

**As Reported by the House Health Committee**

**136th General Assembly**

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**2025-2026**

**Sub. H. B. No. 437**

**Representatives Rader, Schmidt**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

participates. 193

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

materials to any other school on request. 309

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

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

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

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

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

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

<u>4731.89 of the Revised Code;</u>	338
<u>(b) For a physician assistant, divisions (B) and (C) of section 4730.46 of the Revised Code;</u>	339
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<u>(c) For a clinical nurse specialist or certified nurse practitioner, divisions (B) and (C) of section 4723.484 of the Revised Code.</u>	341
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	343
<b><u>Sec. 3707.591.</u></b> (A) <u>Not later than one year after the effective date of this section, the director of health, in consultation with the department of education and workforce, shall establish a childhood cardiac screening professional development module to increase the assessment skills of health care professionals who perform annual physical examinations and screenings for children. As part of establishing the module, the director may develop a module that meets the requirements of division (B) of this section or may adopt the student-athlete cardiac assessment professional development module created by the New Jersey commissioners of education and health.</u>	344
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<u>(B) If the director of health, in consultation with the department of education and workforce, develops a module as described in division (A) of this section, the director and the department of education and workforce shall do both of the following:</u>	355
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<u>(1) Consult with the academy of family physicians, the American heart association, and the Ohio chapter of the American college of cardiology in developing the module;</u>	360
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<u>(2) Include all of the following in the module:</u>	363
<u>(a) How to complete and review a detailed medical history with an emphasis on cardiovascular family history and personal reports of symptoms;</u>	364
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<u>(b) Identification of symptoms of sudden cardiac arrest</u>	367
<u>that may require follow up with a cardiologist;</u>	368
<u>(c) Recognition of normal structural changes of the</u>	369
<u>athletic heart;</u>	370
<u>(d) Recognition of prodromal symptoms that precede sudden</u>	371
<u>cardiac arrest;</u>	372
<u>(e) Performance of the cardiovascular physical</u>	373
<u>examination;</u>	374
<u>(f) Review of the major etiologies of sudden unexplained</u>	375
<u>cardiac death with an emphasis on structural abnormalities and</u>	376
<u>acquired conditions;</u>	377
<u>(g) When to refer a patient to a cardiologist for further</u>	378
<u>assessment.</u>	379
<u>(C) The department of health and the department of</u>	380
<u>education and workforce shall post the module established</u>	381
<u>pursuant to this section on their internet web sites. The</u>	382
<u>department of health shall make internet links to the module</u>	383
<u>available to the American academy of pediatrics, Ohio academy of</u>	384
<u>family physicians, American heart association, American college</u>	385
<u>of cardiology, athletic trainers' society, state medical board,</u>	386
<u>board of nursing, and society of physician assistants.</u>	387
<u>(D) The department of health shall facilitate the database</u>	388
<u>storage of information related to all health care professionals</u>	389
<u>who complete the course as required by sections 4723.484,</u>	390
<u>4730.46, and 4731.89 of the Revised Code. The department may</u>	391
<u>coordinate with health care professional licensing boards to</u>	392
<u>store the information on behalf of the department, as the</u>	393
<u>department considers appropriate. The records shall be kept for</u>	394
<u>ten years.</u>	395

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

pharmacology;	514
(c) In the case of an advanced practice registered nurse	515
who is designated as a clinical nurse specialist, certified	516
nurse-midwife, or certified nurse practitioner, of the hours of	517
continuing nursing education completed in any renewal period, at	518
least twelve hours of the education must be in advanced	519
pharmacology and be received from an accredited institution	520
recognized by the board.	521
(d) The continuing education required by division (C) (2)	522
(a) or (b) of this section is in addition to the continuing	523
education required by division (C) (1) (a) or (b) of this section.	524
(3) The board shall adopt rules establishing the procedure	525
for a license holder to certify to the board completion of the	526
required continuing nursing education. The board may conduct a	527
random sample of license holders and require that the license	528
holders included in the sample submit satisfactory documentation	529
of having completed the requirements for continuing nursing	530
education. On the board's request, a license holder included in	531
the sample shall submit the required documentation.	532
(4) An educational activity may be applied toward meeting	533
the continuing nursing education requirement only if it is	534
obtained through a program or course approved by the board or a	535
person the board has authorized to approve continuing nursing	536
education programs and courses.	537
(5) The continuing education required of a certified	538
registered nurse anesthetist, clinical nurse specialist,	539
certified nurse-midwife, or certified nurse practitioner to	540
maintain certification by a national certifying organization	541
shall be applied toward the continuing education requirements	542

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

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

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

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

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

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

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

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

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

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

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

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

(2) Meeting the requirements for reactivating or 600

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) In the case of a dialysis technician, engaging in	716
activities that exceed those permitted under section 4723.72 of	717
the Revised Code;	718
(23) Aiding and abetting a person in that person's	719
practice of nursing without a license or practice as a dialysis	720
technician without a certificate issued under this chapter;	721
(24) In the case of an advanced practice registered nurse,	722
except as provided in division (M) of this section, either of	723
the following:	724
(a) Waiving the payment of all or any part of a deductible	725
or copayment that a patient, pursuant to a health insurance or	726
health care policy, contract, or plan that covers such nursing	727
services, would otherwise be required to pay if the waiver is	728
used as an enticement to a patient or group of patients to	729
receive health care services from that provider;	730
(b) Advertising that the nurse will waive the payment of	731
all or any part of a deductible or copayment that a patient,	732
pursuant to a health insurance or health care policy, contract,	733
or plan that covers such nursing services, would otherwise be	734
required to pay.	735
(25) Failure to comply with the terms and conditions of	736
participation in the safe haven program conducted under sections	737
4723.35 and 4723.351 of the Revised Code;	738
(26) Failure to comply with the terms and conditions	739
required under the practice intervention and improvement program	740
established under section 4723.282 of the Revised Code;	741
(27) In the case of an advanced practice registered nurse:	742
(a) Engaging in activities that exceed those permitted for	743

the nurse's nursing specialty under section 4723.43 of the Revised Code;	744 745
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	746 747
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	748 749 750 751 752
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	753 754 755 756 757
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	758 759
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	760 761 762
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	763 764 765 766
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	767 768
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	769 770 771

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	772 773
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	774 775 776 777
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	778 779 780 781
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	782 783 784 785 786 787
(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	788 789 790 791 792
(38) Violation of section 4723.93 of the Revised Code;	793
(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute	794 795 796 797 798 799 800

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

such a manner as to protect patient confidentiality. 952

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The board may require a random sample of physician assistants to submit materials documenting both of the following: 1068  
1069  
1070

(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board; 1071  
1072  
1073

(2) Completion of the continuing medical education required to hold current certification from the commission or its successor. 1074  
1075  
1076

Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code. 1077  
1078  
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(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code. 1080  
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(F) If a license has been suspended pursuant to division (E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty. 1085  
1086  
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If a license has been suspended pursuant to division (E) of this section for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a license suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. 1090  
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The board shall not restore to an applicant a license to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4730.12 of the Revised Code.

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

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

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

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

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

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

in accordance with section 4731.24 of the Revised Code. 1126

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

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

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

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

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

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

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

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

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

(7) Willfully betraying a professional confidence; 1163

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

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

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

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

anything of value by fraudulent misrepresentations in the course	1184
of practice;	1185
(11) A plea of guilty to, a judicial finding of guilt of,	1186
or a judicial finding of eligibility for intervention in lieu of	1187
conviction for, a felony;	1188
(12) Commission of an act that constitutes a felony in	1189
this state, regardless of the jurisdiction in which the act was	1190
committed;	1191
(13) A plea of guilty to, a judicial finding of guilt of,	1192
or a judicial finding of eligibility for intervention in lieu of	1193
conviction for, a misdemeanor committed in the course of	1194
practice;	1195
(14) A plea of guilty to, a judicial finding of guilt of,	1196
or a judicial finding of eligibility for intervention in lieu of	1197
conviction for, a misdemeanor involving moral turpitude;	1198
(15) Commission of an act in the course of practice that	1199
constitutes a misdemeanor in this state, regardless of the	1200
jurisdiction in which the act was committed;	1201
(16) Commission of an act involving moral turpitude that	1202
constitutes a misdemeanor in this state, regardless of the	1203
jurisdiction in which the act was committed;	1204
(17) A plea of guilty to, a judicial finding of guilt of,	1205
or a judicial finding of eligibility for intervention in lieu of	1206
conviction for violating any state or federal law regulating the	1207
possession, distribution, or use of any drug, including	1208
trafficking in drugs;	1209
(18) Any of the following actions taken by the state	1210
agency responsible for regulating the practice of physician	1211

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Certification from a treatment provider approved under 1360

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Failure to maintain minimal standards applicable to 1566

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

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

(4) Willfully betraying a professional confidence. 1578

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

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

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

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

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

- (7) Representing, with the purpose of obtaining 1627  
compensation or other advantage as personal gain or for any 1628  
other person, that an incurable disease or injury, or other 1629  
incurable condition, can be permanently cured; 1630
- (8) The obtaining of, or attempting to obtain, money or 1631  
anything of value by fraudulent misrepresentations in the course 1632  
of practice; 1633
- (9) A plea of guilty to, a judicial finding of guilt of, 1634  
or a judicial finding of eligibility for intervention in lieu of 1635  
conviction for, a felony; 1636
- (10) Commission of an act that constitutes a felony in 1637  
this state, regardless of the jurisdiction in which the act was 1638  
committed; 1639
- (11) A plea of guilty to, a judicial finding of guilt of, 1640  
or a judicial finding of eligibility for intervention in lieu of 1641  
conviction for, a misdemeanor committed in the course of 1642  
practice; 1643
- (12) Commission of an act in the course of practice that 1644  
constitutes a misdemeanor in this state, regardless of the 1645  
jurisdiction in which the act was committed; 1646
- (13) A plea of guilty to, a judicial finding of guilt of, 1647  
or a judicial finding of eligibility for intervention in lieu of 1648  
conviction for, a misdemeanor involving moral turpitude; 1649
- (14) Commission of an act involving moral turpitude that 1650  
constitutes a misdemeanor in this state, regardless of the 1651  
jurisdiction in which the act was committed; 1652
- (15) Violation of the conditions of limitation placed by 1653  
the board upon a license or certificate to practice; 1654

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;	1949 1950 1951 1952
(52) Violation of section 4731.77 of the Revised Code;	1953
(53) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the requirements of Chapter 4772. of the Revised Code and the rules adopted under that chapter;	1954 1955 1956 1957
(54) Failure to comply with the requirements of section 3705.16 of the Revised Code when certifying a decedent's cause of death and completing and signing the medical certificate of death;	1958 1959 1960 1961
<u>(55) Failure to comply with division (B) (2) or (3) of section 4731.89 of the Revised Code.</u>	1962 1963
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.	1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975
A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an	1976 1977

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Whether witnesses were interviewed; 2145

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

(f) The disposition of the case. 2148

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

do all of the following:	2335
(1) Offer in appropriate cases as determined by the board	2336
an educational and assessment program pursuant to an	2337
investigation the board conducts under this section;	2338
(2) Select providers of educational and assessment	2339
services, including a quality intervention program panel of case	2340
reviewers;	2341
(3) Make referrals to educational and assessment service	2342
providers and approve individual educational programs	2343
recommended by those providers. The board shall monitor the	2344
progress of each individual undertaking a recommended individual	2345
educational program.	2346
(4) Determine what constitutes successful completion of an	2347
individual educational program and require further monitoring of	2348
the individual who completed the program or other action that	2349
the board determines to be appropriate;	2350
(5) Adopt rules in accordance with Chapter 119. of the	2351
Revised Code to further implement the quality intervention	2352
program.	2353
An individual who participates in an individual	2354
educational program pursuant to this division shall pay the	2355
financial obligations arising from that educational program.	2356
(P) The board shall not refuse to issue a license to an	2357
applicant because of a conviction, plea of guilty, judicial	2358
finding of guilt, judicial finding of eligibility for	2359
intervention in lieu of conviction, or the commission of an act	2360
that constitutes a criminal offense, unless the refusal is in	2361
accordance with section 9.79 of the Revised Code.	2362

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the license has been suspended pursuant to this 2480

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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