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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 437

To amend sections 3313.5310, 3707.58, 3707.59, 1
4723.24, 4723.28, 4730.14, 4730.25, 4731.22, and 2
4731.281 and to enact sections 3707.591, 3
3707.592, 4723.484, 4730.46, 4731.89, and 4
5164.21 of the Revised Code regarding cardiac 5
monitoring for youth and to name the amendments 6
and enactments by this act the Healthy Cardiac 7
Monitoring Act. 8

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

Section 1. That sections 3313.5310, 3707.58, 3707.59, 9
4723.24, 4723.28, 4730.14, 4730.25, 4731.22, and 4731.281 be 10
amended and sections 3707.591, 3707.592, 4723.484, 4730.46, 11
4731.89, and 5164.21 of the Revised Code be enacted to read as 12
follows: 13

Sec. 3313.5310. (A) (1) This section applies to both of the 14
following: 15

(a) Any school operated by a school district board of 16
education; 17

(b) Any chartered or nonchartered nonpublic school that is 18



subject to the rules of an interscholastic conference or an 19
organization that regulates interscholastic conferences or 20
events. 21

(2) As used in this section, ~~"athletic":~~ 22

(a) "Advanced practice registered nurse" means an 23
individual who holds a current, valid license issued under 24
Chapter 4723. of the Revised Code that authorizes the practice 25
of nursing as an advanced practice registered nurse and is 26
designated as a clinical nurse specialist or certified nurse 27
practitioner. 28

(b) "Athletic activity" means all of the following: 29

~~(a)~~ (i) Interscholastic athletics; 30

~~(b)~~ (ii) An athletic contest or competition that is 31
sponsored by or associated with a school that is subject to this 32
section, including cheerleading, club-sponsored sports 33
activities, and sports activities sponsored by school-affiliated 34
organizations; 35

~~(c)~~ (iii) Noncompetitive cheerleading that is sponsored by 36
school-affiliated organizations; 37

~~(d)~~ (iv) Practices, interschool practices, and scrimmages 38
for all of the activities described in divisions ~~(A) (2) (a), (b),~~ 39
and ~~(c) (A) (2) (b) (i), (ii), and (iii)~~ of this section. 40

(c) "Physician" means an individual authorized under 41
Chapter 4731. of the Revised Code to practice medicine and 42
surgery or osteopathic medicine and surgery. 43

(d) "Physician assistant" means an individual who is 44
licensed to practice as a physician assistant under Chapter 45
4730. of the Revised Code. 46

(B) Prior to the start of each athletic season, a school 47
that is subject to this section shall hold an informational 48
meeting for students, parents, guardians, other persons having 49
care or charge of a student, physicians, pediatric 50
cardiologists, athletic trainers, and any other persons 51
regarding the symptoms and warning signs of sudden cardiac 52
arrest for all ages of students. 53

(C) No student shall participate in an athletic activity 54
until the student has submitted to a designated school official 55
a form signed by the student and the parent, guardian, or other 56
person having care or charge of the student stating that the 57
student and the parent, guardian, or other person having care or 58
charge of the student have received and reviewed a copy of the 59
information jointly developed by the department of health and 60
the department of education and workforce and posted on their 61
respective web sites, and, once produced, copies of the 62
guidelines and other relevant educational materials, as required 63
by section 3707.59 of the Revised Code. A completed form shall 64
be submitted each school year, as defined in section 3313.62 of 65
the Revised Code, in which the student participates in an 66
athletic activity. 67

(D) No individual, including coaches and assistant 68
coaches, shall coach an athletic activity unless the individual 69
has completed the sudden cardiac arrest training course approved 70
by the department of health under division (C) of section 71
3707.59 of the Revised Code in accordance with section 3319.303 72
of the Revised Code. 73

~~(E) (1)~~ (E) Beginning one year after the effective date of 74
this amendment, a student shall not be allowed to participate in 75
an athletic activity unless the student has a physical 76

examination performed by an advanced practice registered nurse, 77
physician, or physician assistant, and the provider of the 78
examination completes the preparticipation physical evaluation 79
form created by the department of health pursuant to division 80
(D) of section 3707.59 of the Revised Code. 81

The preparticipation physical examination is valid for all 82
athletic activities for thirteen months. 83

Each school subject to this section shall retain all 84
original, signed preparticipation physical evaluation forms, but 85
may share forms across organizations if a student participates 86
in more than one athletic activity. 87

(F) (1) A student shall not be allowed to participate in an 88
athletic activity if either of the following is the case: 89

~~(a) The student's biological parent, biological sibling,~~ 90
~~or biological child has previously experienced sudden cardiac~~ 91
~~arrest, and the student has not been evaluated and cleared for~~ 92
~~participation in an athletic activity by a physician authorized~~ 93
~~under Chapter 4731. of the Revised Code to practice medicine and~~ 94
~~surgery or osteopathic medicine and surgery.~~ 95

~~(b) The~~ the student is known to have exhibited syncope or 96
fainting at any time prior to or following an athletic activity 97
and has not been evaluated and cleared for return under division 98
~~(E) (3)~~ (E) or (F) (3) of this section after exhibiting syncope or 99
fainting. 100

(2) A student shall be removed by the student's coach from 101
participation in an athletic activity if the student exhibits 102
syncope or fainting. 103

(3) If a student is not allowed to participate in or is 104
removed from participation in an athletic activity under 105

division ~~(E)~~~~(1)~~(F) (1) or (2) of this section, the student shall 106
not be allowed to return to participation until the student is 107
evaluated and cleared for return in writing by any of the 108
following: 109

(a) A physician ~~authorized under Chapter 4731. of the~~ 110
~~Revised Code to practice medicine and surgery or osteopathic~~ 111
~~medicine and surgery,~~ including a physician who specializes in 112
cardiology; 113

(b) ~~A certified nurse practitioner, clinical nurse~~ 114
~~specialist, or certified nurse-midwife who holds a certificate~~ 115
~~of authority issued under Chapter 4723. of the Revised Code~~An 116
advanced practice registered nurse; 117

(c) A physician assistant ~~licensed under Chapter 4730. of~~ 118
~~the Revised Code;~~ 119

(d) An athletic trainer licensed under Chapter 4755. of 120
the Revised Code. 121

The licensed health care providers specified in divisions 122
~~(E)~~~~(3)~~~~(a)~~(F) (3) (a) to (d) of this section may consult with any 123
other licensed or certified health care providers in order to 124
determine whether a student is ready to return to participation. 125

~~(F)~~(G) A school that is subject to this section shall 126
establish penalties for a coach who violates the provisions of 127
division ~~(E)~~(F) of this section. 128

~~(G)~~(H) Nothing in this section shall be construed to 129
abridge or limit any rights provided under a collective 130
bargaining agreement entered into under Chapter 4117. of the 131
Revised Code prior to March 14, 2017. 132

~~(H)~~~~(1)~~(I) (1) A school district, member of a school 133

district board of education, or school district employee or 134
volunteer, including a coach, is not liable in damages in a 135
civil action for injury, death, or loss to person or property 136
allegedly arising from providing services or performing duties 137
under this section, unless the act or omission constitutes 138
willful or wanton misconduct. 139

This section does not eliminate, limit, or reduce any 140
other immunity or defense that a school district, member of a 141
school district board of education, or school district employee 142
or volunteer, including a coach, may be entitled to under 143
Chapter 2744. or any other provision of the Revised Code or 144
under the common law of this state. 145

(2) A chartered or nonchartered nonpublic school or any 146
officer, director, employee, or volunteer of the school, 147
including a coach, is not liable in damages in a civil action 148
for injury, death, or loss to person or property allegedly 149
arising from providing services or performing duties under this 150
section, unless the act or omission constitutes willful or 151
wanton misconduct. 152

Sec. 3707.58. (A) As used in this section: 153

(1) "Advanced practice registered nurse" means an 154
individual who holds a current, valid license issued under 155
Chapter 4723. of the Revised Code that authorizes the practice 156
of nursing as an advanced practice registered nurse and is 157
designated as a clinical nurse specialist or certified nurse 158
practitioner. 159

(2) "Physician" means an individual authorized under 160
Chapter 4731. of the Revised Code to practice medicine and 161
surgery or osteopathic medicine and surgery. 162

(3) "Physician assistant" means an individual who is 163
licensed to practice as a physician assistant under Chapter 164
4730. of the Revised Code. 165

(4) "Youth athlete" means an individual who wishes to 166
practice for or compete in athletic activities organized by a 167
youth sports organization; 168

~~(2)~~(5) "Youth sports organization" has the same meaning as 169
in section 3707.51 of the Revised Code. 170

(B) Prior to the start of each athletic season, a youth 171
sports organization that is subject to this section shall hold 172
an informational meeting for youth athletes, parents, guardians, 173
other persons having care or charge of a youth athlete, 174
physicians, pediatric cardiologists, athletic trainers, and any 175
other persons regarding the symptoms and warning signs of sudden 176
cardiac arrest for all ages of youth athletes. 177

(C) No youth athlete shall participate in an athletic 178
activity organized by a youth sports organization until the 179
youth athlete has submitted to a designated official of the 180
youth sports organization a form signed by the youth athlete and 181
the parent, guardian, or other person having care or charge of 182
the youth athlete stating that the youth athlete and the parent, 183
guardian, or other person having care or charge of the youth 184
athlete have received and reviewed a copy of the information 185
developed by the department of health and the department of 186
education and workforce and posted on their respective internet 187
web sites, and, once produced, copies of the guidelines and 188
other relevant educational materials, as required by section 189
3707.59 of the Revised Code. A completed form shall be submitted 190
each calendar year to each youth sports organization that 191
organizes an athletic activity in which the youth athlete 192

participates. 193

(D) No individual shall coach an athletic activity 194
organized by a youth sports organization unless the individual 195
has completed, on an annual basis, the sudden cardiac arrest 196
training course approved by the department of health under 197
division (C) of section 3707.59 of the Revised Code. 198

~~(E) (1)~~ (E) Beginning one year after the effective date of 199
this amendment, a youth athlete shall not be allowed to 200
participate in an athletic activity organized by a youth sports 201
organization unless the athlete has a physical examination 202
performed by an advanced practice registered nurse, physician, 203
or physician assistant, and the provider of the examination 204
completes the preparticipation physical evaluation form created 205
by the department of health pursuant to division (D) of section 206
3707.59 of the Revised Code. 207

The preparticipation physical evaluation is valid for all 208
athletic activities for thirteen months. 209

A youth sports organization shall require an athlete, the 210
athlete's parent or guardian, or another person having care or 211
charge of the athlete to certify that the athlete has received 212
the preparticipation physical examination required by this 213
division. The youth sports organization shall retain a copy of 214
the certification each year the certification is submitted but 215
may share certifications across organizations if an athlete 216
participates in more than one athletic activity. 217

(F) (1) A youth athlete shall not be allowed to participate 218
in an athletic activity organized by a youth sports organization 219
if ~~either of the following is the case:-~~ 220

~~(a) The youth athlete's biological parent, biological~~ 221

~~sibling, or biological child has previously experienced sudden- 222
cardiac arrest, and the youth athlete has not been evaluated and 223
cleared for participation in an athletic activity organized by a 224
youth sports organization by a physician authorized under- 225
Chapter 4731. of the Revised Code to practice medicine and- 226
surgery or osteopathic medicine and surgery.- 227~~

~~(b) The the youth athlete is known to have exhibited 228
syncope or fainting at any time prior to or following an 229
athletic activity and has not been evaluated and cleared for 230
return under division ~~(E) (3)~~ (E) or (F) (3) of this section after 231
exhibiting syncope or fainting. 232~~

(2) A youth athlete shall be removed by the youth 233
athlete's coach from participation in an athletic activity 234
organized by a youth sports organization if the youth athlete 235
exhibits syncope or fainting. 236

(3) If a youth athlete is not allowed to participate in or 237
is removed from participation in an athletic activity organized 238
by a youth sports organization under division ~~(E) (1)~~ (F) (1) or 239
(2) of this section, the youth athlete shall not be allowed to 240
return to participation until the youth athlete is evaluated and 241
cleared for return in writing by any of the following: 242

(a) ~~A physician authorized under Chapter 4731. of the 243
Revised Code to practice medicine and surgery or osteopathic- 244
medicine and surgery, including a physician who specializes in 245
cardiology; 246~~

~~(b) A certified nurse practitioner, clinical nurse- 247
specialist, or certified nurse-midwife who holds a certificate- 248
of authority issued under Chapter 4723. of the Revised CodeAn 249
advanced practice registered nurse; 250~~

<u>(c) A physician assistant.</u>	251
The licensed health care providers specified in divisions	252
(E) (3) (a) and <u>(F) (3) (a), (b), and (c)</u> of this section may	253
consult with any other licensed or certified health care	254
providers in order to determine whether a youth athlete is ready	255
to return to participation.	256
(F) <u>(G)</u> A youth sports organization that is subject to this	257
section shall establish penalties for a coach who violates the	258
provisions of division (E) <u>(F)</u> of this section.	259
(G) (1) <u>(H) (1)</u> A youth sports organization or official,	260
employee, or volunteer of a youth sports organization, including	261
a coach, is not liable in damages in a civil action for injury,	262
death, or loss to person or property allegedly arising from	263
providing services or performing duties under this section,	264
unless the act or omission constitutes willful or wanton	265
misconduct.	266
(2) This section does not eliminate, limit, or reduce any	267
other immunity or defense that a public entity, public official,	268
or public employee may be entitled to under Chapter 2744. or any	269
other provision of the Revised Code or under the common law of	270
this state.	271
Sec. 3707.59. (A) As used in this section:	272
(1) "Athletic activity" means both of the following:	273
(a) An athletic activity, as defined in section 3313.5310	274
of the Revised Code;	275
(b) An athletic activity organized by a youth sports	276
organization.	277
(2) "Youth athlete" and "youth sports organization" have	278

the same meanings as in section 3707.58 of the Revised Code. 279

~~(B)~~ (B) (1) The department of health and the department of 280
education and workforce jointly shall develop and ~~shall~~ post on 281
their respective internet web sites guidelines and other 282
relevant educational materials to inform and educate students 283
and youth athletes participating in or desiring to participate 284
in an athletic activity, their parents, and their coaches about 285
the nature and warning signs of sudden cardiac arrest. These 286
guidelines and materials shall address the risks associated with 287
continuing to participate in an athletic activity after 288
experiencing one or more symptoms of sudden cardiac arrest, such 289
as fainting, difficulty breathing, chest pains, dizziness, and 290
an abnormal racing heart rate. In developing guidelines and 291
other relevant educational materials under this division, the 292
department of health and the department of education and 293
workforce shall consult with the Ohio chapter of the American 294
college of cardiology and with an interscholastic conference or 295
an organization that regulates interscholastic athletic 296
competition and conducts interscholastic athletic events. 297

In developing guidelines and other relevant educational 298
materials under this division, the departments may utilize 299
existing materials developed by the parent heart watch 300
organization, the sudden arrhythmia death syndromes foundation, 301
and any other organizations deemed appropriate by the 302
departments. 303

(2) The department of education and workforce shall 304
distribute copies of the guidelines and other relevant 305
educational materials described in division (B) (1) of this 306
section free of charge to all school districts in Ohio. The 307
department also shall distribute copies of the guidelines and 308

materials to any other school on request. 309

(C) For purposes of the training required for a coach of 310
an athletic activity under division (D) of section 3313.5310 or 311
division (D) of section 3707.58 of the Revised Code, the 312
department of health shall approve a sudden cardiac arrest 313
training course offered by an outside entity. 314

(D) Not later than one year after the effective date of 315
this amendment, the department of health shall create a 316
preparticipation physical evaluation form to be used for 317
purposes of sections 4723.484, 4730.46, and 4731.89 of the 318
Revised Code. The form shall contain all of the following 319
components: 320

(1) A description of key prescreening elements, including 321
the taking of a patient's personal history, which may include 322
asking about prior elevated systemic blood pressure, unexplained 323
exertional chest pain or syncope, palpitations, or decreased 324
exercise tolerance, and the taking of a patient's family 325
history, which may include asking about known cardiac conditions 326
such as cardiomyopathy, arrhythmia syndromes, premature sudden 327
cardiac death, and unexplained drowning or seizures; 328

(2) A physical examination component, which may include 329
efforts to detect pathologic heart murmurs, irregular rhythms, 330
abnormal pulses, or other findings suggestive of structural or 331
electrical heart disease; 332

(3) A certification to be signed by the health care 333
professional who performs the physical examination, certifying 334
that the health care professional has complied with the 335
following: 336

(a) For a physician, divisions (B) (2) and (3) of section 337

<u>4731.89 of the Revised Code;</u>	338
<u>(b) For a physician assistant, divisions (B) and (C) of section 4730.46 of the Revised Code;</u>	339 340
<u>(c) For a clinical nurse specialist or certified nurse practitioner, divisions (B) and (C) of section 4723.484 of the Revised Code.</u>	341 342 343
<u>Sec. 3707.591. (A) Not later than one year after the effective date of this section, the director of health, in consultation with the department of education and workforce, shall establish a childhood cardiac screening professional development module to increase the assessment skills of health care professionals who perform annual physical examinations and screenings for children. As part of establishing the module, the director may develop a module that meets the requirements of division (B) of this section or may adopt the student-athlete cardiac assessment professional development module created by the New Jersey commissioners of education and health.</u>	344 345 346 347 348 349 350 351 352 353 354
<u>(B) If the director of health, in consultation with the department of education and workforce, develops a module as described in division (A) of this section, the director and the department of education and workforce shall do both of the following:</u>	355 356 357 358 359
<u>(1) Consult with the academy of family physicians, the American heart association, and the Ohio chapter of the American college of cardiology in developing the module;</u>	360 361 362
<u>(2) Include all of the following in the module:</u>	363
<u>(a) How to complete and review a detailed medical history with an emphasis on cardiovascular family history and personal reports of symptoms;</u>	364 365 366

<u>(b) Identification of symptoms of sudden cardiac arrest</u>	367
<u>that may require follow up with a cardiologist;</u>	368
<u>(c) Recognition of normal structural changes of the</u>	369
<u>athletic heart;</u>	370
<u>(d) Recognition of prodromal symptoms that precede sudden</u>	371
<u>cardiac arrest;</u>	372
<u>(e) Performance of the cardiovascular physical</u>	373
<u>examination;</u>	374
<u>(f) Review of the major etiologies of sudden unexplained</u>	375
<u>cardiac death with an emphasis on structural abnormalities and</u>	376
<u>acquired conditions;</u>	377
<u>(g) When to refer a patient to a cardiologist for further</u>	378
<u>assessment.</u>	379
<u>(C) The department of health and the department of</u>	380
<u>education and workforce shall post the module established</u>	381
<u>pursuant to this section on their internet web sites. The</u>	382
<u>department of health shall make internet links to the module</u>	383
<u>available to the American academy of pediatrics, Ohio academy of</u>	384
<u>family physicians, American heart association, American college</u>	385
<u>of cardiology, athletic trainers' society, state medical board,</u>	386
<u>board of nursing, and society of physician assistants.</u>	387
<u>(D) The department of health shall facilitate the database</u>	388
<u>storage of information related to all health care professionals</u>	389
<u>who complete the course as required by sections 4723.484,</u>	390
<u>4730.46, and 4731.89 of the Revised Code. The department may</u>	391
<u>coordinate with health care professional licensing boards to</u>	392
<u>store the information on behalf of the department, as the</u>	393
<u>department considers appropriate. The records shall be kept for</u>	394
<u>ten years.</u>	395

(E) The department of health shall complete an annual 396
report on outcomes related to the module and health care 397
professional reports under sections 4723.484, 4730.46, and 398
4731.89 of the Revised Code. The department shall post the 399
report on its internet web site and provide a copy to any member 400
of the public on request. 401

Sec. 3707.592. The department of health, in collaboration 402
with the department of education and workforce, jointly shall 403
adopt as necessary rules to implement sections 3707.59 and 404
3707.591 of the Revised Code. The rules shall be adopted in 405
accordance with Chapter 119. of the Revised Code and shall 406
follow nationally recognized, evidence-based guidelines 407
recommended by organizations focused on cardiovascular care in 408
pediatric populations. 409

Sec. 4723.24. (A) (1) Except as otherwise provided in this 410
chapter, all of the following apply with respect to the 411
schedules for renewal of licenses and certificates issued by the 412
board of nursing: 413

(a) An active license to practice nursing as a registered 414
nurse is subject to renewal in odd-numbered years. An 415
application for renewal of the license is due on the fifteenth 416
day of September of the renewal year. A late application may be 417
submitted before the license lapses. If a license is not renewed 418
or classified as inactive, the license lapses on the first day 419
of November of the renewal year. 420

(b) An active license to practice nursing as a licensed 421
practical nurse is subject to renewal in even-numbered years. An 422
application for renewal of the license is due on the fifteenth 423
day of September of the renewal year. A late application may be 424
submitted before the license lapses. If a license is not renewed 425

or classified as inactive, the license lapses on the first day 426
of November of the renewal year. 427

(c) An active license to practice nursing as an advanced 428
practice registered nurse is subject to renewal in odd-numbered 429
years. An application for renewal of the license is due on the 430
fifteenth day of September of the renewal year. A late 431
application may be submitted before the license lapses. If a 432
license is not renewed or classified as inactive, the license 433
lapses on the first day of November of the renewal year. 434

(d) All other active licenses and certificates issued 435
under this chapter are subject to renewal according to a 436
schedule established by the board in rules adopted under section 437
4723.07 of the Revised Code. 438

(2) The board shall provide an application for renewal to 439
every holder of an active license or certificate, except when 440
the board is aware that an individual is ineligible for license 441
or certificate renewal for any reason, including pending 442
criminal charges in this state or another jurisdiction, failure 443
to comply with a disciplinary order from the board or the terms 444
of a consent agreement entered into with the board, failure to 445
pay fines or fees owed to the board, or failure to provide on 446
the board's request documentation of having completed the 447
continuing nursing education requirements specified in division 448
(C) of this section. 449

If the board provides a renewal application by mail, the 450
application shall be addressed to the last known post-office 451
address of the license or certificate holder and mailed before 452
the date the application is due. Failure of the license or 453
certificate holder to receive an application for renewal from 454
the board shall not excuse the holder from the requirements 455

contained in this section, except as provided in section 5903.10 456
of the Revised Code. 457

As applicable, the renewal application shall include a 458
check box for an advanced practice registered nurse who is 459
subject to section 4723.484 of the Revised Code to certify 460
compliance with divisions (B) and (C) of that section. 461

(3) A license or certificate holder seeking renewal of the 462
license or certificate shall complete the renewal application 463
and submit it to the board with the renewal fee established 464
under section 4723.08 of the Revised Code. If a renewal 465
application is submitted after the date the application is due, 466
but before the date the license or certificate lapses, the 467
applicant shall include with the application the fee established 468
under section 4723.08 of the Revised Code for processing a late 469
application for renewal. 470

With the renewal application, the applicant shall report 471
any conviction, plea, or judicial finding regarding a criminal 472
offense that constitutes grounds for the board to impose 473
sanctions under section 4723.28 of the Revised Code since the 474
applicant last submitted an application to the board. 475

(4) On receipt of the renewal application, the board shall 476
verify whether the applicant meets the renewal requirements. If 477
the applicant meets the requirements, the board shall renew the 478
license or certificate. 479

(B) Every license or certificate holder shall give written 480
notice to the board of any change of name or address within 481
thirty days of the change. The board shall require the holder to 482
document a change of name in a manner acceptable to the board. 483

(C) (1) Except in the case of a first renewal after 484

licensure by examination, to be eligible for renewal of an 485
active license to practice nursing as a registered nurse or 486
licensed practical nurse, each individual who holds an active 487
license shall, in each two-year period specified by the board, 488
complete continuing nursing education as follows: 489

(a) For renewal of a license that was issued for a two- 490
year renewal period, twenty-four hours of continuing nursing 491
education; 492

(b) For renewal of a license that was issued for less than 493
a two-year renewal period, the number of hours of continuing 494
nursing education specified by the board in rules adopted in 495
accordance with Chapter 119. of the Revised Code; 496

(c) Of the hours of continuing nursing education completed 497
in any renewal period, at least one hour of the education must 498
be directly related to the statutes and rules pertaining to the 499
practice of nursing in this state. 500

(2) To be eligible for renewal of an active license to 501
practice nursing as an advanced practice registered nurse, each 502
individual who holds an active license shall, in each two-year 503
period specified by the board, complete continuing education as 504
follows: 505

(a) For renewal of a license that was issued for a two- 506
year renewal period, twenty-four hours of continuing nursing 507
education; 508

(b) For renewal of a license that was issued for less than 509
a two-year renewal period, the number of hours of continuing 510
nursing education specified by the board in rules adopted in 511
accordance with Chapter 119. of the Revised Code, including the 512
number of hours of continuing education in advanced 513

pharmacology; 514

(c) In the case of an advanced practice registered nurse 515
who is designated as a clinical nurse specialist, certified 516
nurse-midwife, or certified nurse practitioner, of the hours of 517
continuing nursing education completed in any renewal period, at 518
least twelve hours of the education must be in advanced 519
pharmacology and be received from an accredited institution 520
recognized by the board. 521

(d) The continuing education required by division (C) (2) 522
(a) or (b) of this section is in addition to the continuing 523
education required by division (C) (1) (a) or (b) of this section. 524

(3) The board shall adopt rules establishing the procedure 525
for a license holder to certify to the board completion of the 526
required continuing nursing education. The board may conduct a 527
random sample of license holders and require that the license 528
holders included in the sample submit satisfactory documentation 529
of having completed the requirements for continuing nursing 530
education. On the board's request, a license holder included in 531
the sample shall submit the required documentation. 532

(4) An educational activity may be applied toward meeting 533
the continuing nursing education requirement only if it is 534
obtained through a program or course approved by the board or a 535
person the board has authorized to approve continuing nursing 536
education programs and courses. 537

(5) The continuing education required of a certified 538
registered nurse anesthetist, clinical nurse specialist, 539
certified nurse-midwife, or certified nurse practitioner to 540
maintain certification by a national certifying organization 541
shall be applied toward the continuing education requirements 542

for renewal of the following if the continuing education is 543
obtained through a program or course approved by the board or a 544
person the board has authorized to approve continuing nursing 545
education programs and courses: 546

(a) A license to practice nursing as a registered nurse; 547

(b) A license to practice nursing as an advanced practice 548
registered nurse. 549

(D) Except as otherwise provided in section 4723.28 of the 550
Revised Code, an individual who holds an active license to 551
practice nursing as a registered nurse or licensed practical 552
nurse and who does not intend to practice in Ohio may send to 553
the board written notice to that effect on or before the date 554
the license lapses, and the board shall classify the license as 555
inactive. During the period that the license is classified as 556
inactive, the holder may not engage in the practice of nursing 557
as a registered nurse or licensed practical nurse in Ohio and is 558
not required to pay the renewal fee. 559

The holder of an inactive license to practice nursing as a 560
registered nurse or licensed practical nurse or an individual 561
who has failed to renew the individual's license to practice 562
nursing as a registered nurse or licensed practical nurse may 563
have the license reactivated or reinstated upon doing the 564
following, as applicable to the holder or individual: 565

(1) Applying to the board for license reactivation or 566
reinstatement on forms provided by the board; 567

(2) Meeting the requirements for reactivating or 568
reinstating licenses established in rules adopted under section 569
4723.07 of the Revised Code or, if the individual did not renew 570
because of service in the armed forces of the United States or a 571

reserve component of the armed forces of the United States, 572
including the Ohio national guard or the national guard of any 573
other state, as provided in section 5903.10 of the Revised Code; 574

(3) If the license has been inactive for at least five 575
years from the date of application for reactivation or has 576
lapsed for at least five years from the date of application for 577
reinstatement, submitting a request to the bureau of criminal 578
identification and investigation for a criminal records check 579
and check of federal bureau of investigation records pursuant to 580
section 4723.091 of the Revised Code. 581

(E) Except as otherwise provided in section 4723.28 of the 582
Revised Code, an individual who holds an active license to 583
practice nursing as an advanced practice registered nurse and 584
does not intend to practice in Ohio as an advanced practice 585
registered nurse may send to the board written notice to that 586
effect on or before the renewal date, and the board shall 587
classify the license as inactive. During the period that the 588
license is classified as inactive, the holder may not engage in 589
the practice of nursing as an advanced practice registered nurse 590
in Ohio and is not required to pay the renewal fee. 591

The holder of an inactive license to practice nursing as 592
an advanced practice registered nurse or an individual who has 593
failed to renew the individual's license to practice nursing as 594
an advanced practice registered nurse may have the license 595
reactivated or reinstated upon doing the following, as 596
applicable to the holder or individual: 597

(1) Applying to the board for license reactivation or 598
reinstatement on forms provided by the board; 599

(2) Meeting the requirements for reactivating or 600

reinstating licenses established in rules adopted under section 601
4723.07 of the Revised Code or, if the individual did not renew 602
because of service in the armed forces of the United States or a 603
reserve component of the armed forces of the United States, 604
including the Ohio national guard or the national guard of any 605
other state, as provided in section 5903.10 of the Revised Code. 606

Sec. 4723.28. (A) The board of nursing, by a vote of a 607
quorum, may impose one or more of the following sanctions if it 608
finds that a person committed fraud in passing an examination 609
required to obtain a nursing license or dialysis technician 610
certificate issued by the board or committed fraud, 611
misrepresentation, or deception in applying for or securing a 612
nursing license or dialysis technician certificate issued by the 613
board: deny, revoke, suspend, or place restrictions on any 614
nursing license or dialysis technician certificate issued by the 615
board; reprimand or otherwise discipline a holder of a nursing 616
license or dialysis technician certificate; or impose a fine of 617
not more than five hundred dollars per violation. 618

(B) Except as provided in section 4723.092 of the Revised 619
Code, the board of nursing, by a vote of a quorum, may impose 620
one or more of the following sanctions: deny, revoke, suspend, 621
or place restrictions on any nursing license or dialysis 622
technician certificate issued by the board; reprimand or 623
otherwise discipline a holder of a nursing license or dialysis 624
technician certificate; or impose a fine of not more than five 625
hundred dollars per violation. The sanctions may be imposed for 626
any of the following: 627

(1) Denial, revocation, suspension, or restriction of 628
authority to engage in a licensed profession or practice a 629
health care occupation, including nursing or practice as a 630

dialysis technician, for any reason other than a failure to 631
renew, in Ohio or another state or jurisdiction; 632

(2) Engaging in the practice of nursing or engaging in 633
practice as a dialysis technician, having failed to renew a 634
nursing license or dialysis technician certificate issued under 635
this chapter, or while a nursing license or dialysis technician 636
certificate is under suspension; 637

(3) Conviction of, a plea of guilty to, a judicial finding 638
of guilt of, a judicial finding of guilt resulting from a plea 639
of no contest to, or a judicial finding of eligibility for a 640
pretrial diversion or similar program or for intervention in 641
lieu of conviction for, a misdemeanor committed in the course of 642
practice; 643

(4) Conviction of, a plea of guilty to, a judicial finding 644
of guilt of, a judicial finding of guilt resulting from a plea 645
of no contest to, or a judicial finding of eligibility for a 646
pretrial diversion or similar program or for intervention in 647
lieu of conviction for, any felony or of any crime involving 648
gross immorality or moral turpitude; 649

(5) Selling, giving away, or administering drugs or 650
therapeutic devices for other than legal and legitimate 651
therapeutic purposes; or conviction of, a plea of guilty to, a 652
judicial finding of guilt of, a judicial finding of guilt 653
resulting from a plea of no contest to, or a judicial finding of 654
eligibility for a pretrial diversion or similar program or for 655
intervention in lieu of conviction for, violating any municipal, 656
state, county, or federal drug law; 657

(6) Conviction of, a plea of guilty to, a judicial finding 658
of guilt of, a judicial finding of guilt resulting from a plea 659

of no contest to, or a judicial finding of eligibility for a 660
pretrial diversion or similar program or for intervention in 661
lieu of conviction for, an act in another jurisdiction that 662
would constitute a felony or a crime of moral turpitude in Ohio; 663

(7) Conviction of, a plea of guilty to, a judicial finding 664
of guilt of, a judicial finding of guilt resulting from a plea 665
of no contest to, or a judicial finding of eligibility for a 666
pretrial diversion or similar program or for intervention in 667
lieu of conviction for, an act in the course of practice in 668
another jurisdiction that would constitute a misdemeanor in 669
Ohio; 670

(8) Self-administering or otherwise taking into the body 671
any dangerous drug, as defined in section 4729.01 of the Revised 672
Code, in any way that is not in accordance with a legal, valid 673
prescription issued for that individual, or self-administering 674
or otherwise taking into the body any drug that is a schedule I 675
controlled substance; 676

(9) Habitual or excessive use of controlled substances, 677
other habit-forming drugs, or alcohol or other chemical 678
substances to an extent that impairs the individual's ability to 679
provide safe nursing care or safe dialysis care; 680

(10) Impairment of the ability to practice according to 681
acceptable and prevailing standards of safe nursing care or safe 682
dialysis care because of the use of drugs, alcohol, or other 683
chemical substances; 684

(11) Impairment of the ability to practice according to 685
acceptable and prevailing standards of safe nursing care or safe 686
dialysis care because of a physical or mental disability; 687

(12) Assaulting or causing harm to a patient or depriving 688

a patient of the means to summon assistance;	689
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	690 691
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	692 693 694 695 696 697
(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	698 699 700
(16) Violation of this chapter or any rules adopted under it;	701 702
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	703 704
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	705 706 707
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	708 709
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	710 711 712
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	713 714 715

(22) In the case of a dialysis technician, engaging in 716
activities that exceed those permitted under section 4723.72 of 717
the Revised Code; 718

(23) Aiding and abetting a person in that person's 719
practice of nursing without a license or practice as a dialysis 720
technician without a certificate issued under this chapter; 721

(24) In the case of an advanced practice registered nurse, 722
except as provided in division (M) of this section, either of 723
the following: 724

(a) Waiving the payment of all or any part of a deductible 725
or copayment that a patient, pursuant to a health insurance or 726
health care policy, contract, or plan that covers such nursing 727
services, would otherwise be required to pay if the waiver is 728
used as an enticement to a patient or group of patients to 729
receive health care services from that provider; 730

(b) Advertising that the nurse will waive the payment of 731
all or any part of a deductible or copayment that a patient, 732
pursuant to a health insurance or health care policy, contract, 733
or plan that covers such nursing services, would otherwise be 734
required to pay. 735

(25) Failure to comply with the terms and conditions of 736
participation in the safe haven program conducted under sections 737
4723.35 and 4723.351 of the Revised Code; 738

(26) Failure to comply with the terms and conditions 739
required under the practice intervention and improvement program 740
established under section 4723.282 of the Revised Code; 741

(27) In the case of an advanced practice registered nurse: 742

(a) Engaging in activities that exceed those permitted for 743

the nurse's nursing specialty under section 4723.43 of the Revised Code; 744
745

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code. 746
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(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement; 748
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(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code; 753
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(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 758
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(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code; 760
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(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following: 763
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(a) Sexual contact, as defined in section 2907.01 of the Revised Code; 767
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(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 769
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(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	772 773
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	774 775 776 777
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	778 779 780 781
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	782 783 784 785 786 787
(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	788 789 790 791 792
(38) Violation of section 4723.93 of the Revised Code;	793
(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute	794 795 796 797 798 799 800

grounds for discipline if a court of competent jurisdiction has 801
issued an order that either quashes a subpoena or permits the 802
individual to withhold testimony or evidence at issue; 803

(40) In the case of an advanced practice registered nurse 804
who is designated as a clinical nurse specialist or certified 805
nurse practitioner, failure to comply with division (B) or (C) 806
of section 4723.484 of the Revised Code. 807

(C) Disciplinary actions taken by the board under 808
divisions (A) and (B) of this section shall be taken pursuant to 809
an adjudication conducted under Chapter 119. of the Revised 810
Code, except that in lieu of a hearing, the board may enter into 811
a consent agreement with an individual to resolve an allegation 812
of a violation of this chapter or any rule adopted under it. A 813
consent agreement, when ratified by a vote of a quorum, shall 814
constitute the findings and order of the board with respect to 815
the matter addressed in the agreement. If the board refuses to 816
ratify a consent agreement, the admissions and findings 817
contained in the agreement shall be of no effect. 818

(D) The hearings of the board shall be conducted in 819
accordance with Chapter 119. of the Revised Code, the board may 820
appoint a hearing examiner, as provided in section 119.09 of the 821
Revised Code, to conduct any hearing the board is authorized to 822
hold under Chapter 119. of the Revised Code. 823

In any instance in which the board is required under 824
Chapter 119. of the Revised Code to give notice of an 825
opportunity for a hearing and the applicant, licensee, or 826
certificate holder does not make a timely request for a hearing 827
in accordance with section 119.07 of the Revised Code, the board 828
is not required to hold a hearing, but may adopt, by a vote of a 829
quorum, a final order that contains the board's findings. In the 830

final order, the board may order any of the sanctions listed in 831
division (A) or (B) of this section. 832

(E) If a criminal action is brought against a registered 833
nurse, licensed practical nurse, or dialysis technician for an 834
act or crime described in divisions (B)(3) to (7) of this 835
section and the action is dismissed by the trial court other 836
than on the merits, the board shall conduct an adjudication to 837
determine whether the registered nurse, licensed practical 838
nurse, or dialysis technician committed the act on which the 839
action was based. If the board determines on the basis of the 840
adjudication that the registered nurse, licensed practical 841
nurse, or dialysis technician committed the act, or if the 842
registered nurse, licensed practical nurse, or dialysis 843
technician fails to participate in the adjudication, the board 844
may take action as though the registered nurse, licensed 845
practical nurse, or dialysis technician had been convicted of 846
the act. 847

If the board takes action on the basis of a conviction, 848
plea, or a judicial finding as described in divisions (B)(3) to 849
(7) of this section that is overturned on appeal, the registered 850
nurse, licensed practical nurse, or dialysis technician may, on 851
exhaustion of the appeal process, petition the board for 852
reconsideration of its action. On receipt of the petition and 853
supporting court documents, the board shall temporarily rescind 854
its action. If the board determines that the decision on appeal 855
was a decision on the merits, it shall permanently rescind its 856
action. If the board determines that the decision on appeal was 857
not a decision on the merits, it shall conduct an adjudication 858
to determine whether the registered nurse, licensed practical 859
nurse, or dialysis technician committed the act on which the 860
original conviction, plea, or judicial finding was based. If the 861

board determines on the basis of the adjudication that the 862
registered nurse, licensed practical nurse, or dialysis 863
technician committed such act, or if the registered nurse, 864
licensed practical nurse, or dialysis technician does not 865
request an adjudication, the board shall reinstate its action; 866
otherwise, the board shall permanently rescind its action. 867

Notwithstanding the provision of division (D) (2) of 868
section 2953.32 or division (F) (1) of section 2953.39 of the 869
Revised Code specifying that if records pertaining to a criminal 870
case are sealed or expunged under that section the proceedings 871
in the case shall be deemed not to have occurred, sealing or 872
expungement of the following records on which the board has 873
based an action under this section shall have no effect on the 874
board's action or any sanction imposed by the board under this 875
section: records of any conviction, guilty plea, judicial 876
finding of guilt resulting from a plea of no contest, or a 877
judicial finding of eligibility for a pretrial diversion program 878
or intervention in lieu of conviction. 879

The board shall not be required to seal, destroy, redact, 880
or otherwise modify its records to reflect the court's sealing 881
or expungement of conviction records. 882

(F) The board may investigate an individual's criminal 883
background in performing its duties under this section. As part 884
of such investigation, the board may order the individual to 885
submit, at the individual's expense, a request to the bureau of 886
criminal identification and investigation for a criminal records 887
check and check of federal bureau of investigation records 888
pursuant to section 4723.091 of the Revised Code. 889

(G) During the course of an investigation conducted under 890
this section, the board may compel any registered nurse, 891

licensed practical nurse, or dialysis technician or applicant 892
under this chapter to submit to a mental or physical 893
examination, or both, as required by the board and at the 894
expense of the individual, if the board finds reason to believe 895
that the individual under investigation may have a physical or 896
mental impairment that may affect the individual's ability to 897
provide safe nursing or dialysis care. 898

The board shall not compel an individual who has been 899
referred to the safe haven program as described in sections 900
4723.35 and 4723.351 of the Revised Code to submit to a mental 901
or physical examination. 902

Failure of any individual to submit to a mental or 903
physical examination when directed constitutes an admission of 904
the allegations, unless the failure is due to circumstances 905
beyond the individual's control, and a default and final order 906
may be entered without the taking of testimony or presentation 907
of evidence. 908

If the board finds that an individual is impaired, the 909
board shall require the individual to submit to care, 910
counseling, or treatment approved or designated by the board, as 911
a condition for initial, continued, reinstated, or renewed 912
authority to practice. The individual shall be afforded an 913
opportunity to demonstrate to the board that the individual can 914
begin or resume the individual's occupation in compliance with 915
acceptable and prevailing standards of care under the provisions 916
of the individual's authority to practice. 917

For purposes of this division, any registered nurse, 918
licensed practical nurse, or dialysis technician or applicant 919
under this chapter shall be deemed to have given consent to 920
submit to a mental or physical examination when directed to do 921

so in writing by the board, and to have waived all objections to 922
the admissibility of testimony or examination reports that 923
constitute a privileged communication. 924

(H) The board shall investigate evidence that appears to 925
show that any person has violated any provision of this chapter 926
or any rule of the board. Any person may report to the board any 927
information the person may have that appears to show a violation 928
of any provision of this chapter or rule of the board. In the 929
absence of bad faith, any person who reports such information or 930
who testifies before the board in any adjudication conducted 931
under Chapter 119. of the Revised Code shall not be liable for 932
civil damages as a result of the report or testimony. 933

(I) All of the following apply under this chapter with 934
respect to the confidentiality of information: 935

(1) Information received by the board pursuant to a 936
complaint or an investigation is confidential and not subject to 937
discovery in any civil action, except that the board may 938
disclose information to law enforcement officers and government 939
entities for purposes of an investigation of either a licensed 940
health care professional, including a registered nurse, licensed 941
practical nurse, or dialysis technician, or a person who may 942
have engaged in the unauthorized practice of nursing or dialysis 943
care. No law enforcement officer or government entity with 944
knowledge of any information disclosed by the board pursuant to 945
this division shall divulge the information to any other person 946
or government entity except for the purpose of a government 947
investigation, a prosecution, or an adjudication by a court or 948
government entity. 949

(2) If an investigation requires a review of patient 950
records, the investigation and proceeding shall be conducted in 951

such a manner as to protect patient confidentiality. 952

(3) All adjudications and investigations of the board 953
shall be considered civil actions for the purposes of section 954
2305.252 of the Revised Code. 955

(4) Any board activity that involves continued monitoring 956
of an individual as part of or following any disciplinary action 957
taken under this section shall be conducted in a manner that 958
maintains the individual's confidentiality. Information received 959
or maintained by the board with respect to the board's 960
monitoring activities is not subject to discovery in any civil 961
action and is confidential, except that the board may disclose 962
information to law enforcement officers and government entities 963
for purposes of an investigation of a licensee or certificate 964
holder. 965

(J) Any action taken by the board under this section 966
resulting in a suspension from practice shall be accompanied by 967
a written statement of the conditions under which the person may 968
be reinstated to practice. 969

(K) When the board refuses to grant a license or 970
certificate to an applicant, revokes a license or certificate, 971
or refuses to reinstate a license or certificate, the board may 972
specify that its action is permanent. An individual subject to 973
permanent action taken by the board is forever ineligible to 974
hold a license or certificate of the type that was refused or 975
revoked and the board shall not accept from the individual an 976
application for reinstatement of the license or certificate or 977
for a new license or certificate. 978

(L) No unilateral surrender of a nursing license or 979
dialysis technician certificate issued under this chapter shall 980

be effective unless accepted by majority vote of the board. No 981
application for a nursing license or dialysis technician 982
certificate issued under this chapter may be withdrawn without a 983
majority vote of the board. The board's jurisdiction to take 984
disciplinary action under this section is not removed or limited 985
when an individual has a license or certificate classified as 986
inactive or fails to renew a license or certificate. 987

(M) Sanctions shall not be imposed under division (B) (24) 988
of this section against any licensee who waives deductibles and 989
copayments as follows: 990

(1) In compliance with the health benefit plan that 991
expressly allows such a practice. Waiver of the deductibles or 992
copayments shall be made only with the full knowledge and 993
consent of the plan purchaser, payer, and third-party 994
administrator. Documentation of the consent shall be made 995
available to the board upon request. 996

(2) For professional services rendered to any other person 997
licensed pursuant to this chapter to the extent allowed by this 998
chapter and the rules of the board. 999

Sec. 4723.484. Beginning one year after the effective date 1000
of this section, a certified nurse practitioner or clinical 1001
nurse specialist who performs annual physical examinations on 1002
individuals who are nineteen years of age or younger, or who 1003
performs examinations for purposes of division (E) of section 1004
3313.5310 of the Revised Code, shall do all of the following: 1005

(A) For each such examination, complete the 1006
preparticipation physical evaluation form created pursuant to 1007
division (D) of section 3707.59 of the Revised Code; 1008

(B) At least once every four years, complete the childhood 1009

cardiac screening professional development module established 1010
under section 3707.591 of the Revised Code. The certified nurse 1011
practitioner or clinical nurse specialist shall retain on file 1012
at the nurse's primary place of practice a hard copy of the 1013
certificate of completion, and shall make it available to the 1014
board of nursing on request. 1015

(C) At least once every four years, read the guidelines 1016
and other relevant educational materials developed under 1017
division (B) (1) of section 3707.59 of the Revised Code; 1018

(D) Annually report to the department of health the total 1019
number of examinations for which the preparticipation physical 1020
evaluation form was completed and the total number of cardiology 1021
referrals resulting from those examinations. 1022

Sec. 4730.14. (A) A license to practice as a physician 1023
assistant shall be valid for a two-year period unless revoked or 1024
suspended, shall expire on the date that is two years after the 1025
date of issuance, and may be renewed for additional two-year 1026
periods in accordance with this section. A person seeking to 1027
renew a license shall apply to the state medical board for 1028
renewal prior to the license's expiration date. The board shall 1029
provide renewal notices to license holders at least one month 1030
prior to the expiration date. 1031

Applications shall be submitted to the board in a manner 1032
prescribed by the board. Each renewal application shall be- 1033
include a check box for a physician assistant who is subject to 1034
section 4730.46 of the Revised Code to certify compliance with 1035
divisions (B) and (C) of that section. 1036

Each application shall be accompanied by a biennial 1037
renewal fee of two hundred dollars. The board shall deposit the 1038

fees in accordance with section 4731.24 of the Revised Code. 1039

The applicant shall report any criminal offense that 1040
constitutes grounds for refusing to issue a license to practice 1041
under section 4730.25 of the Revised Code to which the applicant 1042
has pleaded guilty, of which the applicant has been found 1043
guilty, or for which the applicant has been found eligible for 1044
intervention in lieu of conviction, since last signing an 1045
application for a license to practice as a physician assistant. 1046

(B) To be eligible for renewal of a license, an applicant 1047
is subject to all of the following: 1048

(1) The applicant must certify to the board that the 1049
applicant has maintained certification by the national 1050
commission on certification of physician assistants or a 1051
successor organization that is recognized by the board by 1052
meeting the standards to hold current certification from the 1053
commission or its successor, including passing periodic 1054
recertification examinations; 1055

(2) Except as provided in section 5903.12 of the Revised 1056
Code, the applicant must certify to the board that the applicant 1057
is in compliance with the continuing medical education 1058
requirements necessary to hold current certification from the 1059
commission or its successor. 1060

(3) The applicant must comply with the renewal eligibility 1061
requirements established under section 4730.49 of the Revised 1062
Code that pertain to the applicant. 1063

(C) If an applicant submits a complete renewal application 1064
and qualifies for renewal pursuant to division (B) of this 1065
section, the board shall issue to the applicant a renewed 1066
license to practice as a physician assistant. 1067

(D) The board may require a random sample of physician assistants to submit materials documenting both of the following: 1068
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(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board; 1071
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(2) Completion of the continuing medical education required to hold current certification from the commission or its successor. 1074
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Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code. 1077
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(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code. 1080
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(F) If a license has been suspended pursuant to division (E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty. 1085
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If a license has been suspended pursuant to division (E) of this section for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a license suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. 1090
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The board shall not restore to an applicant a license to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4730.12 of the Revised Code.

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

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

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

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

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

(3) A civil penalty imposed under division (G) (1) (a) of this section or paid under division (G) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties

in accordance with section 4731.24 of the Revised Code. 1126

Sec. 4730.25. (A) The state medical board, by an 1127
affirmative vote of not fewer than six members, may refuse to 1128
grant a license to practice as a physician assistant to, or may 1129
revoke the license held by, an individual found by the board to 1130
have committed fraud, misrepresentation, or deception in 1131
applying for or securing the license. 1132

(B) Except as provided in division (N) of this section, 1133
the board, by an affirmative vote of not fewer than six members, 1134
shall, to the extent permitted by law, limit, revoke, or suspend 1135
an individual's license to practice as a physician assistant or 1136
prescriber number, refuse to issue a license to an applicant, 1137
refuse to renew a license, refuse to reinstate a license, or 1138
reprimand or place on probation the holder of a license for any 1139
of the following reasons: 1140

(1) Failure to practice in accordance with the supervising 1141
physician's supervision agreement with the physician assistant, 1142
including, if applicable, the policies of the health care 1143
facility in which the supervising physician and physician 1144
assistant are practicing; 1145

(2) Failure to comply with the requirements of this 1146
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1147
by the board; 1148

(3) Violating or attempting to violate, directly or 1149
indirectly, or assisting in or abetting the violation of, or 1150
conspiring to violate, any provision of this chapter, Chapter 1151
4731. of the Revised Code, or the rules adopted by the board; 1152

(4) Inability to practice according to acceptable and 1153
prevailing standards of care by reason of mental illness or 1154

physical illness, including physical deterioration that 1155
adversely affects cognitive, motor, or perceptive skills; 1156

(5) Impairment of ability to practice according to 1157
acceptable and prevailing standards of care because of substance 1158
use disorder or excessive use or abuse of drugs, alcohol, or 1159
other substances that may impair ability to practice; 1160

(6) Administering drugs for purposes other than those 1161
authorized under this chapter; 1162

(7) Willfully betraying a professional confidence; 1163

(8) Making a false, fraudulent, deceptive, or misleading 1164
statement in soliciting or advertising for employment as a 1165
physician assistant; in connection with any solicitation or 1166
advertisement for patients; in relation to the practice of 1167
medicine as it pertains to physician assistants; or in securing 1168
or attempting to secure a license to practice as a physician 1169
assistant. 1170

As used in this division, "false, fraudulent, deceptive, 1171
or misleading statement" means a statement that includes a 1172
misrepresentation of fact, is likely to mislead or deceive 1173
because of a failure to disclose material facts, is intended or 1174
is likely to create false or unjustified expectations of 1175
favorable results, or includes representations or implications 1176
that in reasonable probability will cause an ordinarily prudent 1177
person to misunderstand or be deceived. 1178

(9) Representing, with the purpose of obtaining 1179
compensation or other advantage personally or for any other 1180
person, that an incurable disease or injury, or other incurable 1181
condition, can be permanently cured; 1182

(10) The obtaining of, or attempting to obtain, money or 1183

anything of value by fraudulent misrepresentations in the course 1184
of practice; 1185

(11) A plea of guilty to, a judicial finding of guilt of, 1186
or a judicial finding of eligibility for intervention in lieu of 1187
conviction for, a felony; 1188

(12) Commission of an act that constitutes a felony in 1189
this state, regardless of the jurisdiction in which the act was 1190
committed; 1191

(13) A plea of guilty to, a judicial finding of guilt of, 1192
or a judicial finding of eligibility for intervention in lieu of 1193
conviction for, a misdemeanor committed in the course of 1194
practice; 1195

(14) A plea of guilty to, a judicial finding of guilt of, 1196
or a judicial finding of eligibility for intervention in lieu of 1197
conviction for, a misdemeanor involving moral turpitude; 1198

(15) Commission of an act in the course of practice that 1199
constitutes a misdemeanor in this state, regardless of the 1200
jurisdiction in which the act was committed; 1201

(16) Commission of an act involving moral turpitude that 1202
constitutes a misdemeanor in this state, regardless of the 1203
jurisdiction in which the act was committed; 1204

(17) A plea of guilty to, a judicial finding of guilt of, 1205
or a judicial finding of eligibility for intervention in lieu of 1206
conviction for violating any state or federal law regulating the 1207
possession, distribution, or use of any drug, including 1208
trafficking in drugs; 1209

(18) Any of the following actions taken by the state 1210
agency responsible for regulating the practice of physician 1211

assistants in another state, for any reason other than the 1212
nonpayment of fees: the limitation, revocation, or suspension of 1213
an individual's license to practice; acceptance of an 1214
individual's license surrender; denial of a license; refusal to 1215
renew or reinstate a license; imposition of probation; or 1216
issuance of an order of censure or other reprimand; 1217

(19) A departure from, or failure to conform to, minimal 1218
standards of care of similar physician assistants under the same 1219
or similar circumstances, regardless of whether actual injury to 1220
a patient is established; 1221

(20) Violation of the conditions placed by the board on a 1222
license to practice as a physician assistant; 1223

(21) Failure to use universal blood and body fluid 1224
precautions established by rules adopted under section 4731.051 1225
of the Revised Code; 1226

(22) Failure to cooperate in an investigation conducted by 1227
the board under section 4730.26 of the Revised Code, including 1228
failure to comply with a subpoena or order issued by the board 1229
or failure to answer truthfully a question presented by the 1230
board at a deposition or in written interrogatories, except that 1231
failure to cooperate with an investigation shall not constitute 1232
grounds for discipline under this section if a court of 1233
competent jurisdiction has issued an order that either quashes a 1234
subpoena or permits the individual to withhold the testimony or 1235
evidence in issue; 1236

(23) Assisting suicide, as defined in section 3795.01 of 1237
the Revised Code; 1238

(24) Prescribing any drug or device to perform or induce 1239
an abortion, or otherwise performing or inducing an abortion; 1240

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	1241 1242 1243
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	1244 1245 1246 1247
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	1248 1249 1250
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	1251 1252 1253 1254 1255 1256
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	1257 1258 1259
(30) Violation of section 4730.57 of the Revised Code;	1260
<u>(31) Failure to comply with division (B) or (C) of section 4730.46 of the Revised Code.</u>	1261 1262
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an	1263 1264 1265 1266 1267 1268 1269

affirmative vote of not fewer than six members of the board, 1270
shall constitute the findings and order of the board with 1271
respect to the matter addressed in the agreement. If the board 1272
refuses to ratify a consent agreement, the admissions and 1273
findings contained in the consent agreement shall be of no force 1274
or effect. 1275

(D) For purposes of divisions (B) (12), (15), and (16) of 1276
this section, the commission of the act may be established by a 1277
finding by the board, pursuant to an adjudication under Chapter 1278
119. of the Revised Code, that the applicant or license holder 1279
committed the act in question. The board shall have no 1280
jurisdiction under these divisions in cases where the trial 1281
court renders a final judgment in the license holder's favor and 1282
that judgment is based upon an adjudication on the merits. The 1283
board shall have jurisdiction under these divisions in cases 1284
where the trial court issues an order of dismissal upon 1285
technical or procedural grounds. 1286

(E) The sealing or expungement of conviction records by 1287
any court shall have no effect upon a prior board order entered 1288
under the provisions of this section or upon the board's 1289
jurisdiction to take action under the provisions of this section 1290
if, based upon a plea of guilty, a judicial finding of guilt, or 1291
a judicial finding of eligibility for intervention in lieu of 1292
conviction, the board issued a notice of opportunity for a 1293
hearing prior to the court's order to seal or expunge the 1294
records. The board shall not be required to seal, destroy, 1295
redact, or otherwise modify its records to reflect the court's 1296
sealing or expungement of conviction records. 1297

(F) For purposes of this division, any individual who 1298
holds a license issued under this chapter, or applies for a 1299

license issued under this chapter, shall be deemed to have given 1300
consent to submit to a mental or physical examination when 1301
directed to do so in writing by the board and to have waived all 1302
objections to the admissibility of testimony or examination 1303
reports that constitute a privileged communication. 1304

(1) In enforcing division (B)(4) of this section, the 1305
board, upon a showing of a possible violation, shall refer any 1306
individual who holds, or has applied for, a license issued under 1307
this chapter to the monitoring organization that conducts the 1308
confidential monitoring program established under section 1309
4731.25 of the Revised Code. The board also may compel the 1310
individual to submit to a mental examination, physical 1311
examination, including an HIV test, or both a mental and 1312
physical examination. The expense of the examination is the 1313
responsibility of the individual compelled to be examined. 1314
Failure to submit to a mental or physical examination or consent 1315
to an HIV test ordered by the board constitutes an admission of 1316
the allegations against the individual unless the failure is due 1317
to circumstances beyond the individual's control, and a default 1318
and final order may be entered without the taking of testimony 1319
or presentation of evidence. If the board finds a physician 1320
assistant unable to practice because of the reasons set forth in 1321
division (B)(4) of this section, the board shall require the 1322
physician assistant to submit to care, counseling, or treatment 1323
by physicians approved or designated by the board, as a 1324
condition for an initial, continued, reinstated, or renewed 1325
license. An individual affected under this division shall be 1326
afforded an opportunity to demonstrate to the board the ability 1327
to resume practicing in compliance with acceptable and 1328
prevailing standards of care. 1329

(2) For purposes of division (B)(5) of this section, if 1330

the board has reason to believe that any individual who holds a 1331
license issued under this chapter or any applicant for a license 1332
suffers such impairment, the board shall refer the individual to 1333
the monitoring organization that conducts the confidential 1334
monitoring program established under section 4731.25 of the 1335
Revised Code. The board also may compel the individual to submit 1336
to a mental or physical examination, or both. The expense of the 1337
examination is the responsibility of the individual compelled to 1338
be examined. Any mental or physical examination required under 1339
this division shall be undertaken by a treatment provider or 1340
physician qualified to conduct such examination and approved 1341
under section 4731.251 of the Revised Code. 1342

Failure to submit to a mental or physical examination 1343
ordered by the board constitutes an admission of the allegations 1344
against the individual unless the failure is due to 1345
circumstances beyond the individual's control, and a default and 1346
final order may be entered without the taking of testimony or 1347
presentation of evidence. If the board determines that the 1348
individual's ability to practice is impaired, the board shall 1349
suspend the individual's license or deny the individual's 1350
application and shall require the individual, as a condition for 1351
initial, continued, reinstated, or renewed licensure, to submit 1352
to treatment. 1353

Before being eligible to apply for reinstatement of a 1354
license suspended under this division, the physician assistant 1355
shall demonstrate to the board the ability to resume practice or 1356
prescribing in compliance with acceptable and prevailing 1357
standards of care. The demonstration shall include the 1358
following: 1359

(a) Certification from a treatment provider approved under 1360

section 4731.251 of the Revised Code that the individual has 1361
successfully completed any required inpatient treatment; 1362

(b) Evidence of continuing full compliance with an 1363
aftercare contract or consent agreement; 1364

(c) Two written reports indicating that the individual's 1365
ability to practice has been assessed and that the individual 1366
has been found capable of practicing according to acceptable and 1367
prevailing standards of care. The reports shall be made by 1368
individuals or providers approved by the board for making such 1369
assessments and shall describe the basis for their 1370
determination. 1371

The board may reinstate a license suspended under this 1372
division after such demonstration and after the individual has 1373
entered into a written consent agreement. 1374

When the impaired physician assistant resumes practice or 1375
prescribing, the board shall require continued monitoring of the 1376
physician assistant. The monitoring shall include compliance 1377
with the written consent agreement entered into before 1378
reinstatement or with conditions imposed by board order after a 1379
hearing, and, upon termination of the consent agreement, 1380
submission to the board for at least two years of annual written 1381
progress reports made under penalty of falsification stating 1382
whether the physician assistant has maintained sobriety. 1383

(G) (1) If either of the following circumstances occur, the 1384
secretary and supervising member may recommend that the board 1385
suspend the individual's license without a prior hearing: 1386

(a) The secretary and supervising member determine that 1387
there is clear and convincing evidence that a physician 1388
assistant has violated division (B) of this section and that the 1389

individual's continued practice or prescribing presents a danger 1390
of immediate and serious harm to the public. 1391

(b) The board receives verifiable information that a 1392
licensee has been charged in any state or federal court with a 1393
crime classified as a felony under the charging court's law and 1394
the conduct charged constitutes a violation of division (B) of 1395
this section. 1396

(2) If a recommendation is made to suspend without a prior 1397
hearing pursuant to division (G)(1) of this section, written 1398
allegations shall be prepared for consideration by the board. 1399

The board, upon review of those allegations and by an 1400
affirmative vote of not fewer than six of its members, excluding 1401
the secretary and supervising member, may suspend a license 1402
without a prior hearing. A telephone conference call may be 1403
utilized for reviewing the allegations and taking the vote on 1404
the summary suspension. 1405

The board shall serve a written order of suspension in 1406
accordance with sections 119.05 and 119.07 of the Revised Code. 1407
If the physician assistant requests an adjudicatory hearing by 1408
the board, the date set for the hearing shall be within fifteen 1409
days, but not earlier than seven days, after the physician 1410
assistant requests the hearing, unless otherwise agreed to by 1411
both the board and the license holder. 1412

(3) A summary suspension imposed under division (G)(2) of 1413
this section is not a final appealable order and is not an 1414
adjudication that may be appealed under section 119.12 of the 1415
Revised Code. The summary suspension shall remain in effect 1416
until a final adjudicative order issued by the board pursuant to 1417
this section and Chapter 119. of the Revised Code becomes 1418

effective. Once a final adjudicative order has been issued by 1419
the board, any party adversely affected by it may file an appeal 1420
in accordance with the requirements of Chapter 119. of the 1421
Revised Code. 1422

The board shall issue its final adjudicative order within 1423
seventy-five days after completion of its hearing. Failure to 1424
issue the order within seventy-five days shall result in 1425
dissolution of the summary suspension order, but shall not 1426
invalidate any subsequent, final adjudicative order. 1427

(H) If the board takes action under division (B) (11), 1428
(13), or (14) of this section, and the judicial finding of 1429
guilt, guilty plea, or judicial finding of eligibility for 1430
intervention in lieu of conviction is overturned on appeal, upon 1431
exhaustion of the criminal appeal, a petition for 1432
reconsideration of the order may be filed with the board along 1433
with appropriate court documents. Upon receipt of a petition and 1434
supporting court documents, the board shall reinstate the 1435
individual's license. The board may then hold an adjudication 1436
under Chapter 119. of the Revised Code to determine whether the 1437
individual committed the act in question. Notice of opportunity 1438
for hearing shall be given in accordance with Chapter 119. of 1439
the Revised Code. If the board finds, pursuant to an 1440
adjudication held under this division, that the individual 1441
committed the act, or if no hearing is requested, it may order 1442
any of the sanctions identified under division (B) of this 1443
section. 1444

(I) The license to practice issued to a physician 1445
assistant and the physician assistant's practice in this state 1446
are automatically suspended as of the date the physician 1447
assistant pleads guilty to, is found by a judge or jury to be 1448

guilty of, or is subject to a judicial finding of eligibility 1449
for intervention in lieu of conviction in this state or 1450
treatment or intervention in lieu of conviction in another state 1451
for any of the following criminal offenses in this state or a 1452
substantially equivalent criminal offense in another 1453
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1454
felonious assault, trafficking in persons, kidnapping, rape, 1455
sexual battery, gross sexual imposition, aggravated arson, 1456
aggravated robbery, or aggravated burglary. Continued practice 1457
after the suspension shall be considered practicing without a 1458
license. 1459

The board shall notify the individual subject to the 1460
suspension in accordance with sections 119.05 and 119.07 of the 1461
Revised Code. If an individual whose license is suspended under 1462
this division fails to make a timely request for an adjudication 1463
under Chapter 119. of the Revised Code, the board shall enter a 1464
final order permanently revoking the individual's license to 1465
practice. 1466

(J) In any instance in which the board is required by 1467
Chapter 119. of the Revised Code to give notice of opportunity 1468
for hearing and the individual subject to the notice does not 1469
timely request a hearing in accordance with section 119.07 of 1470
the Revised Code, the board is not required to hold a hearing, 1471
but may adopt, by an affirmative vote of not fewer than six of 1472
its members, a final order that contains the board's findings. 1473
In that final order, the board may order any of the sanctions 1474
identified under division (A) or (B) of this section. 1475

(K) Any action taken by the board under division (B) of 1476
this section resulting in a suspension shall be accompanied by a 1477
written statement of the conditions under which the physician 1478

assistant's license may be reinstated. The board shall adopt 1479
rules in accordance with Chapter 119. of the Revised Code 1480
governing conditions to be imposed for reinstatement. 1481
Reinstatement of a license suspended pursuant to division (B) of 1482
this section requires an affirmative vote of not fewer than six 1483
members of the board. 1484

(L) When the board refuses to grant or issue to an 1485
applicant a license to practice as a physician assistant, 1486
revokes an individual's license, refuses to renew an 1487
individual's license, or refuses to reinstate an individual's 1488
license, the board may specify that its action is permanent. An 1489
individual subject to a permanent action taken by the board is 1490
forever thereafter ineligible to hold the license and the board 1491
shall not accept an application for reinstatement of the license 1492
or for issuance of a new license. 1493

(M) Notwithstanding any other provision of the Revised 1494
Code, all of the following apply: 1495

(1) The surrender of a license issued under this chapter 1496
is not effective unless or until accepted by the board. 1497
Reinstatement of a license surrendered to the board requires an 1498
affirmative vote of not fewer than six members of the board. 1499

(2) An application made under this chapter for a license 1500
may not be withdrawn without approval of the board. 1501

(3) Failure by an individual to renew a license in 1502
accordance with section 4730.14 of the Revised Code does not 1503
remove or limit the board's jurisdiction to take disciplinary 1504
action under this section against the individual. 1505

(4) The placement of an individual's license on retired 1506
status, as described in section 4730.141 of the Revised Code, 1507

does not remove or limit the board's jurisdiction to take any 1508
disciplinary action against the individual with regard to the 1509
license as it existed before being placed on retired status. 1510

(N) The board shall not refuse to issue a license to an 1511
applicant because of a conviction, plea of guilty, judicial 1512
finding of guilt, judicial finding of eligibility for 1513
intervention in lieu of conviction, or the commission of an act 1514
that constitutes a criminal offense, unless the refusal is in 1515
accordance with section 9.79 of the Revised Code. 1516

Sec. 4730.46. Beginning one year after the effective date 1517
of this section, a physician assistant who performs annual 1518
physical examinations on individuals who are nineteen years of 1519
age or younger, or who performs examinations for purposes of 1520
division (E) of section 3313.5310 of the Revised Code, shall do 1521
all of the following: 1522

(A) For each such examination, complete the 1523
preparticipation physical evaluation form created pursuant to 1524
division (D) of section 3707.59 of the Revised Code; 1525

(B) At least once every four years, complete the childhood 1526
cardiac screening professional development module established 1527
under section 3707.591 of the Revised Code. The physician 1528
assistant shall retain on file at the physician assistant's 1529
primary place of practice a hard copy of the certificate of 1530
completion, and shall make it available to the state medical 1531
board on request. 1532

(C) At least once every four years, read the guidelines 1533
and other relevant educational materials developed under 1534
division (B) (1) of section 3707.59 of the Revised Code; 1535

(D) Annually report to the department of health the total 1536

number of examinations for which the preparticipation physical 1537
evaluation form was completed and the total number of cardiology 1538
referrals resulting from those examinations. 1539

Sec. 4731.22. (A) The state medical board, by an 1540
affirmative vote of not fewer than six of its members, may 1541
limit, revoke, or suspend a license or certificate to practice 1542
or certificate to recommend, refuse to grant a license or 1543
certificate, refuse to renew a license or certificate, refuse to 1544
reinstate a license or certificate, or reprimand or place on 1545
probation the holder of a license or certificate if the 1546
individual applying for or holding the license or certificate is 1547
found by the board to have committed fraud during the 1548
administration of the examination for a license or certificate 1549
to practice or to have committed fraud, misrepresentation, or 1550
deception in applying for, renewing, or securing any license or 1551
certificate to practice or certificate to recommend issued by 1552
the board. 1553

(B) Except as provided in division (P) of this section, 1554
the board, by an affirmative vote of not fewer than six members, 1555
shall, to the extent permitted by law, limit, revoke, or suspend 1556
a license or certificate to practice or certificate to 1557
recommend, refuse to issue a license or certificate, refuse to 1558
renew a license or certificate, refuse to reinstate a license or 1559
certificate, or reprimand or place on probation the holder of a 1560
license or certificate for one or more of the following reasons: 1561

(1) Permitting one's name or one's license or certificate 1562
to practice to be used by a person, group, or corporation when 1563
the individual concerned is not actually directing the treatment 1564
given; 1565

(2) Failure to maintain minimal standards applicable to 1566

the selection or administration of drugs, or failure to employ 1567
acceptable scientific methods in the selection of drugs or other 1568
modalities for treatment of disease; 1569

(3) Except as provided in section 4731.97 of the Revised 1570
Code, selling, giving away, personally furnishing, prescribing, 1571
or administering drugs for other than legal and legitimate 1572
therapeutic purposes or a plea of guilty to, a judicial finding 1573
of guilt of, or a judicial finding of eligibility for 1574
intervention in lieu of conviction of, a violation of any 1575
federal or state law regulating the possession, distribution, or 1576
use of any drug; 1577

(4) Willfully betraying a professional confidence. 1578

For purposes of this division, "willfully betraying a 1579
professional confidence" does not include providing any 1580
information, documents, or reports under sections 307.621 to 1581
307.629 of the Revised Code to a child fatality review board; 1582
does not include providing any information, documents, or 1583
reports under sections 307.631 to 307.6410 of the Revised Code 1584
to a drug overdose fatality review committee, a suicide fatality 1585
review committee, or hybrid drug overdose fatality and suicide 1586
fatality review committee; does not include providing any 1587
information, documents, or reports under sections 307.651 to 1588
307.659 of the Revised Code to a domestic violence fatality 1589
review board; does not include providing any information, 1590
documents, or reports to the director of health pursuant to 1591
guidelines established under section 3701.70 of the Revised 1592
Code; does not include written notice to a mental health 1593
professional under section 4731.62 of the Revised Code; does not 1594
include making a report as described in division (F) of section 1595
2921.22 and section 4731.224 of the Revised Code; and does not 1596

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

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

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

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

(7) Representing, with the purpose of obtaining 1627
compensation or other advantage as personal gain or for any 1628
other person, that an incurable disease or injury, or other 1629
incurable condition, can be permanently cured; 1630

(8) The obtaining of, or attempting to obtain, money or 1631
anything of value by fraudulent misrepresentations in the course 1632
of practice; 1633

(9) A plea of guilty to, a judicial finding of guilt of, 1634
or a judicial finding of eligibility for intervention in lieu of 1635
conviction for, a felony; 1636

(10) Commission of an act that constitutes a felony in 1637
this state, regardless of the jurisdiction in which the act was 1638
committed; 1639

(11) A plea of guilty to, a judicial finding of guilt of, 1640
or a judicial finding of eligibility for intervention in lieu of 1641
conviction for, a misdemeanor committed in the course of 1642
practice; 1643

(12) Commission of an act in the course of practice that 1644
constitutes a misdemeanor in this state, regardless of the 1645
jurisdiction in which the act was committed; 1646

(13) A plea of guilty to, a judicial finding of guilt of, 1647
or a judicial finding of eligibility for intervention in lieu of 1648
conviction for, a misdemeanor involving moral turpitude; 1649

(14) Commission of an act involving moral turpitude that 1650
constitutes a misdemeanor in this state, regardless of the 1651
jurisdiction in which the act was committed; 1652

(15) Violation of the conditions of limitation placed by 1653
the board upon a license or certificate to practice; 1654

(16) Failure to pay license renewal fees specified in this chapter; 1655
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(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 1657
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(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession. 1662
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For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised 1673
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Code. 1685

(19) Inability to practice according to acceptable and 1686
prevailing standards of care by reason of mental illness or 1687
physical illness, including, but not limited to, physical 1688
deterioration that adversely affects cognitive, motor, or 1689
perceptive skills. 1690

In enforcing this division, the board, upon a showing of a 1691
possible violation, shall refer any individual who is authorized 1692
to practice by this chapter or who has submitted an application 1693
pursuant to this chapter to the monitoring organization that 1694
conducts the confidential monitoring program established under 1695
section 4731.25 of the Revised Code. The board also may compel 1696
the individual to submit to a mental examination, physical 1697
examination, including an HIV test, or both a mental and a 1698
physical examination. The expense of the examination is the 1699
responsibility of the individual compelled to be examined. 1700
Failure to submit to a mental or physical examination or consent 1701
to an HIV test ordered by the board constitutes an admission of 1702
the allegations against the individual unless the failure is due 1703
to circumstances beyond the individual's control, and a default 1704
and final order may be entered without the taking of testimony 1705
or presentation of evidence. If the board finds an individual 1706
unable to practice because of the reasons set forth in this 1707
division, the board shall require the individual to submit to 1708
care, counseling, or treatment by physicians approved or 1709
designated by the board, as a condition for initial, continued, 1710
reinstated, or renewed authority to practice. An individual 1711
affected under this division shall be afforded an opportunity to 1712
demonstrate to the board the ability to resume practice in 1713
compliance with acceptable and prevailing standards under the 1714
provisions of the individual's license or certificate. For the 1715

purpose of this division, any individual who applies for or 1716
receives a license or certificate to practice under this chapter 1717
accepts the privilege of practicing in this state and, by so 1718
doing, shall be deemed to have given consent to submit to a 1719
mental or physical examination when directed to do so in writing 1720
by the board, and to have waived all objections to the 1721
admissibility of testimony or examination reports that 1722
constitute a privileged communication. 1723

(20) Except as provided in division (F) (1) (b) of section 1724
4731.282 of the Revised Code or when civil penalties are imposed 1725
under section 4731.225 of the Revised Code, and subject to 1726
section 4731.226 of the Revised Code, violating or attempting to 1727
violate, directly or indirectly, or assisting in or abetting the 1728
violation of, or conspiring to violate, any provisions of this 1729
chapter or any rule promulgated by the board. 1730

This division does not apply to a violation or attempted 1731
violation of, assisting in or abetting the violation of, or a 1732
conspiracy to violate, any provision of this chapter or any rule 1733
adopted by the board that would preclude the making of a report 1734
by a physician of an employee's use of a drug of abuse, or of a 1735
condition of an employee other than one involving the use of a 1736
drug of abuse, to the employer of the employee as described in 1737
division (B) of section 2305.33 of the Revised Code. Nothing in 1738
this division affects the immunity from civil liability 1739
conferred by that section upon a physician who makes either type 1740
of report in accordance with division (B) of that section. As 1741
used in this division, "employee," "employer," and "physician" 1742
have the same meanings as in section 2305.33 of the Revised 1743
Code. 1744

(21) The violation of section 3701.79 of the Revised Code 1745

or of any abortion rule adopted by the director of health 1746
pursuant to section 3701.341 of the Revised Code; 1747

(22) Any of the following actions taken by an agency 1748
responsible for authorizing, certifying, or regulating an 1749
individual to practice a health care occupation or provide 1750
health care services in this state or another jurisdiction, for 1751
any reason other than the nonpayment of fees: the limitation, 1752
revocation, or suspension of an individual's license to 1753
practice; acceptance of an individual's license surrender; 1754
denial of a license; refusal to renew or reinstate a license; 1755
imposition of probation; or issuance of an order of censure or 1756
other reprimand; 1757

(23) The violation of section 2919.12 of the Revised Code 1758
or the performance or inducement of an abortion upon a pregnant 1759
woman with actual knowledge that the conditions specified in 1760
division (B) of section 2317.56 of the Revised Code have not 1761
been satisfied or with a heedless indifference as to whether 1762
those conditions have been satisfied, unless an affirmative 1763
defense as specified in division (H)(2) of that section would 1764
apply in a civil action authorized by division (H)(1) of that 1765
section; 1766

(24) The revocation, suspension, restriction, reduction, 1767
or termination of clinical privileges by the United States 1768
department of defense or department of veterans affairs or the 1769
termination or suspension of a certificate of registration to 1770
prescribe drugs by the drug enforcement administration of the 1771
United States department of justice; 1772

(25) Termination or suspension from participation in the 1773
medicare or medicaid programs by the department of health and 1774
human services or other responsible agency; 1775

(26) Impairment of ability to practice according to 1776
acceptable and prevailing standards of care because of substance 1777
use disorder or excessive use or abuse of drugs, alcohol, or 1778
other substances that may impair ability to practice. 1779

For the purposes of this division, any individual 1780
authorized to practice by this chapter accepts the privilege of 1781
practicing in this state subject to supervision by the board. By 1782
filing an application for or holding a license or certificate to 1783
practice under this chapter, an individual shall be deemed to 1784
have given consent to submit to a mental or physical examination 1785
when ordered to do so by the board in writing, and to have 1786
waived all objections to the admissibility of testimony or 1787
examination reports that constitute privileged communications. 1788

If it has reason to believe that any individual authorized 1789
to practice by this chapter or any applicant for licensure or 1790
certification to practice suffers such impairment, the board 1791
shall refer the individual to the monitoring organization that 1792
conducts the confidential monitoring program established under 1793
section 4731.25 of the Revised Code. The board also may compel 1794
the individual to submit to a mental or physical examination, or 1795
both. The expense of the examination is the responsibility of 1796
the individual compelled to be examined. Any mental or physical 1797
examination required under this division shall be undertaken by 1798
a treatment provider or physician who is qualified to conduct 1799
the examination and who is approved under section 4731.251 of 1800
the Revised Code. 1801

Failure to submit to a mental or physical examination 1802
ordered by the board constitutes an admission of the allegations 1803
against the individual unless the failure is due to 1804
circumstances beyond the individual's control, and a default and 1805

final order may be entered without the taking of testimony or 1806
presentation of evidence. If the board determines that the 1807
individual's ability to practice is impaired, the board shall 1808
suspend the individual's license or certificate or deny the 1809
individual's application and shall require the individual, as a 1810
condition for initial, continued, reinstated, or renewed 1811
licensure or certification to practice, to submit to treatment. 1812

Before being eligible to apply for reinstatement of a 1813
license or certificate suspended under this division, the 1814
impaired practitioner shall demonstrate to the board the ability 1815
to resume practice in compliance with acceptable and prevailing 1816
standards of care under the provisions of the practitioner's 1817
license or certificate. The demonstration shall include, but 1818
shall not be limited to, the following: 1819

(a) Certification from a treatment provider approved under 1820
section 4731.251 of the Revised Code that the individual has 1821
successfully completed any required inpatient treatment; 1822

(b) Evidence of continuing full compliance with an 1823
aftercare contract or consent agreement; 1824

(c) Two written reports indicating that the individual's 1825
ability to practice has been assessed and that the individual 1826
has been found capable of practicing according to acceptable and 1827
prevailing standards of care. The reports shall be made by 1828
individuals or providers approved by the board for making the 1829
assessments and shall describe the basis for their 1830
determination. 1831

The board may reinstate a license or certificate suspended 1832
under this division after that demonstration and after the 1833
individual has entered into a written consent agreement. 1834

When the impaired practitioner resumes practice, the board 1835
shall require continued monitoring of the individual. The 1836
monitoring shall include, but not be limited to, compliance with 1837
the written consent agreement entered into before reinstatement 1838
or with conditions imposed by board order after a hearing, and, 1839
upon termination of the consent agreement, submission to the 1840
board for at least two years of annual written progress reports 1841
made under penalty of perjury stating whether the individual has 1842
maintained sobriety. 1843

(27) A second or subsequent violation of section 4731.66 1844
or 4731.69 of the Revised Code; 1845

(28) Except as provided in division (N) of this section: 1846

(a) Waiving the payment of all or any part of a deductible 1847
or copayment that a patient, pursuant to a health insurance or 1848
health care policy, contract, or plan that covers the 1849
individual's services, otherwise would be required to pay if the 1850
waiver is used as an enticement to a patient or group of 1851
patients to receive health care services from that individual; 1852

(b) Advertising that the individual will waive the payment 1853
of all or any part of a deductible or copayment that a patient, 1854
pursuant to a health insurance or health care policy, contract, 1855
or plan that covers the individual's services, otherwise would 1856
be required to pay. 1857

(29) Failure to use universal blood and body fluid 1858
precautions established by rules adopted under section 4731.051 1859
of the Revised Code; 1860

(30) Failure to provide notice to, and receive 1861
acknowledgment of the notice from, a patient when required by 1862
section 4731.143 of the Revised Code prior to providing 1863

nonemergency professional services, or failure to maintain that 1864
notice in the patient's medical record; 1865

(31) Failure of a physician supervising a physician 1866
assistant to maintain supervision in accordance with the 1867
requirements of Chapter 4730. of the Revised Code and the rules 1868
adopted under that chapter; 1869

(32) Failure of a physician or podiatrist to enter into a 1870
standard care arrangement with a clinical nurse specialist, 1871
certified nurse-midwife, or certified nurse practitioner with 1872
whom the physician or podiatrist is in collaboration pursuant to 1873
section 4731.27 of the Revised Code or failure to fulfill the 1874
responsibilities of collaboration after entering into a standard 1875
care arrangement; 1876

(33) Failure to comply with the terms of a consult 1877
agreement entered into with a pharmacist pursuant to section 1878
4729.39 of the Revised Code; 1879

(34) Failure to cooperate in an investigation conducted by 1880
the board under division (F) of this section, including failure 1881
to comply with a subpoena or order issued by the board or 1882
failure to answer truthfully a question presented by the board 1883
in an investigative interview, an investigative office 1884
conference, at a deposition, or in written interrogatories, 1885
except that failure to cooperate with an investigation shall not 1886
constitute grounds for discipline under this section if a court 1887
of competent jurisdiction has issued an order that either 1888
quashes a subpoena or permits the individual to withhold the 1889
testimony or evidence in issue; 1890

(35) Failure to supervise an anesthesiologist assistant in 1891
accordance with Chapter 4760. of the Revised Code and the 1892

board's rules for supervision of an anesthesiologist assistant;	1893
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	1894
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(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1896
	1897
(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1898
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(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1901
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(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1905
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(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	1909
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(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	1913
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(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or	1917
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2919.202 of the Revised Code;	1921
(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	1922 1923 1924 1925 1926
(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	1927 1928 1929 1930
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	1931 1932 1933 1934 1935
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	1936 1937 1938 1939
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	1940 1941 1942 1943
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	1944 1945
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	1946 1947 1948

(51) Failure to take the steps specified in section 1949
4731.911 of the Revised Code following an abortion or attempted 1950
abortion in an ambulatory surgical facility or other location 1951
that is not a hospital when a child is born alive; 1952

(52) Violation of section 4731.77 of the Revised Code; 1953

(53) Failure of a physician supervising a certified mental 1954
health assistant to maintain supervision in accordance with the 1955
requirements of Chapter 4772. of the Revised Code and the rules 1956
adopted under that chapter; 1957

(54) Failure to comply with the requirements of section 1958
3705.16 of the Revised Code when certifying a decedent's cause 1959
of death and completing and signing the medical certificate of 1960
death; 1961

(55) Failure to comply with division (B) (2) or (3) of 1962
section 4731.89 of the Revised Code. 1963

(C) Disciplinary actions taken by the board under 1964
divisions (A) and (B) of this section shall be taken pursuant to 1965
an adjudication under Chapter 119. of the Revised Code, except 1966
that in lieu of an adjudication, the board may enter into a 1967
consent agreement with an individual to resolve an allegation of 1968
a violation of this chapter or any rule adopted under it. A 1969
consent agreement, when ratified by an affirmative vote of not 1970
fewer than six members of the board, shall constitute the 1971
findings and order of the board with respect to the matter 1972
addressed in the agreement. If the board refuses to ratify a 1973
consent agreement, the admissions and findings contained in the 1974
consent agreement shall be of no force or effect. 1975

A telephone conference call may be utilized for 1976
ratification of a consent agreement that revokes or suspends an 1977

individual's license or certificate to practice or certificate 1978
to recommend. The telephone conference call shall be considered 1979
a special meeting under division (F) of section 121.22 of the 1980
Revised Code. 1981

If the board takes disciplinary action against an 1982
individual under division (B) of this section for a second or 1983
subsequent plea of guilty to, or judicial finding of guilt of, a 1984
violation of section 2919.123 or 2919.124 of the Revised Code, 1985
the disciplinary action shall consist of a suspension of the 1986
individual's license or certificate to practice for a period of 1987
at least one year or, if determined appropriate by the board, a 1988
more serious sanction involving the individual's license or 1989
certificate to practice. Any consent agreement entered into 1990
under this division with an individual that pertains to a second 1991
or subsequent plea of guilty to, or judicial finding of guilt 1992
of, a violation of that section shall provide for a suspension 1993
of the individual's license or certificate to practice for a 1994
period of at least one year or, if determined appropriate by the 1995
board, a more serious sanction involving the individual's 1996
license or certificate to practice. 1997

(D) For purposes of divisions (B)(10), (12), and (14) of 1998
this section, the commission of the act may be established by a 1999
finding by the board, pursuant to an adjudication under Chapter 2000
119. of the Revised Code, that the individual committed the act. 2001
The board does not have jurisdiction under those divisions if 2002
the trial court renders a final judgment in the individual's 2003
favor and that judgment is based upon an adjudication on the 2004
merits. The board has jurisdiction under those divisions if the 2005
trial court issues an order of dismissal upon technical or 2006
procedural grounds. 2007

(E) The sealing or expungement of conviction records by 2008
any court shall have no effect upon a prior board order entered 2009
under this section or upon the board's jurisdiction to take 2010
action under this section if, based upon a plea of guilty, a 2011
judicial finding of guilt, or a judicial finding of eligibility 2012
for intervention in lieu of conviction, the board issued a 2013
notice of opportunity for a hearing prior to the court's order 2014
to seal or expunge the records. The board shall not be required 2015
to seal, expunge, destroy, redact, or otherwise modify its 2016
records to reflect the court's sealing of conviction records. 2017

(F) (1) The board shall investigate evidence that appears 2018
to show that a person has violated any provision of this chapter 2019
or any rule adopted under it. Any person may report to the board 2020
in a signed writing any information that the person may have 2021
that appears to show a violation of any provision of this 2022
chapter or any rule adopted under it. In the absence of bad 2023
faith, any person who reports information of that nature or who 2024
testifies before the board in any adjudication conducted under 2025
Chapter 119. of the Revised Code shall not be liable in damages 2026
in a civil action as a result of the report or testimony. Each 2027
complaint or allegation of a violation received by the board 2028
shall be assigned a case number and shall be recorded by the 2029
board. 2030

(2) Investigations of alleged violations of this chapter 2031
or any rule adopted under it shall be supervised by the 2032
supervising member elected by the board in accordance with 2033
section 4731.02 of the Revised Code and by the secretary as 2034
provided in section 4731.39 of the Revised Code. The president 2035
may designate another member of the board to supervise the 2036
investigation in place of the supervising member. Upon a vote of 2037
the majority of the board to authorize the addition of a 2038

consumer member in the supervision of any part of any 2039
investigation, the president shall designate a consumer member 2040
for supervision of investigations as determined by the 2041
president. The authorization of consumer member participation in 2042
investigation supervision may be rescinded by a majority vote of 2043
the board. No member of the board who supervises the 2044
investigation of a case shall participate in further 2045
adjudication of the case. 2046

(3) In investigating a possible violation of this chapter 2047
or any rule adopted under this chapter, or in conducting an 2048
inspection under division (E) of section 4731.054 of the Revised 2049
Code, the board may question witnesses, conduct interviews, 2050
administer oaths, order the taking of depositions, inspect and 2051
copy any books, accounts, papers, records, or documents, issue 2052
subpoenas, and compel the attendance of witnesses and production 2053
of books, accounts, papers, records, documents, and testimony, 2054
except that a subpoena for patient record information shall not 2055
be issued without consultation with the attorney general's 2056
office and approval of the secretary of the board. 2057

(a) Before issuance of a subpoena for patient record 2058
information, the secretary shall determine whether there is 2059
probable cause to believe that the complaint filed alleges a 2060
violation of this chapter or any rule adopted under it and that 2061
the records sought are relevant to the alleged violation and 2062
material to the investigation. The subpoena may apply only to 2063
records that cover a reasonable period of time surrounding the 2064
alleged violation. 2065

(b) On failure to comply with any subpoena issued by the 2066
board and after reasonable notice to the person being 2067
subpoenaed, the board may move for an order compelling the 2068

production of persons or records pursuant to the Rules of Civil Procedure. 2069
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(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person. 2071
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(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code. 2086
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(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. 2090
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(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action. 2093
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The board shall conduct all investigations or inspections 2098
and proceedings in a manner that protects the confidentiality of 2099
patients and persons who file complaints with the board. The 2100
board shall not make public the names or any other identifying 2101
information about patients or complainants unless proper consent 2102
is given or, in the case of a patient, a waiver of the patient 2103
privilege exists under division (B) of section 2317.02 of the 2104
Revised Code, except that consent or a waiver of that nature is 2105
not required if the board possesses reliable and substantial 2106
evidence that no bona fide physician-patient relationship 2107
exists. 2108

The board may share any information it receives pursuant 2109
to an investigation or inspection, including patient records and 2110
patient record information, with law enforcement agencies, other 2111
licensing boards, and other governmental agencies that are 2112
prosecuting, adjudicating, or investigating alleged violations 2113
of statutes or administrative rules. An agency or board that 2114
receives the information shall comply with the same requirements 2115
regarding confidentiality as those with which the state medical 2116
board must comply, notwithstanding any conflicting provision of 2117
the Revised Code or procedure of the agency or board that 2118
applies when it is dealing with other information in its 2119
possession. In a judicial proceeding, the information may be 2120
admitted into evidence only in accordance with the Rules of 2121
Evidence, but the court shall require that appropriate measures 2122
are taken to ensure that confidentiality is maintained with 2123
respect to any part of the information that contains names or 2124
other identifying information about patients or complainants 2125
whose confidentiality was protected by the state medical board 2126
when the information was in the board's possession. Measures to 2127
ensure confidentiality that may be taken by the court include 2128

sealing its records or deleting specific information from its 2129
records. 2130

No person shall knowingly access, use, or disclose 2131
confidential investigatory information in a manner prohibited by 2132
law. 2133

(6) On a quarterly basis, the board shall prepare a report 2134
that documents the disposition of all cases during the preceding 2135
three months. The report shall contain the following information 2136
for each case with which the board has completed its activities: 2137

(a) The case number assigned to the complaint or alleged 2138
violation; 2139

(b) The type of license or certificate to practice, if 2140
any, held by the individual against whom the complaint is 2141
directed; 2142

(c) A description of the allegations contained in the 2143
complaint; 2144

(d) Whether witnesses were interviewed; 2145

(e) Whether the individual against whom the complaint is 2146
directed is the subject of any pending complaints; 2147

(f) The disposition of the case. 2148

The report shall state how many cases are still pending 2149
and shall be prepared in a manner that protects the identity of 2150
each person involved in each case. The report shall be a public 2151
record under section 149.43 of the Revised Code. 2152

(7) The board may provide a status update regarding an 2153
investigation to a complainant on request if the board verifies 2154
the complainant's identity. 2155

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

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

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

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

(b) The board receives verifiable information that a licensee has been charged in any state or federal court with a crime classified as a felony under the charging court's law and the conduct constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (G) (1) of this section, written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days,

after the individual requests the hearing, unless otherwise 2185
agreed to by both the board and the individual. 2186

(3) Any summary suspension imposed under division (G) (2) 2187
of this section is not a final appealable order and is not an 2188
adjudication that may be appealed under section 119.12 of the 2189
Revised Code. The summary suspension shall remain in effect 2190
until a final adjudicative order issued by the board pursuant to 2191
this section and Chapter 119. of the Revised Code becomes 2192
effective. Once a final adjudicative order has been issued by 2193
the board, any party adversely affected by it may file an appeal 2194
in accordance with the requirements of Chapter 119. of the 2195
Revised Code. 2196

The board shall issue its final adjudicative order within 2197
seventy-five days after completion of its hearing. A failure to 2198
issue the order within seventy-five days shall result in 2199
dissolution of the summary suspension order but shall not 2200
invalidate any subsequent, final adjudicative order. 2201

(H) If the board takes action under division (B) (9), (11), 2202
or (13) of this section and the judicial finding of guilt, 2203
guilty plea, or judicial finding of eligibility for intervention 2204
in lieu of conviction is overturned on appeal, upon exhaustion 2205
of the criminal appeal, a petition for reconsideration of the 2206
order may be filed with the board along with appropriate court 2207
documents. Upon receipt of a petition of that nature and 2208
supporting court documents, the board shall reinstate the 2209
individual's license or certificate to practice. The board may 2210
then hold an adjudication under Chapter 119. of the Revised Code 2211
to determine whether the individual committed the act in 2212
question. Notice of an opportunity for a hearing shall be given 2213
in accordance with Chapter 119. of the Revised Code. If the 2214

board finds, pursuant to an adjudication held under this 2215
division, that the individual committed the act or if no hearing 2216
is requested, the board may order any of the sanctions 2217
identified under division (B) of this section. 2218

(I) The license or certificate to practice issued to an 2219
individual under this chapter and the individual's practice in 2220
this state are automatically suspended as of the date of the 2221
individual's second or subsequent plea of guilty to, or judicial 2222
finding of guilt of, a violation of section 2919.123 or 2919.124 2223
of the Revised Code. In addition, the license or certificate to 2224
practice or certificate to recommend issued to an individual 2225
under this chapter and the individual's practice in this state 2226
are automatically suspended as of the date the individual pleads 2227
guilty to, is found by a judge or jury to be guilty of, or is 2228
subject to a judicial finding of eligibility for intervention in 2229
lieu of conviction in this state or treatment or intervention in 2230
lieu of conviction in another jurisdiction for any of the 2231
following criminal offenses in this state or a substantially 2232
equivalent criminal offense in another jurisdiction: aggravated 2233
murder, murder, voluntary manslaughter, felonious assault, 2234
trafficking in persons, kidnapping, rape, sexual battery, gross 2235
sexual imposition, aggravated arson, aggravated robbery, or 2236
aggravated burglary. Continued practice after suspension shall 2237
be considered practicing without a license or certificate. 2238

The board shall notify the individual subject to the 2239
suspension in accordance with sections 119.05 and 119.07 of the 2240
Revised Code. If an individual whose license or certificate is 2241
automatically suspended under this division fails to make a 2242
timely request for an adjudication under Chapter 119. of the 2243
Revised Code, the board shall do whichever of the following is 2244
applicable: 2245

(1) If the automatic suspension under this division is for 2246
a second or subsequent plea of guilty to, or judicial finding of 2247
guilt of, a violation of section 2919.123 or 2919.124 of the 2248
Revised Code, the board shall enter an order suspending the 2249
individual's license or certificate to practice for a period of 2250
at least one year or, if determined appropriate by the board, 2251
imposing a more serious sanction involving the individual's 2252
license or certificate to practice. 2253

(2) In all circumstances in which division (I)(1) of this 2254
section does not apply, enter a final order permanently revoking 2255
the individual's license or certificate to practice. 2256

(J) If the board is required by Chapter 119. of the 2257
Revised Code to give notice of an opportunity for a hearing and 2258
if the individual subject to the notice does not timely request 2259
a hearing in accordance with section 119.07 of the Revised Code, 2260
the board is not required to hold a hearing, but may adopt, by 2261
an affirmative vote of not fewer than six of its members, a 2262
final order that contains the board's findings. In that final 2263
order, the board may order any of the sanctions identified under 2264
division (A) or (B) of this section. 2265

(K) Any action taken by the board under division (B) of 2266
this section resulting in a suspension from practice shall be 2267
accompanied by a written statement of the conditions under which 2268
the individual's license or certificate to practice may be 2269
reinstated. The board shall adopt rules governing conditions to 2270
be imposed for reinstatement. Reinstatement of a license or 2271
certificate suspended pursuant to division (B) of this section 2272
requires an affirmative vote of not fewer than six members of 2273
the board. 2274

(L) When the board refuses to grant or issue a license or 2275

certificate to practice to an applicant, revokes an individual's 2276
license or certificate to practice, refuses to renew an 2277
individual's license or certificate to practice, or refuses to 2278
reinstate an individual's license or certificate to practice, 2279
the board may specify that its action is permanent. An 2280
individual subject to a permanent action taken by the board is 2281
forever thereafter ineligible to hold a license or certificate 2282
to practice and the board shall not accept an application for 2283
reinstatement of the license or certificate or for issuance of a 2284
new license or certificate. 2285

(M) Notwithstanding any other provision of the Revised 2286
Code, all of the following apply: 2287

(1) The surrender of a license or certificate issued under 2288
this chapter shall not be effective unless or until accepted by 2289
the board. A telephone conference call may be utilized for 2290
acceptance of the surrender of an individual's license or 2291
certificate to practice. The telephone conference call shall be 2292
considered a special meeting under division (F) of section 2293
121.22 of the Revised Code. Reinstatement of a license or 2294
certificate surrendered to the board requires an affirmative 2295
vote of not fewer than six members of the board. 2296

(2) An application for a license or certificate made under 2297
the provisions of this chapter may not be withdrawn without 2298
approval of the board. 2299

(3) Failure by an individual to renew a license or 2300
certificate to practice in accordance with this chapter or a 2301
certificate to recommend in accordance with rules adopted under 2302
section 4731.301 of the Revised Code does not remove or limit 2303
the board's jurisdiction to take any disciplinary action under 2304
this section against the individual. 2305

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

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

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

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

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

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

do all of the following: 2335

(1) Offer in appropriate cases as determined by the board 2336
an educational and assessment program pursuant to an 2337
investigation the board conducts under this section; 2338

(2) Select providers of educational and assessment 2339
services, including a quality intervention program panel of case 2340
reviewers; 2341

(3) Make referrals to educational and assessment service 2342
providers and approve individual educational programs 2343
recommended by those providers. The board shall monitor the 2344
progress of each individual undertaking a recommended individual 2345
educational program. 2346

(4) Determine what constitutes successful completion of an 2347
individual educational program and require further monitoring of 2348
the individual who completed the program or other action that 2349
the board determines to be appropriate; 2350

(5) Adopt rules in accordance with Chapter 119. of the 2351
Revised Code to further implement the quality intervention 2352
program. 2353

An individual who participates in an individual 2354
educational program pursuant to this division shall pay the 2355
financial obligations arising from that educational program. 2356

(P) The board shall not refuse to issue a license to an 2357
applicant because of a conviction, plea of guilty, judicial 2358
finding of guilt, judicial finding of eligibility for 2359
intervention in lieu of conviction, or the commission of an act 2360
that constitutes a criminal offense, unless the refusal is in 2361
accordance with section 9.79 of the Revised Code. 2362

(Q) A license or certificate to practice or certificate to
recommend issued to an individual under this chapter and an
individual's practice under this chapter in this state are
automatically suspended if the individual's license or
certificate to practice a health care occupation or provide
health care services is suspended, revoked, or surrendered or
relinquished in lieu of discipline by an agency responsible for
authorizing, certifying, or regulating an individual to practice
a health care occupation or provide health care services in this
state or another jurisdiction. The automatic suspension begins
immediately upon entry of the order by the agency and lasts for
ninety days to permit the board to investigate the basis for the
action under this chapter. Continued practice during the
automatic suspension shall be considered practicing without a
license or certificate.

The board shall notify the individual subject to the
automatic suspension by certified mail or in person in
accordance with section 119.07 of the Revised Code. If an
individual subject to an automatic suspension under this
division fails to make a timely request for an adjudication
under Chapter 119. of the Revised Code, the board is not
required to hold a hearing, but may adopt, by an affirmative
vote of not fewer than six of its members, a final order that
contains the board's findings. In that final order, the board
may order any of the sanctions identified under division (A) or
(B) of this section.

Sec. 4731.281. (A) (1) A license issued under this chapter
to practice medicine and surgery, osteopathic medicine and
surgery, or podiatric medicine and surgery shall be valid for a
two-year period unless revoked or suspended. A license shall
expire on the date that is two years from the date of issuance

and may be renewed for additional two-year periods. Applications 2394
for renewal shall be submitted to the state medical board in a 2395
manner prescribed by the board. Each renewal application shall 2396
include a check box for a physician who is subject to section 2397
4731.89 of the Revised Code to certify compliance with divisions 2398
(B) (2) and (3) of that section. 2399

Each application shall be accompanied by a biennial 2400
renewal fee of three hundred five dollars. 2401

The board shall deposit the fee in accordance with section 2402
4731.24 of the Revised Code, except that the board shall deposit 2403
twenty dollars of the fee into the state treasury to the credit 2404
of the physician loan repayment fund created by section 3702.78 2405
of the Revised Code. 2406

(2) The board shall provide a renewal notice to every 2407
person holding a license to practice medicine and surgery, 2408
osteopathic medicine and surgery, or podiatric medicine and 2409
surgery, a renewal notice. The board may provide the notice to 2410
the person through the secretary of any recognized medical, 2411
osteopathic, or podiatric society. The notice shall be provided 2412
to the person at least one month prior to the date on which the 2413
person's license expires. 2414

(3) Failure of any person to receive a notice of renewal 2415
from the board shall not excuse the person from the requirements 2416
contained in this section. 2417

(4) The board's notice shall inform the applicant of the 2418
renewal procedure. The board shall provide the application for 2419
renewal in a form determined by the board. 2420

(5) The applicant shall provide in the application the 2421
applicant's full name; the applicant's residence address, 2422

business address, and electronic mail address; the number of the 2423
applicant's license to practice; and any other information 2424
required by the board. 2425

(6) (a) Except as provided in division (A) (6) (b) of this 2426
section, in the case of an applicant who prescribes or 2427
personally furnishes opioid analgesics or benzodiazepines, as 2428
defined in section 3719.01 of the Revised Code, the applicant 2429
shall certify to the board whether the applicant has been 2430
granted access to the drug database established and maintained 2431
by the state board of pharmacy pursuant to section 4729.75 of 2432
the Revised Code. 2433

(b) The requirement described in division (A) (6) (a) of 2434
this section does not apply if any of the following is the case: 2435

(i) The state board of pharmacy notifies the state medical 2436
board pursuant to section 4729.861 of the Revised Code that the 2437
applicant has been restricted from obtaining further information 2438
from the drug database. 2439

(ii) The state board of pharmacy no longer maintains the 2440
drug database. 2441

(iii) The applicant does not practice medicine and 2442
surgery, osteopathic medicine and surgery, or podiatric medicine 2443
and surgery in this state. 2444

(c) If an applicant certifies to the state medical board 2445
that the applicant has been granted access to the drug database 2446
and the board finds through an audit or other means that the 2447
applicant has not been granted access, the board may take action 2448
under section 4731.22 of the Revised Code. 2449

(7) The applicant shall indicate whether the applicant 2450
currently collaborates, as that term is defined in section 2451

4723.01 of the Revised Code, with any clinical nurse 2452
specialists, certified nurse-midwives, or certified nurse 2453
practitioners. 2454

(8) The applicant shall report any criminal offense to 2455
which the applicant has pleaded guilty, of which the applicant 2456
has been found guilty, or for which the applicant has been found 2457
eligible for intervention in lieu of conviction, since last 2458
submitting an application for a license to practice or renewal 2459
of a license. 2460

(9) The applicant shall execute and deliver the 2461
application to the board in a manner prescribed by the board. 2462

(B) The board shall renew a license under this chapter to 2463
practice medicine and surgery, osteopathic medicine and surgery, 2464
or podiatric medicine and surgery upon application and 2465
qualification therefor in accordance with this section. A 2466
renewal shall be valid for a two-year period. 2467

(C) Failure of any license holder to renew and comply with 2468
this section shall operate automatically to suspend the holder's 2469
license to practice and if applicable, the holder's certificate 2470
to recommend issued under section 4731.30 of the Revised Code. 2471
Continued practice after the suspension shall be considered as 2472
practicing in violation of section 4731.41, 4731.43, or 4731.60 2473
of the Revised Code. 2474

If the license has been suspended pursuant to this 2475
division for two years or less, it may be reinstated. The board 2476
shall reinstate a license to practice suspended for failure to 2477
renew upon an applicant's submission of a renewal application 2478
and payment of a reinstatement fee of four hundred five dollars. 2479

If the license has been suspended pursuant to this 2480

division for more than two years, it may be restored. Subject to 2481
section 4731.222 of the Revised Code, the board may restore a 2482
license to practice suspended for failure to renew upon an 2483
applicant's submission of a restoration application, payment of 2484
a restoration fee of five hundred five dollars, and compliance 2485
with sections 4776.01 to 4776.04 of the Revised Code. The board 2486
shall not restore to an applicant a license unless the board, in 2487
its discretion, decides that the results of the criminal records 2488
check do not make the applicant ineligible for a license issued 2489
pursuant to section 4731.14 or 4731.56 of the Revised Code. 2490

Any reinstatement or restoration of a license to practice 2491
under this section shall operate automatically to renew the 2492
holder's certificate to recommend. 2493

(D) The state medical board may obtain information not 2494
protected by statutory or common law privilege from courts and 2495
other sources concerning malpractice claims against any person 2496
holding a license to practice under this chapter or practicing 2497
as provided in section 4731.36 of the Revised Code. 2498

(E) Each renewal notice provided by the board under 2499
division (A) (2) of this section to a person holding a license to 2500
practice medicine and surgery or osteopathic medicine and 2501
surgery shall inform the applicant of the reporting requirement 2502
established by division (H) of section 3701.79 of the Revised 2503
Code. At the discretion of the board, the information may be 2504
included on the application for renewal or on an accompanying 2505
page. 2506

(F) Each person holding a license to practice medicine and 2507
surgery, osteopathic medicine and surgery, or podiatric medicine 2508
and surgery shall give notice to the board of a change in the 2509
license holder's residence address, business address, or 2510

electronic mail address not later than thirty days after the 2511
change occurs. 2512

Sec. 4731.89. (A) As used in this section, "physician" 2513
means an individual authorized under this chapter to practice 2514
medicine and surgery or osteopathic medicine and surgery. 2515

(B) Beginning one year after the effective date of this 2516
section, a physician who performs annual physical examinations 2517
on individuals who are nineteen years of age or younger, or who 2518
performs examinations for purposes of division (E) of section 2519
3313.5310 of the Revised Code, shall do all of the following: 2520

(1) For each such examination, complete the 2521
preparticipation physical evaluation form created pursuant to 2522
division (D) of section 3707.59 of the Revised Code; 2523

(2) At least once every four years, complete the childhood 2524
cardiac screening professional development module established 2525
under section 3707.591 of the Revised Code. The physician shall 2526
retain on file at the physician's primary place of practice a 2527
hard copy of the certificate of completion, and shall make it 2528
available to the state medical board on request. 2529

(3) At least once every four years, read the guidelines 2530
and other relevant educational materials developed under 2531
division (B) (1) of section 3707.59 of the Revised Code; 2532

(4) Annually report to the department of health the total 2533
number of examinations for which the preparticipation physical 2534
evaluation form was completed and the total number of cardiology 2535
referrals resulting from those examinations. 2536

Sec. 5164.21. (A) A medicaid provider who is a physician 2537
to which section 4731.89 of the Revised Code applies, and who 2538
fails to comply with division (B) (2) or (3) of that section, 2539

shall not seek payment from the medicaid program for any 2540
examination to which the failure applies. Any such physician 2541
shall not collect from or bill a medicaid recipient for any 2542
examination for which this division prohibits the physician from 2543
seeking payment from the medicaid program. 2544

(B) A medicaid provider who is an advanced practice 2545
registered nurse to which section 4723.484 of the Revised Code 2546
applies, and who fails to comply with division (B) or (C) of 2547
that section, shall not seek payment from the medicaid program 2548
for any examination to which the failure applies. Any such 2549
advanced practice registered nurse shall not collect from or 2550
bill a medicaid recipient for any examination for which this 2551
division prohibits the physician from seeking payment from the 2552
medicaid program. 2553

(C) A medicaid provider who is a physician assistant to 2554
which section 4730.46 of the Revised Code applies, and who fails 2555
to comply with division (B) or (C) of that section, shall not 2556
seek payment from the medicaid program for any examination to 2557
which the failure applies. Any such physician assistant shall 2558
not collect from or bill a medicaid recipient for any 2559
examination for which this division prohibits the physician from 2560
seeking payment from the medicaid program. 2561

Section 2. That existing sections 3313.5310, 3707.58, 2562
3707.59, 4723.24, 4723.28, 4730.14, 4730.25, 4731.22, and 2563
4731.281 of the Revised Code are hereby repealed. 2564

Section 3. The amendment or enactment by this act of 2565
sections 3313.5310, 3707.58, 3707.59, 3707.591, 3707.592, 2566
4723.24, 4723.28, 4723.484, 4730.14, 4730.25, 4730.46, 4731.22, 2567
4731.281, 4731.89, and 5164.21 of the Revised Code shall be 2568
known as the Healthy Cardiac Monitoring Act. 2569