

As Introduced

136th General Assembly

Regular Session

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H. B. No. 437

Representatives Rader, Schmidt

**Cosponsors: Representatives Brennan, Brewer, Brownlee, Grim, Rogers, Russo,
Miller, J.**

To amend sections 3313.5310, 3707.58, 3707.59, 1
4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 2
4730.99, 4731.22, 4731.281, and 4731.99 and to 3
enact sections 3707.591, 4723.484, 4730.46, 4
4731.89, and 5164.21 of the Revised Code 5
regarding cardiac monitoring for youth and to 6
name the amendments and enactments by this act 7
the Healthy Cardiac 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, 4723.99, 4730.14, 4730.25, 4730.99, 4731.22, 10
4731.281, and 4731.99 be amended and sections 3707.591, 11
4723.484, 4730.46, 4731.89, and 5164.21 of the Revised Code be 12
enacted to read as 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, a copy of the 62
pamphlet, as required by section 3707.59 of the Revised Code. A 63
completed form shall be submitted each school year, as defined 64
in section 3313.62 of the Revised Code, in which the student 65
participates in an athletic activity. 66

(D) No individual, including coaches and assistant 67
coaches, shall coach an athletic activity unless the individual 68
has completed the sudden cardiac arrest training course approved 69
by the department of health under division (C) of section 70
3707.59 of the Revised Code in accordance with section 3319.303 71
of the Revised Code. 72

~~(E) (1)~~—(E) Beginning one year after the effective date of 73
this amendment, a student shall not be allowed to participate in 74
an athletic activity unless the student has a physical 75
examination performed by an advanced practice registered nurse, 76

physician, or physician assistant, and the provider of the 77
examination completes the preparticipation physical evaluation 78
form created by the department of health pursuant to division 79
(D) of section 3707.59 of the Revised Code. The preparticipation 80
physical examination shall be conducted within six weeks of the 81
first day of official practice in an athletic season, or within 82
six weeks of the first day that the student begins to 83
participate in an athletic activity, whichever is later. The 84
preparticipation physical examination is valid for all athletic 85
activities for up to one academic year. Each school subject to 86
this section shall retain all original, signed preparticipation 87
physical evaluation forms, but may share forms across 88
organizations if a student participates in more than one 89
athletic activity. 90

(F) (1) A student shall not be allowed to participate in an 91
athletic activity if ~~either of the following is the case:~~ 92

~~(a) The student's biological parent, biological sibling,~~ 93
~~or biological child has previously experienced sudden cardiac~~ 94
~~arrest, and the student has not been evaluated and cleared for~~ 95
~~participation in an athletic activity by a physician authorized~~ 96
~~under Chapter 4731. of the Revised Code to practice medicine and~~ 97
~~surgery or osteopathic medicine and surgery.~~ 98

~~(b) The~~ the student is known to have exhibited syncope or 99
fainting at any time prior to or following an athletic activity 100
and has not been evaluated and cleared for return under division 101
~~(E) (3)~~ (E) or (F) (3) of this section after exhibiting syncope or 102
fainting. 103

(2) A student shall be removed by the student's coach from 104
participation in an athletic activity if the student exhibits 105
syncope or fainting. 106

(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division ~~(E) (1)~~ (F) (1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

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

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

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

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

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

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

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

~~(H) (1)~~ (I) (1) A school district, member of a school 136
district board of education, or school district employee or 137
volunteer, including a coach, is not liable in damages in a 138
civil action for injury, death, or loss to person or property 139
allegedly arising from providing services or performing duties 140
under this section, unless the act or omission constitutes 141
willful or wanton misconduct. 142

This section does not eliminate, limit, or reduce any 143
other immunity or defense that a school district, member of a 144
school district board of education, or school district employee 145
or volunteer, including a coach, may be entitled to under 146
Chapter 2744. or any other provision of the Revised Code or 147
under the common law of this state. 148

(2) A chartered or nonchartered nonpublic school or any 149
officer, director, employee, or volunteer of the school, 150
including a coach, is not liable in damages in a civil action 151
for injury, death, or loss to person or property allegedly 152
arising from providing services or performing duties under this 153
section, unless the act or omission constitutes willful or 154
wanton misconduct. 155

Sec. 3707.58. (A) As used in this section: 156

(1) "Advanced practice registered nurse" means an 157
individual who holds a current, valid license issued under 158
Chapter 4723. of the Revised Code that authorizes the practice 159
of nursing as an advanced practice registered nurse and is 160
designated as a clinical nurse specialist or certified nurse 161
practitioner. 162

(2) "Physician" means an individual authorized under 163
Chapter 4731. of the Revised Code to practice medicine and 164

surgery or osteopathic medicine and surgery. 165

(3) "Physician assistant" means an individual who is 166
licensed to practice as a physician assistant under Chapter 167
4730. of the Revised Code. 168

(4) "Youth athlete" means an individual who wishes to 169
practice for or compete in athletic activities organized by a 170
youth sports organization; 171

~~(2)~~ (5) "Youth sports organization" has the same meaning as 172
in section 3707.51 of the Revised Code. 173

(B) Prior to the start of each athletic season, a youth 174
sports organization that is subject to this section shall hold 175
an informational meeting for youth athletes, parents, guardians, 176
other persons having care or charge of a youth athlete, 177
physicians, pediatric cardiologists, athletic trainers, and any 178
other persons regarding the symptoms and warning signs of sudden 179
cardiac arrest for all ages of youth athletes. 180

(C) No youth athlete shall participate in an athletic 181
activity organized by a youth sports organization until the 182
youth athlete has submitted to a designated official of the 183
youth sports organization a form signed by the youth athlete and 184
the parent, guardian, or other person having care or charge of 185
the youth athlete stating that the youth athlete and the parent, 186
guardian, or other person having care or charge of the youth 187
athlete have received and reviewed a copy of the information 188
developed by the department of health and the department of 189
education and workforce and posted on their respective internet 190
web sites, and, once produced, a copy of the pamphlet, as 191
required by section 3707.59 of the Revised Code. A completed 192
form shall be submitted each calendar year to each youth sports 193

organization that organizes an athletic activity in which the 194
youth athlete participates. 195

(D) No individual shall coach an athletic activity 196
organized by a youth sports organization unless the individual 197
has completed, on an annual basis, the sudden cardiac arrest 198
training course approved by the department of health under 199
division (C) of section 3707.59 of the Revised Code. 200

~~(E)(1)~~ (E) Beginning one year after the effective date of 201
this amendment, a youth athlete shall not be allowed to 202
participate in an athletic activity organized by a youth sports 203
organization unless the athlete has a physical examination 204
performed by an advanced practice registered nurse, physician, 205
or physician assistant, and the provider of the examination 206
completes the preparticipation physical evaluation form created 207
by the department of health pursuant to division (D) of section 208
3707.59 of the Revised Code. The preparticipation physical 209
examination shall be conducted within six weeks of the first day 210
of official practice for the athletic activity, or within six 211
weeks of the first day that the youth athlete begins to 212
participate in an athletic activity, whichever is later. The 213
preparticipation physical evaluation is valid for all athletic 214
activities for up to one academic year. Youth sports 215
organizations shall retain all original, signed preparticipation 216
physical evaluation forms, but may share forms across 217
organizations if a student participates in more than one 218
athletic activity. 219

(F)(1) A youth athlete shall not be allowed to participate 220
in an athletic activity organized by a youth sports organization 221
if ~~either of the following is the case:-~~ 222

~~(a) The youth athlete's biological parent, biological~~ 223

~~sibling, or biological child has previously experienced sudden- 224~~
~~cardiac arrest, and the youth athlete has not been evaluated and 225~~
~~cleared for participation in an athletic activity organized by a 226~~
~~youth sports organization by a physician authorized under- 227~~
~~Chapter 4731. of the Revised Code to practice medicine and- 228~~
~~surgery or osteopathic medicine and surgery.- 229~~

~~(b) The~~ the youth athlete is known to have exhibited 230
syncope or fainting at any time prior to or following an 231
athletic activity and has not been evaluated and cleared for 232
return under division ~~(E) (3)~~ (E) or (F) (3) of this section after 233
exhibiting syncope or fainting. 234

(2) A youth athlete shall be removed by the youth 235
athlete's coach from participation in an athletic activity 236
organized by a youth sports organization if the youth athlete 237
exhibits syncope or fainting. 238

(3) If a youth athlete is not allowed to participate in or 239
is removed from participation in an athletic activity organized 240
by a youth sports organization under division ~~(E) (1)~~ (F) (1) or 241
(2) of this section, the youth athlete shall not be allowed to 242
return to participation until the youth athlete is evaluated and 243
cleared for return in writing by any of the following: 244

(a) ~~A physician authorized under Chapter 4731. of the~~ 245
~~Revised Code to practice medicine and surgery or osteopathic~~ 246
~~medicine and surgery,~~ including a physician who specializes in 247
cardiology; 248

(b) ~~A certified nurse practitioner, clinical nurse~~ 249
~~specialist, or certified nurse-midwife who holds a certificate~~ 250
~~of authority issued under Chapter 4723. of the Revised Code~~ An 251
advanced practice registered nurse; 252

<u>(c) A physician assistant.</u>	253
The licensed health care providers specified in divisions	254
(E) (3) (a) and <u>(F) (3) (a), (b), and (c)</u> of this section may	255
consult with any other licensed or certified health care	256
providers in order to determine whether a youth athlete is ready	257
to return to participation.	258
(F) <u>(G)</u> A youth sports organization that is subject to this	259
section shall establish penalties for a coach who violates the	260
provisions of division (E) <u>(F)</u> of this section.	261
(G) (1) <u>(H) (1)</u> A youth sports organization or official,	262
employee, or volunteer of a youth sports organization, including	263
a coach, is not liable in damages in a civil action for injury,	264
death, or loss to person or property allegedly arising from	265
providing services or performing duties under this section,	266
unless the act or omission constitutes willful or wanton	267
misconduct.	268
(2) This section does not eliminate, limit, or reduce any	269
other immunity or defense that a public entity, public official,	270
or public employee may be entitled to under Chapter 2744. or any	271
other provision of the Revised Code or under the common law of	272
this state.	273
Sec. 3707.59. (A) As used in this section:	274
(1) "Athletic activity" means both of the following:	275
(a) An athletic activity, as defined in section 3313.5310	276
of the Revised Code;	277
(b) An athletic activity organized by a youth sports	278
organization.	279
(2) "Youth athlete" and "youth sports organization" have	280

the same meanings as in section 3707.58 of the Revised Code. 281

(B) The department of health and the department of 282
education and workforce jointly shall ~~develop~~ do both of the 283
following: 284

(1) Develop and ~~shall~~ post on their respective internet 285
web sites guidelines and other relevant materials to inform and 286
educate students and youth athletes participating in or desiring 287
to participate in an athletic activity, their parents, and their 288
coaches about the nature and warning signs of sudden cardiac 289
arrest. These guidelines and materials shall address the risks 290
associated with continuing to participate in an athletic 291
activity after experiencing one or more symptoms of sudden 292
cardiac arrest, such as fainting, difficulty breathing, chest 293
pains, dizziness, and an abnormal racing heart rate. In 294
developing guidelines and other relevant materials under this 295
division, the department of health and the department of 296
education and workforce shall consult with the Ohio chapter of 297
the American college of cardiology and with an interscholastic 298
conference or an organization that regulates interscholastic 299
athletic competition and conducts interscholastic athletic 300
events. 301

In developing guidelines and materials under this 302
division, the departments may utilize existing materials 303
developed by the parent heart watch organization, the sudden 304
arrhythmia death syndromes foundation, and any other 305
organizations deemed appropriate by the departments. 306

(2) (a) Not later than one year after the effective date of 307
this amendment, develop a pamphlet that provides information 308
about sudden cardiac arrest in children or adults. The pamphlet 309
shall include an explanation of sudden cardiac arrest, its 310

incidence, early warning signs, and an overview of the options 311
that are available to screen for cardiac conditions that may 312
lead to sudden cardiac arrest, including a statement about the 313
limitations of those options. The pamphlet may include any of 314
the information from the guidelines developed under division (B) 315
(1) of this section. The pamphlet shall be updated as the 316
departments determine appropriate. 317

In developing the pamphlet under this division, the 318
department of health and the department of education and 319
workforce shall consult with the American academy of pediatrics 320
and the American heart association. 321

(b) The department of education and workforce shall 322
distribute the pamphlet free of charge to all school districts 323
in Ohio. The department shall distribute copies to any other 324
school on request. 325

(C) For purposes of the training required for a coach of 326
an athletic activity under division (D) of section 3313.5310 or 327
division (D) of section 3707.58 of the Revised Code, the 328
department of health shall approve a sudden cardiac arrest 329
training course offered by an outside entity. 330

(D) Not later than one year after the effective date of 331
this amendment, the department of health shall create a 332
preparticipation physical evaluation form to be used for 333
purposes of sections 4723.484, 4730.46, and 4731.89 of the 334
Revised Code. The form shall be based on a form developed by the 335
American academy of family physicians, American academy of 336
pediatrics, American college of sports medicine, American 337
medical society for sports medicine, American orthopaedic 338
society for sports medicine, and American osteopathic academy of 339
sports medicine, and be based on the American heart 340

association's fourteen-point screening for heart disease in the 341
young. The form created by the department shall contain all of 342
the following: 343

(1) A patient history component, including questions 344
regarding the biologic heart health of the individual and the 345
individual's biologic parents, including a sperm or egg donor, 346
if applicable. The patient history component must include all of 347
the following questions, to be answered about the patient to the 348
extent possible: 349

(a) "Have you ever fainted, passed out, or had an 350
unexplained seizure suddenly and without warning, especially 351
during exercise or in response to sudden loud noises, such as 352
doorbells, alarm clocks, and ringing telephones?" 353

(b) "Have you ever had exercise-related chest pain or 354
shortness of breath?" 355

(c) "Has anyone in your immediate family (parents, 356
grandparents, siblings) or other more distant relatives (aunts, 357
uncles, cousins) died of heart problems or had an unexpected 358
sudden death before age fifty, including any unexpected 359
drownings, unexplained automobile crashes in which the relative 360
was driving, or sudden unexplained infant death?" 361

(d) "Are you related to anyone with hypertrophic 362
cardiomyopathy or hypertrophic obstructive cardiomyopathy, 363
marfan syndrome, arrhythmogenic cardiomyopathy, long QT 364
syndrome, short QT syndrome, brugada syndrome, or 365
catecholaminergic polymorphic ventricular tachycardia, wolff- 366
parkinson-white syndrome, or anyone younger than fifty years 367
with a pacemaker or implantable defibrillator?" 368

(2) A physical examination component; 369

(3) A certification to be signed by the health care 370
professional who performs the physical examination, certifying 371
that the health care professional has complied with the 372
following: 373

(a) For a physician, divisions (B) (2) and (3) of section 374
4731.89 of the Revised Code; 375

(b) For a physician assistant, divisions (A) (2) and (3) of 376
section 4730.46 of the Revised Code; 377

(c) For a clinical nurse specialist or certified nurse 378
practitioner, divisions (A) (2) and (3) of section 4723.484 of 379
the Revised Code. 380

Sec. 3707.591. (A) Not later than one year after the 381
effective date of this section, the director of health, in 382
consultation with the department of education and workforce, 383
shall establish a childhood cardiac screening professional 384
development module to increase the assessment skills of health 385
care professionals who perform annual physical examinations and 386
screenings for children. As part of establishing the module, the 387
director may develop a module that meets the requirements of 388
division (B) of this section or may adopt the student-athlete 389
cardiac assessment professional development module created by 390
the New Jersey commissioners of education and health. 391

(B) If the director of health, in consultation with the 392
department of education and workforce, develops a module as 393
described in division (A) of this section, the director and the 394
department of education and workforce shall do both of the 395
following: 396

(1) Consult with the academy of family physicians, the 397
American heart association, and the Ohio chapter of the American 398

<u>college of cardiology in developing the module;</u>	399
<u>(2) Include all of the following in the module:</u>	400
<u>(a) How to complete and review a detailed medical history</u>	401
<u>with an emphasis on cardiovascular family history and personal</u>	402
<u>reports of symptoms;</u>	403
<u>(b) Identification of symptoms of sudden cardiac arrest</u>	404
<u>that may require follow up with a cardiologist;</u>	405
<u>(c) Recognition of normal structural changes of the</u>	406
<u>athletic heart;</u>	407
<u>(d) Recognition of prodromal symptoms that precede sudden</u>	408
<u>cardiac arrest;</u>	409
<u>(e) Performance of the cardiovascular physical</u>	410
<u>examination;</u>	411
<u>(f) Review of the major etiologies of sudden unexplained</u>	412
<u>cardiac death with an emphasis on structural abnormalities and</u>	413
<u>acquired conditions;</u>	414
<u>(g) When to refer a patient to a cardiologist for further</u>	415
<u>assessment.</u>	416
<u>(C) The department of health and the department of</u>	417
<u>education and workforce shall post the module established</u>	418
<u>pursuant to this section on their internet web sites. The</u>	419
<u>department of health shall make internet links to the module</u>	420
<u>available to the American academy of pediatrics, Ohio academy of</u>	421
<u>family physicians, American heart association, American college</u>	422
<u>of cardiology, athletic trainers' society, state medical board,</u>	423
<u>board of nursing, and society of physician assistants.</u>	424
<u>(D) The department of health shall facilitate the database</u>	425

storage of information related to all health care professionals 426
who complete the course as required by sections 4723.484, 427
4730.46, and 4731.89 of the Revised Code. The department may 428
coordinate with health care professional licensing boards to 429
store the information on behalf of the department, as the 430
department considers appropriate. The records shall be kept for 431
ten years. 432

(E) The department of health shall complete an annual 433
report on outcomes related to the module and health care 434
professional reports under sections 4723.484, 4730.46, and 435
4731.89 of the Revised Code. The department shall post the 436
report on its internet web site and provide a copy to any member 437
of the public on request. 438

Sec. 4723.24. (A) (1) Except as otherwise provided in this 439
chapter, all of the following apply with respect to the 440
schedules for renewal of licenses and certificates issued by the 441
board of nursing: 442

(a) An active license to practice nursing as a registered 443
nurse is subject to renewal in odd-numbered years. An 444
application for renewal of the license is due on the fifteenth 445
day of September of the renewal year. A late application may be 446
submitted before the license lapses. If a license is not renewed 447
or classified as inactive, the license lapses on the first day 448
of November of the renewal year. 449

(b) An active license to practice nursing as a licensed 450
practical nurse is subject to renewal in even-numbered years. An 451
application for renewal of the license is due on the fifteenth 452
day of September of the renewal year. A late application may be 453
submitted before the license lapses. If a license is not renewed 454
or classified as inactive, the license lapses on the first day 455

of November of the renewal year. 456

(c) An active license to practice nursing as an advanced 457
practice registered nurse is subject to renewal in odd-numbered 458
years. An application for renewal of the license is due on the 459
fifteenth day of September of the renewal year. A late 460
application may be submitted before the license lapses. If a 461
license is not renewed or classified as inactive, the license 462
lapses on the first day of November of the renewal year. 463

(d) All other active licenses and certificates issued 464
under this chapter are subject to renewal according to a 465
schedule established by the board in rules adopted under section 466
4723.07 of the Revised Code. 467

(2) The board shall provide an application for renewal to 468
every holder of an active license or certificate, except when 469
the board is aware that an individual is ineligible for license 470
or certificate renewal for any reason, including pending 471
criminal charges in this state or another jurisdiction, failure 472
to comply with a disciplinary order from the board or the terms 473
of a consent agreement entered into with the board, failure to 474
pay fines or fees owed to the board, or failure to provide on 475
the board's request documentation of having completed the 476
continuing nursing education requirements specified in division 477
(C) of this section. 478

If the board provides a renewal application by mail, the 479
application shall be addressed to the last known post-office 480
address of the license or certificate holder and mailed before 481
the date the application is due. Failure of the license or 482
certificate holder to receive an application for renewal from 483
the board shall not excuse the holder from the requirements 484
contained in this section, except as provided in section 5903.10 485

of the Revised Code. 486

As applicable, the renewal application shall include a 487
check box for an advanced practice registered nurse who is 488
subject to section 4723.484 of the Revised Code to certify 489
compliance with divisions (A) (2) and (3) of that section. 490

(3) A license or certificate holder seeking renewal of the 491
license or certificate shall complete the renewal application 492
and submit it to the board with the renewal fee established 493
under section 4723.08 of the Revised Code. If a renewal 494
application is submitted after the date the application is due, 495
but before the date the license or certificate lapses, the 496
applicant shall include with the application the fee established 497
under section 4723.08 of the Revised Code for processing a late 498
application for renewal. 499

With the renewal application, the applicant shall report 500
any conviction, plea, or judicial finding regarding a criminal 501
offense that constitutes grounds for the board to impose 502
sanctions under section 4723.28 of the Revised Code since the 503
applicant last submitted an application to the board. 504

(4) On receipt of the renewal application, the board shall 505
verify whether the applicant meets the renewal requirements. If 506
the applicant meets the requirements, the board shall renew the 507
license or certificate. 508

(B) Every license or certificate holder shall give written 509
notice to the board of any change of name or address within 510
thirty days of the change. The board shall require the holder to 511
document a change of name in a manner acceptable to the board. 512

(C) (1) Except in the case of a first renewal after 513
licensure by examination, to be eligible for renewal of an 514

active license to practice nursing as a registered nurse or 515
licensed practical nurse, each individual who holds an active 516
license shall, in each two-year period specified by the board, 517
complete continuing nursing education as follows: 518

(a) For renewal of a license that was issued for a two- 519
year renewal period, twenty-four hours of continuing nursing 520
education; 521

(b) For renewal of a license that was issued for less than 522
a two-year renewal period, the number of hours of continuing 523
nursing education specified by the board in rules adopted in 524
accordance with Chapter 119. of the Revised Code; 525

(c) Of the hours of continuing nursing education completed 526
in any renewal period, at least one hour of the education must 527
be directly related to the statutes and rules pertaining to the 528
practice of nursing in this state. 529

(2) To be eligible for renewal of an active license to 530
practice nursing as an advanced practice registered nurse, each 531
individual who holds an active license shall, in each two-year 532
period specified by the board, complete continuing education as 533
follows: 534

(a) For renewal of a license that was issued for a two- 535
year renewal period, twenty-four hours of continuing nursing 536
education; 537

(b) For renewal of a license that was issued for less than 538
a two-year renewal period, the number of hours of continuing 539
nursing education specified by the board in rules adopted in 540
accordance with Chapter 119. of the Revised Code, including the 541
number of hours of continuing education in advanced 542
pharmacology; 543

(c) In the case of an advanced practice registered nurse 544
who is designated as a clinical nurse specialist, certified 545
nurse-midwife, or certified nurse practitioner, of the hours of 546
continuing nursing education completed in any renewal period, at 547
least twelve hours of the education must be in advanced 548
pharmacology and be received from an accredited institution 549
recognized by the board. 550

(d) The continuing education required by division (C) (2) 551
(a) or (b) of this section is in addition to the continuing 552
education required by division (C) (1) (a) or (b) of this section. 553

(3) The board shall adopt rules establishing the procedure 554
for a license holder to certify to the board completion of the 555
required continuing nursing education. The board may conduct a 556
random sample of license holders and require that the license 557
holders included in the sample submit satisfactory documentation 558
of having completed the requirements for continuing nursing 559
education. On the board's request, a license holder included in 560
the sample shall submit the required documentation. 561

(4) An educational activity may be applied toward meeting 562
the continuing nursing education requirement only if it is 563
obtained through a program or course approved by the board or a 564
person the board has authorized to approve continuing nursing 565
education programs and courses. 566

(5) The continuing education required of a certified 567
registered nurse anesthetist, clinical nurse specialist, 568
certified nurse-midwife, or certified nurse practitioner to 569
maintain certification by a national certifying organization 570
shall be applied toward the continuing education requirements 571
for renewal of the following if the continuing education is 572
obtained through a program or course approved by the board or a 573

person the board has authorized to approve continuing nursing 574
education programs and courses: 575

(a) A license to practice nursing as a registered nurse; 576

(b) A license to practice nursing as an advanced practice 577
registered nurse. 578

(D) Except as otherwise provided in section 4723.28 of the 579
Revised Code, an individual who holds an active license to 580
practice nursing as a registered nurse or licensed practical 581
nurse and who does not intend to practice in Ohio may send to 582
the board written notice to that effect on or before the date 583
the license lapses, and the board shall classify the license as 584
inactive. During the period that the license is classified as 585
inactive, the holder may not engage in the practice of nursing 586
as a registered nurse or licensed practical nurse in Ohio and is 587
not required to pay the renewal fee. 588

The holder of an inactive license to practice nursing as a 589
registered nurse or licensed practical nurse or an individual 590
who has failed to renew the individual's license to practice 591
nursing as a registered nurse or licensed practical nurse may 592
have the license reactivated or reinstated upon doing the 593
following, as applicable to the holder or individual: 594

(1) Applying to the board for license reactivation or 595
reinstatement on forms provided by the board; 596

(2) Meeting the requirements for reactivating or 597
reinstating licenses established in rules adopted under section 598
4723.07 of the Revised Code or, if the individual did not renew 599
because of service in the armed forces of the United States or a 600
reserve component of the armed forces of the United States, 601
including the Ohio national guard or the national guard of any 602

other state, as provided in section 5903.10 of the Revised Code; 603

(3) If the license has been inactive for at least five 604
years from the date of application for reactivation or has 605
lapsed for at least five years from the date of application for 606
reinstatement, submitting a request to the bureau of criminal 607
identification and investigation for a criminal records check 608
and check of federal bureau of investigation records pursuant to 609
section 4723.091 of the Revised Code. 610

(E) Except as otherwise provided in section 4723.28 of the 611
Revised Code, an individual who holds an active license to 612
practice nursing as an advanced practice registered nurse and 613
does not intend to practice in Ohio as an advanced practice 614
registered nurse may send to the board written notice to that 615
effect on or before the renewal date, and the board shall 616
classify the license as inactive. During the period that the 617
license is classified as inactive, the holder may not engage in 618
the practice of nursing as an advanced practice registered nurse 619
in Ohio and is not required to pay the renewal fee. 620

The holder of an inactive license to practice nursing as 621
an advanced practice registered nurse or an individual who has 622
failed to renew the individual's license to practice nursing as 623
an advanced practice registered nurse may have the license 624
reactivated or reinstated upon doing the following, as 625
applicable to the holder or individual: 626

(1) Applying to the board for license reactivation or 627
reinstatement on forms provided by the board; 628

(2) Meeting the requirements for reactivating or 629
reinstating licenses established in rules adopted under section 630
4723.07 of the Revised Code or, if the individual did not renew 631

because of service in the armed forces of the United States or a 632
reserve component of the armed forces of the United States, 633
including the Ohio national guard or the national guard of any 634
other state, as provided in section 5903.10 of the Revised Code. 635

Sec. 4723.28. (A) The board of nursing, by a vote of a 636
quorum, may impose one or more of the following sanctions if it 637
finds that a person committed fraud in passing an examination 638
required to obtain a license or dialysis technician certificate 639
issued by the board or to have committed fraud, 640
misrepresentation, or deception in applying for or securing any 641
nursing license or dialysis technician certificate issued by the 642
board: deny, revoke, suspend, or place restrictions on any 643
nursing license or dialysis technician certificate issued by the 644
board; reprimand or otherwise discipline a holder of a nursing 645
license or dialysis technician certificate; or impose a fine of 646
not more than five hundred dollars per violation. 647

(B) Except as provided in section 4723.092 of the Revised 648
Code, the board of nursing, by a vote of a quorum, may impose 649
one or more of the following sanctions: deny, revoke, suspend, 650
or place restrictions on any nursing license or dialysis 651
technician certificate issued by the board; reprimand or 652
otherwise discipline a holder of a nursing license or dialysis 653
technician certificate; or impose a fine of not more than five 654
hundred dollars per violation. The sanctions may be imposed for 655
any of the following: 656

(1) Denial, revocation, suspension, or restriction of 657
authority to engage in a licensed profession or practice a 658
health care occupation, including nursing or practice as a 659
dialysis technician, for any reason other than a failure to 660
renew, in Ohio or another state or jurisdiction; 661

(2) Engaging in the practice of nursing or engaging in 662
practice as a dialysis technician, having failed to renew a 663
nursing license or dialysis technician certificate issued under 664
this chapter, or while a nursing license or dialysis technician 665
certificate is under suspension; 666

(3) Conviction of, a plea of guilty to, a judicial finding 667
of guilt of, a judicial finding of guilt resulting from a plea 668
of no contest to, or a judicial finding of eligibility for a 669
pretrial diversion or similar program or for intervention in 670
lieu of conviction for, a misdemeanor committed in the course of 671
practice; 672

(4) Conviction of, a plea of guilty to, a judicial finding 673
of guilt of, a judicial finding of guilt resulting from a plea 674
of no contest to, or a judicial finding of eligibility for a 675
pretrial diversion or similar program or for intervention in 676
lieu of conviction for, any felony or of any crime involving 677
gross immorality or moral turpitude; 678

(5) Selling, giving away, or administering drugs or 679
therapeutic devices for other than legal and legitimate 680
therapeutic purposes; or conviction of, a plea of guilty to, a 681
judicial finding of guilt of, a judicial finding of guilt 682
resulting from a plea of no contest to, or a judicial finding of 683
eligibility for a pretrial diversion or similar program or for 684
intervention in lieu of conviction for, violating any municipal, 685
state, county, or federal drug law; 686

(6) Conviction of, a plea of guilty to, a judicial finding 687
of guilt of, a judicial finding of guilt resulting from a plea 688
of no contest to, or a judicial finding of eligibility for a 689
pretrial diversion or similar program or for intervention in 690
lieu of conviction for, an act in another jurisdiction that 691

would constitute a felony or a crime of moral turpitude in Ohio; 692

(7) Conviction of, a plea of guilty to, a judicial finding 693
of guilt of, a judicial finding of guilt resulting from a plea 694
of no contest to, or a judicial finding of eligibility for a 695
pretrial diversion or similar program or for intervention in 696
lieu of conviction for, an act in the course of practice in 697
another jurisdiction that would constitute a misdemeanor in 698
Ohio; 699

(8) Self-administering or otherwise taking into the body 700
any dangerous drug, as defined in section 4729.01 of the Revised 701
Code, in any way that is not in accordance with a legal, valid 702
prescription issued for that individual, or self-administering 703
or otherwise taking into the body any drug that is a schedule I 704
controlled substance; 705

(9) Habitual or excessive use of controlled substances, 706
other habit-forming drugs, or alcohol or other chemical 707
substances to an extent that impairs the individual's ability to 708
provide safe nursing care or safe dialysis care; 709

(10) Impairment of the ability to practice according to 710
acceptable and prevailing standards of safe nursing care or safe 711
dialysis care because of the use of drugs, alcohol, or other 712
chemical substances; 713

(11) Impairment of the ability to practice according to 714
acceptable and prevailing standards of safe nursing care or safe 715
dialysis care because of a physical or mental disability; 716

(12) Assaulting or causing harm to a patient or depriving 717
a patient of the means to summon assistance; 718

(13) Misappropriation or attempted misappropriation of 719
money or anything of value in the course of practice; 720

- (14) Adjudication by a probate court of being mentally ill 721
or mentally incompetent. The board may reinstate the person's 722
nursing license or dialysis technician certificate upon 723
adjudication by a probate court of the person's restoration to 724
competency or upon submission to the board of other proof of 725
competency. 726
- (15) The suspension or termination of employment by the 727
United States department of defense or department of veterans 728
affairs for any act that violates or would violate this chapter; 729
- (16) Violation of this chapter or any rules adopted under 730
it; 731
- (17) Violation of any restrictions placed by the board on 732
a nursing license or dialysis technician certificate; 733
- (18) Failure to use universal and standard precautions 734
established by rules adopted under section 4723.07 of the 735
Revised Code; 736
- (19) Failure to practice in accordance with acceptable and 737
prevailing standards of safe nursing care or safe dialysis care; 738
- (20) In the case of a registered nurse, engaging in 739
activities that exceed the practice of nursing as a registered 740
nurse; 741
- (21) In the case of a licensed practical nurse, engaging 742
in activities that exceed the practice of nursing as a licensed 743
practical nurse; 744
- (22) In the case of a dialysis technician, engaging in 745
activities that exceed those permitted under section 4723.72 of 746
the Revised Code; 747
- (23) Aiding and abetting a person in that person's 748

practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; 749
750

(24) In the case of an advanced practice registered nurse, 751
except as provided in division (M) of this section, either of 752
the following: 753

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 754
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(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay. 760
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(25) Failure to comply with the terms and conditions of participation in the safe haven program conducted under sections 4723.35 and 4723.351 of the Revised Code; 765
766
767

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code; 768
769
770

(27) In the case of an advanced practice registered nurse: 771

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code; 772
773
774

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code. 775
776

(28) In the case of an advanced practice registered nurse 777
other than a certified registered nurse anesthetist, failure to 778
maintain a standard care arrangement in accordance with section 779
4723.431 of the Revised Code or to practice in accordance with 780
the standard care arrangement; 781

(29) In the case of an advanced practice registered nurse 782
who is designated as a clinical nurse specialist, certified 783
nurse-midwife, or certified nurse practitioner, failure to 784
prescribe drugs and therapeutic devices in accordance with 785
section 4723.481 of the Revised Code; 786

(30) Prescribing any drug or device to perform or induce 787
an abortion, or otherwise performing or inducing an abortion; 788

(31) Failure to establish and maintain professional 789
boundaries with a patient, as specified in rules adopted under 790
section 4723.07 of the Revised Code; 791

(32) Regardless of whether the contact or verbal behavior 792
is consensual, engaging with a patient other than the spouse of 793
the registered nurse, licensed practical nurse, or dialysis 794
technician in any of the following: 795

(a) Sexual contact, as defined in section 2907.01 of the 796
Revised Code; 797

(b) Verbal behavior that is sexually demeaning to the 798
patient or may be reasonably interpreted by the patient as 799
sexually demeaning. 800

(33) Assisting suicide, as defined in section 3795.01 of 801
the Revised Code; 802

(34) Failure to comply with the requirements in section 803
3719.061 of the Revised Code before issuing for a minor a 804

prescription for an opioid analgesic, as defined in section 805
3719.01 of the Revised Code; 806

(35) Failure to comply with section 4723.487 of the 807
Revised Code, unless the state board of pharmacy no longer 808
maintains a drug database pursuant to section 4729.75 of the 809
Revised Code; 810

(36) The revocation, suspension, restriction, reduction, 811
or termination of clinical privileges by the United States 812
department of defense or department of veterans affairs or the 813
termination or suspension of a certificate of registration to 814
prescribe drugs by the drug enforcement administration of the 815
United States department of justice; 816

(37) In the case of an advanced practice registered nurse 817
who is designated as a clinical nurse specialist, certified 818
nurse-midwife, or certified nurse practitioner, failure to 819
comply with the terms of a consult agreement entered into with a 820
pharmacist pursuant to section 4729.39 of the Revised Code; 821

(38) Violation of section 4723.93 of the Revised Code; 822

(39) Failure to cooperate with an investigation conducted 823
by the board under this chapter, including failure to comply 824
with a subpoena or order issued by the board or failure to 825
answer truthfully a question presented by the board in an 826
investigative interview, in an investigative office conference, 827
at a deposition, or in written interrogatories, except that 828
failure to cooperate with an investigation does not constitute 829
grounds for discipline if a court of competent jurisdiction has 830
issued an order that either quashes a subpoena or permits the 831
individual to withhold testimony or evidence at issue; 832

(40) In the case of an advanced practice registered nurse 833

who is designated as a clinical nurse specialist or certified 834
nurse practitioner, failure to comply with division (A) (2) or 835
(3) of section 4723.484 of the Revised Code. 836

(C) Disciplinary actions taken by the board under 837
divisions (A) and (B) of this section shall be taken pursuant to 838
an adjudication conducted under Chapter 119. of the Revised 839
Code, except that in lieu of a hearing, the board may enter into 840
a consent agreement with an individual to resolve an allegation 841
of a violation of this chapter or any rule adopted under it. A 842
consent agreement, when ratified by a vote of a quorum, shall 843
constitute the findings and order of the board with respect to 844
the matter addressed in the agreement. If the board refuses to 845
ratify a consent agreement, the admissions and findings 846
contained in the agreement shall be of no effect. 847

(D) The hearings of the board shall be conducted in 848
accordance with Chapter 119. of the Revised Code, the board may 849
appoint a hearing examiner, as provided in section 119.09 of the 850
Revised Code, to conduct any hearing the board is authorized to 851
hold under Chapter 119. of the Revised Code. 852

In any instance in which the board is required under 853
Chapter 119. of the Revised Code to give notice of an 854
opportunity for a hearing and the applicant, licensee, or 855
certificate holder does not make a timely request for a hearing 856
in accordance with section 119.07 of the Revised Code, the board 857
is not required to hold a hearing, but may adopt, by a vote of a 858
quorum, a final order that contains the board's findings. In the 859
final order, the board may order any of the sanctions listed in 860
division (A) or (B) of this section. 861

(E) If a criminal action is brought against a registered 862
nurse, licensed practical nurse, or dialysis technician for an 863

act or crime described in divisions (B) (3) to (7) of this 864
section and the action is dismissed by the trial court other 865
than on the merits, the board shall conduct an adjudication to 866
determine whether the registered nurse, licensed practical 867
nurse, or dialysis technician committed the act on which the 868
action was based. If the board determines on the basis of the 869
adjudication that the registered nurse, licensed practical 870
nurse, or dialysis technician committed the act, or if the 871
registered nurse, licensed practical nurse, or dialysis 872
technician fails to participate in the adjudication, the board 873
may take action as though the registered nurse, licensed 874
practical nurse, or dialysis technician had been convicted of 875
the act. 876

If the board takes action on the basis of a conviction, 877
plea, or a judicial finding as described in divisions (B) (3) to 878
(7) of this section that is overturned on appeal, the registered 879
nurse, licensed practical nurse, or dialysis technician may, on 880
exhaustion of the appeal process, petition the board for 881
reconsideration of its action. On receipt of the petition and 882
supporting court documents, the board shall temporarily rescind 883
its action. If the board determines that the decision on appeal 884
was a decision on the merits, it shall permanently rescind its 885
action. If the board determines that the decision on appeal was 886
not a decision on the merits, it shall conduct an adjudication 887
to determine whether the registered nurse, licensed practical 888
nurse, or dialysis technician committed the act on which the 889
original conviction, plea, or judicial finding was based. If the 890
board determines on the basis of the adjudication that the 891
registered nurse, licensed practical nurse, or dialysis 892
technician committed such act, or if the registered nurse, 893
licensed practical nurse, or dialysis technician does not 894

request an adjudication, the board shall reinstate its action; 895
otherwise, the board shall permanently rescind its action. 896

Notwithstanding the provision of division (D) (2) of 897
section 2953.32 or division (F) (1) of section 2953.39 of the 898
Revised Code specifying that if records pertaining to a criminal 899
case are sealed or expunged under that section the proceedings 900
in the case shall be deemed not to have occurred, sealing or 901
expungement of the following records on which the board has 902
based an action under this section shall have no effect on the 903
board's action or any sanction imposed by the board under this 904
section: records of any conviction, guilty plea, judicial 905
finding of guilt resulting from a plea of no contest, or a 906
judicial finding of eligibility for a pretrial diversion program 907
or intervention in lieu of conviction. 908

The board shall not be required to seal, destroy, redact, 909
or otherwise modify its records to reflect the court's sealing 910
or expungement of conviction records. 911

(F) The board may investigate an individual's criminal 912
background in performing its duties under this section. As part 913
of such investigation, the board may order the individual to 914
submit, at the individual's expense, a request to the bureau of 915
criminal identification and investigation for a criminal records 916
check and check of federal bureau of investigation records in 917
accordance with the procedure described in section 4723.091 of 918
the Revised Code. 919

(G) During the course of an investigation conducted under 920
this section, the board may compel any registered nurse, 921
licensed practical nurse, or dialysis technician or applicant 922
under this chapter to submit to a mental or physical 923
examination, or both, as required by the board and at the 924

expense of the individual, if the board finds reason to believe 925
that the individual under investigation may have a physical or 926
mental impairment that may affect the individual's ability to 927
provide safe nursing care. 928

The board shall not compel an individual who has been 929
referred to the safe haven program as described in sections 930
4723.35 and 4723.351 of the Revised Code to submit to a mental 931
or physical examination. 932

Failure of any individual to submit to a mental or 933
physical examination when directed constitutes an admission of 934
the allegations, unless the failure is due to circumstances 935
beyond the individual's control, and a default and final order 936
may be entered without the taking of testimony or presentation 937
of evidence. 938

If the board finds that an individual is impaired, the 939
board shall require the individual to submit to care, 940
counseling, or treatment approved or designated by the board, as 941
a condition for initial, continued, reinstated, or renewed 942
authority to practice. The individual shall be afforded an 943
opportunity to demonstrate to the board that the individual can 944
begin or resume the individual's occupation in compliance with 945
acceptable and prevailing standards of care under the provisions 946
of the individual's authority to practice. 947

For purposes of this division, any registered nurse, 948
licensed practical nurse, or dialysis technician or applicant 949
under this chapter shall be deemed to have given consent to 950
submit to a mental or physical examination when directed to do 951
so in writing by the board, and to have waived all objections to 952
the admissibility of testimony or examination reports that 953
constitute a privileged communication. 954

(H) The board shall investigate evidence that appears to 955
show that any person has violated any provision of this chapter 956
or any rule of the board. Any person may report to the board any 957
information the person may have that appears to show a violation 958
of any provision of this chapter or rule of the board. In the 959
absence of bad faith, any person who reports such information or 960
who testifies before the board in any adjudication conducted 961
under Chapter 119. of the Revised Code shall not be liable for 962
civil damages as a result of the report or testimony. 963

(I) All of the following apply under this chapter with 964
respect to the confidentiality of information: 965

(1) Information received by the board pursuant to a 966
complaint or an investigation is confidential and not subject to 967
discovery in any civil action, except that the board may 968
disclose information to law enforcement officers and government 969
entities for purposes of an investigation of either a licensed 970
health care professional, including a registered nurse, licensed 971
practical nurse, or dialysis technician, or a person who may 972
have engaged in the unauthorized practice of nursing or dialysis 973
care. No law enforcement officer or government entity with 974
knowledge of any information disclosed by the board pursuant to 975
this division shall divulge the information to any other person 976
or government entity except for the purpose of a government 977
investigation, a prosecution, or an adjudication by a court or 978
government entity. 979

(2) If an investigation requires a review of patient 980
records, the investigation and proceeding shall be conducted in 981
such a manner as to protect patient confidentiality. 982

(3) All adjudications and investigations of the board 983
shall be considered civil actions for the purposes of section 984

2305.252 of the Revised Code. 985

(4) Any board activity that involves continued monitoring 986
of an individual as part of or following any disciplinary action 987
taken under this section shall be conducted in a manner that 988
maintains the individual's confidentiality. Information received 989
or maintained by the board with respect to the board's 990
monitoring activities is not subject to discovery in any civil 991
action and is confidential, except that the board may disclose 992
information to law enforcement officers and government entities 993
for purposes of an investigation of a licensee or certificate 994
holder. 995

(J) Any action taken by the board under this section 996
resulting in a suspension from practice shall be accompanied by 997
a written statement of the conditions under which the person may 998
be reinstated to practice. 999

(K) When the board refuses to grant a license or 1000
certificate to an applicant, revokes a license or certificate, 1001
or refuses to reinstate a license or certificate, the board may 1002
specify that its action is permanent. An individual subject to 1003
permanent action taken by the board is forever ineligible to 1004
hold a license or certificate of the type that was refused or 1005
revoked and the board shall not accept from the individual an 1006
application for reinstatement of the license or certificate or 1007
for a new license or certificate. 1008

(L) No unilateral surrender of a nursing license or 1009
dialysis technician certificate issued under this chapter shall 1010
be effective unless accepted by majority vote of the board. No 1011
application for a nursing license or dialysis technician 1012
certificate issued under this chapter may be withdrawn without a 1013
majority vote of the board. The board's jurisdiction to take 1014

disciplinary action under this section is not removed or limited 1015
when an individual has a license or certificate classified as 1016
inactive or fails to renew a license or certificate. 1017

(M) Sanctions shall not be imposed under division (B) (24) 1018
of this section against any licensee who waives deductibles and 1019
copayments as follows: 1020

(1) In compliance with the health benefit plan that 1021
expressly allows such a practice. Waiver of the deductibles or 1022
copayments shall be made only with the full knowledge and 1023
consent of the plan purchaser, payer, and third-party 1024
administrator. Documentation of the consent shall be made 1025
available to the board upon request. 1026

(2) For professional services rendered to any other person 1027
licensed pursuant to this chapter to the extent allowed by this 1028
chapter and the rules of the board. 1029

Sec. 4723.484. Beginning one year after the effective date 1030
of this section, all of the following apply: 1031

(A) A certified nurse practitioner or clinical nurse 1032
specialist who performs annual physical examinations on 1033
individuals who are nineteen years of age or younger, or who 1034
performs examinations for purposes of division (E) of section 1035
3313.5310 of the Revised Code, shall do all of the following: 1036

(1) For each such examination, complete the 1037
preparticipation physical evaluation form created pursuant to 1038
division (D) of section 3707.59 of the Revised Code; 1039

(2) At least once every four years, complete the childhood 1040
cardiac screening professional development module established 1041
under section 3707.591 of the Revised Code. The certified nurse 1042
practitioner or clinical nurse specialist shall retain on file 1043

at the nurse's primary place of practice a hard copy of the 1044
certificate of completion, and shall make it available to the 1045
board of nursing on request. 1046

(3) At least once every four years, read the pamphlet 1047
developed under division (B) (2) (a) of section 3707.59 of the 1048
Revised Code; 1049

(4) Annually report to the department of health the total 1050
number of examinations for which the preparticipation physical 1051
evaluation form was completed and the total number of cardiology 1052
referrals resulting from those examinations. 1053

(B) The board may fine a certified nurse practitioner or 1054
clinical nurse specialist who fails, on request, to produce a 1055
copy of the certificate of completion of the childhood cardiac 1056
screening professional development module. The fine may be up to 1057
five thousand dollars, plus an additional one thousand dollars 1058
for each individual the nurse is found to have examined without 1059
having completed the module as required under this section. 1060

(C) No certified nurse practitioner or clinical nurse 1061
specialist shall knowingly falsely certify as to the completion 1062
of the requirements set forth in division (A) (2) or (3) of this 1063
section. 1064

Sec. 4723.99. (A) Except as provided in division (B) of 1065
this section, whoever violates section 4723.03, 4723.44, 1066
4723.653, or 4723.73 of the Revised Code is guilty of a felony 1067
of the fifth degree on a first offense and a felony of the 1068
fourth degree on each subsequent offense. 1069

(B) Each of the following is guilty of a minor 1070
misdemeanor: 1071

(1) A registered nurse, advanced practice registered 1072

nurse, or licensed practical nurse who violates division (A), 1073
(B), (C), or (D) of section 4723.03 of the Revised Code by 1074
reason of a license to practice nursing that has lapsed for 1075
failure to renew or by practicing nursing after a license has 1076
been classified as inactive; 1077

(2) A medication aide who violates section 4723.653 of the 1078
Revised Code by reason of a medication aide certificate that has 1079
lapsed for failure to renew or by administering medication as a 1080
medication aide after a certificate has been classified as 1081
inactive. 1082

(C) Whoever violates division (C) of section 4723.484 of 1083
the Revised Code is guilty of a misdemeanor of the first degree. 1084

Sec. 4730.14. (A) A license to practice as a physician 1085
assistant shall be valid for a two-year period unless revoked or 1086
suspended, shall expire on the date that is two years after the 1087
date of issuance, and may be renewed for additional two-year 1088
periods in accordance with this section. A person seeking to 1089
renew a license shall apply to the state medical board for 1090
renewal prior to the license's expiration date. The board shall 1091
provide renewal notices to license holders at least one month 1092
prior to the expiration date. 1093

Applications shall be submitted to the board in a manner 1094
prescribed by the board. Each renewal application shall be— 1095
include a check box for a physician assistant who is subject to 1096
section 4730.46 of the Revised Code to certify compliance with 1097
divisions (A) (2) and (3) of that section. 1098

Each application shall be accompanied by a biennial 1099
renewal fee of two hundred dollars. The board shall deposit the 1100
fees in accordance with section 4731.24 of the Revised Code. 1101

The applicant shall report any criminal offense that 1102
constitutes grounds for refusing to issue a license to practice 1103
under section 4730.25 of the Revised Code to which the applicant 1104
has pleaded guilty, of which the applicant has been found 1105
guilty, or for which the applicant has been found eligible for 1106
intervention in lieu of conviction, since last signing an 1107
application for a license to practice as a physician assistant. 1108

(B) To be eligible for renewal of a license, an applicant 1109
is subject to all of the following: 1110

(1) The applicant must certify to the board that the 1111
applicant has maintained certification by the national 1112
commission on certification of physician assistants or a 1113
successor organization that is recognized by the board by 1114
meeting the standards to hold current certification from the 1115
commission or its successor, including passing periodic 1116
recertification examinations; 1117

(2) Except as provided in section 5903.12 of the Revised 1118
Code, the applicant must certify to the board that the applicant 1119
is in compliance with the continuing medical education 1120
requirements necessary to hold current certification from the 1121
commission or its successor. 1122

(3) The applicant must comply with the renewal eligibility 1123
requirements established under section 4730.49 of the Revised 1124
Code that pertain to the applicant. 1125

(C) If an applicant submits a complete renewal application 1126
and qualifies for renewal pursuant to division (B) of this 1127
section, the board shall issue to the applicant a renewed 1128
license to practice as a physician assistant. 1129

(D) The board may require a random sample of physician 1130

assistants to submit materials documenting both of the 1131
following: 1132

(1) Certification by the national commission on 1133
certification of physician assistants or a successor 1134
organization that is recognized by the board; 1135

(2) Completion of the continuing medical education 1136
required to hold current certification from the commission or 1137
its successor. 1138

Division (D) of this section does not limit the board's 1139
authority to conduct investigations pursuant to section 4730.25 1140
of the Revised Code. 1141

(E) A license to practice that is not renewed on or before 1142
its expiration date is automatically suspended on its expiration 1143
date. Continued practice after suspension of the license shall 1144
be considered as practicing in violation of division (A) of 1145
section 4730.02 of the Revised Code. 1146

(F) If a license has been suspended pursuant to division 1147
(E) of this section for two years or less, it may be reinstated. 1148
The board shall reinstate a license suspended for failure to 1149
renew upon an applicant's submission of a renewal application, 1150
the biennial renewal fee, and any applicable monetary penalty. 1151

If a license has been suspended pursuant to division (E) 1152
of this section for more than two years, it may be restored. In 1153
accordance with section 4730.28 of the Revised Code, the board 1154
may restore a license suspended for failure to renew upon an 1155
applicant's submission of a restoration application, the 1156
biennial renewal fee, and any applicable monetary penalty and 1157
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1158
The board shall not restore to an applicant a license to 1159

practice as a physician assistant unless the board, in its 1160
discretion, decides that the results of the criminal records 1161
check do not make the applicant ineligible for a license issued 1162
pursuant to section 4730.12 of the Revised Code. 1163

The penalty for reinstatement shall be fifty dollars and 1164
the penalty for restoration shall be one hundred dollars. The 1165
board shall deposit penalties in accordance with section 4731.24 1166
of the Revised Code. 1167

(G) (1) If, through a random sample conducted under 1168
division (D) of this section or through any other means, the 1169
board finds that an individual who certified completion of the 1170
continuing medical education required to renew, reinstate, 1171
restore, or reactivate a license to practice did not complete 1172
the requisite continuing medical education, the board may do 1173
either of the following: 1174

(a) Take disciplinary action against the individual under 1175
section 4730.25 of the Revised Code, impose a civil penalty, or 1176
both; 1177

(b) Permit the individual to agree in writing to complete 1178
the continuing medical education and pay a civil penalty. 1179

(2) The board's finding in any disciplinary action taken 1180
under division (G) (1) (a) of this section shall be made pursuant 1181
to an adjudication under Chapter 119. of the Revised Code and by 1182
an affirmative vote of not fewer than six of its members. 1183

(3) A civil penalty imposed under division (G) (1) (a) of 1184
this section or paid under division (G) (1) (b) of this section 1185
shall be in an amount specified by the board of not more than 1186
five thousand dollars. The board shall deposit civil penalties 1187
in accordance with section 4731.24 of the Revised Code. 1188

Sec. 4730.25. (A) The state medical board, by an 1189
affirmative vote of not fewer than six members, may refuse to 1190
grant a license to practice as a physician assistant to, or may 1191
revoke the license held by, an individual found by the board to 1192
have committed fraud, misrepresentation, or deception in 1193
applying for or securing the license. 1194

(B) Except as provided in division (N) of this section, 1195
the board, by an affirmative vote of not fewer than six members, 1196
shall, to the extent permitted by law, limit, revoke, or suspend 1197
an individual's license to practice as a physician assistant or 1198
prescriber number, refuse to issue a license to an applicant, 1199
refuse to renew a license, refuse to reinstate a license, or 1200
reprimand or place on probation the holder of a license for any 1201
of the following reasons: 1202

(1) Failure to practice in accordance with the supervising 1203
physician's supervision agreement with the physician assistant, 1204
including, if applicable, the policies of the health care 1205
facility in which the supervising physician and physician 1206
assistant are practicing; 1207

(2) Failure to comply with the requirements of this 1208
chapter, Chapter 4731. of the Revised Code, or any rules adopted 1209
by the board; 1210

(3) Violating or attempting to violate, directly or 1211
indirectly, or assisting in or abetting the violation of, or 1212
conspiring to violate, any provision of this chapter, Chapter 1213
4731. of the Revised Code, or the rules adopted by the board; 1214

(4) Inability to practice according to acceptable and 1215
prevailing standards of care by reason of mental illness or 1216
physical illness, including physical deterioration that 1217

adversely affects cognitive, motor, or perceptive skills; 1218

(5) Impairment of ability to practice according to 1219
acceptable and prevailing standards of care because of substance 1220
use disorder or excessive use or abuse of drugs, alcohol, or 1221
other substances that may impair ability to practice; 1222

(6) Administering drugs for purposes other than those 1223
authorized under this chapter; 1224

(7) Willfully betraying a professional confidence; 1225

(8) Making a false, fraudulent, deceptive, or misleading 1226
statement in soliciting or advertising for employment as a 1227
physician assistant; in connection with any solicitation or 1228
advertisement for patients; in relation to the practice of 1229
medicine as it pertains to physician assistants; or in securing 1230
or attempting to secure a license to practice as a physician 1231
assistant. 1232

As used in this division, "false, fraudulent, deceptive, 1233
or misleading statement" means a statement that includes a 1234
misrepresentation of fact, is likely to mislead or deceive 1235
because of a failure to disclose material facts, is intended or 1236
is likely to create false or unjustified expectations of 1237
favorable results, or includes representations or implications 1238
that in reasonable probability will cause an ordinarily prudent 1239
person to misunderstand or be deceived. 1240

(9) Representing, with the purpose of obtaining 1241
compensation or other advantage personally or for any other 1242
person, that an incurable disease or injury, or other incurable 1243
condition, can be permanently cured; 1244

(10) The obtaining of, or attempting to obtain, money or 1245
anything of value by fraudulent misrepresentations in the course 1246

of practice; 1247

(11) A plea of guilty to, a judicial finding of guilt of, 1248
or a judicial finding of eligibility for intervention in lieu of 1249
conviction for, a felony; 1250

(12) Commission of an act that constitutes a felony in 1251
this state, regardless of the jurisdiction in which the act was 1252
committed; 1253

(13) A plea of guilty to, a judicial finding of guilt of, 1254
or a judicial finding of eligibility for intervention in lieu of 1255
conviction for, a misdemeanor committed in the course of 1256
practice; 1257

(14) A plea of guilty to, a judicial finding of guilt of, 1258
or a judicial finding of eligibility for intervention in lieu of 1259
conviction for, a misdemeanor involving moral turpitude; 1260

(15) Commission of an act in the course of practice that 1261
constitutes a misdemeanor in this state, regardless of the 1262
jurisdiction in which the act was committed; 1263

(16) Commission of an act involving moral turpitude that 1264
constitutes a misdemeanor in this state, regardless of the 1265
jurisdiction in which the act was committed; 1266

(17) A plea of guilty to, a judicial finding of guilt of, 1267
or a judicial finding of eligibility for intervention in lieu of 1268
conviction for violating any state or federal law regulating the 1269
possession, distribution, or use of any drug, including 1270
trafficking in drugs; 1271

(18) Any of the following actions taken by the state 1272
agency responsible for regulating the practice of physician 1273
assistants in another state, for any reason other than the 1274

nonpayment of fees: the limitation, revocation, or suspension of 1275
an individual's license to practice; acceptance of an 1276
individual's license surrender; denial of a license; refusal to 1277
renew or reinstate a license; imposition of probation; or 1278
issuance of an order of censure or other reprimand; 1279

(19) A departure from, or failure to conform to, minimal 1280
standards of care of similar physician assistants under the same 1281
or similar circumstances, regardless of whether actual injury to 1282
a patient is established; 1283

(20) Violation of the conditions placed by the board on a 1284
license to practice as a physician assistant; 1285

(21) Failure to use universal blood and body fluid 1286
precautions established by rules adopted under section 4731.051 1287
of the Revised Code; 1288

(22) Failure to cooperate in an investigation conducted by 1289
the board under section 4730.26 of the Revised Code, including 1290
failure to comply with a subpoena or order issued by the board 1291
or failure to answer truthfully a question presented by the 1292
board at a deposition or in written interrogatories, except that 1293
failure to cooperate with an investigation shall not constitute 1294
grounds for discipline under this section if a court of 1295
competent jurisdiction has issued an order that either quashes a 1296
subpoena or permits the individual to withhold the testimony or 1297
evidence in issue; 1298

(23) Assisting suicide, as defined in section 3795.01 of 1299
the Revised Code; 1300

(24) Prescribing any drug or device to perform or induce 1301
an abortion, or otherwise performing or inducing an abortion; 1302

(25) Failure to comply with section 4730.53 of the Revised 1303

Code, unless the board no longer maintains a drug database 1304
pursuant to section 4729.75 of the Revised Code; 1305

(26) Failure to comply with the requirements in section 1306
3719.061 of the Revised Code before issuing for a minor a 1307
prescription for an opioid analgesic, as defined in section 1308
3719.01 of the Revised Code; 1309

(27) Having certification by the national commission on 1310
certification of physician assistants or a successor 1311
organization expire, lapse, or be suspended or revoked; 1312

(28) The revocation, suspension, restriction, reduction, 1313
or termination of clinical privileges by the United States 1314
department of defense or department of veterans affairs or the 1315
termination or suspension of a certificate of registration to 1316
prescribe drugs by the drug enforcement administration of the 1317
United States department of justice; 1318

(29) Failure to comply with terms of a consult agreement 1319
entered into with a pharmacist pursuant to section 4729.39 of 1320
the Revised Code; 1321

(30) Violation of section 4730.57 of the Revised Code; 1322

(31) Failure to comply with division (A) (2) or (3) of 1323
section 4730.46 of the Revised Code. 1324

(C) Disciplinary actions taken by the board under 1325
divisions (A) and (B) of this section shall be taken pursuant to 1326
an adjudication under Chapter 119. of the Revised Code, except 1327
that in lieu of an adjudication, the board may enter into a 1328
consent agreement with a physician assistant or applicant to 1329
resolve an allegation of a violation of this chapter or any rule 1330
adopted under it. A consent agreement, when ratified by an 1331
affirmative vote of not fewer than six members of the board, 1332

shall constitute the findings and order of the board with 1333
respect to the matter addressed in the agreement. If the board 1334
refuses to ratify a consent agreement, the admissions and 1335
findings contained in the consent agreement shall be of no force 1336
or effect. 1337

(D) For purposes of divisions (B) (12), (15), and (16) of 1338
this section, the commission of the act may be established by a 1339
finding by the board, pursuant to an adjudication under Chapter 1340
119. of the Revised Code, that the applicant or license holder 1341
committed the act in question. The board shall have no 1342
jurisdiction under these divisions in cases where the trial 1343
court renders a final judgment in the license holder's favor and 1344
that judgment is based upon an adjudication on the merits. The 1345
board shall have jurisdiction under these divisions in cases 1346
where the trial court issues an order of dismissal upon 1347
technical or procedural grounds. 1348

(E) The sealing or expungement of conviction records by 1349
any court shall have no effect upon a prior board order entered 1350
under the provisions of this section or upon the board's 1351
jurisdiction to take action under the provisions of this section 1352
if, based upon a plea of guilty, a judicial finding of guilt, or 1353
a judicial finding of eligibility for intervention in lieu of 1354
conviction, the board issued a notice of opportunity for a 1355
hearing prior to the court's order to seal or expunge the 1356
records. The board shall not be required to seal, destroy, 1357
redact, or otherwise modify its records to reflect the court's 1358
sealing or expungement of conviction records. 1359

(F) For purposes of this division, any individual who 1360
holds a license issued under this chapter, or applies for a 1361
license issued under this chapter, shall be deemed to have given 1362

consent to submit to a mental or physical examination when 1363
directed to do so in writing by the board and to have waived all 1364
objections to the admissibility of testimony or examination 1365
reports that constitute a privileged communication. 1366

(1) In enforcing division (B)(4) of this section, the 1367
board, upon a showing of a possible violation, shall refer any 1368
individual who holds, or has applied for, a license issued under 1369
this chapter to the monitoring organization that conducts the 1370
confidential monitoring program established under section 1371
4731.25 of the Revised Code. The board also may compel the 1372
individual to submit to a mental examination, physical 1373
examination, including an HIV test, or both a mental and 1374
physical examination. The expense of the examination is the 1375
responsibility of the individual compelled to be examined. 1376
Failure to submit to a mental or physical examination or consent 1377
to an HIV test ordered by the board constitutes an admission of 1378
the allegations against the individual unless the failure is due 1379
to circumstances beyond the individual's control, and a default 1380
and final order may be entered without the taking of testimony 1381
or presentation of evidence. If the board finds a physician 1382
assistant unable to practice because of the reasons set forth in 1383
division (B)(4) of this section, the board shall require the 1384
physician assistant to submit to care, counseling, or treatment 1385
by physicians approved or designated by the board, as a 1386
condition for an initial, continued, reinstated, or renewed 1387
license. An individual affected under this division shall be 1388
afforded an opportunity to demonstrate to the board the ability 1389
to resume practicing in compliance with acceptable and 1390
prevailing standards of care. 1391

(2) For purposes of division (B)(5) of this section, if 1392
the board has reason to believe that any individual who holds a 1393

license issued under this chapter or any applicant for a license 1394
suffers such impairment, the board shall refer the individual to 1395
the monitoring organization that conducts the confidential 1396
monitoring program established under section 4731.25 of the 1397
Revised Code. The board also may compel the individual to submit 1398
to a mental or physical examination, or both. The expense of the 1399
examination is the responsibility of the individual compelled to 1400
be examined. Any mental or physical examination required under 1401
this division shall be undertaken by a treatment provider or 1402
physician qualified to conduct such examination and approved 1403
under section 4731.251 of the Revised Code. 1404

Failure to submit to a mental or physical examination 1405
ordered by the board constitutes an admission of the allegations 1406
against the individual unless the failure is due to 1407
circumstances beyond the individual's control, and a default and 1408
final order may be entered without the taking of testimony or 1409
presentation of evidence. If the board determines that the 1410
individual's ability to practice is impaired, the board shall 1411
suspend the individual's license or deny the individual's 1412
application and shall require the individual, as a condition for 1413
initial, continued, reinstated, or renewed licensure, to submit 1414
to treatment. 1415

Before being eligible to apply for reinstatement of a 1416
license suspended under this division, the physician assistant 1417
shall demonstrate to the board the ability to resume practice or 1418
prescribing in compliance with acceptable and prevailing 1419
standards of care. The demonstration shall include the 1420
following: 1421

(a) Certification from a treatment provider approved under 1422
section 4731.251 of the Revised Code that the individual has 1423

successfully completed any required inpatient treatment; 1424

(b) Evidence of continuing full compliance with an 1425
aftercare contract or consent agreement; 1426

(c) Two written reports indicating that the individual's 1427
ability to practice has been assessed and that the individual 1428
has been found capable of practicing according to acceptable and 1429
prevailing standards of care. The reports shall be made by 1430
individuals or providers approved by the board for making such 1431
assessments and shall describe the basis for their 1432
determination. 1433

The board may reinstate a license suspended under this 1434
division after such demonstration and after the individual has 1435
entered into a written consent agreement. 1436

When the impaired physician assistant resumes practice or 1437
prescribing, the board shall require continued monitoring of the 1438
physician assistant. The monitoring shall include compliance 1439
with the written consent agreement entered into before 1440
reinstatement or with conditions imposed by board order after a 1441
hearing, and, upon termination of the consent agreement, 1442
submission to the board for at least two years of annual written 1443
progress reports made under penalty of falsification stating 1444
whether the physician assistant has maintained sobriety. 1445

(G) (1) If either of the following circumstances occur, the 1446
secretary and supervising member may recommend that the board 1447
suspend the individual's license without a prior hearing: 1448

(a) The secretary and supervising member determine that 1449
there is clear and convincing evidence that a physician 1450
assistant has violated division (B) of this section and that the 1451
individual's continued practice or prescribing presents a danger 1452

of immediate and serious harm to the public. 1453

(b) The board receives verifiable information that a 1454
licensee has been charged in any state or federal court with a 1455
crime classified as a felony under the charging court's law and 1456
the conduct charged constitutes a violation of division (B) of 1457
this section. 1458

(2) If a recommendation is made to suspend without a prior 1459
hearing pursuant to division (G)(1) of this section, written 1460
allegations shall be prepared for consideration by the board. 1461

The board, upon review of those allegations and by an 1462
affirmative vote of not fewer than six of its members, excluding 1463
the secretary and supervising member, may suspend a license 1464
without a prior hearing. A telephone conference call may be 1465
utilized for reviewing the allegations and taking the vote on 1466
the summary suspension. 1467

The board shall serve a written order of suspension in 1468
accordance with sections 119.05 and 119.07 of the Revised Code. 1469
If the physician assistant requests an adjudicatory hearing by 1470
the board, the date set for the hearing shall be within fifteen 1471
days, but not earlier than seven days, after the physician 1472
assistant requests the hearing, unless otherwise agreed to by 1473
both the board and the license holder. 1474

(3) A summary suspension imposed under division (G)(2) of 1475
this section is not a final appealable order and is not an 1476
adjudication that may be appealed under section 119.12 of the 1477
Revised Code. The summary suspension shall remain in effect 1478
until a final adjudicative order issued by the board pursuant to 1479
this section and Chapter 119. of the Revised Code becomes 1480
effective. Once a final adjudicative order has been issued by 1481

the board, any party adversely affected by it may file an appeal 1482
in accordance with the requirements of Chapter 119. of the 1483
Revised Code. 1484

The board shall issue its final adjudicative order within 1485
seventy-five days after completion of its hearing. Failure to 1486
issue the order within seventy-five days shall result in 1487
dissolution of the summary suspension order, but shall not 1488
invalidate any subsequent, final adjudicative order. 1489

(H) If the board takes action under division (B) (11), 1490
(13), or (14) of this section, and the judicial finding of 1491
guilt, guilty plea, or judicial finding of eligibility for 1492
intervention in lieu of conviction is overturned on appeal, upon 1493
exhaustion of the criminal appeal, a petition for 1494
reconsideration of the order may be filed with the board along 1495
with appropriate court documents. Upon receipt of a petition and 1496
supporting court documents, the board shall reinstate the 1497
individual's license. The board may then hold an adjudication 1498
under Chapter 119. of the Revised Code to determine whether the 1499
individual committed the act in question. Notice of opportunity 1500
for hearing shall be given in accordance with Chapter 119. of 1501
the Revised Code. If the board finds, pursuant to an 1502
adjudication held under this division, that the individual 1503
committed the act, or if no hearing is requested, it may order 1504
any of the sanctions identified under division (B) of this 1505
section. 1506

(I) The license to practice issued to a physician 1507
assistant and the physician assistant's practice in this state 1508
are automatically suspended as of the date the physician 1509
assistant pleads guilty to, is found by a judge or jury to be 1510
guilty of, or is subject to a judicial finding of eligibility 1511

for intervention in lieu of conviction in this state or 1512
treatment or intervention in lieu of conviction in another state 1513
for any of the following criminal offenses in this state or a 1514
substantially equivalent criminal offense in another 1515
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1516
felonious assault, trafficking in persons, kidnapping, rape, 1517
sexual battery, gross sexual imposition, aggravated arson, 1518
aggravated robbery, or aggravated burglary. Continued practice 1519
after the suspension shall be considered practicing without a 1520
license. 1521

The board shall notify the individual subject to the 1522
suspension in accordance with sections 119.05 and 119.07 of the 1523
Revised Code. If an individual whose license is suspended under 1524
this division fails to make a timely request for an adjudication 1525
under Chapter 119. of the Revised Code, the board shall enter a 1526
final order permanently revoking the individual's license to 1527
practice. 1528

(J) In any instance in which the board is required by 1529
Chapter 119. of the Revised Code to give notice of opportunity 1530
for hearing and the individual subject to the notice does not 1531
timely request a hearing in accordance with section 119.07 of 1532
the Revised Code, the board is not required to hold a hearing, 1533
but may adopt, by an affirmative vote of not fewer than six of 1534
its members, a final order that contains the board's findings. 1535
In that final order, the board may order any of the sanctions 1536
identified under division (A) or (B) of this section. 1537

(K) Any action taken by the board under division (B) of 1538
this section resulting in a suspension shall be accompanied by a 1539
written statement of the conditions under which the physician 1540
assistant's license may be reinstated. The board shall adopt 1541

rules in accordance with Chapter 119. of the Revised Code 1542
governing conditions to be imposed for reinstatement. 1543
Reinstatement of a license suspended pursuant to division (B) of 1544
this section requires an affirmative vote of not fewer than six 1545
members of the board. 1546

(L) When the board refuses to grant or issue to an 1547
applicant a license to practice as a physician assistant, 1548
revokes an individual's license, refuses to renew an 1549
individual's license, or refuses to reinstate an individual's 1550
license, the board may specify that its action is permanent. An 1551
individual subject to a permanent action taken by the board is 1552
forever thereafter ineligible to hold the license and the board 1553
shall not accept an application for reinstatement of the license 1554
or for issuance of a new license. 1555

(M) Notwithstanding any other provision of the Revised 1556
Code, all of the following apply: 1557

(1) The surrender of a license issued under this chapter 1558
is not effective unless or until accepted by the board. 1559
Reinstatement of a license surrendered to the board requires an 1560
affirmative vote of not fewer than six members of the board. 1561

(2) An application made under this chapter for a license 1562
may not be withdrawn without approval of the board. 1563

(3) Failure by an individual to renew a license in 1564
accordance with section 4730.14 of the Revised Code does not 1565
remove or limit the board's jurisdiction to take disciplinary 1566
action under this section against the individual. 1567

(4) The placement of an individual's license on retired 1568
status, as described in section 4730.141 of the Revised Code, 1569
does not remove or limit the board's jurisdiction to take any 1570

disciplinary action against the individual with regard to the 1571
license as it existed before being placed on retired status. 1572

(N) The board shall not refuse to issue a license to an 1573
applicant because of a conviction, plea of guilty, judicial 1574
finding of guilt, judicial finding of eligibility for 1575
intervention in lieu of conviction, or the commission of an act 1576
that constitutes a criminal offense, unless the refusal is in 1577
accordance with section 9.79 of the Revised Code. 1578

Sec. 4730.46. Beginning one year after the effective date 1579
of this section, all of the following apply: 1580

(A) A physician assistant who performs annual physical 1581
examinations on individuals who are nineteen years of age or 1582
younger, or who performs examinations for purposes of division 1583
(E) of section 3313.5310 of the Revised Code, shall do all of 1584
the following: 1585

(1) For each such examination, complete the 1586
preparticipation physical evaluation form created pursuant to 1587
division (D) of section 3707.59 of the Revised Code; 1588

(2) At least once every four years, complete the childhood 1589
cardiac screening professional development module established 1590
under section 3707.591 of the Revised Code. The physician 1591
assistant shall retain on file at the physician assistant's 1592
primary place of practice a hard copy of the certificate of 1593
completion, and shall make it available to the state medical 1594
board on request. 1595

(3) At least once every four years, read the pamphlet 1596
developed under division (B) (2) (a) of section 3707.59 of the 1597
Revised Code; 1598

(4) Annually report to the department of health the total 1599

number of examinations for which the preparticipation physical 1600
evaluation form was completed and the total number of cardiology 1601
referrals resulting from those examinations. 1602

(B) The board may fine a physician assistant who fails, on 1603
request, to produce a copy of the certificate of completion of 1604
the childhood cardiac screening professional development module. 1605
The fine may be up to five thousand dollars, plus an additional 1606
one thousand dollars for each individual the physician assistant 1607
is found to have examined without having completed the module as 1608
required under this section. 1609

(C) No physician assistant shall knowingly falsely certify 1610
as to the completion of the requirements set forth in division 1611
(A) (2) or (3) of this section. 1612

Sec. 4730.99. (A) Whoever violates section 4730.02 of the 1613
Revised Code is guilty of a misdemeanor of the first degree on a 1614
first offense; on each subsequent offense, the person is guilty 1615
of a felony of the fourth degree. 1616

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 1617
(D), or (E) of section 4730.32 of the Revised Code is guilty of 1618
a minor misdemeanor on a first offense; on each subsequent 1619
offense the person is guilty of a misdemeanor of the fourth 1620
degree, except that an individual guilty of a subsequent offense 1621
shall not be subject to imprisonment, but to a fine alone of up 1622
to one thousand dollars for each offense. 1623

(2) Whoever violates division (B) (2) or (C) (3) of section 1624
4730.32 of the Revised Code is guilty of a misdemeanor of the 1625
fourth degree on a first offense; on each subsequent offense, 1626
the person is guilty of a misdemeanor of the first degree. 1627

(C) Whoever violates division (F) of section 4730.26 or 1628

division (C) of section 4730.46 of the Revised Code is guilty of 1629
a misdemeanor of the first degree. 1630

Sec. 4731.22. (A) The state medical board, by an 1631
affirmative vote of not fewer than six of its members, may 1632
limit, revoke, or suspend a license or certificate to practice 1633
or certificate to recommend, refuse to grant a license or 1634
certificate, refuse to renew a license or certificate, refuse to 1635
reinstate a license or certificate, or reprimand or place on 1636
probation the holder of a license or certificate if the 1637
individual applying for or holding the license or certificate is 1638
found by the board to have committed fraud during the 1639
administration of the examination for a license or certificate 1640
to practice or to have committed fraud, misrepresentation, or 1641
deception in applying for, renewing, or securing any license or 1642
certificate to practice or certificate to recommend issued by 1643
the board. 1644

(B) Except as provided in division (P) of this section, 1645
the board, by an affirmative vote of not fewer than six members, 1646
shall, to the extent permitted by law, limit, revoke, or suspend 1647
a license or certificate to practice or certificate to 1648
recommend, refuse to issue a license or certificate, refuse to 1649
renew a license or certificate, refuse to reinstate a license or 1650
certificate, or reprimand or place on probation the holder of a 1651
license or certificate for one or more of the following reasons: 1652

(1) Permitting one's name or one's license or certificate 1653
to practice to be used by a person, group, or corporation when 1654
the individual concerned is not actually directing the treatment 1655
given; 1656

(2) Failure to maintain minimal standards applicable to 1657
the selection or administration of drugs, or failure to employ 1658

acceptable scientific methods in the selection of drugs or other 1659
modalities for treatment of disease; 1660

(3) Except as provided in section 4731.97 of the Revised 1661
Code, selling, giving away, personally furnishing, prescribing, 1662
or administering drugs for other than legal and legitimate 1663
therapeutic purposes or a plea of guilty to, a judicial finding 1664
of guilt of, or a judicial finding of eligibility for 1665
intervention in lieu of conviction of, a violation of any 1666
federal or state law regulating the possession, distribution, or 1667
use of any drug; 1668

(4) Willfully betraying a professional confidence. 1669

For purposes of this division, "willfully betraying a 1670
professional confidence" does not include providing any 1671
information, documents, or reports under sections 307.621 to 1672
307.629 of the Revised Code to a child fatality review board; 1673
does not include providing any information, documents, or 1674
reports under sections 307.631 to 307.6410 of the Revised Code 1675
to a drug overdose fatality review committee, a suicide fatality 1676
review committee, or hybrid drug overdose fatality and suicide 1677
fatality review committee; does not include providing any 1678
information, documents, or reports under sections 307.651 to 1679
307.659 of the Revised Code to a domestic violence fatality 1680
review board; does not include providing any information, 1681
documents, or reports to the director of health pursuant to 1682
guidelines established under section 3701.70 of the Revised 1683
Code; does not include written notice to a mental health 1684
professional under section 4731.62 of the Revised Code; does not 1685
include making a report as described in division (F) of section 1686
2921.22 and section 4731.224 of the Revised Code; and does not 1687
include the making of a report of an employee's use of a drug of 1688

abuse, or a report of a condition of an employee other than one 1689
involving the use of a drug of abuse, to the employer of the 1690
employee as described in division (B) of section 2305.33 of the 1691
Revised Code. Nothing in this division affects the immunity from 1692
civil liability conferred by section 2305.33 or 4731.62 of the 1693
Revised Code upon a physician who makes a report in accordance 1694
with section 2305.33 or notifies a mental health professional in 1695
accordance with section 4731.62 of the Revised Code. As used in 1696
this division, "employee," "employer," and "physician" have the 1697
same meanings as in section 2305.33 of the Revised Code. 1698

(5) Making a false, fraudulent, deceptive, or misleading 1699
statement in the solicitation of or advertising for patients; in 1700
relation to the practice of medicine and surgery, osteopathic 1701
medicine and surgery, podiatric medicine and surgery, or a 1702
limited branch of medicine; or in securing or attempting to 1703
secure any license or certificate to practice issued by the 1704
board. 1705

As used in this division, "false, fraudulent, deceptive, 1706
or misleading statement" means a statement that includes a 1707
misrepresentation of fact, is likely to mislead or deceive 1708
because of a failure to disclose material facts, is intended or 1709
is likely to create false or unjustified expectations of 1710
favorable results, or includes representations or implications 1711
that in reasonable probability will cause an ordinarily prudent 1712
person to misunderstand or be deceived. 1713

(6) A departure from, or the failure to conform to, 1714
minimal standards of care of similar practitioners under the 1715
same or similar circumstances, whether or not actual injury to a 1716
patient is established; 1717

(7) Representing, with the purpose of obtaining 1718

compensation or other advantage as personal gain or for any 1719
other person, that an incurable disease or injury, or other 1720
incurable condition, can be permanently cured; 1721

(8) The obtaining of, or attempting to obtain, money or 1722
anything of value by fraudulent misrepresentations in the course 1723
of practice; 1724

(9) A plea of guilty to, a judicial finding of guilt of, 1725
or a judicial finding of eligibility for intervention in lieu of 1726
conviction for, a felony; 1727

(10) Commission of an act that constitutes a felony in 1728
this state, regardless of the jurisdiction in which the act was 1729
committed; 1730

(11) A plea of guilty to, a judicial finding of guilt of, 1731
or a judicial finding of eligibility for intervention in lieu of 1732
conviction for, a misdemeanor committed in the course of 1733
practice; 1734

(12) Commission of an act in the course of practice that 1735
constitutes a misdemeanor in this state, regardless of the 1736
jurisdiction in which the act was committed; 1737

(13) A plea of guilty to, a judicial finding of guilt of, 1738
or a judicial finding of eligibility for intervention in lieu of 1739
conviction for, a misdemeanor involving moral turpitude; 1740

(14) Commission of an act involving moral turpitude that 1741
constitutes a misdemeanor in this state, regardless of the 1742
jurisdiction in which the act was committed; 1743

(15) Violation of the conditions of limitation placed by 1744
the board upon a license or certificate to practice; 1745

(16) Failure to pay license renewal fees specified in this 1746

chapter; 1747

(17) Except as authorized in section 4731.31 of the 1748
Revised Code, engaging in the division of fees for referral of 1749
patients, or the receiving of a thing of value in return for a 1750
specific referral of a patient to utilize a particular service 1751
or business; 1752

(18) Subject to section 4731.226 of the Revised Code, 1753
violation of any provision of a code of ethics of the American 1754
medical association, the American osteopathic association, the 1755
American podiatric medical association, or any other national 1756
professional organizations that the board specifies by rule. The 1757
state medical board shall obtain and keep on file current copies 1758
of the codes of ethics of the various national professional 1759
organizations. The individual whose license or certificate is 1760
being suspended or revoked shall not be found to have violated 1761
any provision of a code of ethics of an organization not 1762
appropriate to the individual's profession. 1763

For purposes of this division, a "provision of a code of 1764
ethics of a national professional organization" does not include 1765
any provision that would preclude the making of a report by a 1766
physician of an employee's use of a drug of abuse, or of a 1767
condition of an employee other than one involving the use of a 1768
drug of abuse, to the employer of the employee as described in 1769
division (B) of section 2305.33 of the Revised Code. Nothing in 1770
this division affects the immunity from civil liability 1771
conferred by that section upon a physician who makes either type 1772
of report in accordance with division (B) of that section. As 1773
used in this division, "employee," "employer," and "physician" 1774
have the same meanings as in section 2305.33 of the Revised 1775
Code. 1776

(19) Inability to practice according to acceptable and 1777
prevailing standards of care by reason of mental illness or 1778
physical illness, including, but not limited to, physical 1779
deterioration that adversely affects cognitive, motor, or 1780
perceptive skills. 1781

In enforcing this division, the board, upon a showing of a 1782
possible violation, shall refer any individual who is authorized 1783
to practice by this chapter or who has submitted an application 1784
pursuant to this chapter to the monitoring organization that 1785
conducts the confidential monitoring program established under 1786
section 4731.25 of the Revised Code. The board also may compel 1787
the individual to submit to a mental examination, physical 1788
examination, including an HIV test, or both a mental and a 1789
physical examination. The expense of the examination is the 1790
responsibility of the individual compelled to be examined. 1791
Failure to submit to a mental or physical examination or consent 1792
to an HIV test ordered by the board constitutes an admission of 1793
the allegations against the individual unless the failure is due 1794
to circumstances beyond the individual's control, and a default 1795
and final order may be entered without the taking of testimony 1796
or presentation of evidence. If the board finds an individual 1797
unable to practice because of the reasons set forth in this 1798
division, the board shall require the individual to submit to 1799
care, counseling, or treatment by physicians approved or 1800
designated by the board, as a condition for initial, continued, 1801
reinstated, or renewed authority to practice. An individual 1802
affected under this division shall be afforded an opportunity to 1803
demonstrate to the board the ability to resume practice in 1804
compliance with acceptable and prevailing standards under the 1805
provisions of the individual's license or certificate. For the 1806
purpose of this division, any individual who applies for or 1807

receives a license or certificate to practice under this chapter 1808
accepts the privilege of practicing in this state and, by so 1809
doing, shall be deemed to have given consent to submit to a 1810
mental or physical examination when directed to do so in writing 1811
by the board, and to have waived all objections to the 1812
admissibility of testimony or examination reports that 1813
constitute a privileged communication. 1814

(20) Except as provided in division (F) (1) (b) of section 1815
4731.282 of the Revised Code or when civil penalties are imposed 1816
under section 4731.225 of the Revised Code, and subject to 1817
section 4731.226 of the Revised Code, violating or attempting to 1818
violate, directly or indirectly, or assisting in or abetting the 1819
violation of, or conspiring to violate, any provisions of this 1820
chapter or any rule promulgated by the board. 1821

This division does not apply to a violation or attempted 1822
violation of, assisting in or abetting the violation of, or a 1823
conspiracy to violate, any provision of this chapter or any rule 1824
adopted by the board that would preclude the making of a report 1825
by a physician of an employee's use of a drug of abuse, or of a 1826
condition of an employee other than one involving the use of a 1827
drug of abuse, to the employer of the employee as described in 1828
division (B) of section 2305.33 of the Revised Code. Nothing in 1829
this division affects the immunity from civil liability 1830
conferred by that section upon a physician who makes either type 1831
of report in accordance with division (B) of that section. As 1832
used in this division, "employee," "employer," and "physician" 1833
have the same meanings as in section 2305.33 of the Revised 1834
Code. 1835

(21) The violation of section 3701.79 of the Revised Code 1836
or of any abortion rule adopted by the director of health 1837

pursuant to section 3701.341 of the Revised Code; 1838

(22) Any of the following actions taken by an agency 1839
responsible for authorizing, certifying, or regulating an 1840
individual to practice a health care occupation or provide 1841
health care services in this state or another jurisdiction, for 1842
any reason other than the nonpayment of fees: the limitation, 1843
revocation, or suspension of an individual's license to 1844
practice; acceptance of an individual's license surrender; 1845
denial of a license; refusal to renew or reinstate a license; 1846
imposition of probation; or issuance of an order of censure or 1847
other reprimand; 1848

(23) The violation of section 2919.12 of the Revised Code 1849
or the performance or inducement of an abortion upon a pregnant 1850
woman with actual knowledge that the conditions specified in 1851
division (B) of section 2317.56 of the Revised Code have not 1852
been satisfied or with a heedless indifference as to whether 1853
those conditions have been satisfied, unless an affirmative 1854
defense as specified in division (H)(2) of that section would 1855
apply in a civil action authorized by division (H)(1) of that 1856
section; 1857

(24) The revocation, suspension, restriction, reduction, 1858
or termination of clinical privileges by the United States 1859
department of defense or department of veterans affairs or the 1860
termination or suspension of a certificate of registration to 1861
prescribe drugs by the drug enforcement administration of the 1862
United States department of justice; 1863

(25) Termination or suspension from participation in the 1864
medicare or medicaid programs by the department of health and 1865
human services or other responsible agency; 1866

(26) Impairment of ability to practice according to 1867
acceptable and prevailing standards of care because of substance 1868
use disorder or excessive use or abuse of drugs, alcohol, or 1869
other substances that may impair ability to practice. 1870

For the purposes of this division, any individual 1871
authorized to practice by this chapter accepts the privilege of 1872
practicing in this state subject to supervision by the board. By 1873
filing an application for or holding a license or certificate to 1874
practice under this chapter, an individual shall be deemed to 1875
have given consent to submit to a mental or physical examination 1876
when ordered to do so by the board in writing, and to have 1877
waived all objections to the admissibility of testimony or 1878
examination reports that constitute privileged communications. 1879

If it has reason to believe that any individual authorized 1880
to practice by this chapter or any applicant for licensure or 1881
certification to practice suffers such impairment, the board 1882
shall refer the individual to the monitoring organization that 1883
conducts the confidential monitoring program established under 1884
section 4731.25 of the Revised Code. The board also may compel 1885
the individual to submit to a mental or physical examination, or 1886
both. The expense of the examination is the responsibility of 1887
the individual compelled to be examined. Any mental or physical 1888
examination required under this division shall be undertaken by 1889
a treatment provider or physician who is qualified to conduct 1890
the examination and who is approved under section 4731.251 of 1891
the Revised Code. 1892

Failure to submit to a mental or physical examination 1893
ordered by the board constitutes an admission of the allegations 1894
against the individual unless the failure is due to 1895
circumstances beyond the individual's control, and a default and 1896

final order may be entered without the taking of testimony or 1897
presentation of evidence. If the board determines that the 1898
individual's ability to practice is impaired, the board shall 1899
suspend the individual's license or certificate or deny the 1900
individual's application and shall require the individual, as a 1901
condition for initial, continued, reinstated, or renewed 1902
licensure or certification to practice, to submit to treatment. 1903

Before being eligible to apply for reinstatement of a 1904
license or certificate suspended under this division, the 1905
impaired practitioner shall demonstrate to the board the ability 1906
to resume practice in compliance with acceptable and prevailing 1907
standards of care under the provisions of the practitioner's 1908
license or certificate. The demonstration shall include, but 1909
shall not be limited to, the following: 1910

(a) Certification from a treatment provider approved under 1911
section 4731.251 of the Revised Code that the individual has 1912
successfully completed any required inpatient treatment; 1913

(b) Evidence of continuing full compliance with an 1914
aftercare contract or consent agreement; 1915

(c) Two written reports indicating that the individual's 1916
ability to practice has been assessed and that the individual 1917
has been found capable of practicing according to acceptable and 1918
prevailing standards of care. The reports shall be made by 1919
individuals or providers approved by the board for making the 1920
assessments and shall describe the basis for their 1921
determination. 1922

The board may reinstate a license or certificate suspended 1923
under this division after that demonstration and after the 1924
individual has entered into a written consent agreement. 1925

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

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

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

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

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

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

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

nonemergency professional services, or failure to maintain that 1955
notice in the patient's medical record; 1956

(31) Failure of a physician supervising a physician 1957
assistant to maintain supervision in accordance with the 1958
requirements of Chapter 4730. of the Revised Code and the rules 1959
adopted under that chapter; 1960

(32) Failure of a physician or podiatrist to enter into a 1961
standard care arrangement with a clinical nurse specialist, 1962
certified nurse-midwife, or certified nurse practitioner with 1963
whom the physician or podiatrist is in collaboration pursuant to 1964
section 4731.27 of the Revised Code or failure to fulfill the 1965
responsibilities of collaboration after entering into a standard 1966
care arrangement; 1967

(33) Failure to comply with the terms of a consult 1968
agreement entered into with a pharmacist pursuant to section 1969
4729.39 of the Revised Code; 1970

(34) Failure to cooperate in an investigation conducted by 1971
the board under division (F) of this section, including failure 1972
to comply with a subpoena or order issued by the board or 1973
failure to answer truthfully a question presented by the board 1974
in an investigative interview, an investigative office 1975
conference, at a deposition, or in written interrogatories, 1976
except that failure to cooperate with an investigation shall not 1977
constitute grounds for discipline under this section if a court 1978
of competent jurisdiction has issued an order that either 1979
quashes a subpoena or permits the individual to withhold the 1980
testimony or evidence in issue; 1981

(35) Failure to supervise an anesthesiologist assistant in 1982
accordance with Chapter 4760. of the Revised Code and the 1983

board's rules for supervision of an anesthesiologist assistant;	1984
(36) Assisting suicide, as defined in section 3795.01 of	1985
the Revised Code;	1986
(37) Failure to comply with the requirements of section	1987
2317.561 of the Revised Code;	1988
(38) Failure to supervise a radiologist assistant in	1989
accordance with Chapter 4774. of the Revised Code and the	1990
board's rules for supervision of radiologist assistants;	1991
(39) Performing or inducing an abortion at an office or	1992
facility with knowledge that the office or facility fails to	1993
post the notice required under section 3701.791 of the Revised	1994
Code;	1995
(40) Failure to comply with the standards and procedures	1996
established in rules under section 4731.054 of the Revised Code	1997
for the operation of or the provision of care at a pain	1998
management clinic;	1999
(41) Failure to comply with the standards and procedures	2000
established in rules under section 4731.054 of the Revised Code	2001
for providing supervision, direction, and control of individuals	2002
at a pain management clinic;	2003
(42) Failure to comply with the requirements of section	2004
4729.79 or 4731.055 of the Revised Code, unless the state board	2005
of pharmacy no longer maintains a drug database pursuant to	2006
section 4729.75 of the Revised Code;	2007
(43) Failure to comply with the requirements of section	2008
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	2009
to submit to the department of health in accordance with a court	2010
order a complete report as described in section 2919.171 or	2011

2919.202 of the Revised Code;	2012
(44) Practicing at a facility that is subject to licensure	2013
as a category III terminal distributor of dangerous drugs with a	2014
pain management clinic classification unless the person	2015
operating the facility has obtained and maintains the license	2016
with the classification;	2017
(45) Owning a facility that is subject to licensure as a	2018
category III terminal distributor of dangerous drugs with a pain	2019
management clinic classification unless the facility is licensed	2020
with the classification;	2021
(46) Failure to comply with any of the requirements	2022
regarding making or maintaining medical records or documents	2023
described in division (A) of section 2919.192, division (C) of	2024
section 2919.193, division (B) of section 2919.195, or division	2025
(A) of section 2919.196 of the Revised Code;	2026
(47) Failure to comply with the requirements in section	2027
3719.061 of the Revised Code before issuing for a minor a	2028
prescription for an opioid analgesic, as defined in section	2029
3719.01 of the Revised Code;	2030
(48) Failure to comply with the requirements of section	2031
4731.30 of the Revised Code or rules adopted under section	2032
4731.301 of the Revised Code when recommending treatment with	2033
medical marijuana;	2034
(49) A pattern of continuous or repeated violations of	2035
division (E) (2) or (3) of section 3963.02 of the Revised Code;	2036
(50) Failure to fulfill the responsibilities of a	2037
collaboration agreement entered into with an athletic trainer as	2038
described in section 4755.621 of the Revised Code;	2039

(51) Failure to take the steps specified in section 2040
4731.911 of the Revised Code following an abortion or attempted 2041
abortion in an ambulatory surgical facility or other location 2042
that is not a hospital when a child is born alive; 2043

(52) Violation of section 4731.77 of the Revised Code; 2044

(53) Failure of a physician supervising a certified mental 2045
health assistant to maintain supervision in accordance with the 2046
requirements of Chapter 4772. of the Revised Code and the rules 2047
adopted under that chapter; 2048

(54) Failure to comply with the requirements of section 2049
3705.16 of the Revised Code when certifying a decedent's cause 2050
of death and completing and signing the medical certificate of 2051
death; 2052

(55) Failure to comply with division (B) (2) or (3) of 2053
section 4731.89 of the Revised Code. 2054

(C) Disciplinary actions taken by the board under 2055
divisions (A) and (B) of this section shall be taken pursuant to 2056
an adjudication under Chapter 119. of the Revised Code, except 2057
that in lieu of an adjudication, the board may enter into a 2058
consent agreement with an individual to resolve an allegation of 2059
a violation of this chapter or any rule adopted under it. A 2060
consent agreement, when ratified by an affirmative vote of not 2061
fewer than six members of the board, shall constitute the 2062
findings and order of the board with respect to the matter 2063
addressed in the agreement. If the board refuses to ratify a 2064
consent agreement, the admissions and findings contained in the 2065
consent agreement shall be of no force or effect. 2066

A telephone conference call may be utilized for 2067
ratification of a consent agreement that revokes or suspends an 2068

individual's license or certificate to practice or certificate 2069
to recommend. The telephone conference call shall be considered 2070
a special meeting under division (F) of section 121.22 of the 2071
Revised Code. 2072

If the board takes disciplinary action against an 2073
individual under division (B) of this section for a second or 2074
subsequent plea of guilty to, or judicial finding of guilt of, a 2075
violation of section 2919.123 or 2919.124 of the Revised Code, 2076
the disciplinary action shall consist of a suspension of the 2077
individual's license or certificate to practice for a period of 2078
at least one year or, if determined appropriate by the board, a 2079
more serious sanction involving the individual's license or 2080
certificate to practice. Any consent agreement entered into 2081
under this division with an individual that pertains to a second 2082
or subsequent plea of guilty to, or judicial finding of guilt 2083
of, a violation of that section shall provide for a suspension 2084
of the individual's license or certificate to practice for a 2085
period of at least one year or, if determined appropriate by the 2086
board, a more serious sanction involving the individual's 2087
license or certificate to practice. 2088

(D) For purposes of divisions (B) (10), (12), and (14) of 2089
this section, the commission of the act may be established by a 2090
finding by the board, pursuant to an adjudication under Chapter 2091
119. of the Revised Code, that the individual committed the act. 2092
The board does not have jurisdiction under those divisions if 2093
the trial court renders a final judgment in the individual's 2094
favor and that judgment is based upon an adjudication on the 2095
merits. The board has jurisdiction under those divisions if the 2096
trial court issues an order of dismissal upon technical or 2097
procedural grounds. 2098

(E) The sealing or expungement of conviction records by 2099
any court shall have no effect upon a prior board order entered 2100
under this section or upon the board's jurisdiction to take 2101
action under this section if, based upon a plea of guilty, a 2102
judicial finding of guilt, or a judicial finding of eligibility 2103
for intervention in lieu of conviction, the board issued a 2104
notice of opportunity for a hearing prior to the court's order 2105
to seal or expunge the records. The board shall not be required 2106
to seal, expunge, destroy, redact, or otherwise modify its 2107
records to reflect the court's sealing of conviction records. 2108

(F) (1) The board shall investigate evidence that appears 2109
to show that a person has violated any provision of this chapter 2110
or any rule adopted under it. Any person may report to the board 2111
in a signed writing any information that the person may have 2112
that appears to show a violation of any provision of this 2113
chapter or any rule adopted under it. In the absence of bad 2114
faith, any person who reports information of that nature or who 2115
testifies before the board in any adjudication conducted under 2116
Chapter 119. of the Revised Code shall not be liable in damages 2117
in a civil action as a result of the report or testimony. Each 2118
complaint or allegation of a violation received by the board 2119
shall be assigned a case number and shall be recorded by the 2120
board. 2121

(2) Investigations of alleged violations of this chapter 2122
or any rule adopted under it shall be supervised by the 2123
supervising member elected by the board in accordance with 2124
section 4731.02 of the Revised Code and by the secretary as 2125
provided in section 4731.39 of the Revised Code. The president 2126
may designate another member of the board to supervise the 2127
investigation in place of the supervising member. Upon a vote of 2128
the majority of the board to authorize the addition of a 2129

consumer member in the supervision of any part of any 2130
investigation, the president shall designate a consumer member 2131
for supervision of investigations as determined by the 2132
president. The authorization of consumer member participation in 2133
investigation supervision may be rescinded by a majority vote of 2134
the board. No member of the board who supervises the 2135
investigation of a case shall participate in further 2136
adjudication of the case. 2137

(3) In investigating a possible violation of this chapter 2138
or any rule adopted under this chapter, or in conducting an 2139
inspection under division (E) of section 4731.054 of the Revised 2140
Code, the board may question witnesses, conduct interviews, 2141
administer oaths, order the taking of depositions, inspect and 2142
copy any books, accounts, papers, records, or documents, issue 2143
subpoenas, and compel the attendance of witnesses and production 2144
of books, accounts, papers, records, documents, and testimony, 2145
except that a subpoena for patient record information shall not 2146
be issued without consultation with the attorney general's 2147
office and approval of the secretary of the board. 2148

(a) Before issuance of a subpoena for patient record 2149
information, the secretary shall determine whether there is 2150
probable cause to believe that the complaint filed alleges a 2151
violation of this chapter or any rule adopted under it and that 2152
the records sought are relevant to the alleged violation and 2153
material to the investigation. The subpoena may apply only to 2154
records that cover a reasonable period of time surrounding the 2155
alleged violation. 2156

(b) On failure to comply with any subpoena issued by the 2157
board and after reasonable notice to the person being 2158
subpoenaed, the board may move for an order compelling the 2159

production of persons or records pursuant to the Rules of Civil 2160
Procedure. 2161

(c) A subpoena issued by the board may be served by a 2162
sheriff, the sheriff's deputy, or a board employee or agent 2163
designated by the board. Service of a subpoena issued by the 2164
board may be made by delivering a copy of the subpoena to the 2165
person named therein, reading it to the person, or leaving it at 2166
the person's usual place of residence, usual place of business, 2167
or address on file with the board. When serving a subpoena to an 2168
applicant for or the holder of a license or certificate issued 2169
under this chapter, service of the subpoena may be made by 2170
certified mail, return receipt requested, and the subpoena shall 2171
be deemed served on the date delivery is made or the date the 2172
person refuses to accept delivery. If the person being served 2173
refuses to accept the subpoena or is not located, service may be 2174
made to an attorney who notifies the board that the attorney is 2175
representing the person. 2176

(d) A sheriff's deputy who serves a subpoena shall receive 2177
the same fees as a sheriff. Each witness who appears before the 2178
board in obedience to a subpoena shall receive the fees and 2179
mileage provided for under section 119.094 of the Revised Code. 2180

(4) All hearings, investigations, and inspections of the 2181
board shall be considered civil actions for the purposes of 2182
section 2305.252 of the Revised Code. 2183

(5) A report required to be submitted to the board under 2184
this chapter, a complaint, or information received by the board 2185
pursuant to an investigation or pursuant to an inspection under 2186
division (E) of section 4731.054 of the Revised Code is 2187
confidential and not subject to discovery in any civil action. 2188

The board shall conduct all investigations or inspections 2189
and proceedings in a manner that protects the confidentiality of 2190
patients and persons who file complaints with the board. The 2191
board shall not make public the names or any other identifying 2192
information about patients or complainants unless proper consent 2193
is given or, in the case of a patient, a waiver of the patient 2194
privilege exists under division (B) of section 2317.02 of the 2195
Revised Code, except that consent or a waiver of that nature is 2196
not required if the board possesses reliable and substantial 2197
evidence that no bona fide physician-patient relationship 2198
exists. 2199

The board may share any information it receives pursuant 2200
to an investigation or inspection, including patient records and 2201
patient record information, with law enforcement agencies, other 2202
licensing boards, and other governmental agencies that are 2203
prosecuting, adjudicating, or investigating alleged violations 2204
of statutes or administrative rules. An agency or board that 2205
receives the information shall comply with the same requirements 2206
regarding confidentiality as those with which the state medical 2207
board must comply, notwithstanding any conflicting provision of 2208
the Revised Code or procedure of the agency or board that 2209
applies when it is dealing with other information in its 2210
possession. In a judicial proceeding, the information may be 2211
admitted into evidence only in accordance with the Rules of 2212
Evidence, but the court shall require that appropriate measures 2213
are taken to ensure that confidentiality is maintained with 2214
respect to any part of the information that contains names or 2215
other identifying information about patients or complainants 2216
whose confidentiality was protected by the state medical board 2217
when the information was in the board's possession. Measures to 2218
ensure confidentiality that may be taken by the court include 2219

sealing its records or deleting specific information from its 2220
records. 2221

No person shall knowingly access, use, or disclose 2222
confidential investigatory information in a manner prohibited by 2223
law. 2224

(6) On a quarterly basis, the board shall prepare a report 2225
that documents the disposition of all cases during the preceding 2226
three months. The report shall contain the following information 2227
for each case with which the board has completed its activities: 2228

(a) The case number assigned to the complaint or alleged 2229
violation; 2230

(b) The type of license or certificate to practice, if 2231
any, held by the individual against whom the complaint is 2232
directed; 2233

(c) A description of the allegations contained in the 2234
complaint; 2235

(d) Whether witnesses were interviewed; 2236

(e) Whether the individual against whom the complaint is 2237
directed is the subject of any pending complaints; 2238

(f) The disposition of the case. 2239

The report shall state how many cases are still pending 2240
and shall be prepared in a manner that protects the identity of 2241
each person involved in each case. The report shall be a public 2242
record under section 149.43 of the Revised Code. 2243

(7) The board may provide a status update regarding an 2244
investigation to a complainant on request if the board verifies 2245
the complainant's identity. 2246

(G) (1) If either of the following circumstances occur, the 2247
secretary and supervising member may recommend that the board 2248
suspend an individual's license or certificate to practice or 2249
certificate to recommend without a prior hearing: 2250

(a) The secretary and supervising member determine both of 2251
the following: 2252

(i) That there is clear and convincing evidence that an 2253
individual has violated division (B) of this section; 2254

(ii) That the individual's continued practice presents a 2255
danger of immediate and serious harm to the public. 2256

(b) The board receives verifiable information that a 2257
licensee has been charged in any state or federal court with a 2258
crime classified as a felony under the charging court's law and 2259
the conduct constitutes a violation of division (B) of this 2260
section. 2261

(2) If a recommendation is made to suspend without a prior 2262
hearing pursuant to division (G) (1) of this section, written 2263
allegations shall be prepared for consideration by the board. 2264
The board, upon review of those allegations and by an 2265
affirmative vote of not fewer than six of its members, excluding 2266
the secretary and supervising member, may suspend a license or 2267
certificate without a prior hearing. A telephone conference call 2268
may be utilized for reviewing the allegations and taking the 2269
vote on the summary suspension. 2270

The board shall serve a written order of suspension in 2271
accordance with sections 119.05 and 119.07 of the Revised Code. 2272
If the individual subject to the summary suspension requests an 2273
adjudicatory hearing by the board, the date set for the hearing 2274
shall be within fifteen days, but not earlier than seven days, 2275

after the individual requests the hearing, unless otherwise 2276
agreed to by both the board and the individual. 2277

(3) Any summary suspension imposed under division (G) (2) 2278
of this section is not a final appealable order and is not an 2279
adjudication that may be appealed under section 119.12 of the 2280
Revised Code. The summary suspension shall remain in effect 2281
until a final adjudicative order issued by the board pursuant to 2282
this section and Chapter 119. of the Revised Code becomes 2283
effective. Once a final adjudicative order has been issued by 2284
the board, any party adversely affected by it may file an appeal 2285
in accordance with the requirements of Chapter 119. of the 2286
Revised Code. 2287

The board shall issue its final adjudicative order within 2288
seventy-five days after completion of its hearing. A failure to 2289
issue the order within seventy-five days shall result in 2290
dissolution of the summary suspension order but shall not 2291
invalidate any subsequent, final adjudicative order. 2292

(H) If the board takes action under division (B) (9), (11), 2293
or (13) of this section and the judicial finding of guilt, 2294
guilty plea, or judicial finding of eligibility for intervention 2295
in lieu of conviction is overturned on appeal, upon exhaustion 2296
of the criminal appeal, a petition for reconsideration of the 2297
order may be filed with the board along with appropriate court 2298
documents. Upon receipt of a petition of that nature and 2299
supporting court documents, the board shall reinstate the 2300
individual's license or certificate to practice. The board may 2301
then hold an adjudication under Chapter 119. of the Revised Code 2302
to determine whether the individual committed the act in 2303
question. Notice of an opportunity for a hearing shall be given 2304
in accordance with Chapter 119. of the Revised Code. If the 2305

board finds, pursuant to an adjudication held under this 2306
division, that the individual committed the act or if no hearing 2307
is requested, the board may order any of the sanctions 2308
identified under division (B) of this section. 2309

(I) The license or certificate to practice issued to an 2310
individual under this chapter and the individual's practice in 2311
this state are automatically suspended as of the date of the 2312
individual's second or subsequent plea of guilty to, or judicial 2313
finding of guilt of, a violation of section 2919.123 or 2919.124 2314
of the Revised Code. In addition, the license or certificate to 2315
practice or certificate to recommend issued to an individual 2316
under this chapter and the individual's practice in this state 2317
are automatically suspended as of the date the individual pleads 2318
guilty to, is found by a judge or jury to be guilty of, or is 2319
subject to a judicial finding of eligibility for intervention in 2320
lieu of conviction in this state or treatment or intervention in 2321
lieu of conviction in another jurisdiction for any of the 2322
following criminal offenses in this state or a substantially 2323
equivalent criminal offense in another jurisdiction: aggravated 2324
murder, murder, voluntary manslaughter, felonious assault, 2325
trafficking in persons, kidnapping, rape, sexual battery, gross 2326
sexual imposition, aggravated arson, aggravated robbery, or 2327
aggravated burglary. Continued practice after suspension shall 2328
be considered practicing without a license or certificate. 2329

The board shall notify the individual subject to the 2330
suspension in accordance with sections 119.05 and 119.07 of the 2331
Revised Code. If an individual whose license or certificate is 2332
automatically suspended under this division fails to make a 2333
timely request for an adjudication under Chapter 119. of the 2334
Revised Code, the board shall do whichever of the following is 2335
applicable: 2336

(1) If the automatic suspension under this division is for 2337
a second or subsequent plea of guilty to, or judicial finding of 2338
guilt of, a violation of section 2919.123 or 2919.124 of the 2339
Revised Code, the board shall enter an order suspending the 2340
individual's license or certificate to practice for a period of 2341
at least one year or, if determined appropriate by the board, 2342
imposing a more serious sanction involving the individual's 2343
license or certificate to practice. 2344

(2) In all circumstances in which division (I) (1) of this 2345
section does not apply, enter a final order permanently revoking 2346
the individual's license or certificate to practice. 2347

(J) If the board is required by Chapter 119. of the 2348
Revised Code to give notice of an opportunity for a hearing and 2349
if the individual subject to the notice does not timely request 2350
a hearing in accordance with section 119.07 of the Revised Code, 2351
the board is not required to hold a hearing, but may adopt, by 2352
an affirmative vote of not fewer than six of its members, a 2353
final order that contains the board's findings. In that final 2354
order, the board may order any of the sanctions identified under 2355
division (A) or (B) of this section. 2356

(K) Any action taken by the board under division (B) of 2357
this section resulting in a suspension from practice shall be 2358
accompanied by a written statement of the conditions under which 2359
the individual's license or certificate to practice may be 2360
reinstated. The board shall adopt rules governing conditions to 2361
be imposed for reinstatement. Reinstatement of a license or 2362
certificate suspended pursuant to division (B) of this section 2363
requires an affirmative vote of not fewer than six members of 2364
the board. 2365

(L) When the board refuses to grant or issue a license or 2366

certificate to practice to an applicant, revokes an individual's 2367
license or certificate to practice, refuses to renew an 2368
individual's license or certificate to practice, or refuses to 2369
reinstate an individual's license or certificate to practice, 2370
the board may specify that its action is permanent. An 2371
individual subject to a permanent action taken by the board is 2372
forever thereafter ineligible to hold a license or certificate 2373
to practice and the board shall not accept an application for 2374
reinstatement of the license or certificate or for issuance of a 2375
new license or certificate. 2376

(M) Notwithstanding any other provision of the Revised 2377
Code, all of the following apply: 2378

(1) The surrender of a license or certificate issued under 2379
this chapter shall not be effective unless or until accepted by 2380
the board. A telephone conference call may be utilized for 2381
acceptance of the surrender of an individual's license or 2382
certificate to practice. The telephone conference call shall be 2383
considered a special meeting under division (F) of section 2384
121.22 of the Revised Code. Reinstatement of a license or 2385
certificate surrendered to the board requires an affirmative 2386
vote of not fewer than six members of the board. 2387

(2) An application for a license or certificate made under 2388
the provisions of this chapter may not be withdrawn without 2389
approval of the board. 2390

(3) Failure by an individual to renew a license or 2391
certificate to practice in accordance with this chapter or a 2392
certificate to recommend in accordance with rules adopted under 2393
section 4731.301 of the Revised Code does not remove or limit 2394
the board's jurisdiction to take any disciplinary action under 2395
this section against the individual. 2396

(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: 2426

(1) Offer in appropriate cases as determined by the board 2427
an educational and assessment program pursuant to an 2428
investigation the board conducts under this section; 2429

(2) Select providers of educational and assessment 2430
services, including a quality intervention program panel of case 2431
reviewers; 2432

(3) Make referrals to educational and assessment service 2433
providers and approve individual educational programs 2434
recommended by those providers. The board shall monitor the 2435
progress of each individual undertaking a recommended individual 2436
educational program. 2437

(4) Determine what constitutes successful completion of an 2438
individual educational program and require further monitoring of 2439
the individual who completed the program or other action that 2440
the board determines to be appropriate; 2441

(5) Adopt rules in accordance with Chapter 119. of the 2442
Revised Code to further implement the quality intervention 2443
program. 2444

An individual who participates in an individual 2445
educational program pursuant to this division shall pay the 2446
financial obligations arising from that educational program. 2447

(P) The board shall not refuse to issue a license to an 2448
applicant because of a conviction, plea of guilty, judicial 2449
finding of guilt, judicial finding of eligibility for 2450
intervention in lieu of conviction, or the commission of an act 2451
that constitutes a criminal offense, unless the refusal is in 2452
accordance with section 9.79 of the Revised Code. 2453

(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 2485
for renewal shall be submitted to the state medical board in a 2486
manner prescribed by the board. Each renewal application shall 2487
include a check box for a physician who is subject to section 2488
4731.89 of the Revised Code to certify compliance with the 2489
requirements of that section. 2490

Each application shall be accompanied by a biennial 2491
renewal fee of three hundred five dollars. 2492

The board shall deposit the fee in accordance with section 2493
4731.24 of the Revised Code, except that the board shall deposit 2494
twenty dollars of the fee into the state treasury to the credit 2495
of the physician loan repayment fund created by section 3702.78 2496
of the Revised Code. 2497

(2) The board shall provide a renewal notice to every 2498
person holding a license to practice medicine and surgery, 2499
osteopathic medicine and surgery, or podiatric medicine and 2500
surgery, a renewal notice. The board may provide the notice to 2501
the person through the secretary of any recognized medical, 2502
osteopathic, or podiatric society. The notice shall be provided 2503
to the person at least one month prior to the date on which the 2504
person's license expires. 2505

(3) Failure of any person to receive a notice of renewal 2506
from the board shall not excuse the person from the requirements 2507
contained in this section. 2508

(4) The board's notice shall inform the applicant of the 2509
renewal procedure. The board shall provide the application for 2510
renewal in a form determined by the board. 2511

(5) The applicant shall provide in the application the 2512
applicant's full name; the applicant's residence address, 2513

business address, and electronic mail address; the number of the 2514
applicant's license to practice; and any other information 2515
required by the board. 2516

(6) (a) Except as provided in division (A) (6) (b) of this 2517
section, in the case of an applicant who prescribes or 2518
personally furnishes opioid analgesics or benzodiazepines, as 2519
defined in section 3719.01 of the Revised Code, the applicant 2520
shall certify to the board whether the applicant has been 2521
granted access to the drug database established and maintained 2522
by the state board of pharmacy pursuant to section 4729.75 of 2523
the Revised Code. 2524

(b) The requirement described in division (A) (6) (a) of 2525
this section does not apply if any of the following is the case: 2526

(i) The state board of pharmacy notifies the state medical 2527
board pursuant to section 4729.861 of the Revised Code that the 2528
applicant has been restricted from obtaining further information 2529
from the drug database. 2530

(ii) The state board of pharmacy no longer maintains the 2531
drug database. 2532

(iii) The applicant does not practice medicine and 2533
surgery, osteopathic medicine and surgery, or podiatric medicine 2534
and surgery in this state. 2535

(c) If an applicant certifies to the state medical board 2536
that the applicant has been granted access to the drug database 2537
and the board finds through an audit or other means that the 2538
applicant has not been granted access, the board may take action 2539
under section 4731.22 of the Revised Code. 2540

(7) The applicant shall indicate whether the applicant 2541
currently collaborates, as that term is defined in section 2542

4723.01 of the Revised Code, with any clinical nurse 2543
specialists, certified nurse-midwives, or certified nurse 2544
practitioners. 2545

(8) The applicant shall report any criminal offense to 2546
which the applicant has pleaded guilty, of which the applicant 2547
has been found guilty, or for which the applicant has been found 2548
eligible for intervention in lieu of conviction, since last 2549
submitting an application for a license to practice or renewal 2550
of a license. 2551

(9) The applicant shall execute and deliver the 2552
application to the board in a manner prescribed by the board. 2553

(B) The board shall renew a license under this chapter to 2554
practice medicine and surgery, osteopathic medicine and surgery, 2555
or podiatric medicine and surgery upon application and 2556
qualification therefor in accordance with this section. A 2557
renewal shall be valid for a two-year period. 2558

(C) Failure of any license holder to renew and comply with 2559
this section shall operate automatically to suspend the holder's 2560
license to practice and if applicable, the holder's certificate 2561
to recommend issued under section 4731.30 of the Revised Code. 2562
Continued practice after the suspension shall be considered as 2563
practicing in violation of section 4731.41, 4731.43, or 4731.60 2564
of the Revised Code. 2565

If the license has been suspended pursuant to this 2566
division for two years or less, it may be reinstated. The board 2567
shall reinstate a license to practice suspended for failure to 2568
renew upon an applicant's submission of a renewal application 2569
and payment of a reinstatement fee of four hundred five dollars. 2570

If the license has been suspended pursuant to this 2571

division for more than two years, it may be restored. Subject to 2572
section 4731.222 of the Revised Code, the board may restore a 2573
license to practice suspended for failure to renew upon an 2574
applicant's submission of a restoration application, payment of 2575
a restoration fee of five hundred five dollars, and compliance 2576
with sections 4776.01 to 4776.04 of the Revised Code. The board 2577
shall not restore to an applicant a license unless the board, in 2578
its discretion, decides that the results of the criminal records 2579
check do not make the applicant ineligible for a license issued 2580
pursuant to section 4731.14 or 4731.56 of the Revised Code. 2581

Any reinstatement or restoration of a license to practice 2582
under this section shall operate automatically to renew the 2583
holder's certificate to recommend. 2584

(D) The state medical board may obtain information not 2585
protected by statutory or common law privilege from courts and 2586
other sources concerning malpractice claims against any person 2587
holding a license to practice under this chapter or practicing 2588
as provided in section 4731.36 of the Revised Code. 2589

(E) Each renewal notice provided by the board under 2590
division (A) (2) of this section to a person holding a license to 2591
practice medicine and surgery or osteopathic medicine and 2592
surgery shall inform the applicant of the reporting requirement 2593
established by division (H) of section 3701.79 of the Revised 2594
Code. At the discretion of the board, the information may be 2595
included on the application for renewal or on an accompanying 2596
page. 2597

(F) Each person holding a license to practice medicine and 2598
surgery, osteopathic medicine and surgery, or podiatric medicine 2599
and surgery shall give notice to the board of a change in the 2600
license holder's residence address, business address, or 2601

electronic mail address not later than thirty days after the 2602
change occurs. 2603

Sec. 4731.89. Beginning one year after the effective date 2604
of this section, all of the following apply: 2605

(A) As used in this section, "physician" means an 2606
individual authorized under this chapter to practice medicine 2607
and surgery or osteopathic medicine and surgery. 2608

(B) A physician who performs annual physical examinations 2609
on individuals who are nineteen years of age or younger, or who 2610
performs examinations for purposes of division (E) of section 2611
3313.5310 of the Revised Code, shall do all of the following: 2612

(1) For each such examination, complete the 2613
preparticipation physical evaluation form created pursuant to 2614
division (D) of section 3707.59 of the Revised Code; 2615

(2) At least once every four years, complete the childhood 2616
cardiac screening professional development module established 2617
under section 3707.591 of the Revised Code. The physician shall 2618
retain on file at the physician's primary place of practice a 2619
hard copy of the certificate of completion, and shall make it 2620
available to the state medical board on request. 2621

(3) At least once every four years, read the pamphlet 2622
developed under division (B) (2) (a) of section 3707.59 of the 2623
Revised Code; 2624

(4) Annually report to the department of health the total 2625
number of examinations for which the preparticipation physical 2626
evaluation form was completed and the total number of cardiology 2627
referrals resulting from those examinations. 2628

(C) The board may fine a physician who fails, on request, 2629

to produce a copy of the certificate of completion of the 2630
childhood cardiac screening professional development module. The 2631
fine may be up to five thousand dollars, plus an additional one 2632
thousand dollars for each individual the physician is found to 2633
have examined without having completed the module as required 2634
under this section. 2635

(D) No physician shall knowingly falsely certify as to the 2636
completion of the requirements set forth in division (B) (2) or 2637
(3) of this section. 2638

Sec. 4731.99. (A) Whoever violates section 4731.41, 2639
4731.43, or 4731.60 of the Revised Code is guilty of a felony of 2640
the fifth degree on a first offense and a felony of the fourth 2641
degree on each subsequent offense. 2642

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 2643
of the Revised Code is guilty of a misdemeanor of the fourth 2644
degree on a first offense and a misdemeanor of the first degree 2645
on each subsequent offense. 2646

(C) Whoever violates section 4731.46 or 4731.47 of the 2647
Revised Code is guilty of a felony of the fifth degree. 2648

(D) Whoever violates section 4731.48 of the Revised Code 2649
is guilty of a misdemeanor of the fourth degree. 2650

(E) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 2651
(D), or (E) of section 4731.224 of the Revised Code is guilty of 2652
a minor misdemeanor on a first offense and a misdemeanor of the 2653
fourth degree on each subsequent offense, except that an 2654
individual guilty of a subsequent offense shall not be subject 2655
to imprisonment, but to a fine alone of up to one thousand 2656
dollars for each offense. 2657

(2) Whoever violates division (B) (2) or (C) (3) of section 2658

4731.224 of the Revised Code is guilty of a misdemeanor of the 2659
fourth degree on a first offense and a misdemeanor of the first 2660
degree on each subsequent offense. 2661

~~(F) Whoever violates section 4731.481 of the Revised Code~~ 2662
~~is guilty of a misdemeanor of the first degree.~~ 2663

~~(G) Whoever violates division (F) (5) of section 4731.22,~~ 2664
~~division (A) or (B) of section 4731.481, or division (D) of~~ 2665
~~section 4731.89 of the Revised Code is guilty of a misdemeanor~~ 2666
~~of the first degree.~~ 2667

Sec. 5164.21. (A) A medicaid provider who is a physician 2668
to which section 4731.89 of the Revised Code applies, and who 2669
fails to comply with division (B) (2) or (3) of that section, 2670
shall not seek payment from the medicaid program for any 2671
examination to which the failure applies. Any such physician 2672
shall not collect from or bill a medicaid recipient for any 2673
examination for which this division prohibits the physician from 2674
seeking payment from the medicaid program. 2675

(B) A medicaid provider who is an advanced practice 2676
registered nurse to which section 4723.484 of the Revised Code 2677
applies, and who fails to comply with division (A) (2) or (3) of 2678
that section, shall not seek payment from the medicaid program 2679
for any examination to which the failure applies. Any such 2680
advanced practice registered nurse shall not collect from or 2681
bill a medicaid recipient for any examination for which this 2682
division prohibits the physician from seeking payment from the 2683
medicaid program. 2684

(C) A medicaid provider who is a physician assistant to 2685
which section 4730.46 of the Revised Code applies, and who fails 2686
to comply with division (A) (2) or (3) of that section, shall not 2687

seek payment from the medicaid program for any examination to 2688
which the failure applies. Any such physician assistant shall 2689
not collect from or bill a medicaid recipient for any 2690
examination for which this division prohibits the physician from 2691
seeking payment from the medicaid program. 2692

Section 2. That existing sections 3313.5310, 3707.58, 2693
3707.59, 4723.24, 4723.28, 4723.99, 4730.14, 4730.25, 4730.99, 2694
4731.22, 4731.281, and 4731.99 of the Revised Code are hereby 2695
repealed. 2696

Section 3. The amendment or enactment by this act of 2697
sections 3313.5310, 3707.58, 3707.59, 3707.591, 4723.24, 2698
4723.28, 4723.484, 4723.99, 4730.14, 4730.25, 4730.46, 4730.99, 2699
4731.22, 4731.281, 4731.89, 4731.99, and 5164.21 of the Revised 2700
Code shall be known as the Healthy Cardiac Monitoring Act. 2701