. 1208

Sec. 4776.01. As used in this chapter: 1209

(A) "License" means an authorization evidenced by a 1210
license, certificate, registration, permit, card, or other 1211
authority that is issued or conferred by a licensing agency to a 1212
licensee or to an applicant for an initial license by which the 1213
licensee or initial license applicant has or claims the 1214
privilege to engage in a profession, occupation, or occupational 1215
activity, or, except in the case of the state dental board, to 1216
have control of and operate certain specific equipment, 1217
machinery, or premises, over which the licensing agency has 1218
jurisdiction. 1219

(B) Except as provided in section 4776.20 of the Revised 1220
Code, "licensee" means the person to whom the license is issued 1221
by a licensing agency. "Licensee" includes a person who, for 1222
purposes of section 3796.13 of the Revised Code, has complied 1223
with sections 4776.01 to 4776.04 of the Revised Code and has 1224
been determined by the division of marijuana control, as the 1225
applicable licensing agency, to meet the requirements for 1226
employment. 1227

(C) Except as provided in section 4776.20 of the Revised 1228
Code, "licensing agency" means any of the following: 1229

(1) The board authorized by Chapters 4701., 4717., 4725., 1230

4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 1231
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 1232
4778., 4779., ~~and 4783.~~, and 4787. of the Revised Code to issue 1233
a license to engage in a specific profession, occupation, or 1234
occupational activity, or to have charge of and operate certain 1235
specific equipment, machinery, or premises. 1236

(2) The state dental board, relative to its authority to 1237
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1238
or 4715.27 of the Revised Code; 1239

(3) The division of marijuana control, relative to its 1240
authority under Chapter 3796. of the Revised Code and any rules 1241
adopted under that chapter with respect to a person who is 1242
subject to section 3796.13 of the Revised Code; 1243

(4) The director of agriculture, relative to the 1244
director's authority to issue licenses under Chapter 928. of the 1245
Revised Code. 1246

(D) "Applicant for an initial license" includes persons 1247
seeking a license for the first time and persons seeking a 1248
license by reciprocity, endorsement, or similar manner of a 1249
license issued in another state. "Applicant for an initial 1250
license" also includes a person who, for purposes of section 1251
3796.13 of the Revised Code, is required to comply with sections 1252
4776.01 to 4776.04 of the Revised Code. 1253

(E) "Applicant for a restored license" includes persons 1254
seeking restoration of a license under section 4730.14, 4730.28, 1255
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 1256
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 1257
4774.06, 4774.061, 4778.07, ~~or 4778.071,~~ 4787.15, or 4787.16 of 1258
the Revised Code. "Applicant for a restored license" does not 1259

include a person seeking restoration of a license under section 1260
4751.33 of the Revised Code. 1261

(F) "Criminal records check" has the same meaning as in 1262
section 109.572 of the Revised Code. 1263

Sec. 4776.20. (A) As used in this section: 1264

(1) "Licensing agency" means, in addition to each board or 1265
other government entity identified in division (C) of section 1266
4776.01 of the Revised Code, the board or other government 1267
entity authorized to issue a license under Chapters 3776., 1268
4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 1269
4733., 4735., 4737., 4738., ~~4740., 4747.,~~ 4749., 4752., ~~4753.,~~ 1270
4758., ~~4759.,~~ 4763., 4764., 4765., 4766., 4771., 4773., and 1271
4781. of the Revised Code. "Licensing agency" includes an 1272
administrative officer that has authority to issue a license. 1273

(2) "Licensee" means, in addition to a licensee as 1274
described in division (B) of section 4776.01 of the Revised 1275
Code, the person to whom a license is issued by the board or 1276
other government entity authorized to issue a license under 1277
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 1278
4727., 4728., 4733., 4735., 4737., 4738., ~~4740., 4747.,~~ 4749., 1279
~~4751.,~~ 4752., ~~4753.,~~ 4758., ~~4759.,~~ 4763., 4764., 4765., 4766., 1280
4771., 4773., and 4781. of the Revised Code. 1281

(3) "Prosecutor" has the same meaning as in section 1282
2935.01 of the Revised Code. 1283

(B) On a licensee's conviction of, plea of guilty to, 1284
judicial finding of guilt of, or judicial finding of guilt 1285
resulting from a plea of no contest to the offense of 1286
trafficking in persons in violation of section 2905.32 of the 1287
Revised Code, the prosecutor in the case shall promptly notify 1288

the licensing agency of the conviction, plea, or finding and 1289
provide the licensee's name and residential address. On receipt 1290
of this notification, the licensing agency shall immediately 1291
suspend the licensee's license. 1292

(C) If there is a conviction of, plea of guilty to, 1293
judicial finding of guilt of, or judicial finding of guilt 1294
resulting from a plea of no contest to the offense of 1295
trafficking in persons in violation of section 2905.32 of the 1296
Revised Code and all or part of the violation occurred on the 1297
premises of a facility that is licensed by a licensing agency, 1298
the prosecutor in the case shall promptly notify the licensing 1299
agency of the conviction, plea, or finding and provide the 1300
facility's name and address and the offender's name and 1301
residential address. On receipt of this notification, the 1302
licensing agency shall immediately suspend the facility's 1303
license. 1304

(D) Notwithstanding any provision of the Revised Code to 1305
the contrary, the suspension of a license under division (B) or 1306
(C) of this section shall be implemented by a licensing agency 1307
without a prior hearing. After the suspension, the licensing 1308
agency shall give written notice to the subject of the 1309
suspension of the right to request a hearing under Chapter 119. 1310
of the Revised Code. After a hearing is held, the licensing 1311
agency shall either revoke or permanently revoke the license of 1312
the subject of the suspension, unless it determines that the 1313
license holder has not been convicted of, pleaded guilty to, 1314
been found guilty of, or been found guilty based on a plea of no 1315
contest to the offense of trafficking in persons in violation of 1316
section 2905.32 of the Revised Code. 1317

Sec. 4787.01. As used in this chapter: 1318

(A) "Ambulatory surgical facility" has the same meaning as 1319
in section 3702.30 of the Revised Code. 1320

(B) "Hospital" means an institution or facility licensed 1321
under Chapter 3722. of the Revised Code. 1322

(C) "National board of surgical technology and surgical 1323
assisting" means the organization known by that name or its 1324
successor organization. 1325

(D) "National commission for the certification of surgical 1326
assistants" means the organization known by that name or its 1327
successor organization. 1328

(E) "Physician" means an individual authorized under 1329
Chapter 4731. of the Revised Code to practice medicine and 1330
surgery, osteopathic medicine and surgery, or podiatric medicine 1331
and surgery. 1332

(F) "Surgical assistant" means an individual, other than a 1333
licensed health professional, who assists in a surgical 1334
procedure by engaging in one or more of the activities described 1335
in section 4787.08 of the Revised Code. 1336

Sec. 4787.02. The secretary of the state medical board 1337
shall enforce the laws relating to the practice of surgical 1338
assistants. If the secretary has knowledge or notice of a 1339
violation of this chapter or the rules adopted under it, the 1340
secretary shall investigate the matter, and, upon probable cause 1341
appearing, file a complaint and prosecute the offender. When 1342
requested by the secretary, the prosecuting attorney of the 1343
proper county shall take charge of and conduct the prosecution. 1344

Sec. 4787.03. (A) Except as provided in division (B) of 1345
this section, no individual shall knowingly practice as a 1346
surgical assistant unless the individual holds a current, valid 1347

license to practice as a surgical assistant issued under this 1348
chapter. 1349

(B) Division (A) of this section does not apply to any of 1350
the following: 1351

(1) A physician; 1352

(2) A physician assistant licensed under Chapter 4730. of 1353
the Revised Code; 1354

(3) A registered nurse licensed under Chapter 4723. of the 1355
Revised Code, including an advanced practice registered nurse, 1356
or a licensed practical nurse licensed under that chapter; 1357

(4) An individual who is practicing as a surgical 1358
assistant at a hospital or ambulatory surgical facility that has 1359
been granted a waiver under section 4787.18 of the Revised Code; 1360

(5) An individual who is certified and employed as 1361
described in section 3702.3013 or 3727.26 of the Revised Code 1362
and practicing as a surgical technologist, but only to the 1363
extent of the technologist's certification. 1364

Sec. 4787.04. (A) An individual seeking a license to 1365
practice as a surgical assistant shall submit to the state 1366
medical board an application in a manner prescribed by the 1367
board. The application shall include all the information the 1368
board considers necessary to process the application, including 1369
evidence satisfactory to the board that the applicant meets the 1370
requirements specified in division (B) of this section. 1371

At the time an application is submitted, the applicant 1372
shall pay the board the application fee described in section 1373
4787.14 of the Revised Code. No part of the fee shall be 1374
returned to the applicant or transferred for purposes of another 1375

application. 1376

(B) (1) To be eligible to receive a license to practice as 1377
a surgical assistant, an applicant shall demonstrate to the 1378
board that the applicant meets all of the following 1379
requirements: 1380

(a) The applicant must be at least eighteen years of age. 1381

(b) The applicant must have attained a high school degree 1382
or equivalent. 1383

(c) Except as provided in division (B) (2) of this section, 1384
the applicant must be certified as a surgical assistant by the 1385
national board of surgical technology and surgical assisting or 1386
national commission for the certification of surgical 1387
assistants. 1388

(2) In the case of an applicant who meets all eligibility 1389
requirements other than the certification requirement described 1390
in division (B) (1) (c) of this section, the applicant is eligible 1391
for a license to practice as a surgical assistant if either of 1392
the following applies: 1393

(a) The applicant practiced as a surgical assistant at a 1394
hospital or ambulatory surgical facility located in this state 1395
during any part of the six-month period immediately preceding 1396
the date on which the application is submitted, except that 1397
eligibility for a license on this basis applies only if the 1398
application is submitted not later than the date that is five 1399
years after the effective date of this section. 1400

(b) The applicant successfully completed a training 1401
program for surgical assistants operated by a branch of the 1402
United States armed forces. 1403

(C) The board shall review all applications received under 1404
this section. After receiving an application it considers 1405
complete, the board shall determine whether the applicant meets 1406
the requirements for a license to practice as a surgical 1407
assistant. 1408

Sec. 4787.05. In addition to any other eligibility 1409
requirement set forth in this chapter, each applicant for a 1410
license to practice as a surgical assistant shall comply with 1411
sections 4776.01 to 4776.04 of the Revised Code. 1412

Sec. 4787.06. If the state medical board determines under 1413
section 4787.04 of the Revised Code that an applicant meets the 1414
requirements for a license to practice as a surgical assistant, 1415
the secretary of the board shall issue the license to the 1416
applicant. The license shall be valid for a two-year period 1417
unless revoked or suspended, shall expire on the date that is 1418
two years after the date of issuance, and may be renewed for 1419
additional two-year periods in accordance with section 4787.07 1420
of the Revised Code. 1421

Sec. 4787.07. (A) An individual seeking to renew a license 1422
to practice as a surgical assistant shall, on or before the 1423
license's expiration date, apply to the state medical board for 1424
renewal. The board shall provide renewal notices to license 1425
holders at least one month prior to the expiration date. 1426

Renewal applications shall be submitted to the board in a 1427
manner prescribed by the board. Each application shall be 1428
accompanied by the renewal fee described in section 4787.14 of 1429
the Revised Code. 1430

The applicant shall report any criminal offense to which 1431
the applicant has pleaded guilty, of which the applicant has 1432

been found guilty, or for which the applicant has been found 1433
eligible for intervention in lieu of conviction, since last 1434
signing an application for a license to practice as a surgical 1435
assistant. 1436

(B) To be eligible for renewal, a surgical assistant shall 1437
certify to the board that the surgical assistant has done both 1438
of the following: 1439

(1) Maintained the assistant's certification as a surgical 1440
assistant by the national board of surgical technology and 1441
surgical assisting or national commission for the certification 1442
of surgical assistants, except in the case of a surgical 1443
assistant described in division (B) (2) of section 4787.04 of the 1444
Revised Code; 1445

(2) Completed at least thirty-eight hours of continuing 1446
education in surgical assisting that has been approved by the 1447
national board of surgical technology and surgical assisting or 1448
national commission for certification of surgical assistants. 1449

(C) If an applicant submits a renewal application that the 1450
board considers to be complete and qualifies for renewal 1451
pursuant to division (B) of this section, the board shall issue 1452
to the applicant a renewed license to practice as a surgical 1453
assistant. 1454

(D) The board may require a random sample of surgical 1455
assistants to submit materials documenting that their 1456
certification status has been maintained and that the number of 1457
hours of continuing education required under division (B) (2) of 1458
this section has been completed. This division does not limit 1459
the board's authority to conduct investigations pursuant to 1460
section 4787.10 of the Revised Code. 1461

(E) (1) If, through a random sample conducted under 1462
division (D) of this section or through any other means, the 1463
board finds that an individual who certified completion of the 1464
number of hours and type of continuing education required to 1465
renew, reinstate, restore, or reactivate a license to practice 1466
did not complete the requisite continuing education, the board 1467
may do either of the following: 1468

(a) Take disciplinary action against the individual under 1469
section 4787.10 of the Revised Code, impose a civil penalty, or 1470
both; 1471

(b) Permit the individual to agree in writing to complete 1472
the continuing education and pay a civil penalty. 1473

(2) The board's finding in any disciplinary action taken 1474
under division (E) (1) (a) of this section shall be made pursuant 1475
to an adjudication under Chapter 119. of the Revised Code and by 1476
an affirmative vote of not fewer than six of its members. 1477

(3) A civil penalty imposed under division (E) (1) (a) of 1478
this section or paid under division (E) (1) (b) of this section 1479
shall be in an amount specified by the board of not more than 1480
five thousand dollars. The board shall deposit civil penalties 1481
in accordance with section 4731.24 of the Revised Code. 1482

Sec. 4787.08. (A) Subject to division (B) of this section, 1483
an individual who holds a current, valid license to practice as 1484
a surgical assistant may assist a physician in the performance 1485
of surgical procedures by engaging in one or more of the 1486
following activities delegated by the physician: 1487

(1) Providing exposure; 1488

(2) Maintaining hemostasis; 1489

<u>(3) Making incisions;</u>	1490
<u>(4) Closing or suturing surgical sites;</u>	1491
<u>(5) Manipulating or removing tissue;</u>	1492
<u>(6) Implanting surgical devices or drains;</u>	1493
<u>(7) Suctioning surgical sites;</u>	1494
<u>(8) Placing catheters;</u>	1495
<u>(9) Clamping or cauterizing vessels or tissues;</u>	1496
<u>(10) Applying dressings to surgical sites;</u>	1497
<u>(11) Performing any other activity that is delegated by</u> <u>the physician and relates to a surgical procedure.</u>	1498 1499
<u>(B) A surgical assistant may engage in any of the</u> <u>activities described in division (A) of this section only under</u> <u>the supervision of a physician.</u>	1500 1501 1502
<u>Sec. 4787.09.</u> <u>(A) The state medical board shall adopt</u> <u>rules establishing standards and procedures for the regulation</u> <u>of surgical assistants. The rules shall do all of the following:</u>	1503 1504 1505
<u>(1) Establish application procedures for the licensure of</u> <u>surgical assistants;</u>	1506 1507
<u>(2) Establish license renewal procedures, including</u> <u>procedures for reporting the completion of continuing education;</u>	1508 1509
<u>(3) Establish procedures for reporting to the board</u> <u>license holder misconduct.</u>	1510 1511
<u>(B) In addition to the rules described in division (A) of</u> <u>this section, the board may adopt any other rules it considers</u> <u>necessary to implement and administer this chapter.</u>	1512 1513 1514

(C) All rules adopted under this section shall be adopted 1515
in accordance with Chapter 119. of the Revised Code. 1516

Sec. 4787.10. (A) The state medical board, by an 1517
affirmative vote of not fewer than six members, may refuse to 1518
grant a license to practice as a surgical assistant to, or may 1519
revoke the license held by, an individual found by the board to 1520
have committed fraud during the administration of the 1521
examination to be certified as a surgical assistant by the 1522
national board of surgical technology and surgical assisting or 1523
national commission for the certification of surgical assistants 1524
or to have committed fraud, misrepresentation, or deception in 1525
applying for or securing the license. 1526

(B) Except as provided in division (C) of this section, 1527
the board, by an affirmative vote of not fewer than six members, 1528
shall, to the extent permitted by law, limit, revoke, or suspend 1529
an individual's license to practice as a surgical assistant, 1530
refuse to issue a license to an applicant, refuse to renew a 1531
license, refuse to reinstate a license, or reprimand or place on 1532
probation the holder of a license for any of the following 1533
reasons: 1534

(1) Permitting the holder's name or license to be used by 1535
another person; 1536

(2) Failure to comply with the requirements of this 1537
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1538
by the board; 1539

(3) Violating or attempting to violate, directly or 1540
indirectly, or assisting in or abetting the violation of, or 1541
conspiring to violate, any provision of this chapter, Chapter 1542
4731. of the Revised Code, or the rules adopted by the board; 1543

(4) A departure from, or failure to conform to, minimal 1544
standards of care of similar practitioners under the same or 1545
similar circumstances whether or not actual injury to the 1546
patient is established; 1547

(5) Inability to practice according to acceptable and 1548
prevailing standards of care by reason of mental illness or 1549
physical illness, including physical deterioration that 1550
adversely affects cognitive, motor, or perceptive skills; 1551

(6) Impairment of ability to practice according to 1552
acceptable and prevailing standards of care because of substance 1553
use disorder or excessive use or abuse of drugs, alcohol, or 1554
other substances that may impair ability to practice; 1555

(7) Willfully betraying a professional confidence; 1556

(8) Making a false, fraudulent, deceptive, or misleading 1557
statement in securing or attempting to secure a license to 1558
practice as a surgical assistant. 1559

As used in this division, "false, fraudulent, deceptive, 1560
or misleading statement" means a statement that includes a 1561
misrepresentation of fact, is likely to mislead or deceive 1562
because of a failure to disclose material facts, is intended or 1563
is likely to create false or unjustified expectations of 1564
favorable results, or includes representations or implications 1565
that in reasonable probability will cause an ordinarily prudent 1566
person to misunderstand or be deceived. 1567

(9) The obtaining of, or attempting to obtain, money or a 1568
thing of value by fraudulent misrepresentations in the course of 1569
practice; 1570

(10) A plea of guilty to, a judicial finding of guilt of, 1571
or a judicial finding of eligibility for intervention in lieu of 1572

conviction for, a felony; 1573

(11) Commission of an act that constitutes a felony in 1574
this state, regardless of the jurisdiction in which the act was 1575
committed; 1576

(12) A plea of guilty to, a judicial finding of guilt of, 1577
or a judicial finding of eligibility for intervention in lieu of 1578
conviction for, a misdemeanor committed in the course of 1579
practice; 1580

(13) A plea of guilty to, a judicial finding of guilt of, 1581
or a judicial finding of eligibility for intervention in lieu of 1582
conviction for, a misdemeanor involving moral turpitude; 1583

(14) Commission of an act in the course of practice that 1584
constitutes a misdemeanor in this state, regardless of the 1585
jurisdiction in which the act was committed; 1586

(15) Commission of an act involving moral turpitude that 1587
constitutes a misdemeanor in this state, regardless of the 1588
jurisdiction in which the act was committed; 1589

(16) A plea of guilty to, a judicial finding of guilt of, 1590
or a judicial finding of eligibility for intervention in lieu of 1591
conviction for violating any state or federal law regulating the 1592
possession, distribution, or use of any drug, including 1593
trafficking in drugs; 1594

(17) Any of the following actions taken by an agency 1595
responsible for authorizing, certifying, or regulating an 1596
individual to practice a health care occupation or provide 1597
health care services in this state or in another jurisdiction, 1598
for any reason other than the nonpayment of fees: the 1599
limitation, revocation, or suspension of an individual's license 1600
to practice; acceptance of an individual's license surrender; 1601

denial of a license; refusal to renew or reinstate a license; 1602
imposition of probation; or issuance of an order of censure or 1603
other reprimand; 1604

(18) Violation of the conditions placed by the board on a 1605
license to practice as a surgical assistant; 1606

(19) Failure to cooperate in an investigation conducted by 1607
the board under section 4787.19 of the Revised Code, including 1608
failure to comply with a subpoena or order issued by the board 1609
or failure to answer truthfully a question presented by the 1610
board at a deposition or in written interrogatories, except that 1611
failure to cooperate with an investigation shall not constitute 1612
grounds for discipline under this section if a court of 1613
competent jurisdiction has issued an order that either quashes a 1614
subpoena or permits the individual to withhold the testimony or 1615
evidence in issue; 1616

(20) Failure to maintain certification as a surgical 1617
assistant by the national board of surgical technology and 1618
surgical assisting or national commission for the certification 1619
of surgical assistants or to notify the board that the 1620
certification has not been maintained, except in the case of an 1621
individual who obtained a license to practice as a surgical 1622
assistant by meeting the eligibility requirements described in 1623
division (B) (2) (a) or (b) of section 4787.04 of the Revised 1624
Code; 1625

(21) Failure to comply with both of the following: 1626

(a) The code of ethics established by the national 1627
surgical assistant association; 1628

(b) The code of ethics established by the association of 1629
surgical assistants. 1630

(22) The revocation, suspension, restriction, reduction, 1631
or termination of clinical privileges by the United States 1632
department of defense or department of veterans affairs; 1633

(23) Failure to use universal blood and body fluid 1634
precautions established by rules adopted under section 4731.051 1635
of the Revised Code. 1636

(C) The board shall not refuse to issue a license to an 1637
applicant because of a plea of guilty to, a judicial finding of 1638
guilt of, or a judicial finding of eligibility for intervention 1639
in lieu of conviction for an offense unless the refusal is in 1640
accordance with section 9.79 of the Revised Code. 1641

(D) Disciplinary actions taken by the board under 1642
divisions (A) and (B) of this section shall be taken pursuant to 1643
an adjudication under Chapter 119. of the Revised Code, except 1644
that in lieu of an adjudication, the board may enter into a 1645
consent agreement with a surgical assistant or applicant to 1646
resolve an allegation of a violation of this chapter or any rule 1647
adopted under it. A consent agreement, when ratified by an 1648
affirmative vote of not fewer than six members of the board, 1649
shall constitute the findings and order of the board with 1650
respect to the matter addressed in the agreement. If the board 1651
refuses to ratify a consent agreement, the admissions and 1652
findings contained in the consent agreement shall be of no force 1653
or effect. 1654

A telephone conference call may be utilized for 1655
ratification of a consent agreement that revokes or suspends an 1656
individual's license. The telephone conference call shall be 1657
considered a special meeting under division (F) of section 1658
121.22 of the Revised Code. 1659

(E) For purposes of divisions (B) (11), (14), and (15) of 1660
this section, the commission of the act may be established by a 1661
finding by the board, pursuant to an adjudication under Chapter 1662
119. of the Revised Code, that the applicant or license holder 1663
committed the act in question. The board does not have 1664
jurisdiction under those divisions if the trial court renders a 1665
final judgment in the license holder's favor and that judgment 1666
is based upon an adjudication on the merits. The board has 1667
jurisdiction under those divisions if the trial court issues an 1668
order of dismissal on technical or procedural grounds. 1669

(F) The sealing or expungement of conviction records by 1670
any court shall have no effect on a prior board order entered 1671
under the provisions of this section or on the board's 1672
jurisdiction to take action under the provisions of this section 1673
if, based upon a plea of guilty, a judicial finding of guilt, or 1674
a judicial finding of eligibility for intervention in lieu of 1675
conviction, the board issued a notice of opportunity for a 1676
hearing or took other formal action under Chapter 119. of the 1677
Revised Code prior to the court's order to seal or expunge the 1678
records. The board shall not be required to seal, destroy, 1679
redact, or otherwise modify its records to reflect the court's 1680
sealing or expungement of conviction records. 1681

(G) For purposes of this division, any individual who 1682
holds a license to practice as a surgical assistant, or applies 1683
for a license, shall be deemed to have given consent to submit 1684
to a mental or physical examination when directed to do so in 1685
writing by the board and to have waived all objections to the 1686
admissibility of testimony or examination reports that 1687
constitute a privileged communication. 1688

(1) In enforcing division (B) (5) of this section, the 1689

board, on a showing of a possible violation, shall refer any 1690
individual who holds, or has applied for, a license issued under 1691
this chapter to the monitoring organization that conducts the 1692
program established by the board under section 4731.25 of the 1693
Revised Code. The board also may compel the individual to submit 1694
to a mental or physical examination, or both. A physical 1695
examination may include an HIV test. The expense of the 1696
examination is the responsibility of the individual compelled to 1697
be examined. Failure to submit to a mental or physical 1698
examination or consent to an HIV test ordered by the board 1699
constitutes an admission of the allegations against the 1700
individual unless the failure is due to circumstances beyond the 1701
individual's control, and a default and final order may be 1702
entered without the taking of testimony or presentation of 1703
evidence. If the board finds a surgical assistant unable to 1704
practice because of the reasons set forth in division (B) (5) of 1705
this section, the board shall require the surgical assistant to 1706
submit to care, counseling, or treatment by physicians approved 1707
or designated by the board, as a condition for an initial, 1708
continued, reinstated, or renewed license to practice. An 1709
individual affected by this division shall be afforded an 1710
opportunity to demonstrate to the board the ability to resume 1711
practicing in compliance with acceptable and prevailing 1712
standards of care. 1713

(2) For purposes of division (B) (6) of this section, if 1714
the board has reason to believe that any individual who holds a 1715
license to practice as a surgical assistant or any applicant for 1716
a license suffers such impairment, the board shall refer the 1717
individual to the monitoring organization that conducts the 1718
program established by the board under section 4731.25 of the 1719
Revised Code. The board also may compel the individual to submit 1720

to a mental or physical examination, or both. The expense of the 1721
examination is the responsibility of the individual compelled to 1722
be examined. Any mental or physical examination required under 1723
this division shall be undertaken by a treatment provider or 1724
physician qualified to conduct such examination and approved 1725
under section 4731.251 of the Revised Code. 1726

Failure to submit to a mental or physical examination 1727
ordered by the board constitutes an admission of the allegations 1728
against the individual unless the failure is due to 1729
circumstances beyond the individual's control, and a default and 1730
final order may be entered without the taking of testimony or 1731
presentation of evidence. If the board determines that the 1732
individual's ability to practice is impaired, the board shall 1733
suspend the individual's license or deny the individual's 1734
application and shall require the individual, as a condition for 1735
an initial, continued, reinstated, or renewed license, to submit 1736
to treatment. 1737

Before being eligible to apply for reinstatement of a 1738
license suspended under this division, the surgical assistant 1739
shall demonstrate to the board the ability to resume practice in 1740
compliance with acceptable and prevailing standards of care. The 1741
demonstration shall include the following: 1742

(a) Certification from a treatment provider approved under 1743
section 4731.251 of the Revised Code that the individual has 1744
successfully completed any required inpatient treatment; 1745

(b) Evidence of continuing full compliance with an 1746
aftercare contract or consent agreement; 1747

(c) Two written reports indicating that the individual's 1748
ability to practice has been assessed and that the individual 1749

has been found capable of practicing according to acceptable and 1750
prevailing standards of care. The reports shall be made by 1751
individuals or providers approved by the board for making such 1752
assessments and shall describe the basis for their 1753
determination. 1754

The board may reinstate a license suspended under this 1755
division after such demonstration and after the individual has 1756
entered into a written consent agreement. 1757

When the impaired surgical assistant resumes practice, the 1758
board shall require continued monitoring of the surgical 1759
assistant. The monitoring shall include monitoring of compliance 1760
with the written consent agreement entered into before 1761
reinstatement or with conditions imposed by board order after a 1762
hearing, and, on termination of the consent agreement, 1763
submission to the board for at least two years of annual written 1764
progress reports made under penalty of falsification stating 1765
whether the surgical assistant has maintained sobriety. 1766

(H) (1) If either of the following circumstances occur, the 1767
secretary and supervising member may recommend that the board 1768
suspend an individual's license to practice without a prior 1769
hearing: 1770

(a) The secretary and supervising member determine both of 1771
the following: 1772

(i) That there is clear and convincing evidence that a 1773
surgical assistant has violated division (B) of this section; 1774

(ii) That the individual's continued practice presents a 1775
danger of immediate and serious harm to the public. 1776

(b) The board receives verifiable information that a 1777
licensee has been charged in any state or federal court for a 1778

crime classified as a felony under the charging court's law and 1779
the conduct charged constitutes a violation of division (B) of 1780
this section. 1781

(2) If a recommendation is made to suspend without a prior 1782
hearing pursuant to division (H) (1) of this section, written 1783
allegations shall be prepared for consideration by the board. 1784

The board, on review of the allegations and by an 1785
affirmative vote of not fewer than six of its members, excluding 1786
the secretary and supervising member, may suspend a license 1787
without a prior hearing. A telephone conference call may be 1788
utilized for reviewing the allegations and taking the vote on 1789
the summary suspension. 1790

The board shall serve a written order of suspension in 1791
accordance with sections 119.05 and 119.07 of the Revised Code. 1792
If the surgical assistant requests an adjudicatory hearing by 1793
the board, the date set for the hearing shall be within fifteen 1794
days, but not earlier than seven days, after the surgical 1795
assistant requests the hearing, unless otherwise agreed to by 1796
both the board and the surgical assistant. 1797

(3) Any summary suspension imposed under division (H) (2) 1798
of this section is not a final appealable order and is not an 1799
adjudication that may be appealed under section 119.12 of the 1800
Revised Code. The summary suspension shall remain in effect 1801
until a final adjudicative order issued by the board pursuant to 1802
this section and Chapter 119. of the Revised Code becomes 1803
effective. Once a final adjudicative order has been issued by 1804
the board, any party adversely affected by it may file an appeal 1805
in accordance with the requirements of Chapter 119. of the 1806
Revised Code. 1807

The board shall issue its final adjudicative order within 1808
seventy-five days after completion of its hearing. Failure to 1809
issue the order within seventy-five days shall result in 1810
dissolution of the summary suspension order, but shall not 1811
invalidate any subsequent, final adjudicative order. 1812

(I) If the board takes action under division (B) (10), 1813
(12), or (13) of this section, and the judicial finding of 1814
guilt, guilty plea, or judicial finding of eligibility for 1815
intervention in lieu of conviction is overturned on appeal, on 1816
exhaustion of the criminal appeal, a petition for 1817
reconsideration of the order may be filed with the board along 1818
with appropriate court documents. On receipt of a petition and 1819
supporting court documents, the board shall reinstate the 1820
license to practice as a surgical assistant. The board may then 1821
hold an adjudication under Chapter 119. of the Revised Code to 1822
determine whether the individual committed the act in question. 1823
Notice of opportunity for hearing shall be given in accordance 1824
with Chapter 119. of the Revised Code. If the board finds, 1825
pursuant to an adjudication held under this division, that the 1826
individual committed the act, or if no hearing is requested, it 1827
may order any of the sanctions specified in division (B) of this 1828
section. 1829

(J) The license to practice as a surgical assistant and 1830
the surgical assistant's practice in this state are 1831
automatically suspended as of the date the surgical assistant 1832
pleads guilty to, is found by a judge or jury to be guilty of, 1833
or is subject to a judicial finding of eligibility for 1834
intervention in lieu of conviction in this state or treatment or 1835
intervention in lieu of conviction in another jurisdiction for 1836
any of the following criminal offenses in this state or a 1837
substantially equivalent criminal offense in another 1838

jurisdiction: aggravated murder, murder, voluntary manslaughter, 1839
felonious assault, trafficking in persons, kidnapping, rape, 1840
sexual battery, gross sexual imposition, aggravated arson, 1841
aggravated robbery, or aggravated burglary. Continued practice 1842
after the suspension shall be considered practicing without a 1843
license. 1844

The board shall serve the individual subject to the 1845
suspension in accordance with sections 119.05 and 119.07 of the 1846
Revised Code. If an individual whose license is suspended under 1847
this division fails to make a timely request for an adjudication 1848
under Chapter 119. of the Revised Code, the board shall enter a 1849
final order permanently revoking the individual's license to 1850
practice. 1851

(K) In any instance in which the board is required by 1852
Chapter 119. of the Revised Code to give notice of opportunity 1853
for hearing and the individual subject to the notice does not 1854
timely request a hearing in accordance with section 119.07 of 1855
the Revised Code, the board is not required to hold a hearing, 1856
but may adopt, by an affirmative vote of not fewer than six of 1857
its members, a final order that contains the board's findings. 1858
In the final order, the board may order any of the sanctions 1859
identified under division (A) or (B) of this section. 1860

(L) Any action taken by the board under division (B) of 1861
this section resulting in a suspension shall be accompanied by a 1862
written statement of the conditions under which the license of 1863
the surgical assistant may be reinstated. The board shall adopt 1864
rules in accordance with Chapter 119. of the Revised Code 1865
governing conditions to be imposed for reinstatement. 1866
Reinstatement of a license suspended pursuant to division (B) of 1867
this section requires an affirmative vote of not fewer than six 1868

members of the board. 1869

(M) When the board refuses to grant or issue a license to 1870
practice as a surgical assistant to an applicant, revokes an 1871
individual's license, refuses to renew an individual's license, 1872
or refuses to reinstate an individual's license, the board may 1873
specify that its action is permanent. An individual subject to a 1874
permanent action taken by the board is forever thereafter 1875
ineligible to hold a license to practice as a surgical 1876
assistant, and the board shall not accept an application for 1877
reinstatement of the license or for issuance of a new license. 1878

(N) Notwithstanding any other provision of the Revised 1879
Code, all of the following apply: 1880

(1) The surrender of a license to practice as a surgical 1881
assistant is not effective unless or until accepted by the 1882
board. A telephone conference call may be utilized for 1883
acceptance of the surrender of an individual's license. The 1884
telephone conference call shall be considered a special meeting 1885
under division (F) of section 121.22 of the Revised Code. 1886
Reinstatement of a license surrendered to the board requires an 1887
affirmative vote of not fewer than six members of the board. 1888

(2) An application made under this chapter for a license 1889
to practice may not be withdrawn without approval of the board. 1890

(3) Failure by an individual to renew a license in 1891
accordance with section 4787.07 of the Revised Code does not 1892
remove or limit the board's jurisdiction to take disciplinary 1893
action under this section against the individual. 1894

(4) The placement of an individual's license on retired 1895
status, as described in section 4787.17 of the Revised Code, 1896
does not remove or limit the board's jurisdiction to take any 1897

disciplinary action against the individual with regard to the 1898
license as it existed before being placed on retired status. 1899

(5) At the request of the board, a license holder shall 1900
immediately surrender to the board a license that the board has 1901
suspended, revoked, or permanently revoked. 1902

Sec. 4787.11. (A) (1) If the holder of a license issued 1903
under this chapter violates any section of this chapter, other 1904
than the continuing education requirements described in section 1905
4787.07 of the Revised Code, or violates any rule adopted under 1906
this chapter, the state medical board may, pursuant to an 1907
adjudication under Chapter 119. of the Revised Code and an 1908
affirmative vote of not fewer than six of its members, impose a 1909
civil penalty. The amount of the civil penalty shall be 1910
determined by the board in accordance with the guidelines 1911
adopted under division (A) (2) of this section. The civil penalty 1912
may be in addition to any other action the board may take under 1913
section 4787.10 of the Revised Code. 1914

(2) The board shall adopt and may amend guidelines 1915
regarding the amounts of civil penalties to be imposed under 1916
this section. Adoption or amendment of the guidelines requires 1917
the approval of not fewer than six board members. Under the 1918
guidelines, no civil penalty amount shall exceed twenty thousand 1919
dollars. 1920

(B) Amounts received from payment of civil penalties 1921
imposed under this section shall be deposited by the board in 1922
accordance with section 4731.24 of the Revised Code. Amounts 1923
received from payment of civil penalties imposed for violations 1924
of division (B) (6) of section 4787.10 of the Revised Code shall 1925
be used by the board solely for investigations, enforcement, and 1926
compliance monitoring. 1927

Sec. 4787.12. On receipt of a notice pursuant to section 1928
3123.43 of the Revised Code, the state medical board shall 1929
comply with sections 3123.41 to 3123.50 of the Revised Code and 1930
any applicable rules adopted under section 3123.63 of the 1931
Revised Code with respect to a license issued under this 1932
chapter. 1933

Sec. 4787.13. (A) As used in this section, "criminal 1934
conduct" and "sexual misconduct" have the same meanings as in 1935
section 4731.224 of the Revised Code. 1936

(B) (1) Within thirty days after the imposition of any 1937
formal disciplinary action taken by a health care facility, 1938
including a hospital, health care facility operated by a health 1939
insuring corporation, ambulatory surgical facility, or similar 1940
facility, against any individual holding a valid license to 1941
practice as a surgical assistant issued under this chapter, the 1942
chief administrator or executive officer of the facility shall 1943
report to the state medical board the name of the individual, 1944
the action taken by the facility, and a summary of the 1945
underlying facts leading to the action taken. Upon request, the 1946
board shall be provided certified copies of the patient records 1947
that were the basis for the facility's action. Prior to release 1948
to the board, the summary shall be approved by the peer review 1949
committee that reviewed the case or by the governing board of 1950
the facility. 1951

The filing of a report with the board or decision not to 1952
file a report, investigation by the board, or any disciplinary 1953
action taken by the board, does not preclude a health care 1954
facility from taking disciplinary action against a surgical 1955
assistant. 1956

In the absence of fraud or bad faith, no individual or 1957

entity that provides patient records to the board shall be 1958
liable in damages to any person as a result of providing the 1959
records. 1960

(2) Within thirty days after commencing an investigation 1961
regarding criminal conduct or sexual misconduct against any 1962
individual holding a valid license to practice issued pursuant 1963
to this chapter, a health care facility, including a hospital, 1964
health care facility operated by a health insuring corporation, 1965
ambulatory surgical center, or similar facility, shall report to 1966
the board the name of the individual and a summary of the 1967
underlying facts related to the investigation being commenced. 1968

(C) (1) Except as provided in division (C) (2) of this 1969
section and subject to division (C) (3) of this section, a 1970
surgical assistant, professional association or society of 1971
surgical assistants, physician, or professional association or 1972
society of physicians that believes a violation of any provision 1973
of this chapter, Chapter 4731. of the Revised Code, or rule of 1974
the board has occurred shall report to the board the information 1975
on which the belief is based. 1976

(2) A surgical assistant, professional association or 1977
society of surgical assistants, physician, or professional 1978
association or society of physicians that believes a violation 1979
of division (B) (5) or (6) of section 4787.10 of the Revised Code 1980
has occurred shall report the information upon which the belief 1981
is based to the monitoring organization conducting the program 1982
established by the board under section 4731.25 of the Revised 1983
Code. If any such report is made to the board, it shall be 1984
referred to the monitoring organization unless the board is 1985
aware that the individual who is the subject of the report does 1986
not meet the program eligibility requirements of section 1987

4731.252 of the Revised Code. 1988

(3) If any individual authorized to practice under this 1989
chapter or any professional association or society of such 1990
individuals knows or has reasonable cause to suspect based on 1991
facts that would cause a reasonable person in a similar position 1992
to suspect that an individual authorized to practice under this 1993
chapter has committed or participated in criminal conduct or 1994
sexual misconduct, the information upon which the belief is 1995
based shall be reported to the board within thirty days. 1996

This division does not apply to a professional association 1997
or society whose staff interacts with members of the association 1998
or society only in advocacy, governance, or educational 1999
capacities and whose staff does not regularly interact with 2000
members in practice settings. 2001

(4) In addition to the self-reporting of criminal offenses 2002
that is required for license renewal, an individual authorized 2003
to practice under this chapter shall report to the board 2004
criminal charges regarding criminal conduct, sexual misconduct, 2005
or any conduct involving the use of a motor vehicle while under 2006
the influence of alcohol or drugs, including offenses that are 2007
equivalent offenses under division (A) of section 4511.181 of 2008
the Revised Code, violations of division (D) of section 4511.194 2009
of the Revised Code, and violations of division (C) of section 2010
4511.79 of the Revised Code. Reports under this division shall 2011
be made within thirty days of the criminal charge being filed. 2012

(D) Any professional association or society composed 2013
primarily of surgical assistants that suspends or revokes an 2014
individual's membership for violations of professional ethics, 2015
or for reasons of professional incompetence or professional 2016
malpractice, within thirty days after a final decision, shall 2017

report to the board, on forms prescribed and provided by the 2018
board, the name of the individual, the action taken by the 2019
professional organization, and a summary of the underlying facts 2020
leading to the action taken. 2021

The filing of a report with the board or decision not to 2022
file a report, investigation by the board, or any disciplinary 2023
action taken by the board, does not preclude a professional 2024
organization from taking disciplinary action against a surgical 2025
assistant. 2026

(E) Any insurer providing professional liability insurance 2027
to any person holding a valid license to practice as a surgical 2028
assistant or any other entity that seeks to indemnify the 2029
professional liability of a surgical assistant shall notify the 2030
board within thirty days after the final disposition of any 2031
written claim for damages where such disposition results in a 2032
payment exceeding twenty-five thousand dollars. The notice shall 2033
contain the following information: 2034

(1) The name and address of the person submitting the 2035
notification; 2036

(2) The name and address of the insured who is the subject 2037
of the claim; 2038

(3) The name of the person filing the written claim; 2039

(4) The date of final disposition; 2040

(5) If applicable, the identity of the court in which the 2041
final disposition of the claim took place. 2042

(F) The board may investigate possible violations of this 2043
chapter or the rules adopted under it that are brought to its 2044
attention as a result of the reporting requirements of this 2045

section, except that the board shall conduct an investigation if 2046
a possible violation involves repeated malpractice. As used in 2047
this division, "repeated malpractice" means three or more claims 2048
for malpractice within the previous five-year period, each 2049
resulting in a judgment or settlement in excess of twenty-five 2050
thousand dollars in favor of the claimant, and each involving 2051
negligent conduct by the surgical assistant. 2052

(G) All summaries, reports, and records received and 2053
maintained by the board pursuant to this section shall be 2054
confidential pursuant to division (E) of section 4787.19 of the 2055
Revised Code. 2056

(H) Except for reports filed by an individual pursuant to 2057
division (B) (2) or (C) of this section, the board shall send a 2058
copy of any reports or summaries it receives pursuant to this 2059
section to the surgical assistant. The surgical assistant shall 2060
have the right to file a statement with the board concerning the 2061
correctness or relevance of the information. The statement shall 2062
at all times accompany that part of the record in contention. 2063

(I) An individual or entity that reports to the board, 2064
reports to the monitoring organization described in section 2065
4731.25 of the Revised Code, or refers an impaired surgical 2066
assistant to a treatment provider approved under section 2067
4731.251 of the Revised Code shall not be subject to suit for 2068
civil damages as a result of the report, referral, or provision 2069
of the information. 2070

(J) In the absence of fraud or bad faith, a professional 2071
association or society of surgical assistants that sponsors a 2072
committee or program to provide peer assistance to a surgical 2073
assistant with substance abuse problems, a representative or 2074
agent of such a committee or program, a representative or agent 2075

of the monitoring organization described in section 4731.25 of 2076
the Revised Code, and a member of the state medical board shall 2077
not be held liable in damages to any person by reason of actions 2078
taken to refer a surgical assistant to a treatment provider 2079
approved under section 4731.251 of the Revised Code for 2080
examination or treatment. 2081

Sec. 4787.14. (A) The state medical board shall charge and 2082
collect fees as described in this section for the following: 2083

(1) An application for an initial license to practice as a 2084
surgical assistant, two hundred dollars; 2085

(2) An application to renew a license to practice as a 2086
surgical assistant, two hundred dollars; 2087

(3) A duplicate license, thirty-five dollars; 2088

(4) In the case of a person holding a license issued under 2089
this chapter, a license verification fee of fifty dollars. 2090

(B) All fees, penalties, and other funds received by the 2091
board under this chapter shall be deposited in accordance with 2092
section 4731.24 of the Revised Code. 2093

Sec. 4787.15. (A) A license to practice as a surgical 2094
assistant that is not renewed on or before its expiration date 2095
is automatically suspended on its expiration date. Continued 2096
practice after suspension shall be considered as practicing in 2097
violation of section 4787.03 of the Revised Code. 2098

(B) If a license has been suspended pursuant to division 2099
(A) of this section for two years or less, it may be reinstated. 2100
The state medical board shall reinstate the license upon the 2101
applicant's submission of a complete renewal application and 2102
payment of a reinstatement fee of two hundred twenty-five 2103

dollars. 2104

(C) If a license has been suspended pursuant to division 2105
(A) of this section for more than two years, it may be restored. 2106
Subject to section 4787.16 of the Revised Code, the board may 2107
restore the license upon an applicant's submission of a complete 2108
restoration application and a restoration fee of two hundred 2109
fifty dollars and compliance with sections 4776.01 to 4776.04 of 2110
the Revised Code. The board shall not restore a license unless 2111
the board, in its discretion, decides that the results of the 2112
criminal records check do not make the applicant ineligible for 2113
a license issued pursuant to section 4787.06 of the Revised 2114
Code. 2115

Sec. 4787.16. (A) This section applies to all of the 2116
following: 2117

(1) An applicant seeking restoration of a license issued 2118
under this chapter that has been in a suspended or inactive 2119
state for any cause for more than two years; 2120

(2) An applicant seeking issuance of a license pursuant to 2121
this chapter who for more than two years has not been engaged in 2122
practice as a surgical assistant; 2123

(3) An applicant seeking to reactivate a license placed on 2124
retired status. 2125

(B) Before issuing a license to an applicant subject to 2126
this section, or before restoring a license to good standing or 2127
reactivating a license placed on retired status for an applicant 2128
subject to this section, the state medical board may impose 2129
terms and conditions including any one or more of the following: 2130

(1) Requiring the applicant to pass an oral or written 2131
examination, or both, to determine the applicant's present 2132

<u>fitness to resume practice;</u>	2133
<u>(2) Requiring the applicant to obtain additional training</u>	2134
<u>and to pass an examination upon completion of such training;</u>	2135
<u>(3) Requiring an assessment of the applicant's physical</u>	2136
<u>skills for purposes of determining whether the applicant's</u>	2137
<u>coordination, fine motor skills, and dexterity are sufficient</u>	2138
<u>for performing evaluations and procedures in a manner that meets</u>	2139
<u>the minimal standards of care;</u>	2140
<u>(4) Requiring an assessment of the applicant's skills in</u>	2141
<u>recognizing and understanding diseases and conditions;</u>	2142
<u>(5) Requiring the applicant to undergo a comprehensive</u>	2143
<u>physical examination, which may include an assessment of</u>	2144
<u>physical abilities, evaluation of sensory capabilities, or</u>	2145
<u>screening for the presence of neurological disorders;</u>	2146
<u>(6) Restricting or limiting the extent, scope, or type of</u>	2147
<u>practice of the applicant.</u>	2148
<u>The board shall consider the moral background and the</u>	2149
<u>activities of the applicant during the period of suspension,</u>	2150
<u>inactivity, or retirement. The board shall not issue, restore,</u>	2151
<u>or reactivate a license under this section unless the applicant</u>	2152
<u>complies with sections 4776.01 to 4776.04 of the Revised Code.</u>	2153
Sec. 4787.17. <u>(A) An individual who holds a current, valid</u>	2154
<u>license issued under this chapter to practice as a surgical</u>	2155
<u>assistant and who retires voluntarily from practice may request</u>	2156
<u>that the state medical board place the individual's license on</u>	2157
<u>retired status.</u>	2158
<u>(B) An individual seeking to have the individual's license</u>	2159
<u>placed on retired status shall file with the board an</u>	2160

application in the form and manner prescribed by the board. The 2161
application shall be submitted before the end of a biennial 2162
renewal period and include all of the following: 2163

(1) The applicant's full name, license number, mailing 2164
address, and electronic mail address; 2165

(2) An attestation that the information included in the 2166
application is accurate and truthful and that the applicant 2167
meets the following qualifications: 2168

(a) That the applicant holds a current, valid license 2169
issued under this chapter; 2170

(b) That the applicant has retired voluntarily from 2171
practice as a surgical assistant; 2172

(c) That the applicant does not have any criminal charges 2173
pending against the applicant; 2174

(d) That the applicant is not the subject of discipline 2175
by, or an investigation pending with, a regulatory agency of 2176
this state, another state, or the United States; 2177

(e) That the applicant does not have any complaints 2178
pending with the board; 2179

(f) That the applicant is not, at the time of application, 2180
subject to the board's hearing, disciplinary, or compliance 2181
processes under the terms of a citation, notice of opportunity 2182
for hearing, board order, or consent agreement. 2183

(3) A fee in an amount equal to the sum of the biennial 2184
renewal fee and restoration fee described in sections 4786.14 2185
and 4787.15 of the Revised Code. 2186

The board shall not consider an application for retired 2187

status complete until the board receives the fee described in 2188
this division. On receipt of a fee, the board shall deposit the 2189
fee in accordance with section 4731.24 of the Revised Code. 2190

(C) If the board determines that an applicant meets the 2191
requirements of division (B) of this section, the board shall 2192
place the applicant's license on retired status. The license 2193
remains on retired status for the life of the license holder, 2194
unless suspended, revoked, or reactivated, and does not require 2195
renewal. 2196

(D) During the period in which a license is on retired 2197
status, all of the following apply: 2198

(1) The license holder is prohibited from practicing as a 2199
surgical assistant under any circumstance. 2200

(2) The license holder is not required to complete the 2201
continuing education described in section 4787.07 of the Revised 2202
Code. 2203

(3) The license holder is prohibited from using the 2204
license to obtain a license to practice as a surgical assistant 2205
in another state, whether by endorsement or reciprocity or 2206
through a licensure compact. 2207

(4) The license holder may use a title authorized for the 2208
holder's license, but only if "retired" also is included in the 2209
title. 2210

(E) If a license has been placed on retired status 2211
pursuant to this section it may be reactivated. Subject to 2212
section 4787.16 of the Revised Code, the board may reactivate a 2213
license placed on retired status if all of the following 2214
conditions are satisfied: 2215

(1) The individual seeking to reactivate the license 2216
applies to the board in the form and manner prescribed by the 2217
board. 2218

(2) The applicant certifies completion of, within the two- 2219
year period that ends on the date of the application's 2220
submission, the continuing education requirements that must be 2221
met for renewal of a license. 2222

(3) The applicant complies with sections 4776.01 to 2223
4776.04 of the Revised Code. 2224

(4) The applicant pays a reactivation fee in an amount 2225
equal to the sum of the biennial renewal fee and restoration fee 2226
described in sections 4786.14 and 4787.15 of the Revised Code. 2227

The board shall not consider an application to reactivate 2228
a license complete until the board receives the fee described in 2229
this division. On receipt of a fee, the board shall deposit the 2230
fee in accordance with section 4731.24 of the Revised Code. 2231

(F) The board shall reactivate a license placed on retired 2232
status if the conditions of division (E) of this section have 2233
been satisfied and the board, in its discretion, determines that 2234
the results of the criminal records check conducted pursuant to 2235
sections 4776.01 to 4776.04 of the Revised Code do not make the 2236
applicant ineligible for active status. 2237

(G) The board may take disciplinary action against an 2238
applicant who is seeking to place a license on retired status or 2239
to reactivate the license if the applicant commits fraud, 2240
misrepresentation, or deception in applying for or securing the 2241
retired status or reactivation. 2242

The board also may take disciplinary action against the 2243
holder of a license placed on retired status if the holder 2244

practices under the license, uses the license to obtain 2245
licensure as a surgical assistant in another state, or uses a 2246
title that does not reflect the holder's retired status. 2247

In taking disciplinary action under this section, the 2248
board may impose on the applicant or holder any sanction 2249
described in section 4787.10 of the Revised Code, but shall do 2250
so in accordance with the procedures described in that section. 2251

(H) The board may adopt rules to implement and enforce 2252
this section. The rules shall be adopted in accordance with 2253
Chapter 119. of the Revised Code. 2254

Sec. 4787.18. (A) Subject to division (B) of this section, 2255
an individual may practice as a surgical assistant without 2256
holding a current, valid license issued under section 4787.06 of 2257
the Revised Code if all of the following apply: 2258

(1) The hospital or ambulatory surgical facility where the 2259
individual practices or intends to practice has submitted to the 2260
state medical board, on behalf of its current and prospective 2261
employees, an application for a waiver from the requirement that 2262
surgical assistants be licensed by the board under this chapter. 2263

(2) As part of the application, the hospital or facility 2264
submits evidence that it is located in an area of the state that 2265
experiences special health problems and physician practice 2266
patterns that limit access to surgical care. 2267

(3) After receiving and reviewing the application, the 2268
board grants the waiver to the hospital or ambulatory surgical 2269
facility. 2270

(B) An individual may practice as a surgical assistant 2271
without holding a current, valid license issued under section 2272
4785.06 of the Revised Code if the individual practices only at 2273

a hospital or ambulatory surgical facility that has been granted 2274
a waiver under this section. When practicing as a surgical 2275
assistant, the individual is subject to sections 4787.08 and 2276
4787.10 of the Revised Code. 2277

Sec. 4787.19. (A) The state medical board shall 2278
investigate evidence that appears to show that any individual 2279
has violated this chapter or the rules adopted under it. Any 2280
person may report to the board in a signed writing any 2281
information the person has that appears to show a violation of 2282
this chapter or rules adopted under it. In the absence of bad 2283
faith, a person who reports such information or testifies before 2284
the board in an adjudication conducted under Chapter 119. of the 2285
Revised Code shall not be liable for civil damages as a result 2286
of reporting the information or providing testimony. Each 2287
complaint or allegation of a violation received by the board 2288
shall be assigned a case number and be recorded by the board. 2289

(B) Investigations of alleged violations of this chapter 2290
or rules adopted under it shall be supervised by the supervising 2291
member elected by the board in accordance with section 4731.02 2292
of the Revised Code and by the board's secretary, pursuant to 2293
section 4787.02 of the Revised Code. The board's president may 2294
designate another member of the board to supervise the 2295
investigation in place of the supervising member. Upon a vote of 2296
the majority of the board to authorize the addition of a 2297
consumer member in the supervision of any part of any 2298
investigation, the president shall designate a consumer member 2299
for supervision of investigations as determined by the 2300
president. The authorization of consumer member participation in 2301
investigation supervision may be rescinded by a majority vote of 2302
the board. A member of the board who supervises the 2303
investigation of a case shall not participate in further 2304

adjudication of the case. 2305

(C) In investigating a possible violation of this chapter 2306
or the rules adopted under it, the board may administer oaths, 2307
order the taking of depositions, inspect and copy any books, 2308
accounts, papers, records, or documents, issue subpoenas, and 2309
compel the attendance of witnesses and production of books, 2310
accounts, papers, records, documents, and testimony, except that 2311
a subpoena for patient record information shall not be issued 2312
without consultation with the attorney general's office and 2313
approval of the secretary and supervising member of the board. 2314
Before issuance of a subpoena for patient record information, 2315
the secretary and supervising member shall determine whether 2316
there is probable cause to believe that the complaint filed 2317
alleges a violation of this chapter or the rules adopted under 2318
it and that the records sought are relevant to the alleged 2319
violation and material to the investigation. The subpoena may 2320
apply only to records that cover a reasonable period of time 2321
surrounding the alleged violation. 2322

On failure to comply with any subpoena issued by the board 2323
and after reasonable notice to the person being subpoenaed, the 2324
board may move for an order compelling the production of persons 2325
or records pursuant to the Rules of Civil Procedure. 2326

A subpoena issued by the board may be served by a sheriff, 2327
the sheriff's deputy, or a board employee designated by the 2328
board. Service of a subpoena issued by the board may be made by 2329
delivering a copy of the subpoena to the person named therein, 2330
reading it to the person, or leaving it at the person's usual 2331
place of residence. When the person being served is a surgical 2332
assistant, service of the subpoena may be made by certified 2333
mail, restricted delivery, return receipt requested, and the 2334

subpoena shall be deemed served on the date delivery is made or 2335
the date the person refuses to accept delivery. 2336

A sheriff's deputy who serves a subpoena shall receive the 2337
same fees as a sheriff. Each witness who appears before the 2338
board in obedience to a subpoena shall receive the fees and 2339
mileage provided for witnesses in civil cases in the courts of 2340
common pleas. 2341

(D) All hearings and investigations of the board shall be 2342
considered civil actions for the purposes of section 2305.252 of 2343
the Revised Code. 2344

(E) A report required to be submitted to the board under 2345
this chapter, a complaint, or information received by the board 2346
pursuant to an investigation is confidential and not subject to 2347
discovery in any civil action. 2348

The board shall conduct all investigations and proceedings 2349
in a manner that protects the confidentiality of patients and 2350
persons who file complaints with the board. The board shall not 2351
make public the names or any other identifying information about 2352
patients or complainants unless proper consent is given. 2353

The board may share any information it receives pursuant 2354
to an investigation, including patient records and patient 2355
record information, with law enforcement agencies, other 2356
licensing boards, and other governmental agencies that are 2357
prosecuting, adjudicating, or investigating alleged violations 2358
of statutes or administrative rules. An agency or board that 2359
receives the information shall comply with the same requirements 2360
regarding confidentiality as those with which the state medical 2361
board must comply, notwithstanding any conflicting provision of 2362
the Revised Code or procedure of the agency or board that 2363

applies when it is dealing with other information in its 2364
possession. In a judicial proceeding, the information may be 2365
admitted into evidence only in accordance with the Rules of 2366
Evidence, but the court shall require that appropriate measures 2367
are taken to ensure that confidentiality is maintained with 2368
respect to any part of the information that contains names or 2369
other identifying information about patients or complainants 2370
whose confidentiality was protected by the state medical board 2371
when the information was in the board's possession. Measures to 2372
ensure confidentiality that may be taken by the court include 2373
sealing its records or deleting specific information from its 2374
records. 2375

No person shall knowingly access, use, or disclose 2376
confidential investigatory information in a manner prohibited by 2377
law. 2378

(F) The state medical board shall develop requirements for 2379
and provide appropriate initial training and continuing 2380
education for investigators employed by the board to carry out 2381
its duties under this chapter. The training and continuing 2382
education may include enrollment in courses operated or approved 2383
by the Ohio peace officer training commission that the board 2384
considers appropriate under conditions set forth in section 2385
109.79 of the Revised Code. 2386

(G) On a quarterly basis, the board shall prepare a report 2387
that documents the disposition of all cases during the preceding 2388
three months. The report shall contain the following information 2389
for each case with which the board has completed its activities: 2390

(1) The case number assigned to the complaint or alleged 2391
violation; 2392

<u>(2) The type of license, if any, held by the individual</u>	2393
<u>against whom the complaint is directed;</u>	2394
<u>(3) A description of the allegations contained in the</u>	2395
<u>complaint;</u>	2396
<u>(4) Whether witnesses were interviewed;</u>	2397
<u>(5) Whether the individual against whom the complaint is</u>	2398
<u>directed is the subject of any pending complaints;</u>	2399
<u>(6) The disposition of the case.</u>	2400
<u>The report shall state how many cases are still pending,</u>	2401
<u>and shall be prepared in a manner that protects the identity of</u>	2402
<u>each individual involved in each case. The report is a public</u>	2403
<u>record for purposes of section 149.43 of the Revised Code.</u>	2404
<u>(H) The board may provide a status update regarding an</u>	2405
<u>investigation to a complainant on request if the board verifies</u>	2406
<u>the complainant's identity.</u>	2407
<u>Sec. 4787.20. The state medical board shall comply with</u>	2408
<u>section 4776.20 of the Revised Code.</u>	2409
<u>Sec. 4787.21. The attorney general, the prosecuting</u>	2410
<u>attorney of any county in which the offense was committed or the</u>	2411
<u>offender resides, the state medical board, or any other person</u>	2412
<u>having knowledge of a person engaged either directly or by</u>	2413
<u>complicity in practicing as a surgical assistant without having</u>	2414
<u>first obtained under this chapter a license to practice as a</u>	2415
<u>surgical assistant, may, in accordance with provisions of the</u>	2416
<u>Revised Code governing injunctions, maintain an action in the</u>	2417
<u>name of the state to enjoin any person from engaging either</u>	2418
<u>directly or by complicity in unlawfully practicing as a surgical</u>	2419
<u>assistant by applying for an injunction in any court of</u>	2420

competent jurisdiction. 2421

Prior to application for an injunction, the secretary of 2422
the state medical board shall notify the individual allegedly 2423
engaged either directly or by complicity in the unlawful 2424
practice by registered mail that the secretary has received 2425
information indicating that this individual is so engaged. The 2426
individual shall answer the secretary within thirty days showing 2427
either that the individual is properly licensed for the stated 2428
activity or that the individual is not in violation of this 2429
chapter. If the answer is not forthcoming within thirty days 2430
after notice by the secretary, the secretary shall request that 2431
the attorney general, the prosecuting attorney of the county in 2432
which the offense was committed or the offender resides, or the 2433
state medical board proceed as authorized in this section. 2434

Upon the filing of a verified petition in court, the court 2435
shall conduct a hearing on the petition and shall give the same 2436
preference to this proceeding as is given all proceedings under 2437
Chapter 119. of the Revised Code, irrespective of the position 2438
of the proceeding on the calendar of the court. 2439

Injunction proceedings shall be in addition to, and not in 2440
lieu of, all penalties and other remedies provided in this 2441
chapter. 2442

Sec. 4787.22. (A) As used in this section, "prosecutor" 2443
has the same meaning as in section 2935.01 of the Revised Code. 2444

(B) Whenever any individual holding a valid license to 2445
practice as a surgical assistant pleads guilty to, is subject to 2446
a judicial finding of guilt of, or is subject to a judicial 2447
finding of eligibility for intervention in lieu of conviction 2448
for a violation of Chapter 2907., 2925., or 3719. of the Revised 2449

Code or of any substantively comparable ordinance of a municipal 2450
corporation in connection with the individual's practice, the 2451
prosecutor in the case, on forms prescribed and provided by the 2452
state medical board, shall promptly notify the state medical 2453
board of the conviction. Within thirty days of receipt of that 2454
information, the board shall initiate action in accordance with 2455
Chapter 119. of the Revised Code to determine whether to suspend 2456
or revoke the license under section 4787.10 of the Revised Code. 2457

(C) The prosecutor in any case against any individual 2458
holding a valid license to practice as a surgical assistant, on 2459
forms prescribed and provided by the state medical board, shall 2460
notify the board of any of the following: 2461

(1) A plea of guilty to, a finding of guilt by a jury or 2462
court of, or judicial finding of eligibility for intervention in 2463
lieu of conviction for a felony, or a case in which the trial 2464
court issues an order of dismissal upon technical or procedural 2465
grounds of a felony charge; 2466

(2) A plea of guilty to, a finding of guilt by a jury or 2467
court of, or judicial finding of eligibility for intervention in 2468
lieu of conviction for a misdemeanor committed in the course of 2469
practice, or a case in which the trial court issues an order of 2470
dismissal upon technical or procedural grounds of a charge of a 2471
misdemeanor, if the alleged act was committed in the course of 2472
practice; 2473

(3) A plea of guilty to, a finding of guilt by a jury or 2474
court of, or judicial finding of eligibility for intervention in 2475
lieu of conviction for a misdemeanor involving moral turpitude, 2476
or a case in which the trial court issues an order of dismissal 2477
upon technical or procedural grounds of a charge of a 2478
misdemeanor involving moral turpitude. 2479

The report shall include the name and address of the 2480
license holder, the nature of the offense for which the action 2481
was taken, and the certified court documents recording the 2482
action. 2483

Sec. 4787.99. (A) Whoever violates division (A) of section 2484
4787.03 of the Revised Code is guilty of a misdemeanor of the 2485
first degree on a first offense; on each subsequent offense the 2486
person is guilty of a felony of the fifth degree. 2487

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 2488
(D), or (E) of section 4787.13 of the Revised Code is guilty of 2489
a minor misdemeanor on a first offense; on each subsequent 2490
offense the person is guilty of a misdemeanor of the fourth 2491
degree, except that an individual guilty of a subsequent offense 2492
shall not be subject to imprisonment, but to a fine alone of up 2493
to one thousand dollars for each offense. 2494

(2) Whoever violates division (B) (2) or (C) (3) of section 2495
4787.13 of the Revised Code is guilty of a misdemeanor of the 2496
fourth degree on a first offense; on each subsequent offense, 2497
the person is guilty of a misdemeanor of the first degree. 2498

(C) Whoever violates division (E) of section 4787.19 of 2499
the Revised Code is guilty of a misdemeanor of the first degree. 2500

Section 2. That existing sections 109.572, 4731.051, 2501
4731.07, 4731.071, 4731.224, 4731.2210, 4731.24, 4731.25, 2502
4731.251, 4776.01, and 4776.20 of the Revised Code are hereby 2503
repealed. 2504

Section 3. Sections 3702.3013 and 3727.26 of the Revised 2505
Code, as enacted by this act, take effect three years after the 2506
effective date of this section. 2507

Section 4787.03 of the Revised Code, as enacted by this 2508

act, takes effect five years after the effective date of this 2509
section. 2510

Section 4. Section 4731.224 of the Revised Code is 2511
presented in this act as a composite of the section as amended 2512
by both S.B. 95 and S.B. 109 of the 135th General Assembly. The 2513
General Assembly, applying the principle stated in division (B) 2514
of section 1.52 of the Revised Code that amendments are to be 2515
harmonized if reasonably capable of simultaneous operation, 2516
finds that the composite is the resulting version of the section 2517
in effect prior to the effective date of the section as 2518
presented in this act. 2519