



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 375  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Sens. Manning and Huffman

Elizabeth Molnar, Attorney

### SUMMARY

- Authorizes an individual whose license to practice as a medical or osteopathic physician was revoked by the State Medical Board to apply to the Board for reinstatement, but only if certain conditions are met.
- Requires the Board to accept an application for reinstatement even if the Board, when revoking the license, specified that its action was permanent.
- To be eligible for reinstatement, requires an applicant to demonstrate to the Board that certain conditions have been met, including that the applicant complied with all terms specified in the Board's revocation order.
- Authorizes, but does not require, the Board to reinstate the license if the bill's conditions are met.
- When reinstating a license, requires the Board to impose certain terms and conditions on the license holder and authorizes the Board to impose additional terms and conditions.
- Grants the Board authority to adopt rules necessary to implement the bill.

### DETAILED ANALYSIS

#### Physician licenses – reinstatement following revocation

S.B. 375 authorizes an individual whose license to practice as a medical or osteopathic physician was revoked by the State Medical Board to apply to the Board for reinstatement, but only if certain conditions are met.<sup>1</sup>

---

<sup>1</sup> R.C. 4731.2211(A)(1).

## Eligibility for reinstatement

To be eligible for reinstatement, an applicant must demonstrate to the Board that the applicant has met the following conditions:<sup>2</sup>

1. Participated in one or more community service or professional volunteer activities or programs while the applicant's license was revoked;
2. Has been treated for an underlying mental or physical illness by a provider recognized in accordance with the law governing physician licensure, but only if the mental or physical illness was the grounds for revocation;<sup>3</sup>
3. Successfully completed a treatment program conducted by an approved treatment provider, but only if impairment was the grounds for revocation;<sup>4</sup>
4. Complied with all terms specified in the Board's revocation order, including paying any costs or fines the Board imposed;
5. Successfully completed for each year the license was revoked at least 25 hours of continuing medical education approved by the Board or read an equivalent amount of literature relevant to the applicant's practice specialty as determined by the Board;
6. Has undergone a professional knowledge and skills evaluation by a qualified or trained entity or individual and the entity's or individual's written assessment demonstrates that the applicant has the professional knowledge and skills necessary to practice as a medical or osteopathic physician;
7. Seeks in good faith to be reinstated to the privilege of practicing as a medical or osteopathic physician.

## Submitting, accepting, and reviewing applications

An applicant must submit to the Board a written application for reinstatement on a form prescribed and supplied by the Board. The application must include a fee of \$610 as well as all the information the Board considers relevant to process it.<sup>5</sup> As part of the application, the applicant may request an adjudicatory hearing by the Board.<sup>6</sup>

The Board must accept the application for reinstatement as follows:<sup>7</sup>

- Only if submitted after the date that is five years after the date the Board issued its revocation order, except that in the case of an applicant whose license was revoked

---

<sup>2</sup> R.C. 4731.2211(C).

<sup>3</sup> See also R.C. 4731.22(B)(19), not in the bill.

<sup>4</sup> See also R.C. 4731.22(B)(26), not in the bill.

<sup>5</sup> R.C. 4731.2211(A)(2).

<sup>6</sup> R.C. 4731.2211(A)(3).

<sup>7</sup> R.C. 4731.2211(B).

because of (1) mental or physical illness or (2) impairment, the application may be submitted on any date after the date the revocation order was issued;<sup>8</sup>

- Even if the Board, when revoking the license, specified that its action was permanent;<sup>9</sup>
- In the case of an applicant whose license was revoked because of a departure from minimal standards of care of similar practitioners, only if the grounds for revocation involved an act constituting a misdemeanor offense;<sup>10</sup>
- In the case of an applicant whose license was revoked because of a felony offense, only if the offense was neither violent nor related to patient care.<sup>11</sup>

The bill requires the Board to review and consider each application for reinstatement that it accepts.<sup>12</sup>

### **Board authority to reinstate**

The bill authorizes, but does not require, the Board to reinstate an applicant's license. The Board may exercise this authority only if it finds, by clear and convincing evidence, that the applicant has (1) met the bill's eligibility conditions and (2) is of good moral character, is able to practice with reasonable skills and safety to patients, and should be permitted in the public interest to practice as a medical or osteopathic physician.<sup>13</sup>

### **Criminal records check**

The bill prohibits the Board from reinstating a license unless the applicant complies with existing law governing criminal records checks and the Board, in its discretion, decides that the records check results do not make the applicant ineligible for the license.<sup>14</sup>

### **Mental and physical ability**

For an applicant whose license was revoked because of mental or physical illness, the bill prohibits the Board from reinstating the license until it finds that the applicant is mentally and physically able to practice.<sup>15</sup>

### **Imposing terms and conditions after reinstatement**

If the Board reinstates a license to practice as a medical or osteopathic physician, the Board must impose the following two terms and conditions on the license holder: (1) placing the

---

<sup>8</sup> See also R.C. 4731.22(B)(19) and (26), not in the bill.

<sup>9</sup> See also R.C. 4731.22(L), not in the bill.

<sup>10</sup> See also R.C. 4731.22(B)(6), not in the bill.

<sup>11</sup> See also R.C. 4731.22(B)(9) and (10), not in the bill.

<sup>12</sup> R.C. 4731.2211(D)(1).

<sup>13</sup> R.C. 4731.2211(D)(1).

<sup>14</sup> R.C. 4731.2211(D)(2).

<sup>15</sup> R.C. 4731.2211(D)(3).

holder on probation for a one-year period under Board-set conditions and (2) requiring the holder to successfully pass a Board-prescribed examination to determine practice competency.<sup>16</sup>

The bill grants the Board authority to impose additional terms and conditions on the license holder, including the following:

- Requiring the holder to participate in Board-approved didactic and clinical coursework or training to become competent or proficient in areas of practice that the Board finds deficient;
- In the case of a holder whose license was revoked because of mental or physical illness, requiring the holder to regularly undergo examinations of the holder’s mental or physical abilities conducted by a qualified or trained entity or individual and to demonstrate, based on a written assessment prepared by the entity or individual that the holder has the mental or physical skills necessary to practice as a medical or osteopathic physician.<sup>17</sup>

### Rulemaking

The Board may adopt any rules it considers necessary to implement the bill. Rules are to be adopted in accordance with Ohio’s Administrative Procedure Act.<sup>18</sup>

---



---

## HISTORY

| Action     | Date     |
|------------|----------|
| Introduced | 03-11-26 |

---

ANSB0375IN-136/sb

---

<sup>16</sup> R.C. 4731.2211(E)(1).

<sup>17</sup> R.C. 4731.2211(E)(2).

<sup>18</sup> R.C. 4731.2211(F). See also R.C. Chapter 119, not in the bill.